North
American
Leadership
Institute

Philosophy Course Readings

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CLASS 1. THE FRAMEWORK OF HUMAN RIGHTS

Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care

and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Reflections on the Universal Declaration of Human Rights
Mary Ann Glendon

The Universal Declaration of Human Rights, adopted by the UN General Assembly in December 1948 and widely recognized as the "constitution" of the modern human rights movement, approaches its fiftieth anniversary amidst considerable turmoil. The prevailing approach to the rights it contains is pick-and-choose, cafeteria-style. The universality principle itself has been challenged, sometimes by governments claiming all rights are relative, sometimes by those who charge that universality is a cover for cultural imperialism. The latter accusation acquires credibility as UN conferences begin to resemble off-shore manufacturing sites where special interest groups strive to convert their agendas into new rights to be brought back home, or imposed on the developing world, as "international standards."

In researching the history of the Universal Declaration, I have been struck by the degree to which the men and women who framed the Declaration anticipated such problems. As a lawyer, I am impressed by the skill of the drafters, and by the safeguards they devised to help minimize future difficulties. They were well aware that no document, however skillfully crafted, could immunize their project from abuse, but they were convinced that progress in respecting human dignity required a framework based on a few commonly held principles.

The problem of universality loomed large from the moment the idea of an "international bill of rights" was conceived. In 1946, UNESCO appointed a committee composed of many of the leading thinkers of the day to study the feasibility of framing a charter of rights for all peoples and all nations. The committee began by sending a detailed questionnaire to statesmen and scholars in every part of the world. To their surprise, they found that the lists of basic rights and values they received from their far-flung sources were essentially similar. But as Jacques Maritain (one of the most active members of that committee) famously remarked, "Yes, we agree about the rights, but on condition no one asks us why."

Maritain and his colleagues did not regard the lack of consensus on foundations as fatal. The fact that an agreement could be achieved across cultures on several practical concepts was "enough," he wrote, "to enable a great task to be undertaken." More serious, the philosophers realized, would be the problems of arriving at a common understanding of what the principles meant, of reconciling tensions among the various rights, of integrating new rights, and of incorporating new applications. In that connection, Maritain pointed out that if the document were not to be a mere hodgepodge of ideas, it would need a tuning fork or "key" according to which the rights could be harmonized. Everything depends, he said, on "the ultimate value whereon those rights depend and in terms of which they are integrated by mutual limitations."

The UNESCO committee's rapporteur, Richard McKeon, anticipated another problem. Different understandings of the meanings of rights usually reflect divergent concepts of

man and of society, which in turn cause those who hold those understandings to have different views of reality. Thus, McKeon correctly predicted that, down the road, "difficulties will be discovered in the suspicions, suggested by these differences, concerning the tangential uses that might be made of a declaration of human rights for the purpose of advancing special interests." That is a philosopher's way of saying, "Watch out, this whole enterprise could be hijacked."

The project passed from the philosophers' committee to the group assigned to do the actual drafting, the UN Commission on Human Rights, chaired by Eleanor Roosevelt. The task that faced the Commission was daunting. Drafts, proposals, models, and ideas had poured in from all over the world. How could they ever be sorted, evaluated, and integrated into a document that the then fifty-eight member nations of the UN would find acceptable? The framers might have ended up like the architects and builders in Pieter Brueghel the Elder's rendition of the Tower of Babel. Brueghel shows them huddled together in a corner, poring despondently over their plans. Behind them looms their disaster, constructed by a consortium, each member of which seems to have had a somewhat different conception of what the whole should look like. Happily for the Universal Declaration, the eighteen-member Human Rights Commission chose to put a single author in charge of the drafting process.

The choice fell to one of the most accomplished jurists of the twentieth century, René Cassin, who had been General Charles de Gaulle's principal legal adviser during World War II. What was especially fortuitous about the choice of Cassin is that he was a master of the art of legislative drafting, a craft skill that has remained relatively undeveloped in the Anglo-American common-law countries, but that was brought to a high level of refinement in code-based legal systems like that of his native France.

That professional background facilitated Cassin's response to Maritain's call for an interpretive matrix. The Preamble and the Proclamation, as well as Articles 1 and 2 of the thirty-article Declaration, belong to what in continental legal terminology is called the "general part." These sections set forth the premises, purposes, and principles that are meant to guide the interpretation of the specifically enumerated rights in Articles 3 to 27. The Declaration's last three articles, again, contain interpretive guides, contextualizing rights in relation to limits, duties, and the social and political order in which they are to be realized.

It was at Cassin's insistence that a Declaration purporting to be universal should begin with a statement of what all human beings have in common. Thus the first article begins, not with a right, but with a statement about the human person.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

It tells us much about the spirit of Cassin, a secularized French Jew who had lost twenty relatives in concentration camps, that he insisted on beginning this document with an

affirmation of faith in human conscience and rationality. In 1968, that largeness of spirit was recognized when he received the Nobel Peace Prize for his work on behalf of human rights.

As for the "key" in which the various rights were to be "harmonized," the Universal Declaration belongs to a family of postwar rights instruments that accord their highest priority to human dignity. This is signaled by the prominence and strategic placement of references to dignity in the document.

Also guiding the interpretation of dignitarian rights documents like the Declaration is their implicit image of the rights-bearer. The "everyone" whose rights are recognized is not the radically autonomous individual of recent American court decisions. Rather, he or she is portrayed throughout the document as situated in families, communities, workplaces, associations, religious groups, societies, and nations.

Cassin's deftness is evident in his treatment of the "new" social and economic rights. Contrary to a view that acquired currency during the Cold War years, the Declaration's articles dealing with rights to work, unionization, education, and so on were not included as concessions to the Soviets. They enjoyed wide support from the liberal democracies, a fact that is hardly surprising in view of their resemblance to the "second Bill of Rights" proposed in FDR's 1944 State of the Union message, and to the social rights and obligations that were becoming standard features of most postwar constitutions. Agreement on the precise content of these articles, however, was extremely difficult to achieve. England, in particular, wanted these rights to be handled in a separate document. The Soviet Union, for its part, opposed any language that would appear to relegate such rights to an inferior rank.

Cassin resolved the impasse by drafting a "chapeau" article, a kind of mini-preamble introducing the provisions dealing with social and economic rights. The chapeau tried to satisfy the Soviets by making clear that the new rights, like the old, are importantly related to human dignity. It met the English concerns by establishing that the new rights were different in kind, if not in importance, from traditional political and civil liberties. They are dependent on "the organization and resources" of each state (Mrs. Roosevelt's language) in a way that, say, the right to be free of torture is not.

Cassin provided the Declaration with several features designed to protect the universal rights idea from misuse. For example, the penultimate article specifies that one not only has rights but duties, and that one's rights can be limited by "the rights and freedoms of others, and . . . the just requirements of morality, public order, and the general welfare in a democratic society." Noteworthy as well is the document's recognition that participation in important mediating structures of civil society, such as religious groups and unions, needs to be protected, and that the family is a subject of human rights protection in itself.

Yet another important feature is the Declaration's implicit embodiment of the principle of subsidiarity. As its "Proclamation" clause makes plain, the Declaration is not a legally

binding instrument, but "a common standard of achievement for all peoples and all nations." Though many of its provisions later appeared in treaties binding on the signatory nations, the authors of the Declaration were well aware that, as the Commission's rapporteur Charles Malik put it, the most effective defense of human rights would always be domestic, "in the mind and the will of the people" as reflected in national and local laws, and above all, social practices. They had read their Tocqueville.

In sum, the architects of the Universal Declaration did their best to allay concerns about the coherence and feasibility of the universal rights idea. Thanks to Cassin, the Declaration is no mere list, or "bill," of rights. It possesses an integrity that has considerable strength when the document is read as it was meant to be read, namely, as a whole.

Cassin's draft, however, was only the beginning. It took another extraordinary individual to shepherd it through the process of deliberation and revision that led up to adoption by the General Assembly. That man was Malik, a Lebanese philosophy professor whose diplomatic skills were as finely honed as Cassin's legal talents.

Malik steered the draft Declaration through eighty-one difficult meetings in the tense international atmosphere that prevailed in the fall of 1948. His fluency in many languages, including Arabic, French, and English, enabled him to move easily between East and West, and between large and small nations. He made the most of the fact that the document reflected broad consultation and consensus, and he took pains to point each country to the places in the Declaration where it could find either its own contributions or the influence of the culture to which it belonged. In December, the Declaration was adopted without a single dissenting vote, though eight countries, including the Soviet bloc, abstained. In the end, the inclusion of social and economic rights meant less to the Soviets than the perceived need to resist the slightest derogation from the old principle that how a nation-state dealt with its own citizens was no concern of other nations.

Today, when one reads what Maritain, McKeon, Cassin, Malik, and Roosevelt wrote many years ago, it is striking that they foresaw nearly every problem their enterprise would encounter—its buffeting from power politics, its dependence on common understandings that would prove elusive, its embodiment of ideas of freedom and solidarity that would be difficult to harmonize, and its vulnerability to misuse.

Nevertheless, they hoped that with improved means of communication, and with the accumulation of experiences of successful cross-cultural cooperation, the difficulties confronting their enterprise would be reduced and its benefits gradually realized. And indeed, so far as many traditional political and civil rights are concerned, the years have seen impressive progress, even if not as steady or rapid as was hoped.

As for the main challenge, Maritain said it best. Whether the music played on the Declaration's thirty strings will be "in tune with or harmful to human dignity" will depend primarily on the extent to which "a culture of human dignity" develops.

To the disappointment of the framers, however, the adoption of the Declaration was followed by nearly two decades during which the international human rights project floundered and stalled amidst Cold War politics. When the Declaration woke up, so to speak, it was like Rip Van Winkle, who went to sleep for twenty years and awakened to find himself in a world from which his friends had disappeared, and where no one recognized him.

By the late 1960s, the architects of the Declaration were mostly departed or inactive, and in their place was forming an extensive human rights industry. The giants of the industry are organizations heavily influenced by the ideas about rights, both good and bad, that were developed in the American judicial rights revolution. The Declaration itself began to be widely, almost universally, read in the way that Americans read the Bill of Rights, that is, as a string of essentially separate guarantees. Alas, that misreading of the Declaration not only distorts its sense, but facilitates its misuse.

It would be a fitting tribute to the hopes and dreams of the men and women of '48 if friends of human dignity the world over celebrated the fiftieth anniversary of the Declaration by reading it—and pondering its structure. The flaws of the human rights project, I would suggest, are less in that document than in ourselves.

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Vatican II, Gaudium et spes
THE DIGNITY OF THE HUMAN PERSON

12. According to the almost unanimous opinion of believers and unbelievers alike, all things on earth should be related to man as their center and crown.

But what is man? About himself he has expressed, and continues to express, many divergent and even contradictory opinions. In these he often exalts himself as the absolute measure of all things or debases himself to the point of despair. The result is doubt and anxiety. The Church certainly understands these problems. Endowed with light from God, she can offer solutions to them, so that man's true situation can be portrayed and his defects explained, while at the same time his dignity and destiny are justly acknowledged.

For Sacred Scripture teaches that man was created "to the image of God," is capable of knowing and loving his Creator, and was appointed by Him as master of all earthly creatures(1) that he might subdue them and use them to God's glory.(2) "What is man that you should care for him? You have made him little less than the angels, and crowned him with glory and honor. You have given him rule over the works of your hands, putting all things under his feet" (Ps. 8:5-7).

But God did not create man as a solitary, for from the beginning "male and female he created them" (Gen. 1:27). Their companionship produces the primary form of interpersonal communion. For by his innermost nature man is a social being, and unless he relates himself to others he can neither live nor develop his potential.

Therefore, as we read elsewhere in Holy Scripture God saw "all that he had made, and it was very good" (Gen. 1:31).

13. Although he was made by God in a state of holiness, from the very onset of his history man abused his liberty, at the urging of the Evil One. Man set himself against God and sought to attain his goal apart from God. Although they knew God, they did not glorify Him as God, but their senseless minds were darkened and they served the creature rather than the Creator. (3) What divine revelation makes known to us agrees with experience. Examining his heart, man finds that he has inclinations toward evil too, and is engulfed by manifold ills which cannot come from his good Creator. Often refusing to acknowledge God as his beginning, man has disrupted also his proper relationship to his own ultimate goal as well as his whole relationship toward himself and others and all created things.

Therefore man is split within himself. As a result, all of human life, whether individual or collective, shows itself to be a dramatic struggle between good and evil, between light and darkness. Indeed, man finds that by himself he is incapable of battling the assaults of evil successfully, so that everyone feels as though he is bound by chains. But the Lord Himself came to free and strengthen man, renewing him inwardly and casting out that

"prince of this world" (John 12:31) who held him in the bondage of sin. (4) For sin has diminished man, blocking his path to fulfillment.

The call to grandeur and the depths of misery, both of which are a part of human experience, find their ultimate and simultaneous explanation in the light of this revelation.

14. Though made of body and soul, man is one. Through his bodily composition he gathers to himself the elements of the material world; thus they reach their crown through him, and through him raise their voice in free praise of the Creator. (6) For this reason man is not allowed to despise his bodily life, rather he is obliged to regard his body as good and honorable since God has created it and will raise it up on the last day. Nevertheless, wounded by sin, man experiences rebellious stirrings in his body. But the very dignity of man postulates that man glorify God in his body and forbid it to serve the evil inclinations of his heart.

Now, man is not wrong when he regards himself as superior to bodily concerns, and as more than a speck of nature or a nameless constituent of the city of man. For by his interior qualities he outstrips the whole sum of mere things. He plunges into the depths of reality whenever he enters into his own heart; God, Who probes the heart, (7) awaits him there; there he discerns his proper destiny beneath the eyes of God. Thus, when he recognizes in himself a spiritual and immortal soul, he is not being mocked by a fantasy born only of physical or social influences, but is rather laying hold of the proper truth of the matter.

15. Man judges rightly that by his intellect he surpasses the material universe, for he shares in the light of the divine mind. By relentlessly employing his talents through the ages he has indeed made progress in the practical sciences and in technology and the liberal arts. In our times he has won superlative victories, especially in his probing of the material world and in subjecting it to himself. Still he has always searched for more penetrating truths, and finds them. For his intelligence is not confined to observable data alone, but can with genuine certitude attain to reality itself as knowable, though in consequence of sin that certitude is partly obscured and weakened.

The intellectual nature of the human person is perfected by wisdom and needs to be, for wisdom gently attracts the mind of man to a quest and a love for what is true and good. Steeped in wisdom. man passes through visible realities to those which are unseen.

Our era needs such wisdom more than bygone ages if the discoveries made by man are to be further humanized. For the future of the world stands in peril unless wiser men are forthcoming. It should also be pointed out that many nations, poorer in economic goods, are quite rich in wisdom and can offer noteworthy advantages to others.

It is, finally, through the gift of the Holy Spirit that man comes by faith to the contemplation and appreciation of the divine plan. (8)

16. In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that. For man has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged.(9) Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths. (10) In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbor. (11) In fidelity to conscience, Christians are joined with the rest of men in the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals from social relationships. Hence the more right conscience holds sway, the more persons and groups turn aside from blind choice and strive to be guided by the objective norms of morality. Conscience frequently errs from invincible ignorance without losing its dignity. The same cannot be said for a man who cares but little for truth and goodness, or for a conscience which by degrees grows practically sightless as a result of habitual sin.

17. Only in freedom can man direct himself toward goodness. Our contemporaries make much of this freedom and pursue it eagerly; and rightly to be sure. Often however they foster it perversely as a license for doing whatever pleases them, even if it is evil. For its part, authentic freedom is an exceptional sign of the divine image within man. For God has willed that man remain "under the control of his own decisions,"(12) so that he can seek his Creator spontaneously, and come freely to utter and blissful perfection through loyalty to Him. Hence man's dignity demands that he act according to a knowing and free choice that is personally motivated and prompted from within, not under blind internal impulse nor by mere external pressure. Man achieves such dignity when, emancipating himself from all captivity to passion, he pursues his goal in a spontaneous choice of what is good, and procures for himself through effective and skilful action, apt helps to that end. Since man's freedom has been damaged by sin, only by the aid of God's grace can he bring such a relationship with God into full flower. Before the judgment seat of God each man must render an account of his own life, whether he has done good or evil. (13)

18. It is in the face of death that the riddle a human existence grows most acute. Not only is man tormented by pain and by the advancing deterioration of his body, but even more so by a dread of perpetual extinction. He rightly follows the intuition of his heart when he abhors and repudiates the utter ruin and total disappearance of his own person. He rebels against death because he bears in himself an eternal seed which cannot be reduced to sheer matter. All the endeavors of technology, though useful in the extreme, cannot calm his anxiety; for prolongation of biological life is unable to satisfy that desire for higher life which is inescapably lodged in his breast.

Although the mystery of death utterly beggars the imagination, the Church has been taught by divine revelation and firmly teaches that man has been created by God for a blissful purpose beyond the reach of earthly misery. In addition, that bodily death from which man would have been immune had he not sinned (14) will be vanquished, according to the Christian faith, when man who was ruined by his own doing is restored to wholeness by an almighty and merciful Saviour. For God has called man and still calls

him so that with his entire being he might be joined to Him in an endless sharing of a divine life beyond all corruption. Christ won this victory when He rose to life, for by His death He freed man from death. Hence to every thoughtful man a solidly established faith provides the answer to his anxiety about what the future holds for him. At the same time faith gives him the power to be united in Christ with his loved ones who have already been snatched away by death; faith arouses the hope that they have found true life with God.

19. The root reason for human dignity lies in man's call to communion with God. From the very circumstance of his origin man is already invited to converse with God. For man would not exist were he not created by Gods love and constantly preserved by it; and he cannot live fully according to truth unless he freely acknowledges that love and devotes himself to His Creator. Still, many of our contemporaries have never recognized this intimate and vital link with God, or have explicitly rejected it. Thus atheism must be accounted among the most serious problems of this age, and is deserving of closer examination.

The word atheism is applied to phenomena which are quite distinct from one another. For while God is expressly denied by some, others believe that man can assert absolutely nothing about Him. Still others use such a method to scrutinize the question of God as to make it seem devoid of meaning. Many, unduly transgressing the limits of the positive sciences, contend that everything can be explained by this kind of scientific reasoning alone, or by contrast, they altogether disallow that there is any absolute truth. Some laud man so extravagantly that their faith in God lapses into a kind of anemia, though they seem more inclined to affirm man than to deny God. Again some form for themselves such a fallacious idea of God that when they repudiate this figment they are by no means rejecting the God of the Gospel. Some never get to the point of raising questions about God, since they seem to experience no religious stirrings nor do they see why they should trouble themselves about religion. Moreover, atheism results not rarely from a violent protest against the evil in this world, or from the absolute character with which certain human values are unduly invested, and which thereby already accords them the stature of God. Modern civilization itself often complicates the approach to God not for any essential reason but because it is so heavily engrossed in earthly affairs.

Undeniably, those who willfully shut out God from their hearts and try to dodge religious questions are not following the dictates of their consciences, and hence are not free of blame; yet believers themselves frequently bear some responsibility for this situation. For, taken as a whole, atheism is not a spontaneous development but stems from a variety of causes, including a critical reaction against religious beliefs, and in some places against the Christian religion in particular. Hence believers can have more than a little to do with the birth of atheism. To the extent that they neglect their own training in the faith, or teach erroneous doctrine, or are deficient in their religious, moral or social life, they must be said to conceal rather than reveal the authentic face of God and religion.

20. Modern atheism often takes on a systematic expression which, in addition to other causes, stretches the desires for human independence to such a point that it poses

difficulties against any kind of dependence on God. Those who profess atheism of this sort maintain that it gives man freedom to be an end unto himself, the sole artisan and creator of his own history. They claim that this freedom cannot be reconciled with the affirmation of a Lord Who is author and purpose of all things, or at least that this freedom makes such an affirmation altogether superfluous. Favoring this doctrine can be the sense of power which modern technical progress generates in man.

Not to be overlooked among the forms of modern atheism is that which anticipates the liberation of man especially through his economic and social emancipation. This form argues that by its nature religion thwarts this liberation by arousing man's hope for a deceptive future life, thereby diverting him from the constructing of the earthly city. Consequently when the proponents of this doctrine gain governmental rower they vigorously fight against religion, and promote atheism by using, especially in the education of youth, those means of pressure which public power has at its disposal.

21. In her loyal devotion to God and men, the Church has already repudiated (16) and cannot cease repudiating, sorrowfully but as firmly as possible, those poisonous doctrines and actions which contradict reason and the common experience of humanity, and dethrone man from his native excellence.

Still, she strives to detect in the atheistic mind the hidden causes for the denial of God; conscious of how weighty are the questions which atheism raises, and motivated by love for all men, she believes these questions ought to be examined seriously and more profoundly.

The Church holds that the recognition of God is in no way hostile to man's dignity, since this dignity is rooted and perfected in God. For man was made an intelligent and free member of society by God Who created him, but even more important, he is called as a son to commune with God and share in His happiness. She further teaches that a hope related to the end of time does not diminish the importance of intervening duties but rather undergirds the acquittal of them with fresh incentives. By contrast, when a divine instruction and the hope of life eternal are wanting, man's dignity is most grievously lacerated, as current events often attest; riddles of life and death, of guilt and of grief go unsolved with the frequent result that men succumb to despair.

Meanwhile every man remains to himself an unsolved puzzle, however obscurely he may perceive it. For on certain occasions no one can entirely escape the kind of self-questioning mentioned earlier, especially when life's major events take place. To this questioning only God fully and most certainly provides an answer as He summons man to higher knowledge and humbler probing.

The remedy which must be applied to atheism, however, is to be sought in a proper presentation of the Church's teaching as well as in the integral life of the Church and her members. For it is the function of the Church, led by the Holy Spirit Who renews and purifies her ceaselessly, (17) to make God the Father and His Incarnate Son present and in a sense visible. This result is achieved chiefly by the witness of a living and mature

faith, namely, one trained to see difficulties clearly and to master them. Many martyrs have given luminous witness to this faith and continue to do so. This faith needs to prove its fruitfulness by penetrating the believer's entire life, including its worldly dimensions, and by activating him toward justice and love, especially regarding the needy. What does the most reveal God's presence, however, is the brotherly charity of the faithful who are united in spirit as they work together for the faith of the Gospel (18) and who prove themselves a sign of unity.

While rejecting atheism, root and branch, the Church sincerely professes that all men, believers and unbelievers alike, ought to work for the rightful betterment of this world in which all alike live; such an ideal cannot be realized, however, apart from sincere and prudent dialogue. Hence the Church protests against the distinction which some state authorities make between believers and unbelievers, with prejudice to the fundamental rights of the human person. The Church calls for the active liberty of believers to build up in this world God's temple too. She courteously invites atheists to examine the Gospel of Christ with an open mind.

Above all the Church known that her message is in harmony with the most secret desires of the human heart when she champions the dignity of the human vocation, restoring hope to those who have already despaired of anything higher than their present lot. Far from diminishing man, her message brings to his development light, life and freedom. Apart from this message nothing will avail to fill up the heart of man: "Thou hast made us for Thyself," O Lord, "and our hearts are restless till they rest in Thee."(19)

22. The truth is that only in the mystery of the incarnate Word does the mystery of man take on light. For Adam, the first man, was a figure of Him Who was to come, (20) namely Christ the Lord. Christ, the final Adam, by the revelation of the mystery of the Father and His love, fully reveals man to man himself and makes his supreme calling clear. It is not surprising, then, that in Him all the aforementioned truths find their root and attain their crown.

He Who is "the image of the invisible God" (Col. 1:15), (21) is Himself the perfect man. To the sons of Adam He restores the divine likeness which had been disfigured from the first sin onward. Since human nature as He assumed it was not annulled, (22) by that very fact it has been raised up to a divine dignity in our respect too. For by His incarnation the Son of God has united Himself in some fashion with every man. He worked with human hands, He thought with a human mind, acted by human choice (23) and loved with a human heart. Born of the Virgin Mary, He has truly been made one of us, like us in all things except sin. (24)

As an innocent lamb He merited for us life by the free shedding of His own blood. In Him God reconciled us (25) to Himself and among ourselves; from bondage to the devil and sin He delivered us, so that each one of us can say with the Apostle: The Son of God "loved me and gave Himself up for me" (Gal. 2:20). By suffering for us He not only provided us with an example for our imitation, (26) He blazed a trail, and if we follow it, life and death are made holy and take on a new meaning.

The Christian man, conformed to the likeness of that Son Who is the firstborn of many brothers,(27) received "the first-fruits of the Spirit" (Rom. 8:23) by which he becomes capable of discharging the new law of love.(28) Through this Spirit, who is "the pledge of our inheritance" (Eph. 1:14), the whole man is renewed from within, even to the achievement of "the redemption of the body" (Rom. 8:23): "If the Spirit of him who raised Jesus from the death dwells in you, then he who raised Jesus Christ from the dead will also bring to life your mortal bodies because of his Spirit who dwells in you" (Rom. 8:11).(29) Pressing upon the Christian to be sure, are the need and the duty to battle against evil through manifold tribulations and even to suffer death. But, linked with the paschal mystery and patterned on the dying Christ, he will hasten forward to resurrection in the strength which comes from hope. (30)

All this holds true not only for Christians, but for all men of good will in whose hearts grace works in an unseen way. (31) For, since Christ died for all men, (32) and since the ultimate vocation of man is in fact one, and divine, we ought to believe that the Holy Spirit in a manner known only to God offers to every man the possibility of being associated with this paschal mystery.

Such is the mystery of man, and it is a great one, as seen by believers in the light of Christian revelation. Through Christ and in Christ, the riddles of sorrow and death grow meaningful. Apart from His Gospel, they overwhelm us. Christ has risen, destroying death by His death; He has lavished life upon us (33) so that, as sons in the Son, we can cry out in the Spirit; Abba, Father (34)

CLASS 2. NATURAL LAW

Aquinas, *Summa Theologica*, IaIIae, 94.2

Whether the natural law contains several precepts, or only one?

Objection 1. It would seem that the natural law contains, not several precepts, but one only. For law is a kind of precept, as stated above (92, 2). If therefore there were many precepts of the natural law, it would follow that there are also many natural laws.

Objection 2. Further, the natural law is consequent to human nature. But human nature, as a whole, is one; though, as to its parts, it is manifold. Therefore, either there is but one precept of the law of nature, on account of the unity of nature as a whole; or there are many, by reason of the number of parts of human nature. The result would be that even things relating to the inclination of the concupiscible faculty belong to the natural law.

Objection 3. Further, law is something pertaining to reason, as stated above (90, 1). Now reason is but one in man. Therefore there is only one precept of the natural law.

On the contrary, The precepts of the natural law in man stand in relation to practical matters, as the first principles to matters of demonstration. But there are several first indemonstrable principles. Therefore there are also several precepts of the natural law.

I answer that, As stated above (91, 3), the precepts of the natural law are to the practical reason, what the first principles of demonstrations are to the speculative reason; because both are self-evident principles. Now a thing is said to be self-evident in two ways: first, in itself; secondly, in relation to us. Any proposition is said to be self-evident in itself, if its predicate is contained in the notion of the subject: although, to one who knows not the definition of the subject, it happens that such a proposition is not self-evident. For instance, this proposition, "Man is a rational being," is, in its very nature, self-evident, since who says "man," says "a rational being": and yet to one who knows not what a man is, this proposition is not self-evident. Hence it is that, as Boethius says (De Hebdom.), certain axioms or propositions are universally self-evident to all; and such are those propositions whose terms are known to all, as, "Every whole is greater than its part," and, "Things equal to one and the same are equal to one another." But some propositions are self-evident only to the wise, who understand the meaning of the terms of such propositions: thus to one who understands that an angel is not a body, it is self-evident that an angel is not circumscriptively in a place: but this is not evident to the unlearned, for they cannot grasp it.

Now a certain order is to be found in those things that are apprehended universally. For that which, before aught else, falls under apprehension, is "being," the notion of which is included in all things whatsoever a man apprehends. Wherefore the first indemonstrable principle is that "the same thing cannot be affirmed and denied at the same time," which

is based on the notion of "being" and "not-being": and on this principle all others are based, as is stated in Metaph. iv, text. 9. Now as "being" is the first thing that falls under the apprehension simply, so "good" is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good. Consequently the first principle of practical reason is one founded on the notion of good, viz. that "good is that which all things seek after." Hence this is the first precept of law, that "good is to be done and pursued, and evil is to be avoided." All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided.

Since, however, good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law. Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals: and in virtue of this inclination, those things are said to belong to the natural law, "which nature has taught to all animals" [Pandect. Just. I, tit. i], such as sexual intercourse, education of offspring and so forth. Thirdly, there is in man an inclination to good, according to the nature of his reason, which nature is proper to him: thus man has a natural inclination to know the truth about God, and to live in society: and in this respect, whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

Reply to Objection 1. All these precepts of the law of nature have the character of one natural law, inasmuch as they flow from one first precept.

Reply to Objection 2. All the inclinations of any parts whatsoever of human nature, e.g. of the concupiscible and irascible parts, in so far as they are ruled by reason, belong to the natural law, and are reduced to one first precept, as stated above: so that the precepts of the natural law are many in themselves, but are based on one common foundation.

Reply to Objection 3. Although reason is one in itself, yet it directs all things regarding man; so that whatever can be ruled by reason, is contained under the law of reason.

Martin Luther King
Letter from Birmingham Jail

[N. B. All typographical errors are from the original source and therefore have not been corrected. A PDF version can be found here.]

AUTHOR'S NOTE: This response to a published statement by eight fellow clergymen from Alabama (Bishop C. C. J. Carpenter, Bishop Joseph A. Durick, Rabbi Hilton L. Grafman, Bishop Paul Hardin, Bishop Holan B. Harmon, the Reverend George M. Murray. the Reverend Edward V. Ramage and the Reverend Earl Stallings) was composed under somewhat constricting circumstance. Begun on the margins of the newspaper in which the statement appeared while I was in jail, the letter was continued on scraps of writing paper supplied by a friendly Negro trusty, and concluded on a pad my attorneys were eventually permitted to leave me. Although the text remains in substance unaltered, I have indulged in the author's prerogative of polishing it for publication.

April 16, 1963

MY DEAR FELLOW CLERGYMEN:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely." Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statements in what I hope will be patient and reasonable terms.

I think I should indicate why I am here In Birmingham, since you have been influenced by the view which argues against "outsiders coming in." I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty-five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a nonviolent direct-action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman

world, so am I. compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place In Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct action. We have gone through an these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good-faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants --- for example, to remove the stores humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained.

As in so many past experiences, our hopes bad been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self-purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves : "Are you able to accept blows without retaliating?" "Are you able to endure the ordeal of jail?" We decided to schedule our direct-action program for the Easter season, realizing that except for Christmas, this

is the main shopping period of the year. Knowing that a strong economic with withdrawal program would be the by-product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoralty election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene "Bull" Connor, had piled up enough votes to be in the run-oat we decided again to postpone action until the day after the run-off so that the demonstrations could not be used to cloud the issues. Like many others, we waited to see Mr. Connor defeated, and to this end we endured postponement after postponement. Having aided in this community need, we felt that our direct-action program could be delayed no longer.

You may well ask: "Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling, for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent-resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood.

The purpose of our direct-action program is to create a situation so crisis-packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: "Why didn't you give the new city administration time to act?" The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hope that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily.

Individuals may see the moral light and voluntarily give up their unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant 'Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we stiff creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging dark of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking: "Daddy, why do white people treat colored people so mean?"; when you take a cross-county drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you no forever fighting a degenerating sense of "nobodiness" then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may won ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there fire two types of laws: just and unjust. I would be the Brat to advocate obeying just laws.

One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all"

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distort the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I-it" relationship for an "I-thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and awful. Paul Tillich said that sin is separation. Is not segregation an existential expression 'of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal.

Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that state's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First Amendment privilege of peaceful assembly and protest.

I hope you are able to ace the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that

conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Counciler or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fan in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with an its ugliness to the natural medicines of air and light, injustice must be

exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God-consciousness and never-ceasing devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber.

I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: "An Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth." Such an attitude stems from a tragic misconception of time, from the strangely rational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be co-workers with God, and without this 'hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to 6e solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At fist I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self-respect and a sense of "somebodiness" that they have adjusted to segregation; and in part of a few middle class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best-known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial

discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible "devil."

I have tried to stand between these two forces, saying that we need emulate neither the "do-nothingism" of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle.

If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as "rabble-rousers" and "outside agitators" those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black-nationalist ideologies a development that would inevitably lead to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides-and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist.

But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an ever-flowing stream." Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God." And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience." And Abraham Lincoln: "This nation cannot survive half slave and half free." And Thomas Jefferson: "We hold these truths to be self-evident, that an men are created equal ..." So the question is not whether we will be extremists, but what kind of extremists we viii be.

Will we be extremists for hate or for love? Will we be extremist for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime--- the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jeans Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still too few in quantity, but they are big in quality. Some-such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle---have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach-infested jails, suffering the abuse and brutality of policemen who view them as "dirty nigger lovers." Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful "action" antidotes to combat the disease of segregation.

Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a non segregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who 'has been sustained by its spiritual blessings and who will remain true to it as long as the cord of Rio shall lengthen.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leader era; and too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained-glass windows.

In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep

moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: "Follow this decree because integration is morally right and because the Negro is your brother." In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: "Those are social issues, with which the gospel has no real concern." And I have watched many churches commit themselves to a completely other worldly religion which makes a strange, on Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious-education buildings. Over and over I have found myself asking: "What kind of people worship here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Walleye gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?"

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? l am in the rather unique position of being the son, the grandson and the great-grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being "disturbers of the peace" and "outside agitators"' But the Christians pressed on, in the conviction that they were "a colony of heaven," called to obey God rather than man. Small in number, they were big in commitment. They were too God intoxicated to be "astronomically intimidated." By their effort and example they brought an end to such ancient evils as infanticide. and gladiatorial contests.

Things are different now. So often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an archdefender of the status quo. Par from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent and often even vocal sanction of things as they are.

But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust.

Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom, They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom. Yes, they have gone to jai with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times. They have carved a tunnel of hope through the dark mountain of disappointment.

I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham, ham and all over the nation, because the goal of America k freedom. Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation-and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands.

Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping "order" and "preventing violence." I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if .you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you

were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handing the demonstrators. In this sense they have conducted themselves rather "nonviolently" in pubic. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T. S. Eliot has said: "The last temptation is the greatest treason: To do the right deed for the wrong reason."

I wish you had commended the Negro sit-inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face Jeering, and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy-two-year-old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: "My fleets is tired, but my soul is at rest." They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he k alone in a narrow jail cell, other than write long letters, think long thoughts and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil rights leader but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, JR.

Robert H. Jackson
Nuremberg In Retrospect: Legal Answer To International Lawlessness

This is an authoritative account of the legal bases of the trials of the major Nazi war criminals before the International Military Tribunal at Nuremberg written by the American Chief Prosecutor. Taken from an address delivered before the Canadian Bar Association meeting in Banff, Alberta, on September 1, 1949 Justice Jackson reviews in detail the legal foundations on which the trial rested and explains how the procedure used was determined.

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By Robert H. Jackson
Associate Justice of the Supreme Court of the United States

The Nuremberg trial of the major Nazi war criminals was an attempt to answer in terms of the law the most serious challenge that faces modern civilization – war and international lawlessness.

The legal profession, by most countries, has been conceded leadership in working out rules of law which will keep their peace, security and liberty. As the lawyer is the most frequently chosen legislator, diplomat, executive and political leader, the intellectual discipline which we call "the law" saturates Western World statesmanship and diplomacy.

Judged by its fruits, there must have been serious shortcomings in our practice, and perhaps in our teachings, of international law. Our own times may easily rate as the most bloody and cruel in recorded history. Our record includes two world wars, millions of human beings put to death for no cause other than their race, other millions seized and transported to forced labor, and a whole continent gripped by terror of the concentration camp. The worst perhaps is that these things still go on. Civilization seems to have lost control of itself. What a record for an age governed more than any other by men of our profession! Certainly here is lawlessness which challenges not only the lawyer but the law itself.

At the opening of this tortured and bloody century, law-trained men dominated the councils of most Western nations. They were thinking about problems of state in relation to certain assumptions supplied by their legal discipline. Four of these, at risk of over simplification, may be thus condensed:

First, each state is sovereign, its right absolute, its will unrestrained, and free to resort to war at any time, for any purpose. Second, courts, therefore, must everywhere regard any war as legal, and engagement in warfare must be accepted as a good defense to what otherwise would be crime. Third, measures by high officials such as planning, instigating and waging war constitute "acts of state," in performance of which they owe no legal duty to international society and for which there is no accountability to international law. Fourth, for obedience to superior orders and individual incurs no personal liability.

It would be hard to devise an intellectual discipline that would do more to encourage international lawlessness and aggression. German leaders who precipitated World War II were ardent disciplines of these teachings. When they led to catastrophe, they all invoked the shelter of one or more of these four doctrines as a defense. They pleaded that their acts, however shocking, could not be criminal because these doctrines of the nineteenth century still stood as the law in the third and fourth decades of the twentieth century.

The Nuremberg prosecutions constitute this century's most definite challenge to this anarchic concept of the law of nations. Save the Nuremberg proceedings, too little has come out of the war to challenge the catastrophic doctrines invoked to excuse starting it. If those guilty of inciting World War had been held immune from prosecution, any who might tomorrow plot a third one would be equally immune. Furthermore, machinery to make new international law is so inadequate, inertia is so great, conflict and suspicion are today so paralyzing, that we can foresee no time when aggressive wars will be outlawed or their perpetrators legally punishable if the Nuremberg basis for doing so was not valid.

If mankind were still helpless and hopeless in the throes of antiquated teachings it would be disheartening, for those who insist that there was no such law as Nuremberg applied generally agree that were should be such law.

Critics Deny Validity of Trials, But Admit Their Value

At the opening of the international trial, Dr. Otto Stahmer, on behalf of all defendants, asserted to the court that "a real order among the states is impossible as long as every state has the sovereign right to wage war at any time and for any purpose." He acknowledged that public opinion already distinguished between just and unjust wars and demanded that the men guilty of launching unjust war be punished. He said, "Humanity wishes that in the future this idea will be more than a postulate, that it will become valid international law. But today it is not yet existing international law." And later he declared, "In fact, this [indictment] is far ahead of its time, as is the whole way of argumentation by Justice Jackson." A German critic, Dr. Hans Ehard, Minister-President of Bavaria, recently argued strongly that Nuremberg did not apply existing law, but nevertheless said, "We must salute the Nuremberg trial as a guidepost for the further development of the law of nations."

It is illuminating that these interested and learned opponents of the Nuremberg proceedings find it impossible to condemn the trial by standards of the past without also

condemning it by standards of the future. Their contention is that the trial has fallen, in a legal sense, "between two worlds – one dead, the other powerless to be born."

Of course a first attempt to conduct an international criminal trial against the highest surviving officials of a once powerful state for crimes against the peace of the world and the dignity of mankind was bound to cause lasting controversy. As contemporaries we all lack the perspective to anticipate the verdict of history on this effort. Those whose energies were engaged in the struggle lack objectivity most of all. But I recognize that there is room for honest and intelligent difference of opinion as to many aspects of the enterprise. Whatever view one takes, Nuremberg witnessed a legal event of importance. So, with such detachment as I can summon, I shall try to tell something of the origin of the trial and some of its more interesting problems, and of the use we made of the lawyers' hearing procedures and trial technique in this novel situation.

As, one after another, a dozen unprepared countries, with each of which Germany had a treaty of friendship and non-aggression, were overrun by undeclared wars, the opinion was almost universal that the hostilities had no cause except Germany's ambition for conquest. As it went on, the world was also shocked and horrified by Germany's wantonly brutal and savage conduct. Appeals and protests alike were scorned. Then came a series of unequivocal warnings that the course of its leaders was regarded as outside the bounds of modern warfare and criminal. In 1942 representatives of nine occupied countries met in London and issued the "St. James Declaration," that the war criminals would be "sought out, handed over to justice and judged." This brought replies from President Roosevelt that "They shall have to stand in courts of law…and answer for their acts," and from Mr. Churchill that they would "have to stand up before tribunals," and a Soviet declaration that they must be "arrested and tried under criminal law." As the terrorism grew, seventeen nations formed the "United Nations War Crimes Commission," headed first by Sir Cecil Hurst and later by Lord Wright. It did valiant service to gathering information as to war crimes and suspects. As the horrors did not abate, Churchill, Stalin and Roosevelt, by the Moscow Declaration of November, 1943, pledged the Allies to return accused Germans for trial by the country in which atrocities were committed, but declared that those whose offenses had no particular geographical location "will be punished by a joint decision of the Governments of the Allies."

Wartime accusations, of course, rested upon information that appeared credible, but in large part did not measure up to the standard of legal evidence, and could not then be verified. But the Allies were forced to decide whether to investigate these charges or to abandon them when they found the survivors of the accused among Allied prisoners. Shortly before the German surrender, I was appointed to represent the United States in negotiating the joint decision promised in the Moscow Declaration and, as Chief of Counsel, to conduct in its behalf such trial as might be decided upon.

Trial of War Criminals Was Only Course

Only three dispositions have ever been suggested as possible for these accused captives. One was to free them and abandon the accusations. That course, at that time, had almost no responsible advocates. The second possible method was a political decision to execute, exile or otherwise punish them. Some favored doing this by simple fiat of the Allied powers, but others would have camouflaged it with some kind of farcical trial. For example, one periodical editorialized, "In our opinion the proper procedure for this body would have been to identify the prisoners, read off their crimes with as much supporting data as seemed useful, pass judgment without any delay whatever." And a professor of political science was widely quoted in the press to this effect: "What, in my opinion, they should have done is to set up summary courts martial. Then they should have place these criminals on trial before them within twenty-four hours after they were caught, sentenced them to death, and shot them in the morning." Such insistent and popular, but stultifying, counsel was rejected.

The only course remaining was to hold a good-faith trial for specific offenses, to be proved by evidence, with full opportunity to the accused to offer evidence or argument in defense or mitigation. How else than by our traditional hearing process could it be determined who was and who was not really responsible for particular reprehensible acts? How else would we discriminate among those who should be executed, who imprisoned and who exculpated? And how could anything we did be justified before the future if we did not make and act upon a record? On June 7, 1945, I reported to President Truman, recommending against "undiscriminating executions or punishments without definite findings of guilt, fairly arrived at" and in favor of trying the accused not only for the planned campaign of atrocities but for the instigation and waging of wars of aggression at well. This report, approved by the President, was published and became an integral part of the foreign policy and occupation program of the United States.

However, the decision to hold a trial was made in the face of obstacles so formidable that many well-wishers thought it a quixotic undertaking beyond our power to accomplish. There was not beaten path to follow, no precedents to teach former successes or failures. No court was in existence to hear such a case. The prosecution must be conducted in four languages by lawyers trained in four different legal systems, two being of the common law tradition and two of the civil or Roman law school. The defense would be made by counsel whose practice, especially under the Nazis, was in many respects different from all others. Many differences in their customs and practice in criminal cases must be reconciled in some yet undrafted code of procedure. While substantive law could be gleaned from scattered sources, there was no codification of applicable law. Moreover, very little real evidence was in our possession, the overwhelming mass of documents being still undiscovered and their existence largely unsuspected. We did not even know whether a courthouse that could house such a trial was still standing in Germany, or if so, where it was to be found. Most of our preparation and all of the trial must be carried on where we would be surrounded by enemies, and where transport and communication were at a standstill and the ordinary facilities for living, as well as for work, had been destroyed.

To try to bring some order out of this chaos, representatives of the four powers met in London in June of 1945. The published minutes of this conference record the discussions and conflicts, concessions and compromises which produced the Charter of the Nuremberg International Military Tribunal. I doubt whether a more novel or challenging task ever was set before members of the legal profession. All countries chose delegates who were preeminently lawyers rather than diplomats or politicians, although not strangers to these activities. All had long practical trial experience and approached the negotiations as a technical professional task, with the utmost good will toward each other and a determination to succeed. All agreed in principle that no country reasonably could insist that an international trial should be conducted under its own system and that we must borrow from all and devise an amalgamated procedure that would be workable, expeditious and fair. The conference resulted in an agreement, signed for the four powers by delegates high in their respective judicial system, who had shared responsibility for negotiating it. These were Jowitt, Lord Chancellor, for the United Kingdom; Falco, Jude of the Cour de Cassation, for France; Nikitchenko, Vice President of the Soviet Supreme Court, for the Soviet Union; and myself, for the United States.

Differences Between Soviet and Allies Faced at London

It is not easy to explain fairly and accurately all the ideological conflicts that perplexed the London Conference. The chief differences, however, had their roots in two conflicting fundamental concepts – one as to the relation between a court and the government which establishes it; the other as to the nature of the criminal process.

A hasty general glance at the Soviet legal tradition will make the Soviet doctrine easier to understand, but not easier to accept. As you know, the Russian people received their philosophy of law and government from the ancient Mediterranean world through the same geographical route by which they received their religion – Byzantium and the East. Also, modern Russia remained largely insulated from the intellectual forces which liberalized Western Europe and shaped the institutions of both Canada and the United States. The English conception, expressed by Coke, that "the King is under God and the law," would have been regarded by Russian jurists as treason, and French liberalism, expressed by such writers as Montesquieu, never effectively persuaded them. The authoritarianism of Russia's venerable institutions has had no amelioration over the centuries. The Bolshevist Revolution appropriated, rather than reformed, the instruments of despotic power. Prime Minister Atlee recently described the Soviet Union as merely an "inverted czarism." Soviet jurists teach that this union of Marxism with czarism, through a dictatorship of the proletariat, is enough to make the Soviet Union "democratic." Hence, the Soviet revolution has done very little to bring Russian legal thinking any closer to our Western tradition.

The able Soviet representative brought to London from this background his conception of a court and of the law. An earlier revolutionary writer expressed it in these terms: "The court has always been and still remains, as it ought to be according to its nature – namely, one of the organs of governmental power, a weapon in the hands of the ruling class for

the purpose of safeguarding its interests." Vyshinsky's more recent book, The Law of the Soviet State, reiterates that a court is merely another implement of a dominant class in advancing its interests. He pronounces the idea of "bourgeois theorists" that courts are organs "above classes and apart from politics" to be radically false.

In accord with this philosophy, the Soviet representative took the position that any tribunal we set up much be bound by the Moscow Declaration of Roosevelt, Churchill and Stalin that our Nazi captives were criminals and hence would consider the personal guilt of each only as a basis for sentencing him. All other delegations, of course, rejected this idea and insisted that the tribunal independently determine the whole question of each defendant's guilt or innocence upon the evidence and the law. The Soviet yielded and this Western concept of the court was finally adopted and governed the trial.

Continental Concept of Criminal Trial Versus Common-Law Concept

The other fundamental difference concerned the nature of a criminal proceeding and consequently the manner in which it should be conducted. Our common-law criminal trial is an adversary proceeding before a jury, in which the judge is a moderator or arbitrator between combatant counsel. The Continental countries generally, including the Soviet Union, regard the criminal trial as an inquest to solve the crime, conducted on behalf of society by the court, not as a moderator, but as an active inquisitor. The Soviet delegates, with particular reference to the United States, expressed dislike for the extremes to which we carry the adversary theory, and suggested that some of our methods are unfair to defendants, tend to promote contests, and permit trials to drag out into endurance tests, like sporting events. I could not deny that these criticisms have some truth as to the criminal trials in the United States, some of which have degenerated close to the limits of toleration.

These differences of fundamental theory manifested themselves in several procedural disagreements. One concerned the contents of an indictment. Soviet and also Continental jurists consider that our method of providing the accused with only a skeleton statement of charges, withholding the evidence until he is in court, does not give an innocent man fair opportunity to prepare for trial, and leads a guilty one to contest charges to which he might plead guilty if he knew the government's evidence. There is much to be said in support of these criticisms. The Russians proposed that this indictment should furnish to the court and to defendants a dossier of the evidence, including statements of all witnesses, and all documents relied upon. Our compromise was that the indictment should contain much more than would be customary in the United States, while giving the defendant much less information that would be given in France, Germany or Russia.

Another manifestation of the difference in systems concerned the relative functions of the court vis-à-vis the prosecution. We believed that the tribunal should have no responsibility for preparation or conduct of the prosecution, but should receive the indictment, hear the evidence offered by the parties, and render judgment. The Soviet idea was that the case would actively be conducted by the tribunal, with the prosecutors as subordinates. The tribunal, they thought, should decide what witnesses to call, what

documents to put into evidence, and should examine the witnesses and interrogate the accused.

The Soviet finally acceded, in general, to common-law methods of trial, saying that it was contrary to their procedural legislation, but was more widely known because it was used in the English-speaking countries.

Solution Adopted for Problem of Testimony of Accused

Another conflict between Continental and common-law practice arose over allowing a defendant to testify under oath in his own behalf. Soviet, like Continental law generally, does not permit him to do so. At one time this was the rule at common law also and it still prevails in at least one of our states. Continental and Soviet practice, however, gives the accused what is regarded as equivalent. At the end of all proceedings except judgment, he is entitled to make an unsworn statement in which he may deny guilt, plead for mercy, attack the prosecution, or advance any arguments he chooses, and it does not subject him to cross-examination. We felt that English-speaking countries would not regard a procedure as fair which refused defendants the right to testify. Our Continental associates felt that no process which denied the defendant his traditional final statement would be regarded as fair in France, Germany or the Soviet Union. Our solution was to allow the Germans both privileges, and nearly all of the defendants testified for themselves under oath, subject to cross-examination, and also made final statements.

The rules of evidence that should govern the tribunal might have caused serious disagreement if we had insisted on our own. Continental lawyers regard or common-law rules of evidence with abhorrence. Since they were involved in response to the peculiarities of trial by jury, we saw no reason to urge their use in an international trial before professional judges. They have not generally been followed by international tribunals. We settled, therefore, upon one simple rule: that the tribunal "shall admit any evidence which it deems to have probative value." While this vested considerable discretion in the tribunal, it had the merit of making admission of evidence turn on the value of what was proffered rather than upon compliance with some formal rule of evidence.

This compromise criminal procedure which we adopted was put to a hard test by experience. The trial extended through more than 400 sessions of court, covering ten months. Prosecutors for the four nations called thirty-three witnesses and put in evidence over 4000 documents. In addition to the defendants themselves sixty-one witnesses testified in their behalf, 143 more gave evidence for them by written answers to interrogatories, and they offered a large number of defense documents. Yet less time was devoted to disputes over procedure and admissibility of evidence than would be so consumed in a criminal trial of any comparable magnitude in the United States. It was the demonstrated success of our procedure which led Dr. Erhard, while voicing German criticism of the legal basis of the trial, to declare that, "From a technical point of view, the trial was an important accomplishment."

Counsel representing all of the governments associated in the prosecution, as well as the judges, spared no effort to assure the fundamental integrity of the process. The charter allowed each defendant counsel of his choice, and if he had none, a German advocate was appointed for him by the tribunal. Defense counsel included leaders of the practicing and academic profession in Germany. Many were Nazis, but defendants were permitted to have their cases presented by sympathetic advocates. All such counsel were paid, fed and housed by Military Government. They were furnished office space, stenographers and supplies. Copies of documents presented as a part of the prosecution's case were given to them at least twenty-four hours in advance of presentation in court. They were given access to captured documents that were not used by the prosecution. They were allowed, so far as physical conditions permitted, to have the deposition or presence at the trial of any witness they could convince the tribunal had information relevant to their defense. How far they were allowed to go will appear from the record showing depositions from Nimitz, an admiral of the United States Navy, and Halifax, former Foreign Secretary of Great Britain. We sent airplanes to Sweden and to Switzerland to bring defense witnesses from neutral territory to testify. A transcript of proceedings, in his own language, was furnished daily to each counsel. The prosecution made its case in three months, while the defendants offered evidence for nearly five months. Our closing speeches occupied three days, while defendants used twenty days to complete their argument. The trial record will stand the most severe scrutiny of history, for we knew that as we judged, so would the future judge us.

Why Judges Were Not Chose From Neutral Countries

In prescribing the structure of the tribunal we had to consider whether to draw the judges from the prosecuting countries or to attempt to enlist some or all of them from neutral nations. The scope of the war, however, left few neutrals, and formal neutrality of a government did not mean disinterestedness on the part of all its citizens. There was not escape from selection of the judges by the victorious powers and it seems naïve to believe that they would have chosen more dispassionate or just jurists from other lands than from England, France and the United States. Those countries which enjoy the blessing of an independent judicial tradition rely upon the individual integrity, detachment and learning of the judge to shape his decisions rather than upon the source of his commission, his nationality or his class. In making these defendants stand trial before a court of the aggrieved countries we followed an almost universal criminal law. If an offender escapes into jurisdiction of an indifferent society, he is extradited and the fugitive brought back to trial in the territory interested in his prosecution. In your courts and mine, the Government constantly litigates before the judges it appoints and maintains and it frequently meets with defeat. That indeed happened at Nuremberg. No men did we plead more earnestly to convict that Schacht and Von Papen, both of whom the tribunal acquitted. Indeed, all but six of the defendants were acquitted on one or more of the counts. These defendants were before judges who, with their alternates, attended every session of the trial, except one alternate who suffered an illness of two or three days. Their undivided attention to the evidence, their impartial rulings and judicial bearing and

their dispassionate and discriminating written judgment won for the tribunal the commendation of all disinterested observers. It set a high standard of judicial conduct for all future international tribunals.

However, participation of a Soviet judge is a grievance much exploited by Germans. It is urged that since the Soviet Union joined with Hitler in the aggression against Poland, it was an accomplice and should not have had a seat in judgment. Regardless of the merits I do not doubt that German pride and nationalism found judgment by Russians especially objectionable and that it will always injure the repute of the trial with the German people. But I think the grievance is more symbolic than substantial.

The charter provided that convictions and sentences should require affirmative votes of at least three members of the tribunal. Hence a Soviet vote to convict or sentence could be effective only if two, constituting a majority of the remaining three judges, concurred, so the same result would be reached as if the Soviet seat had been left vacant. No defendant, therefore, was found guilty or punished because of Soviet participation. At all events, it was hardly to be expected that, within two months of the German surrender we would refuse the Soviet a seat on the Bench and thus initiate a break in an alliance that had just won the war. Perhaps it would have been better for Germany and the rest of the world if other efforts to retain Soviet cooperation had been as successful as ours.

But, however, one looks at the propriety of Soviet participation, a righteous judgment is no impeached by the unworthiness of a judge, just as our clerical brethren hold that the effectiveness of the Sacraments is not diminished even when they be "ministered by evil men." The ultimate question with which history will be concerned is whether the end of this process was a right judgment.

Validity of Judgment Rests Upon Record

No one can intelligently decide whether the legal foundation for this judgment is valid, so that it amounts to a judicial and not a mere political condemnation, without consideration of the record on which it is based. The judgment, unlike the wartime accusations, rests on proved facts. Of course, I can not adequately discuss the law until we know just what kind of acts our opponents say are beyond the law and which we say the law may punish.

At about the same time that Mr. Roosevelt was elected President of the United States, Adolf Hitler engineered what his partisans aptly called "the seizure of power." The Nazi Party overthrew the parliamentary institutions of the Weimar Republic and set up a strong dictatorship admittedly as a step towards reestablishing Germany's predominance in Central Europe – by war if need be. To this end, two great policies were embarked upon: one was to prepare for war; the other was to crush all internal opposition to the regime.

All constitutional liberties were suspended, courts were purged of independent judges, special "people's courts" of partisans were set up, and concentration camps were established for dissenters. Trade unions were seized and brought under the regime and

Jews were excluded from all civil rights. Goering testified that "If for any cause someone was taken into custody for political reasons, this could not be reviewed in any court." He gave this summation of the ultimate achievement: "So far as opposition is concerned in any form, the opposition of each individual person was not tolerated unless it is a matter of no importance."

Meanwhile, as early as 1935, Schact was secretly appointed to prepare the economy for war, and within a year Goering, Coordinator of the Economy, brought the departments of government together and informed them that "all measures are to be considered from the stand-point of an assured waging of war." A gigantic armament program was commenced, compulsory military service was reestablished, and a military air force and a submarine navy were planned superior to any in the world. Remilitarized Germany tested its strength in several instances without encountering opposition enough to cause a war. The German Army reentered the Rhineland, an Anschluss was forced upon Austria and Czechoslovakia was taken over. Not satisfied with this, Hitler then threw his armed forces against Poland, which constituted the aggression that plunged the world into war. It is fortunate that the first occasion on which military aggression was sought to be punished as a crime was also an occasion on which the aggression was so clear and its proof so indisputable that there was no choice except to convict or to abandon the principle that military aggression is a crime.

In November 1937, nearly two years before the war, Hitler called a meeting of his High Command at the Reichschancellery in Berlin. The captured minutes, kept by Colonel Hoszbach, were admitted to be authentic, by defendants who attended the conference. Hitler said, "It is not a case of conquering agriculturally useful space." And after reviewing Germany's needs, he concluded with this observation: "The question for Germany is where the greatest possible conquest could be made at the lowest cost." At this time he only disclosed an aim to conquer Czechoslovakia and Austria. He had them both in his possession within about a year, and without a war.

These acquisitions did not satisfy his ambition and on May 23, 1939, he held another meeting at which he announced his intention to attack Poland – which attack was carried out four months later. Captured minutes, kept by Lieutenant Colonel Schmundt, record Hitler as saying, "There is no question of sparing Poland and we are left with the decision to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czech affair. There will be war." He anticipated that England and France would enter a life-and-death struggle that might last a long time, and ordered preparations made accordingly.

A final meeting was held at Obersalzburg on August 22, 1939, and again we captured minutes of Hitler's speech. He announced the decision to invade at once, and said: "I shall give a propagandist cause for starting the war, never mind whether it be plausible or not. In starting and making a war, not the truth is what matters, but victory." His attitude is shown by his further statement: "I am only afraid that at the last moment some Schweinehund will make a proposal for mediation." Appeals from President Roosevelt, from His Holiness the Pope, and from Daladier, Prime Minister of France, to refrain from

war were scorned. On the first of September, the German forces invaded Poland, and for the second time in a generation a world war was begun.

Defendants Had Violated International Agreements

The tribunal found that Hitler, aided and abetted by certain of the defendants on trial, planned and waged aggressive wars against twelve nations. Invasion of similarly aggressive character of Denmark and Norway, Belgium, Netherlands and Luxembourg, Yugoslavia and Greece, in rapid succession, followed that of Poland, and every one was in violation of repeated assurances and nonaggression treaties. I shall not detail the story of the secret and undeclared attack in June of 1941 on the Soviet Union, to whom she was then bound by treaties of friendship and nonaggression – an attack that was pursuant to a plan issued by Hitler and initialed by his High Command more than six months before. Nor shall I recite the somewhat tentative plans which were considered for the prosecution of a war against the United States at a later date, or the plotting which ultimately induced Japan to attack us.

As the Wermacht expanded the area of Nazi conquest, the terrors of the Nazi regime were spread over Europe with increasing efficiency and ferocity. We paid no attention at Nuremberg to such atrocities as were spontaneous outbursts of passion. We charged systematic and planned organization to subdue populations by terror and to rid of races the Nazis disliked and of peoples who lived on lands they wanted for themselves.

In announcing to his High Command at Obersalzburg the purpose of invading Poland, Hitler twice commanded a war of cruelty. He told his generals, "Our strength is in our quickness and brutality. Genghis Khan had millions of women and children killed with a gay heart. History sees in him only a great state builder…Thus, for the time being, I have sent to the East only my 'Death's Head Units' with the order to kill without pity or mercy all men, women and children of Polish race or language. Only in such a way will we win the vital space that we need." Again, the notes show him commanding, "Have no pity. Brutal attitude." And, "The aim is the elimination of living forces."

The two outstanding applications of this Hitler policy were the slave labor program and persecution of the Jews. In all occupied territories, compulsory labor service was instituted. A vast labor supply was recruited for shipment to labor in Germany. Defendant Sauckel, who had charge of the programs, was shown by captured documents to have reported, "Out of the five million workers who arrived in Germany, not even two hundred thousand came voluntarily." The largest slaving operation in history, this was also one of the most cruel. The tribunal summarizes the recruitment in occupied countries: "Manhunts took place in the streets, at motion picture house, even at churches, and at night in private houses. Houses were sometimes burnt down and the families taken as hostages." These persons were transported under the most inhuman conditions and turned over to employers for use in agriculture and industry. Sauckel's instructions of April 20, 1942, read: "All the men must be fed, sheltered and treated in such a way as to exploit them to the highest possible extent, as the lowest conceivable degree of expenditure." It takes little imagination to picture how German employers would behave when self-

interest was added t such official commands. The slaves were treated with great cruelty and died in vast numbers. The remnants of this labor horde constitute "displaced persons' in Germany today.

The persecution of the Jews began in Germany with discriminatory laws and soon descended to pogroms organized with police approval, burning and demolishing of synagogues, looting of Jewish businesses, violence to Jewish people, and their confinement in ghettos. But anti-Semitism was a foreign as well as a domestic policy. Hitler declared that his war would bring about extermination of the Jews in Europe. As fast as his power spread, Jews were compelled to register and wear the yellow star, and were forced into ghettos where they were required to work on war material. It was in the summer of 1941 that plans were made for what was called "the final solution of the Jewish problem" – extermination. Our evidence was gruesome, ghoulish and indisputable that it was carried out with relentless efficiency. I can only indicate its character. We captured General Stroop's report of the burning of the Warsaw ghetto, in which he reported to Berlin that he had cleaned out the ghetto "with utter ruthlessness and merciless tenacity" and caused the death of a proved total of 56,005 Jews. He said: "Jews usually left their hideouts but frequently remained in the burning buildings and jumped out of the windows only when the heat became unbearable. Then they tried to crawl with broken bones across the street into buildings which were not afire…Countless numbers of Jews were liquidated in sewers and bunkers with blasting."

We also had captured reports of the operators of the gas wagons, detailing how they herded the people into closed trucks and suffocated them with the motor exhaust. Extermination squads even prepared a map, which fell into our hands, of the eastern territories with the symbol of a coffin in each province on which a figure represented the Jews exterminated and outside of the coffin another figure representing the Jews yet to be killed.

Another phase of the program was to gather Jews from all occupied Europe in concentration camps, where those fit to work were used as slaves and those not fit to work were destroyed n gas chambers and their bodies burned. Hoess, commandant of the Auschwitz extermination camp, called as a defense witness, testified that in his administration alone two and a half million persons were thus done away with, and he gave lurid and technical details of the process. One extermination institution kept a death register which showed that all inmates died of " heart failure" and that each day they invariably died in alphabetic order.

These were not merely sadistic deeds of unimportant people. In the vaults of the great Reichsbank, the central financial institution of Germany, we found stored great quantities of gold fillings taken from the teeth and rings taken from the fingers of concentration camp victims, which were turned over to the financiers who supplied credit to help carry on the program.

The evidence showed that at least six million Jews were killed, of which four million were killed in the extermination institutions. These are the things which caused Hans

Frank, Nazi Governor-General of Poland, to cry out from the witness stand: "We have fought against Jewry. We have fought against it for years. And we have allowed ourselves to make utterances and my own diary has become a witness against me in this connection. Utterances which are terrible…A thousand years will pass and this guilt of Germany will still not be erased."

All Defendants Admitted Facts

Such were the courses of conduct that the German documents revealed and that all defendants admitted had occurred. The only issue of fact left was the degree of personal responsibility of those indicted for having so written German history in blood. The last stand of those implicated was not that the evidence failed to convict of the acts, but that the law had failed to make the acts crimes. Admitting that they were moral wrongs of the first magnitude, it was contended that they fell within that realm that the law leaves to the free choice of the individual and for which he must answer to no forum except his own conscience. In short, their position was there are no binding standards of conduct for states or statesmen that they disregard at risk of answering to international law. If that is so, it is a sad conclusion for the world, for it reduces the whole body of what we have called international law to "such stuff as dreams are made on." If courses of conduct that rise so far beyond injury to mere individuals, and destroy the peace of the world and subvert civilization itself are not international crimes, then law has terrors only for little men and takes note only of little wrongs.

To laymen it is incomprehensible that lawyers should be in doubt as to what law is and how it gets to be law. But that fundamental enigma is the root of the controversy as to the legal validity of the Nuremberg trial. That controversy, I think, is more interesting than important, for no matter what conclusion it reaches the result of the Nuremberg process, the execution and imprisonment of the Nazis, is valid and legitimate by the very tenets that its opponents invoke. Even by conventional international law it cannot be denied that the victors could properly impose punishments on the vanquished by political decision. Certainly what they legally could do summarily would not be less valid because they paused to hear the explanations of the accused and to make certain that they punished only the right men and for right reasons. And, of course, if the opponents of the trial could establish that there was no law which required German statesmen to respect the lives and liberties of other peoples, it follows that no law compelled the Allis to respect the lives or liberties of Germans. In this connection, it must not be forgotten that the Allies had succeeded to the German state's own sovereignty over these defendants by the unconditional surrender. The argument of the defendants does not affect the legitimacy of the punishment; it only goes to the question whether the trial must be looked upon as a political and military measure incident to victory, or as an exercise of judicial power in applying a law binding upon victor and vanquished alike.

If no moral principle is entitled to application as law until it is first embodied in a text and promulgated as a command by some superior effective authority, then it must be admitted the world was such a text at the time the acts I have recited took place. No sovereign legislative act to which the Germans must bow had defined international crimes, fixed

penalties and set up courts to adjudge them. From the premise that nothing is law if not embraced in a sovereign command, it is easy to argue that the Nuremberg trial applied retroactive, or ex post facto, law. European lawyers generally, and particularly those of the German school, think of the command as making the law, and of the law as only the command. And with the increasing reliance of all society upon the legislative process there is a growing tendency of common-law peoples to think of law in terms of a specific sovereign enactment.

Common Law Disproves Point That Legislation is Source of Law

The fallacy of the idea that law is found only in such a source appears from the fact that crimes were punished by courts under our common-law philosophy long before there were legislatures. The modern law of crimes may largely be traced to judicial decision of particular cases earlier than it appeared in statute. While of late years legislation is more frequent, in England today no statute is defines murder or fixes its penalty, and the same is true of many crimes. Some states of our Union still recognize common-law crimes, and those which do no, have codes which, in the main, only declare what before was common law. The early English judge was confronted with an evil act. He dealt with it, unaided by statute, as reasonable and justly as he could; what he did made a precedent. A series of leading cases, each adding something in response to its particular facts, made a body of law. This slow and inductive process of developing general rules from particular decisions is quite opposite that of the Continental jurist, who starts with the general command and reasons somewhat deductively to the specific cause. The common-law judge is less text-bound. Common law depends less on what is commanded by authority and more on what is indicated by reason. The judge reaches a decision more largely upon consideration of the inherent quality and natural effect of the act in question. He applies what has sometimes been called a natural law that binds each man to refrain from acts so inherently wrong and injurious to others that he must know they will be treated as criminal.

Unless international law is to be deprived of this common-law method of birth and growth, and confined wholly to progression by authoritarian command, then the judges at Nuremberg were fully warranted in reaching a judicial judgment of criminal guilt. The common-law authorship of the tribunal's judgment was betrayed by the fact that while it does not deny the authority of the London charter, it did not rest upon it, but explored its antecedents after the common-law method and rested, in part at least, upon common-law justifications as well as upon the charter.

Under this philosophy of law, it is clear that by 1939 the world had come to regard aggressive war as so morally wrong and illegal that it should be treated as criminal if occasion arose. The change in world opinion probably dates from Germany's launching of World War I at which moment Chancellor von Bethmann-Hollweg was cynically telling the Reichstag "this violates the rules of International law" and added, "The wrong – I speak openly - the wrong that we now do we will try to make good again, as soon as our military ends have been reached." Men everywhere saw that civilization could not abide such irresponsible nationalism. When the war ended, the Treaty of Versailles

provided for a special tribunal to try the former Kaiser for offenses not vitally different from certain of the crimes defined by the London Agreement, a fate from which he was saved by sanctuary in a country neutral in that war. Moreover, that treaty recognized the right of the allied power to try persons accused of violating the laws and customs of war, although the Hague Conventions, which forbid such conduct, do no expressly name such conduct criminal, nor set up courts to try such offenses nor fix any penalties.

In 1923 a draft treaty sponsored by the League of Nations flatly declared that "aggressive war is an international crime" and that parties "undertake that no one of them will be guilty of its commission." That treaty was not consummated because of disagreement over what would constitute aggression rather than because of doubt as to the criminality of aggressive war. The next year, the so-called Geneva Protocol, by unanimous resolution of the forty-eight members of the League of Nations Assembly, which at that time included Italy and Japan but not Germany, declared that a war of aggression "is an international crime." In 1927 all the delegations, which then included the German, Italian and Japanese, unanimously adopted a declaration that "a war of aggression can never serve as a means of settling international disputes and is in consequence an international crime." In 1928 twenty-one American Republics, at the Sixth Pan-American Conference, united in a declaration that "war of aggression constitutes an international crime against the human species."

Most important of all, of course, was the General Treaty for the Renunciation of War of August 28, 1928, known at the Pact of Paris or the Kellogg-Briand Pact, which became binding on sixty-three nations including Germany, Italy and Japan, "uniting civilized nations of the world in a common renunciation of war as an instrument of their national policy" and agreeing that all disputes or conflicts, of whatever nature or origin, shall be solved only by pacific means.

These solemn acts in which statesmen held out their promises, and in which people put their hopes, cannot be brushed aside as mere extravagant expressions of disapproval of war and pious avowals of a will to peace. And unless these repeated declarations are regarded as legally meaningless and the statesmen of the world have been lulling people into complacency with a gigantic hoax, the charter and judgment of Nuremberg apply law that responsible representatives of all nations had proclaimed as such before the acts prosecuted took place.

Long Term Results of Nuremberg Cannot Now Be Determined

We must not forget that we did not invoke the outlawry of war as a sword to punish acts that were otherwise innocent and harmless. On the contrary, it was the accused who had to establish the lawfulness of their belligerency to excuse a course of murders, enslavements, arsons and violence which, except in war, is criminal by every civilized concept. They were like pirates or buccaneers who are punishable wherever, whenever and by whomever caught unless they can show that their acts fall within the protection the law always has afforded those who commit acts of violence in prosecuting war. The very least legal consequences that follow outlawing wars of aggression is to withdraw

from one knowingly and voluntarily causing or promoting such aggression the defense of lawful warfare. Thus if the treaties outlawing this war did not expressly create a new crime, they took away the immunity of war makers from the prosecution for old crimes.

It is much too early to appraise the influence of Nuremberg. But I would disclaim any expectation that it alone is enough to prevent future wars. When stakes are high enough and chances of success look good enough, I suppose reckless leaders may again plunge their people into war, just as men still resort to murder, notwithstanding the law's penalty. But I do think that we have forever laid to rest in the minds of statesmen the vicious assumptions that all war must be regarded as legal and just, and that while the law imposes personal responsibility for starting a street riot, it imposes none for inciting and launching a world war.

Dr. Philip Jessup, writing of a Modern Law of Nations, has set out the two "keystones of a revised international legal order." He describes the old idea of absolute sovereignty as "the quicksand upon which the foundations of traditional international law are built," and he says that "international law, like national law, must be directly applicable to the individual."

It may, too, be significant of a more promising intellectual attitude that the organic law adopted by the Germans provides that the general rules of international law shall take precedence over German federal law and shall create rights and duties directly for the inhabitants of German territory. It also provides "activities tending to disturb, or undertaken with the intention of disturbing, peaceful relations between nations, and especially preparing for aggressive war shall be unconstitutional. They shall be made subject to punishment.

"Thus "the old order changeth, yielding place to new." Like much legal work, ours at Nuremberg has far-reaching implications rarely apparent to laymen and often missed by lawyers. Its value to the world will depend less on how faithfully it interpreted the past than how accurately it forecasts the future. It is possible that strife and suspicion will lead to new aggressions and that the nations are not yet ready to receive and abide by the Nuremberg law. But those who gave some of the best effort of their lives to this trial are sustained by a confidence that in place of what might have been mere acts of vengeance we wrote a civilized legal precedent and one that will lie close to the foundations of that body of international law that will prevail when the world becomes sufficiently civilized.

CLASS 3. FROM NATURAL LAW TO NATURAL RIGHTS

John Locke, *The Second Treatise of Government,*
Chapter 2: Of the State of Nature

Sect. 4. TO understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a *state of perfect freedom* to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man. A *state* also *of equality*, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.

Sect. 5. This *equality* of men by nature, the judicious *Hooker* looks upon as so evident in itself, and beyond all question, that he makes it the foundation of that obligation to mutual love amongst men, on which he builds the duties they owe one another, and from whence he derives the great maxims *of justice* and *charity*. His words are, *The like natural inducement hath brought men to know that it is no less their duty, to love others than themselves; for seeing those things which are equal, must needs all have one measure; if I cannot but wish to receive good, even as much at every man's hands, as any man can wish unto his own soul, how should I look to have any part of my desire herein satisfied, unless myself be careful to satisfy the like desire, which is undoubtedly in other men, being of one and the same nature? To have any thing offered them repugnant to this desire, must needs in all respects grieve them as much as me; so that if I do harm, I must look to suffer, there being no reason that others should shew greater measure of love to me, than they have by me shewed unto them: my desire therefore to be loved of my equals in nature as much as possible may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection; from which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural reason hath drawn, for direction of life, no man is ignorant.* Eccl. Pol. Lib. 1.

Sect. 6. But though this be a *state of liberty*, yet it is *not a state of licence*: though man in that state have an uncontroulable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The *state of nature* has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions: for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his

property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such *subordination* among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for our's. Every one, as he is *bound to preserve himself*, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, *to preserve the rest of mankind*, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

Sect. 7. And that all men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and *preservation of all mankind*, the *execution* of the law of nature is, in that state, put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation: for the *law of nature* would, as all other laws that concern men in this world 'be in vain, if there were no body that in the state of nature had a *power to execute* that law, and thereby preserve the innocent and restrain offenders. And if any one in the state of nature may punish another for any evil he has done, every one may do so: for in that *state of perfect equality*, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must needs have a right to do.

Sect. 8. And thus, in the state of nature, *one man comes by a power over another*; but yet no absolute or arbitrary power, to use a criminal, when he has got him in his hands, according to the passionate heats, or boundless extravagancy of his own will; but only to retribute to him, so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for *reparation* and *restraint*: for these two are the only reasons, why one man may lawfully do harm to another, which is that we call *punishment*. In transgressing the law of nature, the offender declares himself to live by another rule than that of *reason* and common equity, which is that measure God has set to the actions of men, for their mutual security; and so he becomes dangerous to mankind, the tye, which is to secure them from injury and violence, being slighted and broken by him. Which being a trespass against the whole species, and the peace and safety of it, provided for by the law of nature, every man upon this score, by the right he hath to preserve mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on any one, who hath transgressed that law, as may make him repent the doing of it, and thereby deter him, and by his example others, from doing the like mischief. And in the case, and upon this ground, *every man hath a right to punish the offender, and be executioner of the law of nature.*

Sect. 9. 1 doubt not but this will seem a very strange doctrine to some men: but before they condemn it, I desire them to resolve me, by what right any prince or state can put to death, or *punish an alien*, for any crime he commits in their country. It is certain their laws, by virtue of any sanction they receive from the promulgated will of the legislative, reach not a stranger: they speak not to him, nor, if they did, is he bound to hearken to them. The legislative authority, by which they are in force over the subjects of that

commonwealth, hath no power over him. Those who have the supreme power of making laws in *England*, *France* or *Holland*, are to an *Indian*, but like the rest of the world, men without authority: and therefore, if by the law of nature every man hath not a power to punish offences against it, as he soberly judges the case to require, I see not how the magistrates of any community can *punish an alien* of another country; since, in reference to him, they can have no more power than what every man naturally may have over another.

Sect, 10. Besides the crime which consists in violating the law, and varying from the right rule of reason, whereby a man so far becomes degenerate, and declares himself to quit the principles of human nature, and to be a noxious creature, there is commonly *injury* done to some person or other, and some other man receives damage by his transgression: in which case he who hath received any damage, has, besides the right of punishment common to him with other men, a particular right to seek *reparation* from him that has done it: and any other person, who finds it just, may also join with him that is injured, and assist him in recovering from the offender so much as may make satisfaction for the harm he has suffered.

Sect. 11. From these *two distinct rights*, the one of *punishing* the crime *for restraint*, and preventing the like offence, which right of punishing is in every body; the other of taking *reparation*, which belongs only to the injured party, comes it to pass that the magistrate, who by being magistrate hath the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, *remit* the punishment of criminal offences by his own authority, but yet cannot *remit* the satisfaction due to any private man for the damage he has received. That, he who has suffered the damage has a right to demand in his own name, and he alone can *remit*: the damnified person has this power of appropriating to himself the goods or service of the offender, by *right of self-preservation*, as every man has a power to punish the crime, to prevent its being committed again, *by the right he has of preserving all mankind*, and doing all reasonable things he can in order to that end: and thus it is, that every man, in the state of nature, has a power to kill a murderer, both to deter others from doing the like injury, which no reparation can compensate, by the example of the punishment that attends it from every body, and also *to secure* men from the attempts of a criminal, who having renounced reason, the common rule and measure God hath given to mankind, hath, by the unjust violence and slaughter he hath committed upon one, declared war against all mankind, and therefore may be destroyed as a *lyon* or a *tyger*, one of those wild savage beasts, with whom men can have no society nor security: and upon this is grounded that great law of nature, *Who so sheddeth man's blood, by man shall his blood be shed*. And Cain was so fully convinced, that every one had a right to destroy such a criminal, that after the murder of his brother, he cries out, *Every one that findeth me, shall slay me*; so plain was it writ in the hearts of all mankind.

Sect. 12. By the same reason may a man in the state of nature *punish the lesser breaches* of that law. It will perhaps be demanded, with death? I answer, each transgression may be *punished* to that *degree*, and with so much *severity*, as will suffice to make it an ill bargain to the offender, give him cause to repent, and terrify others from doing the like.

Every offence, that can be committed in the state of nature, may in the state of nature be also punished equally, and as far forth as it may, in a commonwealth: for though it would be besides my present purpose, to enter here into the particulars of the law of nature, or its *measures of punishment*; yet, it is certain there is such a law, and that too, as intelligible and plain to a rational creature, and a studier of that law, as the positive laws of commonwealths; nay, possibly plainer; as much as reason is easier to be understood, than the fancies and intricate contrivances of men, following contrary and hidden interests put into words; for so truly are a great part of the *municipal laws* of countries, which are only so far right, as they are founded on the law of nature, by which they are to be regulated and interpreted.

Sect. 13. To this strange doctrine, *viz. That in the state of nature every one has the executive power* of the law of nature, I doubt not but it will be objected, that it is unreasonable for men to be judges in their own cases, that self- love will make men partial to themselves and their friends: and on the other side, that ill nature, passion and revenge will carry them too far in punishing others; and hence nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men. I easily grant, that *civil government* is the proper remedy for the inconveniencies of the state of nature, which must certainly be great, where men may be judges in their own case, since it is easy to be imagined, that he who was so unjust as to do his brother an injury, will scarce be so just as to condemn himself for it: but I shall desire those who make this objection, to remember, that *absolute monarchs* are but men; and if government is to be the remedy of those evils, which necessarily follow from men's being judges in their own cases, and the state of nature is therefore not to how much better it is than the state of nature, where one man, commanding a multitude, has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases, without the least liberty to any one to question or controul those who execute his pleasure7 and in whatsoever he cloth, whether led by reason, mistake or passion, must be submitted to7 much better it is in the state of nature, wherein men are not bound to submit to the unjust will of another: and if he that judges, judges amiss in his own, or any other case, he is answerable for it to the rest of mankind.

Sect. 14. It is often asked as a mighty objection, *where are*, or ever were there any *men in such a state of nature*? To which it may suffice as an answer at present, that since all *princes* and rulers of *independent* governments all through the world, are in a state of nature, it is plain the world never was, nor ever will be, without numbers of men in that state. I have named all governors of *independent* communities, whether they are, or are not, in league with others: for it is not every compact that puts an end to the state of nature between men, but only this one of agreeing together mutually to enter into one community, and make one body politic; other promises, and compacts, men may make one with another, and yet still be in the state of nature. The promises and bargains for truck, *&c.* between the two men in the desert island, mentioned by *Garcilasso de la Vega*, in his history of *Peru*; or between a *Swiss* and an *Indian*, in the woods of *America*, are binding to them, though they are perfectly in a state of nature, in reference to one another: for truth and keeping of faith belongs to men, as men, and not as members of society.

Sect. 15. To those that say, there were never any men in the state of nature, I will not only oppose the authority of the judicious *Hooker, Eccl. Pol. lib.* i. *sect.* 10, where he says, *The laws which have been hitherto mentioned*, i.e. the laws of nature, *do bind men absolutely, even as they are men, although they have never any settled fellowship, never any solemn agreement amongst themselves what to do, or not to do: but forasmuch as we are not by ourselves sufficient to furnish ourselves with competent store of things, needful for such a life as our nature doth desire, a life fit for the dignity of man; therefore to supply those defects and imperfections which are in us, as living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others: this was the cause of men's uniting themselves at first in politic societies*. But I moreover affirm, that all men are naturally in that state, and remain so, till by their own consents they make themselves members of some politic society; and I doubt not in the sequel of this discourse, to make it very clear.

The Declaration of Independence of the Thirteen Colonies
In CONGRESS, July 4, 1776

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. —Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain [George III] is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us, in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British

Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Abraham Lincoln, Remarks on the Declaration of Independence

We have besides these men descended by blood from our ancestors-among us perhaps half our people who are not descendants at all of these men, they are men who have come from Europe German, Irish,. French and Scandinavian men…if they look back through this history to trace their connection with those days by blood, they find they have none,…but when they look through that old Declaration of Independence they find that those old men say that We hold these truths to be self-evident, that all men are created equal, and then they feel that moral sentiment taught in that day evidences their relation to those men, that it is the father of all moral principle in them, and that they have a right to claim it as through they were blood of blood, and flesh of the flesh of the men who wrote that Declaration, and so they are. That is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving men together, that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world.

Abraham Lincoln, Speech in Chicago, July 10, 1858

Letter to Henry L. Pierce and others
In this "all honor to Jefferson" letter, Abraham Lincoln declines an invitation to speak in Boston at a birthday celebration honoring Thomas Jefferson. His letter, however, may have been intended to be read at the event.

The letter contains familiar arguments which Lincoln used in speeches during the late 1850s, including an allusion to Euclid. It is loaded with quotable remarks, such as "he would would be no slave, must consent to have no slave." In one of the most thought-provoking passages, Lincoln praises Jefferson's foresight and wisdom evident in his planting an abstract truth in the Declaration of Independence, "applicable to all men and all times."

Springfield, Ills, April 6, 1859

Messrs. Henry L. Pierce, & others.

Gentlemen

Your kind note inviting me to attend a Festival in Boston, on the 13th. Inst. in honor of the birth-day of Thomas Jefferson, was duly received. My engagements are such that I can not attend.

Bearing in mind that about seventy years ago, two great political parties were first formed in this country, that Thomas Jefferson was the head of one of them, and Boston the head-quarters of the other, it is both curious and interesting that those supposed to descend politically from the party opposed to Jefferson should now be celebrating his birthday in their own original seat of empire, while those claiming political descent from him have nearly ceased to breathe his name everywhere.

Remembering too, that the Jefferson party were formed upon its supposed superior devotion to the personal rights of men, holding the rights of property to be secondary only, and greatly inferior, and then assuming that the so-called democracy of to-day, are the Jefferson, and their opponents, the anti-Jefferson parties, it will be equally interesting to note how completely the two have changed hands as to the principle upon which they were originally supposed to be divided.

The democracy of to-day hold the liberty of one man to be absolutely nothing, when in conflict with another man's right of property. Republicans, on the contrary, are for both the man and the dollar; but in cases of conflict, the man before the dollar.

I remember once being much amused at seeing two partially intoxicated men engage in a fight with their great-coats on, which fight, after a long, and rather harmless contest, ended in each having fought himself out of his own coat, and into that of the other. If the two leading parties of this day are really identical with the two in the days of Jefferson and Adams, they have perfomed the same feat as the two drunken men.

But soberly, it is now no child's play to save the principles of Jefferson from total overthrow in this nation.

One would start with great confidence that he could convince any sane child that the simpler propositions of Euclid are true; but, nevertheless, he would fail, utterly, with one who should deny the definitions and axioms. The principles of Jefferson are the definitions and axioms of free society.

And yet they are denied and evaded, with no small show of success.

One dashingly calls them "glittering generalities"; another bluntly calls them "self evident lies"; and still others insidiously argue that they apply only to "superior races."

These expressions, differing in form, are identical in object and effect--the supplanting the principles of free government, and restoring those of classification, caste, and legitimacy. They would delight a convocation of crowned heads, plotting against the people. They are the van-guard--the miners, and sappers--of returning despotism.

We must repulse them, or they will subjugate us.

This is a world of compensations; and he who would be no slave, must consent to have no slave. Those who deny freedom to others, deserve it not for themselves; and, under a just God, can not long retain it.

All honor to Jefferson--to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.

Your obedient Servant
A. Lincoln--

Address in Independence Hall
Philadelphia, Pennsylvania
February 22, 1861

On Abraham Lincoln's inaugural journey to Washington, he stopped in Philadelphia at the site where the Declaration of Independence had been signed. One of the most famous statements in the speech was, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence." This hall also was the place where Lincoln's body lay in state after his assassination in 1865, one of many stops his funeral train made before he was laid to rest in Springfield, Illinois.

Mr. Cuyler:

I am filled with deep emotion at finding myself standing here, in this place, where were collected together the wisdom, the patriotism, the devotion to principle, from which sprang the institutions under which we live. You have kindly suggested to me that in my hands is the task of restoring peace to the present distracted condition of the country. I can say in return, Sir, that all the political sentiments I entertain have been drawn, so far as I have been able to draw them, from the sentiments which originated and were given to the world from this hall. I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. I have often pondered over the dangers which were incurred by the men who assembled here, and framed and adopted that Declaration of Independence. I have pondered over the toils that were endured by the officers and soldiers of the army who achieved that Independence. I have often inquired of myself, what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of the separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lifted from the shoulders of all men. This is a sentiment embodied in the Declaration of Independence. Now, my friends, can this country be saved upon that basis? If it can, I will consider myself one of the happiest men in the world, if I can help to save it. If it cannot be saved upon that principle, it will be truly awful. But if this country cannot be saved without giving up that principle, I was about to say I would rather be assassinated on this spot than surrender it.

Now, in my view of the present aspect of affairs, there need be no bloodshed and war. There is no necessity for it. I am not in favor of such a course, and I may say, in advance, that there will be no bloodshed unless it be forced upon the Government, and then it will be compelled to act in self-defence.

My friends, this is wholly an unexpected speech, and I did not expect to be called upon to say a word when I came here. I supposed it was merely to do something toward raising the flag. I may, therefore, have said something indiscreet. (Cries of "No, no") I have said nothing but what I am willing to live by and, if it be the pleasure of Almighty God, die by.

CLASS 4. HUMAN RIGHTS AND FREEDOM OF RELIGION

John Paul II, encyclical, *Redemptor hominis*, n. 17.
Human rights: "letter" or "spirit"

This century has so far been a century of great calamities for man, of great devastations, not only material ones but also moral ones, indeed perhaps above all moral ones. Admittedly it is not easy to compare one age or one century with another under this aspect, since that depends also on changing historical standards. Nevertheless, without applying these comparisons, one still cannot fail to see that this century has so far been one in which people have provided many injustices and sufferings for themselves. Has this process been decisively curbed? In any case, we cannot fail to recall at this point, with esteem and profound hope for the future, the magnificent effort made to give life to the United Nations Organization, an effort conducive to the definition and establishment of man's objective and inviolable rights, with the member States obliging each other to observe them rigorously. This commitment has been accepted and ratified by almost all present-day States, and this should constitute a guarantee that human rights will become throughout the world a fundamental principle of work for man's welfare.

There is no need for the Church to confirm how closely this problem is linked with her mission in the modern world. Indeed it is at the very basis of social and international peace, as has been declared by John XXIII, the Second Vatican Council, and later Paul VI, in detailed documents. After all, peace comes down to respect for man's inviolable rights-Opus iustitiae pax-while war springs from the violation of these rights and brings with it still graver violations of them. If human rights are violated in time of peace, this is particularly painful and from the point of view of progress it represents an incomprehensible manifestation of activity directed against man, which can in no way be reconciled with any programme that describes itself as "humanistic". And what social, economic, political or cultural programme could renounce this description? We are firmly convinced that there is no programme in today's world in which man is not invariably brought to the fore, even when the platforms of the programmes are made up of conflicting ideologies concerning the way of conceiving the world.

If, in spite of these premises, human rights are being violated in various ways, if in practice we see before us concentration camps, violence, torture, terrorism, and discrimination in many forms, this must then be the consequence of the other premises, undermining and often almost annihilating the effectiveness of the humanistic premises of these modern programmes and systems. This necessarily imposes the duty to submit these programmes to continual revision from the point of view of the objective and inviolable rights of man.

The Declaration of Human Rights linked with the setting up of the United Nations Organization certainly had as its aim not only to depart from the horrible experiences of the last world war but also to create the basis for continual revision of programmes,

systems and regimes precisely from this single fundamental point of view, namely the welfare of man-or, let us say, of the person in the community-which must, as a fundamental factor in the common good, constitute the essential criterion for all programmes, systems and regimes. If the opposite happens, human life is, even in time of peace, condemned to various sufferings and, along with these sufferings, there is a development of various forms of domination, totalitarianism, neocolonialism and imperialism, which are a threat also to the harmonious living together of the nations. Indeed, it is a significant fact, repeatedly confirmed by the experiences of history, that violation of the rights of man goes hand in hand with violation of the rights of the nation, with which man is united by organic links as with a larger family.

Already in the first half of this century, when various State totalitarianisms were developing, which, as is well known, led to the horrible catastrophe of war, the Church clearly outlined her position with regard to these regimes that to all appearances were acting for a higher good, namely the good of the State, while history was to show instead that the good in question was only that of a certain party, which had been identified with the State111. In reality, those regimes had restricted the rights of the citizens, denying them recognition precisely of those inviolable human rights that have reached formulation on the international level in the middle of our century. While sharing the joy of all people of good will, of all people who truly love justice and peace, at this conquest, the Church, aware that the "letter" on its own can kill, while only "the spirit gives life"112, must continually ask, together with these people of good will, whether the Declaration of Human Rights and the acceptance of their "letter" mean everywhere also the actualization of their "spirit". Indeed, well founded fears arise that very often we are still far from this actualization and that at times the spirit of social and public life is painfully opposed to the declared "letter" of human rights. This state of things, which is burdensome for the societies concerned, would place special responsibility towards these societies and the history of man on those contributing to its establishment.

The essential sense of the State, as a political community, consists in that the society and people composing it are master and sovereign of their own destiny. This sense remains unrealized if, instead of the exercise of power with the moral participation of the society or people, what we see is the imposition of power by a certain group upon all the other members of the society. This is essential in the present age, with its enormous increase in people's social awareness and the accompanying need for the citizens to have a right share in the political life of the community, while taking account of the real conditions of each people and the necessary vigour of public authority113. These therefore are questions of primary importance from the point of view of the progress of man himself and the overall development of his humanity.

The Church has always taught the duty to act for the common good and, in so doing, has likewise educated good citizens for each State. Furthermore, she has always taught that the fundamental duty of power is solicitude for the common good of society; this is what gives power its fundamental rights. Precisely in the name of these premises of the objective ethical order, the rights of power can only be understood on the basis of respect for the objective and inviolable rights of man. The common good that authority in the

State serves is brought to full realization only when all the citizens are sure of their rights. The lack of this leads to the dissolution of society, opposition by citizens to authority, or a situation of oppression, intimidation, violence, and terrorism, of which many exemples have been provided by the totalitarianisms of this century. Thus the principle of human rights is of profound concern to the area of social justice and is the measure by which it can be tested in the life of political bodies.

These rights are rightly reckoned to include the right to religious freedom together with the right to freedom of conscience. The Second Vatican Council considered especially necessary the preparation of a fairly long declaration on this subject. This is the document called Dignitatis Humanae,114 in which is expressed not only the theological concept of the question but also the concept reached from the point of view of natural law, that is to say from the "purely human" position, on the basis of the premises given by man's own experience, his reason and his sense of human dignity. Certainly the curtailment of the religious freedom of individuals and communities is not only a painful experience but it is above all an attack on man's very dignity, independently of the religion professed or of the concept of the world which these individuals and communities have. The curtailment and violation of religious freedom are in contrast with man's dignity and his objective rights. The Council document mentioned above states clearly enough what that curtailment or violation of religious freedom is. In this case we are undoubtedly confronted with a radical injustice with regard to what is particularly deep within man, what is authentically human. Indeed, even the phenomenon of unbelief, a-religiousness and atheism, as a human phenomenon, is understood only in relation to the phenomenon of religion and faith. It is therefore difficult, even from a "purely human" point of view, to accept a position that gives only atheism the right of citizenship in public and social life, while believers are, as though by principle, barely tolerated or are treated as second-class citizens or are even-and this has already happened- entirely deprived of the rights of citizenship.

Even if briefly, this subject must also be dealt with, because it too enters into the complex of man's situations in the present-day world and because it too gives evidence of the degree to which this situation is overburdened by prejudices and injustices of various kinds. If we refrain from entering into details in this field in which we would have a special right and duty to do so, it is above all because, together with all those who are suffering the torments of discrimination and persecution for the name of God, we are guided by faith in the redeeming power of the Cross of Christ. However, because of my office, I appeal in the name of all believers throughout the world to those on whom the organization of social and public life in some way depends, earnestly requesting them to respect the rights of religion and of the Church's activity. No privilege is asked for, but only respect for an elementary right. Actuation of this right is one of the fundamental tests of man's authentic progress in any regime, in any society, system or milieu.

Second Vatican Council, *Dignitatis humanae,*
Declaration on Religious Freedom, nn. 1-8

1. A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man,(1) and the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty. The demand is likewise made that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations. This demand for freedom in human society chiefly regards the quest for the values proper to the human spirit. It regards, in the first place, the free exercise of religion in society. This Vatican Council takes careful note of these desires in the minds of men. It proposes to declare them to be greatly in accord with truth and justice. To this end, it searches into the sacred tradition and doctrine of the Church-the treasury out of which the Church continually brings forth new things that are in harmony with the things that are old.

First, the council professes its belief that God Himself has made known to mankind the way in which men are to serve Him, and thus be saved in Christ and come to blessedness. We believe that this one true religion subsists in the Catholic and Apostolic Church, to which the Lord Jesus committed the duty of spreading it abroad among all men. Thus He spoke to the Apostles: "Go, therefore, and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things whatsoever I have enjoined upon you" (Matt. 28: 19-20). On their part, all men are bound to seek the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it.

This Vatican Council likewise professes its belief that it is upon the human conscience that these obligations fall and exert their binding force. The truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power.

Religious freedom, in turn, which men demand as necessary to fulfill their duty to worship God, has to do with immunity from coercion in civil society. Therefore it leaves untouched traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ.

Over and above all this, the council intends to develop the doctrine of recent popes on the inviolable rights of the human person and the constitutional order of society.

2. This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.

The council further declares that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself. (2) This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.

It is in accordance with their dignity as persons-that is, beings endowed with reason and free will and therefore privileged to bear personal responsibility-that all men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of truth However, men cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion as well as psychological freedom. Therefore the right to religious freedom has its foundation not in the subjective disposition of the person, but in his very nature. In consequence, the right to this immunity continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it and the exercise of this right is not to be impeded, provided that just public order be observed.

3. Further light is shed on the subject if one considers that the highest norm of human life is the divine law-eternal, objective and universal-whereby God orders, directs and governs the entire universe and all the ways of the human community by a plan conceived in wisdom and love. Man has been made by God to participate in this law, with the result that, under the gentle disposition of divine Providence, he can come to perceive ever more fully the truth that is unchanging. Wherefore every man has the duty, and therefore the right, to seek the truth in matters religious in order that he may with prudence form for himself right and true judgments of conscience, under use of all suitable means.

Truth, however, is to be sought after in a manner proper to the dignity of the human person and his social nature. The inquiry is to be free, carried on with the aid of teaching or instruction, communication and dialogue, in the course of which men explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth.

Moreover, as the truth is discovered, it is by a personal assent that men are to adhere to it.

On his part, man perceives and acknowledges the imperatives of the divine law through the mediation of conscience. In all his activity a man is bound to follow his conscience in order that he may come to God, the end and purpose of life. It follows that he is not to be forced to act in manner contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, especially in matters religious. The reason is that the exercise of religion, of its very nature, consists before all else in those internal, voluntary and free acts whereby man sets the course of his life directly toward God. No merely human power can either command or prohibit acts of this kind.(3) The social nature of man, however, itself requires that he should give external expression to his internal acts of religion: that he should share with others in matters

religious; that he should profess his religion in community. Injury therefore is done to the human person and to the very order established by God for human life, if the free exercise of religion is denied in society, provided just public order is observed.

There is a further consideration. The religious acts whereby men, in private and in public and out of a sense of personal conviction, direct their lives to God transcend by their very nature the order of terrestrial and temporal affairs. Government therefore ought indeed to take account of the religious life of the citizenry and show it favor, since the function of government is to make provision for the common welfare. However, it would clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious.

4. The freedom or immunity from coercion in matters religious which is the endowment of persons as individuals is also to be recognized as their right when they act in community. Religious communities are a requirement of the social nature both of man and of religion itself.

Provided the just demands of public order are observed, religious communities rightfully claim freedom in order that they may govern themselves according to their own norms, honor the Supreme Being in public worship, assist their members in the practice of the religious life, strengthen them by instruction, and promote institutions in which they may join together for the purpose of ordering their own lives in accordance with their religious principles.

Religious communities also have the right not to be hindered, either by legal measures or by administrative action on the part of government, in the selection, training, appointment, and transferral of their own ministers, in communicating with religious authorities and communities abroad, in erecting buildings for religious purposes, and in the acquisition and use of suitable funds or properties.

Religious communities also have the right not to be hindered in their public teaching and witness to their faith, whether by the spoken or by the written word. However, in spreading religious faith and in introducing religious practices everyone ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonorable or unworthy, especially when dealing with poor or uneducated people. Such a manner of action would have to be considered an abuse of one's right and a violation of the right of others.

In addition, it comes within the meaning of religious freedom that religious communities should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organization of society and the inspiration of the whole of human activity. Finally, the social nature of man and the very nature of religion afford the foundation of the right of men freely to hold meetings and to establish educational, cultural, charitable and social organizations, under the impulse of their own religious sense.

5. The family, since it is a society in its own original right, has the right freely to live its own domestic religious life under the guidance of parents. Parents, moreover, have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive. Government, in consequence, must acknowledge the right of parents to make a genuinely free choice of schools and of other means of education, and the use of this freedom of choice is not to be made a reason for imposing unjust burdens on parents, whether directly or indirectly. Besides, the right of parents are violated, if their children are forced to attend lessons or instructions which are not in agreement with their religious beliefs, or if a single system of education, from which all religious formation is excluded, is imposed upon all.

6. Since the common welfare of society consists in the entirety of those conditions of social life under which men enjoy the possibility of achieving their own perfection in a certain fullness of measure and also with some relative ease, it chiefly consists in the protection of the rights, and in the performance of the duties, of the human person.(4) Therefore the care of the right to religious freedom devolves upon the whole citizenry, upon social groups, upon government, and upon the Church and other religious communities, in virtue of the duty of all toward the common welfare, and in the manner proper to each.

The protection and promotion of the inviolable rights of man ranks among the essential duties of government. (5) Therefore government is to assume the safeguard of the religious freedom of all its citizens, in an effective manner, by just laws and by other appropriate means.

Government is also to help create conditions favorable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfill their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men's faithfulness to God and to His holy will. (6)

If, in view of peculiar circumstances obtaining among peoples, special civil recognition is given to one religious community in the constitutional order of society, it is at the same time imperative that the right of all citizens and religious communities to religious freedom should be recognized and made effective in practice.

Finally, government is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons. Nor is there to be discrimination among citizens.

It follows that a wrong is done when government imposes upon its people, by force or fear or other means, the profession or repudiation of any religion, or when it hinders men from joining or leaving a religious community. All the more is it a violation of the will of God and of the sacred rights of the person and the family of nations when force is brought to bear in any way in order to destroy or repress religion, either in the whole of mankind or in a particular country or in a definite community.

7. The right to religious freedom is exercised in human society: hence its exercise is subject to certain regulatory norms. In the use of all freedoms the moral principle of personal and social responsibility is to be observed. In the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all. Men are to deal with their fellows in justice and civility.

Furthermore, society has the right to defend itself against possible abuses committed on the pretext of freedom of religion. It is the special duty of government to provide this protection. However, government is not to act in an arbitrary fashion or in an unfair spirit of partisanship. Its action is to be controlled by juridical norms which are in conformity with the objective moral order. These norms arise out of the need for the effective safeguard of the rights of all citizens and for the peaceful settlement of conflicts of rights, also out of the need for an adequate care of genuine public peace, which comes about when men live together in good order and in true justice, and finally out of the need for a proper guardianship of public morality.

These matters constitute the basic component of the common welfare: they are what is meant by public order. For the rest, the usages of society are to be the usages of freedom in their full range: that is, the freedom of man is to be respected as far as possible and is not to be curtailed except when and insofar as necessary.

8. Many pressures are brought to bear upon the men of our day, to the point where the danger arises lest they lose the possibility of acting on their own judgment. On the other hand, not a few can be found who seem inclined to use the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience. Wherefore this Vatican Council urges everyone, especially those who are charged with the task of educating others, to do their utmost to form men who, on the one hand, will respect the moral order and be obedient to lawful authority, and on the other hand, will be lovers of true freedom-men, in other words, who will come to decisions on their own judgment and in the light of truth, govern their activities with a sense of responsibility, and strive after what is true and right, willing always to join with others in cooperative effort.

Religious freedom therefore ought to have this further purpose and aim, namely, that men may come to act with greater responsibility in fulfilling their duties in community life.

Donald J. Mabry, "Mexican Anticlerics, Bishops, Cristeros, and the Devout during the 1920s: A Scholarly Debate," *Journal of Church and State* Vol. 20, No. 1, (1978), 81-92.

Every society has at least one episode in its history that attracts international attention because it illustrates common problems or because it generates emotional excitement. Scholars enjoy the drama of war, ideological conflict, and intrigue. The conflict between the revolutionary Mexican state and Catholics during the 1920s provides all these elements. Thus it is not surprising that scholars from the Soviet Union, Mexico, France, and the United States have turned their attention to it. The subject is vast in scope, complex in its development, controversial in its meaning, and relevant to other societies. Mexicans themselves have been debating the conflict for five decades with the passion and partisanship that characterizes the true believer. Politically, the government's interpretation of events --that the Mexican Revolution defended itself against a reactionary clergy allied with prerevolutionary elites, both of which were trying to block progress and justice and were willing to invoke foreign intervention--has assumed greater importance as the Revolution became institutionalized and less revolutionary. [1] The scholars who have stepped into the fray have not escaped the effects of this heated debate. It is the purpose of this article to examine the nature of the scholarly argument and to suggest possible effects of nationality upon the perception of historical reality.

The advent of the Mexican Revolution in 1910 decisively influenced the history of the twentieth-century Mexican Roman Catholic Church and the development of Catholic thought in that country. Virulent anticlericalism, an anticlericalism that has seldom been surpassed in any other country, was one of the most important progeny of that struggle. By 1940, the church legally had no corporate existence, no real estate, no schools, no monasteries or convents, no foreign priests, no right to defend itself publicly or in the courts, and no hope that its legal and actual situations would improve. Its clergy were forbidden to wear clerical garb, to vote, to celebrate public religious ceremonies, and to engage in politics. Although in practice many of these prohibitions were ignored by both church and state, their existence was a constant threat. The unity of the hierarchy had been sundered by the internecine strife fostered by the government. Thousands of the faithful had died in struggles against a government which tended to view the faith as subversive. Its modest prerevolutionary social reform movement, advanced in the days of its origins and incorporated in part by "socialistic" secular governments, was held to be reactionary, proto-fascist, and obscurantist.

All the charges leveled against the nineteenth-century church were added to a new and similar list of charges. The church was said to be guilty of antiscientism, fanaticism, paternalism, and conservatism and was charged with appealing to foreign powers for intervention, aiding usurpers and murderers, and refusing to give financial aid to revolutionary leaders while supporting their enemies. The victory of the revolutionary government by 1929, confirmed by anticlerical persecution during the early 1930s, placed the church firmly under the control of the state. Although complete separation of

church and state was the oft-stated goal of anticlericals, the post-1929 relationship was in fact more akin to the Hapsburg corporatism of the colonial period.

The social doctrine of the Catholic Church was under fire as much as was its putative political, economic, and educational power. To the revolutionaries, church doctrine and their own scientific, enlightened, and progressive views were mutually exclusive. Whereas the church stressed the worth of every person in society and the necessity of class cooperation, the revolutionaries stressed the conflict between the middle classes and the oppressed masses on the one hand and the old, possessing oligarchy on the other. In particular, the revival of Thomistic doctrine that accompanied the spread of Pope Leo XIII's Rerum Novarum, demonstrated in the writings of Trinidad Sánchez Santos and in the works of the Catholic congresses of prerevolutionary days, threatened the revolutionaries by offering social change in a corporate form reminiscent of the Middle Ages.

This is the position taken by Robert E. Quirk in his dissertation [2] and its revised form as a book.[3] Quirk sees the church as a threat to the revolutionary ideal because it offered a romanticized version of medieval corporatism (which, he asserts, is inherently unjust and unrealistic), including a social reform program which did not speak to the needs and desires of the masses and which could not be enacted, except in Jalisco, because Catholics had no real hope of power while decisions were coming from the mouth of a gun. Although Quirk sees much value in church social doctrine (land redistribution, minimum wages, profit sharing, organization of labor, labor laws for women and children), he states that the church was doomed to lose because the masses, personified by Pancho Villa, saw Catholicism as an irrelevant European doctrine and its servants as exploiters of the masses. Both clerics and laymen never understood the Mexican people and failed to reverse the tide of anticlericalism, even when they tried cessation of religious services, economic boycott, insurrection, and appeals to foreign forces, principally American Catholics and the United States government.

The revolutionaries won the church-state conflict, brought the church to its heels, and prevented the introduction of corporatist practice in Mexico because they represented the true will of the masses. Quirk grants that the revolutionaries were ruthless, fanatical, and enemies of religious freedom because they sought to impose their own secular view of the world on Mexico. Implicitly and subtly he argues that such a policy was inevitable and just. Quirk, a brilliant student of Mexican history, an excellent writer, and a competent researcher, has accepted as valid the revolutionaries' own interpretation. In short, the book lacks balance.

Missing are lengthy discussions of ideologies and of cristeros, the people who did the fighting. A grasp of Mexican Catholic ideology and of revolutionary ideology is necessary before the struggle can be fully understood. The work of Mexican Catholic Action is skimmed over and dismissed as ineffectual without an examination of what was accomplished within the limited confines of the period. The cristero rebellion, one of the central events of the story, is inadequately treated. No information is given as to who they were, how they were recruited, and why they fought. The concession by Portes Gil that

there were fourteen thousand armed cristeros in the field when the fighting ended is indicative of the significance of their action.[4]

Examination of the author's sources indicates reasons why this book is not totally satisfactory. Quirk makes excellent use of the Canon García Gutiérrez collection, the National League for the Defense of Religious Liberty archives, writings of league members, published government accounts, and United States State Department records, but he ignores the works of other scholars on the subject as well as cristero material. The significance of these omissions will be subsequently revealed when the present author examines these writers and their use of these sources.

An even less adequate study of the subject has been presented by Nicolas Larin, a Russian scholar. Larin forces his study into a Marxist-Leninist framework, thus making his conclusions predictable before the book is opened. His sources are limited to those that support his thesis, and he ignores ideas contrary to his position. His research does not include United States or Mexican archives.

Larin's book begins with an obligatory statement of Marxism-Leninism and thereafter looks at the church-state relationship and the role of the United States in the affair. Simply put, Larin sees the church as a reactionary, fanatical force tied to the Porfirian elites, the hacendados, the new Mexican capitalists and the imperialist interests of the United States. Although he is more sympathetic toward the Mexican government, Larin denies that it was anything more than a bourgeois government. He asserts that the fight was between bourgeois elements represented by the government and quasi-feudal elements backed by an imperialist foreign power intent on exploiting Mexico.

Alicia Olivera Sedano, [6] writing between Quirk's two works and after Larin, has taken a more moderate and limited view of the subject. Her work does not pretend to be comprehensive, and she wisely makes limited claims for it. She was the first scholar to gain access to the league archives, thus making her study more thorough than those of her predecessors. She argues that the Catholic Church was counterrevolutionary and opposed to much of the secular revolution taking place. Unlike Quirk and Larin, however, she argues that the Catholic elements that resisted the government were progressive Catholics and that the church of 1926 was an institution concerned for much of the social reform which interested the revolutionaries. She recognizes that the Catholic group was not monolithic, and she divides the leadership into an urban-based group directed by the league and a rural-based group composed of campesinos. In a later work [7] she asserts that the divisions were even more complex. Discussing the military aspects of the conflict, she concludes that the cristeros could not have won. The study is limited by the absence of foreign sources, a considerable omission in view of the importance of the American role throughout the conflict.

David C. Bailey entered the fray first with his doctoral dissertation [8] and later with a book [9] based on that research. His interpretation, like Quirk's, is based on newspapers, league archives, memoirs and tracts of league members, accounts and interpretations of government officials, United States State Department records, and, unlike Quirk, employs

the work of Olivera Sedano and portions of a dissertation by Jean Meyer. [10] Bailey reaches conclusions similar to Quirk's--the conflict was the result of a century-old struggle; the rebellion was doomed to failure; only a small minority of the population backed the rebellion; the cristeros most apparently were not from the landless bottom of the social pyramid; the cristeros did not understand the complexities of the church-state conflict; Mexican Catholics were divided over the struggle, especially in the way it was terminated; the laymen who led the rebellion at both the political and the military levels were a homogeneous group and almost without exception belonged to the small Mexican middle class; the Vatican sought more to preserve the opportunity for priestly functions than to preserve the position of the Mexican church; the attitude and the intervention of the United States through Dwight Morrow were decisive; and the government won the conflict. Bailey goes on to argue that this was a reformed church committed to social justice, not a reactionary institution. Further, he points out that the hacendado class and the old Catholic upper class supported the government. Finally, he gives some attention to the cristeros themselves and points to the aftermath of the conflict and the number of participants who were later murdered. Of the two English-language books, this is the stronger.

What promises to be the definitive study of the subject began appearing in print in 1973 as Jean Meyer started publishing his doctoral thesis in Spanish. Meyer, unlike his predecessors, long recognized the enormous size of the topic and the necessity of a lengthy and comprehensive pursuit of sources. He utilized all of the sources of the scholars before him but went further by exploiting state and municipal archives, interviews with participants in the conflict, questionnaires, and a plethora of published studies and documents; his research was exhaustive. The seven years which he spent on the subject are reflected not only in his excellent citations and bibliography but also in the sophistication of his analysis.

In order to treat the subject in a manageable form, he divided the story into three major headings. Volume one of the work focuses on the war, [11] volume two focuses on church-state relations, including the Morrow intervention, [12] and volume three focuses on the cristeros--who they were, how they were recruited, why they fought, and how they should be compared with other peasant revolutionaries. [13] In short, Meyer examines every aspect of the conflict in these three volumes.

The work is so vast and so complex that it would be impossible to recapitulate all of it in this space. However, it is important to make note of some of the new and different data offered by Meyer. In fact, scholars interested in similar subjects or in the history of modern Mexico will find it obligatory to read Meyer and to be prepared to yield some of their most cherished assumptions about Mexican peasants, the Catholic Church, and the Revolution.

Full recognition of the multiplicity of the groups that were involved hallmarks Meyer's work. What has traditionally been seen as the church side was in fact five different groups, each with a different perception of the problem and reaction to it and each with somewhat different goals.

The church hierarchy sought to preserve the church in Mexico against a Jacobin anticlericalism which at best wanted to make the church a tool of its dominance and at worst wanted to erase the institution from the Mexican landscape. This hierarchy was split into two groups--one which sought to alter or evade the anticlerical provisions of the Constitution of 1917, and the other which was willing to accommodate itself to the Revolution if there were complete separation of church and state. Outside of Mexico was the Vatican, which accepted the Revolution and was willing to deal with the Mexican government in hope of preserving the opportunity for Catholicism to proselytize. It sold out the other Catholic groups when an accommodation with the government could be reached. It never supported the intransigent groups.

Lay leadership was also divided. There were middle-class Catholics organized into the National Defense League of Religious Liberty who sought to control the Catholic side of the controversy and who asserted that they were the spokesmen for all laymen and often for the hierarchy itself. In fact, they represented themselves, and only when convenient to the hierarchy were they allowed to represent it. Their importance in the conflict has been overstated by other students of the subject, in large part because league members have claimed in their prolific writings more importance than they deserve. Moreover, league archives were the first large collection of church primary sources available to scholars.

The people who did the fighting, the cristeros, were neither supported nor directed by the league or by the church. They were on their own. Although middle-class Catholics initially tried to direct the movement, the cristeros developed their own leadership and programs. They did not so much lose the fight as the Vatican and the hierarchy abandoned them. They were essentially peasants fighting a peasant war for their faith and in opposition to the domination of the middle and upper classes, regardless of their geographical location or religious attitudes.

The opposing side was also composed of different groups. Among the revolutionaries there were rabid anticlericalists, such as Plutarco Elías Calles, and leaders, such as Alvaro Obregon, who were desirous of avoiding unnecessary conflict. Government employees, including military forces, aided the cristeros at times either out of conviction or for material profit. Former revolutionaries, including zapatistas, joined the cristero rebellion. Morrow, representing the United States government, without which neither side could win, supported the Mexican government. The Vatican recognized the critical importance of U.S. support and, once it recognized Morrow's attitude and probable role, sought accommodation.

The conflict was fought on different levels. The Mexican state attacked the Catholic Church not because the latter was counter-revolutionary (it was less so than many "revolutionaries"), but because Mexican political leaders, as representatives of a nascent Hispanic middle class, sought a strongly nationalistic bourgeois state. It could not tolerate any rivals, whether foreign economic interests, political parties, or an independent organization which claimed the allegiance of the bulk of the population. Since there were no opposition parties of any note in Mexico during the 1920s, the organizational network

of the church and its Catholic Action and Christian socialism were seen as the most immediate domestic threat by the government. Therefore, the church-state conflict was more of a power struggle than an ideological conflict between the forces of reaction and of progress. The state refused to recognize that the church of 1920 was different from the church of the nineteenth century because it was necessary to label the church as reactionary in order to garner support both inside and outside Mexico. Hence, this level of the struggle was national and international.

The fight on the local level was different. The cristeros were not as concerned about the ideological questions involved as they were about preserving what they believed to be their rights. They wanted to preserve their religion. They were not worshippers within a Catholicism which acted as a veneer for more primitive and ancient religious practices but were Mexican Catholics who understood and valued the beliefs which played a central role in their lives. Further, they sought to be free of a state which threatened not only their beliefs but also their way of life. They were traditionalist but not counterrevolutionary. The tension between the average rural dweller and the agrarian, who had received land from the government in return for obedience, was an important reason for the revolt. The men beholden to government--the agrarians and the caciques--were few in number, tools of the government, and disliked by the cristeros. The cristero army was a popular army. Sixty percent of its members lived by selling their labor. Another 14 percent were small proprietors, and still another 15 percent were renters or sharecroppers. The cristero uprising was as much a peasant or popular uprising as was zapatismo, hallowed in revolutionary mythology. The cristeros were resisting the onslaught of the modern bourgeois state, of the Mexican Revolution, of the city elites, of the northerners running Mexico, and of the rich.

The Catholics lost because the United States government decided that Mexico needed peace and that peace was best obtained from the existing revolutionary government. The Vatican and finally the hierarchy recognized reality and agreed to the compromises arranged by the apostolic delegate, Morrow, and Calles. The league and the cristeros were ignored. They were told to accept the decision of the elites. The government agreed to the compromise (the arreglos) because it appeared to be the best way out of an increasingly difficult situation.

Before the arreglos of June 1929, the cristeros had forty thousand men in the field even though the Mexican army had been fighting them for two years with supplies obtained from the United States. The Escobar rebellion earlier that year as well as a small Communist rebellion had been defeated, but at a price. University students were striking over autonomy. Jose Vasconcelos was threatening continued revolutionary control with his presidential campaign. The United States government was pressing for settlement of issues emerging from the Revolution. The existing government of Portes Gil was an interim government created after the popular Obregon had been assassinated the year before, an act which threatened to split the revolutionary ranks and lead to civil war. The creation of the National Revolutionary party had forestalled this, but the party was being tested in the elections of that summer. Therefore the Mexican government was in trouble when the badly needed arreglos were arranged.

As Meyer alone points out, the cristero rebellion and church-state conflict had important consequences for Mexican history. The campesinos remained definitively crushed; this was the last mass upheaval in Mexican history. The campesinos resigned themselves to the violent and negative integration to the regime at the time; they would only be positively incorporated into Mexican society with the reforms of Lázaro Cárdenas. Opposition groups learned that violence would not work, and the process of political modernization was accelerated as was the government's policy of geographical and moral integration. The experience confirmed to all participants that support of the United States government was the sine qua non of success. The church became a supporter of the Revolution, the victory of which came not with the Constitution of 1911 or the beginning of the Sonoran dynasty in 1920, but with the arreglos of 1929. The Mexican bourgeoisie had gained control of the country, a control which it still maintains.

Meyer's work is important because it not only vastly expands our understanding of an episode in Mexican history but also suggests some important considerations in the writing of history. As already noted, Meyer's success with the topic evolved from his diligent research into sources ignored or unknown to other writers; part of his success was the result of his recognition of the dimensions of the subject and his willingness to treat it fully. Beyond that, Meyer saw the subject from a different perspective. He did not try to mold the subject to fit the most common preconceived idea, namely, that the church was reactionary and monolithic. Instead, he recognized through his research that he was dealing with many different groups. He did not automatically accept the modern middle-class liberal view that Mexico had a revolution similar to the French, Russian, or other revolutions (the position taken by the Mexican government). He did not automatically accept the view that what the state did in the 1920s was laudable because it was done by men who had destroyed much of the Porfirian past, a past condemned by Mexican revolutionaries and American academicians alike. Further, he did not automatically assume that peasant uprisings are not uprisings unless they favor social change or "progress." In short, he did not automatically adopt the "revolutionary line" on the subject.

Five historians from four different countries have written lengthy studies on the same topic, [l4] but they have followed different research procedures and arrived at different conclusions, thus allowing this author the opportunity to make some observations about nationality and history.

The Mexican historian used Mexican sources to write a master's thesis, but she disavowed any intention of writing a definitive study, seeing her thesis instead as a starting point for a program of continuing research. Subsequently she has modified her conclusions and stated her intention to research the subject along the lines which Meyer, unbeknown to her, had pursued.

The Russian was so intent on making the story fit a preconceived mold that he apparently believed it unnecessary to dig into all possible sources. Because of the U.S.-

U.S.S.R. rivalry in the world, he devoted a large amount of the space to an effort to prove that the U.S. government and U.S. capitalists had nefarious designs on Mexico.

The two Americans also devoted considerable space to the role of the United States in the affair but at the expense of other parts of the story. No one, including this author, questions the importance of the intervention by Morrow in bringing the conflict to a halt. It is an important topic which deserves attention, but after all, it is only one element in a larger story and not necessarily the most important one. [15] One plausible explanation as to why the Americans have devoted so much attention to the American side of the story is that they are Americans. They have a natural interest in what their government and countrymen did. However, more important is the fact that they had easy access to American sources (e.g., the Morrow papers, State Department records) and thus could do much of the research in the United States. Combining these sources with government, league, church hierarchy and Mexican newspaper sources produces the kinds of books they wrote, books which are valuable and scientifically based, but misleading because they capture only part of the reality.

The Frenchman had no special affection for the United States or obligation to fit the story into a predetermined ideological mold; instead he had the desire and the time to uncover all of the story. He chased it down avenues and across mountains on foot, burro, automobile, train, and plane. He sought out the cristeros and their accounts as well as those sources preserved in written form. As a Frenchman, he had an historical consciousness of a truly revolutionary revolution and was not seduced by the charms of the Mexican experience. Coming from a Latin Catholic country which also had an anticlerical tradition enabled Meyer to categorize and understand Mexican Catholicism.

Leopoldo Zea, Mexican philosopher and historian of ideas, has written that United States scholars cannot be fully objective about Latin American history because the history of the two areas is intertwined. [16] In particular, the histories of Mexico and the United States crisscross. In studying Mexico, Americans are also studying themselves. For this article, Zea's controversial argument is suggestive. The bounds of nationality must be broken if one is to uncover the full reality and its meaning.

NOTES

1. See, for example, Emilio Portes Gil, Autobiografía de la Revolución Méxicana (México: Instituto Mexicano de Cultura, 1964) and The Conflict between the Civil Power and the Clergy: Historical and Legal Essay (Mexico: Press of the Ministry of Foreign Affairs, 1935); Alfonso Toro, La iglesia y el estado en México (Mexico: Talleres Gráficos de la Nación. 1927).

2. "The Mexican Revolution and the Catholic Church, 1910-1929 An Ideological Study" (Ph.D. diss., Harvard University, 1950).

3. The Mexican Revolution and the Catholic Church, 1910-1929 (Bloomington, London: Indiana University Press, 1973).

4. Portes Gil, Autobiografiá , p. 574.

5. La rebelión de los cristeros (1926-1929), trans. Angel C. Tomas (Mexico: Ediciones Era, 1968); originally published as _Borba tserkvi s gosudarstvom v Meksike (Moscow, 1965).

6. Aspectos del conflicto religioso de 1926 a 1929: sus antecedentes y consecuencias (Mexico: Instituto Nacional de Antropologiá e Historia, 1966).

7. "La iglesia en Mexico, 1926-1970: revisión y comentarios" (Paper delivered at the Fourth International Congress on Mexican Studies, Santa Monica, California, 17-21 October 1973), subsequently published as "La iglesia en Mexico, 1926-1970" in James W. Wilkie, Michael C. Meyer, and Edna Monzón de Wilkie, eds., Contemporary Mexico (Berkeley: University of California Press, 1976), pp. 295-316

8. "The Cristero Rebellion and the Religious Conflict in Mexico, 1926-1929" (Ph.D. diss. Michigan State University, 1969).

9. !Viva Cristo Rey! The Cristero Rebellion and the Church-State Conflict in Mexico (Austin, London: University of Texas Press, 1974).

10. Jean A. Meyer, "La Cristiade: societe et ideologie dans le Mexique contemporain, 1926-1929" (Ph.D. diss., Paris-Nanterre, 1971).

11. La Cristiada, Vol. 1: la guerra de los cristeros (Mexico: Siglo Veintiuno Editores, 1973). Meyer has subsequently published revised versions of the three Spanish volumes. The English version is The Cristero Rebellion: The Mexican People between Church and State, 1926-1929 (Cambridge: Cambridge University Press, 1976); the French version is La Christiade: l'Eglise, l'Etat et le Peuple dans la Revolution Mexicaine (Paris: Payot, 1975). Meyer also published an edited anthology entitled Apocalypse et Revolution au Mexique (Paris: Gillimard, 1974).

12. La Cristiada, Vol. 2: el conflicto entre la iglesia y el estado 1926-1929 (Mexico: Siglo Veintiuno Editores, 1973).

13. La Cristiada, Vol. 3: los cristeros (Mexico: Siglo Veintiuno Editores, 1974).

14. Important shorter studies of aspects of this complex subject include the oft-cited James W. Wilkie, "The Meaning of the Cristero Religious War against the Mexican Revolution," A Journal of Church and State 8 (Spring 1966): 214-33, and Robert Cortes, "The Role of the Catholic Church in Mexico's Cristero Rebellion, 1926-1929" (M.A. thesis, Baylor University, 1971). John B. Williman, La iglesia y el estado en Veracruz, 1840-1940 (Mexico: SepSetentas, 1976) examines the conflict in one important state.

15. The importance of the subject has made it the subject of various articles: L. Ethan Ellis, "Dwight Morrow and the Church-State Controversy in Mexico," Hispanic American Historical Review 38 (November 1958); 482-505; Walter Lippmann, "Church and State in Mexico: The American Mediation," Foreign Affairs 8 (January 1930): 186-207; and Stanley R. Ross, "Dwight W. Morrow, Ambassador to Mexico," The Americas 14 (January 1958): 273-89 ; and Ross, "Dwight Morrow and the Mexican Revolution," Hispanic American Historical Review 38 (November 1958): 506-28.

16. Leopoldo Zea, Positivism in Mexico, trans. Josephine H Schulte (Austin, London: University of Texas Press, 1974), pp. xiii-xxiii. (1958); 482-505; Walter Lippmann, "Church and State in Mexico: The American Mediation," Foreign Affairs 8 (January 1930): 186-207; and Stanley R. Ross, "Dwight W. Morrow, Ambassador to Mexico," The Americas 14 (January 1958): 273-89 ; and Ross, "Dwight Morrow and the Mexican Revolution," Hispanic American Historical Review 38 (November 1958): 506-28.

16. Leopoldo Zea, Positivism in Mexico, trans. Josephine H Schulte (Austin, London: University of Texas Press, 1974), pp. xiii-xxiii.

George Washington, Farewell Address (excerpt)

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked: Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice ? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

CLASS 5. VIRTUE

Aristotle, *Nicomachean Ethics*, I.7, 13 and 2.1-7

7

Let us again return to the good we are seeking, and ask what it can be. It seems different in different actions and arts; it is different in medicine, in strategy, and in the other arts likewise. What then is the good of each? Surely that for whose sake everything else is done. In medicine this is health, in strategy victory, in architecture a house, in any other sphere something else, and in every action and pursuit the end; for it is for the sake of this that all men do whatever else they do. Therefore, if there is an end for all that we do, this will be the good achievable by action, and if there are more than one, these will be the goods achievable by action.

So the argument has by a different course reached the same point; but we must try to state this even more clearly. Since there are evidently more than one end, and we choose some of these (e.g. wealth, flutes, and in general instruments) for the sake of something else, clearly not all ends are final ends; but the chief good is evidently something final. Therefore, if there is only one final end, this will be what we are seeking, and if there are more than one, the most final of these will be what we are seeking. Now we call that which is in itself worthy of pursuit more final than that which is worthy of pursuit for the sake of something else, and that which is never desirable for the sake of something else more final than the things that are desirable both in themselves and for the sake of that other thing, and therefore we call final without qualification that which is always desirable in itself and never for the sake of something else.

Now such a thing happiness, above all else, is held to be; for this we choose always for self and never for the sake of something else, but honour, pleasure, reason, and every virtue we choose indeed for themselves (for if nothing resulted from them we should still choose each of them), but we choose them also for the sake of happiness, judging that by means of them we shall be happy. Happiness, on the other hand, no one chooses for the sake of these, nor, in general, for anything other than itself.

From the point of view of self-sufficiency the same result seems to follow; for the final good is thought to be self-sufficient. Now by self-sufficient we do not mean that which is sufficient for a man by himself, for one who lives a solitary life, but also for parents, children, wife, and in general for his friends and fellow citizens, since man is born for citizenship. But some limit must be set to this; for if we extend our requirement to ancestors and descendants and friends' friends we are in for an infinite series. Let us examine this question, however, on another occasion; the self-sufficient we now define as that which when isolated makes life desirable and lacking in nothing; and such we think happiness to be; and further we think it most desirable of all things, without being counted as one good thing among others- if it were so counted it would clearly be made

more desirable by the addition of even the least of goods; for that which is added becomes an excess of goods, and of goods the greater is always more desirable. Happiness, then, is something final and self-sufficient, and is the end of action.

Presumably, however, to say that happiness is the chief good seems a platitude, and a clearer account of what it is still desired. This might perhaps be given, if we could first ascertain the function of man. For just as for a flute-player, a sculptor, or an artist, and, in general, for all things that have a function or activity, the good and the 'well' is thought to reside in the function, so would it seem to be for man, if he has a function. Have the carpenter, then, and the tanner certain functions or activities, and has man none? Is he born without a function? Or as eye, hand, foot, and in general each of the parts evidently has a function, may one lay it down that man similarly has a function apart from all these? What then can this be? Life seems to be common even to plants, but we are seeking what is peculiar to man. Let us exclude, therefore, the life of nutrition and growth. Next there would be a life of perception, but it also seems to be common even to the horse, the ox, and every animal. There remains, then, an active life of the element that has a rational principle; of this, one part has such a principle in the sense of being obedient to one, the other in the sense of possessing one and exercising thought. And, as 'life of the rational element' also has two meanings, we must state that life in the sense of activity is what we mean; for this seems to be the more proper sense of the term. Now if the function of man is an activity of soul which follows or implies a rational principle, and if we say 'so-and-so-and 'a good so-and-so' have a function which is the same in kind, e.g. a lyre, and a good lyre-player, and so without qualification in all cases, eminence in respect of goodness being added to the name of the function (for the function of a lyre-player is to play the lyre, and that of a good lyre-player is to do so well): if this is the case, and we state the function of man to be a certain kind of life, and this to be an activity or actions of the soul implying a rational principle, and the function of a good man to be the good and noble performance of these, and if any action is well performed when it is performed in accordance with the appropriate excellence: if this is the case, human good turns out to be activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete.

But we must add 'in a complete life.' For one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy.

Let this serve as an outline of the good; for we must presumably first sketch it roughly, and then later fill in the details. But it would seem that any one is capable of carrying on and articulating what has once been well outlined, and that time is a good discoverer or partner in such a work; to which facts the advances of the arts are due; for any one can add what is lacking. And we must also remember what has been said before, and not look for precision in all things alike, but in each class of things such precision as accords with the subject-matter, and so much as is appropriate to the inquiry. For a carpenter and a geometer investigate the right angle in different ways; the former does so in so far as the right angle is useful for his work, while the latter inquires what it is or what sort of thing it is; for he is a spectator of the truth. We must act in the same way, then, in all other matters as well, that our main task may not be subordinated to minor questions. Nor must

we demand the cause in all matters alike; it is enough in some cases that the fact be well established, as in the case of the first principles; the fact is the primary thing or first principle. Now of first principles we see some by induction, some by perception, some by a certain habituation, and others too in other ways. But each set of principles we must try to investigate in the natural way, and we must take pains to state them definitely, since they have a great influence on what follows. For the beginning is thought to be more than half of the whole, and many of the questions we ask are cleared up by it.

13

Since happiness is an activity of soul in accordance with perfect virtue, we must consider the nature of virtue; for perhaps we shall thus see better the nature of happiness. The true student of politics, too, is thought to have studied virtue above all things; for he wishes to make his fellow citizens good and obedient to the laws. As an example of this we have the lawgivers of the Cretans and the Spartans, and any others of the kind that there may have been. And if this inquiry belongs to political science, clearly the pursuit of it will be in accordance with our original plan. But clearly the virtue we must study is human virtue; for the good we were seeking was human good and the happiness human happiness. By human virtue we mean not that of the body but that of the soul; and happiness also we call an activity of soul. But if this is so, clearly the student of politics must know somehow the facts about soul, as the man who is to heal the eyes or the body as a whole must know about the eyes or the body; and all the more since politics is more prized and better than medicine; but even among doctors the best educated spend much labour on acquiring knowledge of the body. The student of politics, then, must study the soul, and must study it with these objects in view, and do so just to the extent which is sufficient for the questions we are discussing; for further precision is perhaps something more laborious than our purposes require.

Some things are said about it, adequately enough, even in the discussions outside our school, and we must use these; e.g. that one element in the soul is irrational and one has a rational principle. Whether these are separated as the parts of the body or of anything divisible are, or are distinct by definition but by nature inseparable, like convex and concave in the circumference of a circle, does not affect the present question.

Of the irrational element one division seems to be widely distributed, and vegetative in its nature, I mean that which causes nutrition and growth; for it is this kind of power of the soul that one must assign to all nurslings and to embryos, and this same power to full-grown creatures; this is more reasonable than to assign some different power to them. Now the excellence of this seems to be common to all species and not specifically human; for this part or faculty seems to function most in sleep, while goodness and badness are least manifest in sleep (whence comes the saying that the happy are not better off than the wretched for half their lives; and this happens naturally enough, since sleep is an inactivity of the soul in that respect in which it is called good or bad), unless perhaps to a small extent some of the movements actually penetrate to the soul, and in this respect the dreams of good men are better than those of ordinary people. Enough of this subject, however; let us leave the nutritive faculty alone, since it has by its nature no share in

human excellence.

There seems to be also another irrational element in the soul-one which in a sense, however, shares in a rational principle. For we praise the rational principle of the continent man and of the incontinent, and the part of their soul that has such a principle, since it urges them aright and towards the best objects; but there is found in them also another element naturally opposed to the rational principle, which fights against and resists that principle. For exactly as paralysed limbs when we intend to move them to the right turn on the contrary to the left, so is it with the soul; the impulses of incontinent people move in contrary directions. But while in the body we see that which moves astray, in the soul we do not. No doubt, however, we must none the less suppose that in the soul too there is something contrary to the rational principle, resisting and opposing it. In what sense it is distinct from the other elements does not concern us. Now even this seems to have a share in a rational principle, as we said; at any rate in the continent man it obeys the rational principle and presumably in the temperate and brave man it is still more obedient; for in him it speaks, on all matters, with the same voice as the rational principle.

Therefore the irrational element also appears to be two-fold. For the vegetative element in no way shares in a rational principle, but the appetitive and in general the desiring element in a sense shares in it, in so far as it listens to and obeys it; this is the sense in which we speak of 'taking account' of one's father or one's friends, not that in which we speak of 'accounting for a mathematical property. That the irrational element is in some sense persuaded by a rational principle is indicated also by the giving of advice and by all reproof and exhortation. And if this element also must be said to have a rational principle, that which has a rational principle (as well as that which has not) will be twofold, one subdivision having it in the strict sense and in itself, and the other having a tendency to obey as one does one's father.

Virtue too is distinguished into kinds in accordance with this difference; for we say that some of the virtues are intellectual and others moral, philosophic wisdom and understanding and practical wisdom being intellectual, liberality and temperance moral. For in speaking about a man's character we do not say that he is wise or has understanding but that he is good-tempered or temperate; yet we praise the wise man also with respect to his state of mind; and of states of mind we call those which merit praise virtues.

Book II

1

Virtue, then, being of two kinds, intellectual and moral, intellectual virtue in the main owes both its birth and its growth to teaching (for which reason it requires experience and time), while moral virtue comes about as a result of habit, whence also its name (ethike) is one that is formed by a slight variation from the word ethos (habit). From this it is also

plain that none of the moral virtues arises in us by nature; for nothing that exists by nature can form a habit contrary to its nature. For instance the stone which by nature moves downwards cannot be habituated to move upwards, not even if one tries to train it by throwing it up ten thousand times; nor can fire be habituated to move downwards, nor can anything else that by nature behaves in one way be trained to behave in another. Neither by nature, then, nor contrary to nature do the virtues arise in us; rather we are adapted by nature to receive them, and are made perfect by habit.

Again, of all the things that come to us by nature we first acquire the potentiality and later exhibit the activity (this is plain in the case of the senses; for it was not by often seeing or often hearing that we got these senses, but on the contrary we had them before we used them, and did not come to have them by using them); but the virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do them, we learn by doing them, e.g. men become builders by building and lyreplayers by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts.

This is confirmed by what happens in states; for legislators make the citizens good by forming habits in them, and this is the wish of every legislator, and those who do not effect it miss their mark, and it is in this that a good constitution differs from a bad one.

Again, it is from the same causes and by the same means that every virtue is both produced and destroyed, and similarly every art; for it is from playing the lyre that both good and bad lyre-players are produced. And the corresponding statement is true of builders and of all the rest; men will be good or bad builders as a result of building well or badly. For if this were not so, there would have been no need of a teacher, but all men would have been born good or bad at their craft. This, then, is the case with the virtues also; by doing the acts that we do in our transactions with other men we become just or unjust, and by doing the acts that we do in the presence of danger, and being habituated to feel fear or confidence, we become brave or cowardly. The same is true of appetites and feelings of anger; some men become temperate and good-tempered, others self-indulgent and irascible, by behaving in one way or the other in the appropriate circumstances. Thus, in one word, states of character arise out of like activities. This is why the activities we exhibit must be of a certain kind; it is because the states of character correspond to the differences between these. It makes no small difference, then, whether we form habits of one kind or of another from our very youth; it makes a very great difference, or rather all the difference.

2

Since, then, the present inquiry does not aim at theoretical knowledge like the others (for we are inquiring not in order to know what virtue is, but in order to become good, since otherwise our inquiry would have been of no use), we must examine the nature of actions, namely how we ought to do them; for these determine also the nature of the states of character that are produced, as we have said. Now, that we must act according to the right rule is a common principle and must be assumed-it will be discussed later, i.e.

both what the right rule is, and how it is related to the other virtues. But this must be agreed upon beforehand, that the whole account of matters of conduct must be given in outline and not precisely, as we said at the very beginning that the accounts we demand must be in accordance with the subject-matter; matters concerned with conduct and questions of what is good for us have no fixity, any more than matters of health. The general account being of this nature, the account of particular cases is yet more lacking in exactness; for they do not fall under any art or precept but the agents themselves must in each case consider what is appropriate to the occasion, as happens also in the art of medicine or of navigation.

But though our present account is of this nature we must give what help we can. First, then, let us consider this, that it is the nature of such things to be destroyed by defect and excess, as we see in the case of strength and of health (for to gain light on things imperceptible we must use the evidence of sensible things); both excessive and defective exercise destroys the strength, and similarly drink or food which is above or below a certain amount destroys the health, while that which is proportionate both produces and increases and preserves it. So too is it, then, in the case of temperance and courage and the other virtues. For the man who flies from and fears everything and does not stand his ground against anything becomes a coward, and the man who fears nothing at all but goes to meet every danger becomes rash; and similarly the man who indulges in every pleasure and abstains from none becomes self-indulgent, while the man who shuns every pleasure, as boors do, becomes in a way insensible; temperance and courage, then, are destroyed by excess and defect, and preserved by the mean.

But not only are the sources and causes of their origination and growth the same as those of their destruction, but also the sphere of their actualization will be the same; for this is also true of the things which are more evident to sense, e.g. of strength; it is produced by taking much food and undergoing much exertion, and it is the strong man that will be most able to do these things. So too is it with the virtues; by abstaining from pleasures we become temperate, and it is when we have become so that we are most able to abstain from them; and similarly too in the case of courage; for by being habituated to despise things that are terrible and to stand our ground against them we become brave, and it is when we have become so that we shall be most able to stand our ground against them.

3

We must take as a sign of states of character the pleasure or pain that ensues on acts; for the man who abstains from bodily pleasures and delights in this very fact is temperate, while the man who is annoyed at it is self-indulgent, and he who stands his ground against things that are terrible and delights in this or at least is not pained is brave, while the man who is pained is a coward. For moral excellence is concerned with pleasures and pains; it is on account of the pleasure that we do bad things, and on account of the pain that we abstain from noble ones. Hence we ought to have been brought up in a particular way from our very youth, as Plato says, so as both to delight in and to be pained by the things that we ought; for this is the right education.

Again, if the virtues are concerned with actions and passions, and every passion and every action is accompanied by pleasure and pain, for this reason also virtue will be concerned with pleasures and pains. This is indicated also by the fact that punishment is inflicted by these means; for it is a kind of cure, and it is the nature of cures to be effected by contraries.

Again, as we said but lately, every state of soul has a nature relative to and concerned with the kind of things by which it tends to be made worse or better; but it is by reason of pleasures and pains that men become bad, by pursuing and avoiding these- either the pleasures and pains they ought not or when they ought not or as they ought not, or by going wrong in one of the other similar ways that may be distinguished. Hence men even define the virtues as certain states of impassivity and rest; not well, however, because they speak absolutely, and do not say 'as one ought' and 'as one ought not' and 'when one ought or ought not', and the other things that may be added. We assume, then, that this kind of excellence tends to do what is best with regard to pleasures and pains, and vice does the contrary.

The following facts also may show us that virtue and vice are concerned with these same things. There being three objects of choice and three of avoidance, the noble, the advantageous, the pleasant, and their contraries, the base, the injurious, the painful, about all of these the good man tends to go right and the bad man to go wrong, and especially about pleasure; for this is common to the animals, and also it accompanies all objects of choice; for even the noble and the advantageous appear pleasant.

Again, it has grown up with us all from our infancy; this is why it is difficult to rub off this passion, engrained as it is in our life. And we measure even our actions, some of us more and others less, by the rule of pleasure and pain. For this reason, then, our whole inquiry must be about these; for to feel delight and pain rightly or wrongly has no small effect on our actions.

Again, it is harder to fight with pleasure than with anger, to use Heraclitus' phrase', but both art and virtue are always concerned with what is harder; for even the good is better when it is harder. Therefore for this reason also the whole concern both of virtue and of political science is with pleasures and pains; for the man who uses these well will be good, he who uses them badly bad.

That virtue, then, is concerned with pleasures and pains, and that by the acts from which it arises it is both increased and, if they are done differently, destroyed, and that the acts from which it arose are those in which it actualizes itself- let this be taken as said.

4

The question might be asked,; what we mean by saying that we must become just by doing just acts, and temperate by doing temperate acts; for if men do just and temperate acts, they are already just and temperate, exactly as, if they do what is in accordance with the laws of grammar and of music, they are grammarians and musicians.

Or is this not true even of the arts? It is possible to do something that is in accordance with the laws of grammar, either by chance or at the suggestion of another. A man will be a grammarian, then, only when he has both done something grammatical and done it grammatically; and this means doing it in accordance with the grammatical knowledge in himself.

Again, the case of the arts and that of the virtues are not similar; for the products of the arts have their goodness in themselves, so that it is enough that they should have a certain character, but if the acts that are in accordance with the virtues have themselves a certain character it does not follow that they are done justly or temperately. The agent also must be in a certain condition when he does them; in the first place he must have knowledge, secondly he must choose the acts, and choose them for their own sakes, and thirdly his action must proceed from a firm and unchangeable character. These are not reckoned in as conditions of the possession of the arts, except the bare knowledge; but as a condition of the possession of the virtues knowledge has little or no weight, while the other conditions count not for a little but for everything, i.e. the very conditions which result from often doing just and temperate acts.

Actions, then, are called just and temperate when they are such as the just or the temperate man would do; but it is not the man who does these that is just and temperate, but the man who also does them as just and temperate men do them. It is well said, then, that it is by doing just acts that the just man is produced, and by doing temperate acts the temperate man; without doing these no one would have even a prospect of becoming good.

But most people do not do these, but take refuge in theory and think they are being philosophers and will become good in this way, behaving somewhat like patients who listen attentively to their doctors, but do none of the things they are ordered to do. As the latter will not be made well in body by such a course of treatment, the former will not be made well in soul by such a course of philosophy.

5

Next we must consider what virtue is. Since things that are found in the soul are of three kinds- passions, faculties, states of character, virtue must be one of these. By passions I mean appetite, anger, fear, confidence, envy, joy, friendly feeling, hatred, longing, emulation, pity, and in general the feelings that are accompanied by pleasure or pain; by faculties the things in virtue of which we are said to be capable of feeling these, e.g. of becoming angry or being pained or feeling pity; by states of character the things in virtue of which we stand well or badly with reference to the passions, e.g. with reference to anger we stand badly if we feel it violently or too weakly, and well if we feel it moderately; and similarly with reference to the other passions.

Now neither the virtues nor the vices are passions, because we are not called good or bad on the ground of our passions, but are so called on the ground of our virtues and our

vices, and because we are neither praised nor blamed for our passions (for the man who feels fear or anger is not praised, nor is the man who simply feels anger blamed, but the man who feels it in a certain way), but for our virtues and our vices we are praised or blamed.

Again, we feel anger and fear without choice, but the virtues are modes of choice or involve choice. Further, in respect of the passions we are said to be moved, but in respect of the virtues and the vices we are said not to be moved but to be disposed in a particular way.

For these reasons also they are not faculties; for we are neither called good nor bad, nor praised nor blamed, for the simple capacity of feeling the passions; again, we have the faculties by nature, but we are not made good or bad by nature; we have spoken of this before. If, then, the virtues are neither passions nor faculties, all that remains is that they should be states of character.

Thus we have stated what virtue is in respect of its genus.

6

We must, however, not only describe virtue as a state of character, but also say what sort of state it is. We may remark, then, that every virtue or excellence both brings into good condition the thing of which it is the excellence and makes the work of that thing be done well; e.g. the excellence of the eye makes both the eye and its work good; for it is by the excellence of the eye that we see well. Similarly the excellence of the horse makes a horse both good in itself and good at running and at carrying its rider and at awaiting the attack of the enemy. Therefore, if this is true in every case, the virtue of man also will be the state of character which makes a man good and which makes him do his own work well.

How this is to happen we have stated already, but it will be made plain also by the following consideration of the specific nature of virtue. In everything that is continuous and divisible it is possible to take more, less, or an equal amount, and that either in terms of the thing itself or relatively to us; and the equal is an intermediate between excess and defect. By the intermediate in the object I mean that which is equidistant from each of the extremes, which is one and the same for all men; by the intermediate relatively to us that which is neither too much nor too little- and this is not one, nor the same for all. For instance, if ten is many and two is few, six is the intermediate, taken in terms of the object; for it exceeds and is exceeded by an equal amount; this is intermediate according to arithmetical proportion. But the intermediate relatively to us is not to be taken so; if ten pounds are too much for a particular person to eat and two too little, it does not follow that the trainer will order six pounds; for this also is perhaps too much for the person who is to take it, or too little- too little for Milo, too much for the beginner in athletic exercises. The same is true of running and wrestling. Thus a master of any art avoids excess and defect, but seeks the intermediate and chooses this- the intermediate not in the object but relatively to us.

If it is thus, then, that every art does its work well- by looking to the intermediate and judgling its works by this standard (so that we often say of good works of art that it is not possible either to take away or to add anything, implying that excess and defect destroy the goodness of works of art, while the mean preserves it; and good artists, as we say, look to this in their work), and if, further, virtue is more exact and better than any art, as nature also is, then virtue must have the quality of aiming at the intermediate. I mean moral virtue; for it is this that is concerned with passions and actions, and in these there is excess, defect, and the intermediate. For instance, both fear and confidence and appetite and anger and pity and in general pleasure and pain may be felt both too much and too little, and in both cases not well; but to feel them at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way, is what is both intermediate and best, and this is characteristic of virtue. Similarly with regard to actions also there is excess, defect, and the intermediate. Now virtue is concerned with passions and actions, in which excess is a form of failure, and so is defect, while the intermediate is praised and is a form of success; and being praised and being successful are both characteristics of virtue. Therefore virtue is a kind of mean, since, as we have seen, it aims at what is intermediate.

Again, it is possible to fail in many ways (for evil belongs to the class of the unlimited, as the Pythagoreans conjectured, and good to that of the limited), while to succeed is possible only in one way (for which reason also one is easy and the other difficult- to miss the mark easy, to hit it difficult); for these reasons also, then, excess and defect are characteristic of vice, and the mean of virtue;

For men are good in but one way, but bad in many.

Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it. Now it is a mean between two vices, that which depends on excess and that which depends on defect; and again it is a mean because the vices respectively fall short of or exceed what is right in both passions and actions, while virtue both finds and chooses that which is intermediate. Hence in respect of its substance and the definition which states its essence virtue is a mean, with regard to what is best and right an extreme.

But not every action nor every passion admits of a mean; for some have names that already imply badness, e.g. spite, shamelessness, envy, and in the case of actions adultery, theft, murder; for all of these and suchlike things imply by their names that they are themselves bad, and not the excesses or deficiencies of them. It is not possible, then, ever to be right with regard to them; one must always be wrong. Nor does goodness or badness with regard to such things depend on committing adultery with the right woman, at the right time, and in the right way, but simply to do any of them is to go wrong. It would be equally absurd, then, to expect that in unjust, cowardly, and voluptuous action there should be a mean, an excess, and a deficiency; for at that rate there would be a mean of excess and of deficiency, an excess of excess, and a deficiency of deficiency.

But as there is no excess and deficiency of temperance and courage because what is intermediate is in a sense an extreme, so too of the actions we have mentioned there is no mean nor any excess and deficiency, but however they are done they are wrong; for in general there is neither a mean of excess and deficiency, nor excess and deficiency of a mean.

7

We must, however, not only make this general statement, but also apply it to the individual facts. For among statements about conduct those which are general apply more widely, but those which are particular are more genuine, since conduct has to do with individual cases, and our statements must harmonize with the facts in these cases. We may take these cases from our table. With regard to feelings of fear and confidence courage is the mean; of the people who exceed, he who exceeds in fearlessness has no name (many of the states have no name), while the man who exceeds in confidence is rash, and he who exceeds in fear and falls short in confidence is a coward. With regard to pleasures and pains- not all of them, and not so much with regard to the pains- the mean is temperance, the excess self-indulgence. Persons deficient with regard to the pleasures are not often found; hence such persons also have received no name. But let us call them 'insensible'.

With regard to giving and taking of money the mean is liberality, the excess and the defect prodigality and meanness. In these actions people exceed and fall short in contrary ways; the prodigal exceeds in spending and falls short in taking, while the mean man exceeds in taking and falls short in spending. (At present we are giving a mere outline or summary, and are satisfied with this; later these states will be more exactly determined.) With regard to money there are also other dispositions- a mean, magnificence (for the magnificent man differs from the liberal man; the former deals with large sums, the latter with small ones), an excess, tastelessness and vulgarity, and a deficiency, niggardliness; these differ from the states opposed to liberality, and the mode of their difference will be stated later. With regard to honour and dishonour the mean is proper pride, the excess is known as a sort of 'empty vanity', and the deficiency is undue humility; and as we said liberality was related to magnificence, differing from it by dealing with small sums, so there is a state similarly related to proper pride, being concerned with small honours while that is concerned with great. For it is possible to desire honour as one ought, and more than one ought, and less, and the man who exceeds in his desires is called ambitious, the man who falls short unambitious, while the intermediate person has no name. The dispositions also are nameless, except that that of the ambitious man is called ambition. Hence the people who are at the extremes lay claim to the middle place; and we ourselves sometimes call the intermediate person ambitious and sometimes unambitious, and sometimes praise the ambitious man and sometimes the unambitious. The reason of our doing this will be stated in what follows; but now let us speak of the remaining states according to the method which has been indicated.

With regard to anger also there is an excess, a deficiency, and a mean. Although they can scarcely be said to have names, yet since we call the intermediate person good-tempered

let us call the mean good temper; of the persons at the extremes let the one who exceeds be called irascible, and his vice irascibility, and the man who falls short an inirascible sort of person, and the deficiency inirascibility.

There are also three other means, which have a certain likeness to one another, but differ from one another: for they are all concerned with intercourse in words and actions, but differ in that one is concerned with truth in this sphere, the other two with pleasantness; and of this one kind is exhibited in giving amusement, the other in all the circumstances of life. We must therefore speak of these too, that we may the better see that in all things the mean is praise-worthy, and the extremes neither praiseworthy nor right, but worthy of blame. Now most of these states also have no names, but we must try, as in the other cases, to invent names ourselves so that we may be clear and easy to follow. With regard to truth, then, the intermediate is a truthful sort of person and the mean may be called truthfulness, while the pretence which exaggerates is boastfulness and the person characterized by it a boaster, and that which understates is mock modesty and the person characterized by it mock-modest. With regard to pleasantness in the giving of amusement the intermediate person is ready-witted and the disposition ready wit, the excess is buffoonery and the person characterized by it a buffoon, while the man who falls short is a sort of boor and his state is boorishness. With regard to the remaining kind of pleasantness, that which is exhibited in life in general, the man who is pleasant in the right way is friendly and the mean is friendliness, while the man who exceeds is an obsequious person if he has no end in view, a flatterer if he is aiming at his own advantage, and the man who falls short and is unpleasant in all circumstances is a quarrelsome and surly sort of person.

There are also means in the passions and concerned with the passions; since shame is not a virtue, and yet praise is extended to the modest man. For even in these matters one man is said to be intermediate, and another to exceed, as for instance the bashful man who is ashamed of everything; while he who falls short or is not ashamed of anything at all is shameless, and the intermediate person is modest. Righteous indignation is a mean between envy and spite, and these states are concerned with the pain and pleasure that are felt at the fortunes of our neighbours; the man who is characterized by righteous indignation is pained at undeserved good fortune, the envious man, going beyond him, is pained at all good fortune, and the spiteful man falls so far short of being pained that he even rejoices. But these states there will be an opportunity of describing elsewhere; with regard to justice, since it has not one simple meaning, we shall, after describing the other states, distinguish its two kinds and say how each of them is a mean; and similarly we shall treat also of the rational virtues.

Are Values the Same as Virtues?
by Iain T. Benson
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"Search for values brings boomers back to church;" so ran the heading of a recent Vancouver Sun article. The journalist interviewed various people who had left the church while young, but later brought their own children back. A church leader said the reason some young families are returning to church is that "they want some help in fostering values for their children." A mother of young children stated that it is at church that children can learn "what's right, what's wrong" so as to get a "moral education...." Are these two people speaking about the same kind of things? Are "values" and "right and wrong" the same thing? It will surprise some people to realize that "values" is a term that obscures moral discourse rather than furthers it and that the term entered our language very recently. We all know, after all, that in contemporary usage, "you have your values and I have mine." A difference in "values" is virtually expected and no cause for concern. So what does it mean when people speak of "Women's values" or "Christian values" or "Family values" as if the capitalized word in each phrase implies something that is objectively true? Precious little. In a values framework, those who think they are standing up for something like "family values" are actually squatting. The hopeful person at a school board meeting who thinks he or she is communicating something true when they speak of "Christian values" is mistaken. In the current climate, such an expression of view ends up sounding like this: "I speak of the values that a Christian like me holds." Yawn. Next speaker please.

When the woman in the above article said she hoped that her children would learn about "right and wrong" when they got a "moral education," she was not speaking the same language at all as those who speak about values clarification in the schools. Attaching such terms as "Christian," "social," "Charter," or "women's" to the term "values" does not overcome the essential relativism of a values framework, and so, completely undercuts the objective good which the speaker thinks he or she is expressing. Each one is, after all, merely a personal (or group) value -- if I am not of that group, there is no reason objectively why I ought to support the "value." And the content of values is, by definition, merely personal. The fragmenting tendency of such an approach to society is obvious.

What has not yet been sufficiently noted is that this "values" language has gradually overtaken the place previously occupied by the more robust framework of virtue and character education. "Values" are valid in relation to such things as aesthetic choices or what type food we prefer but we must be careful not to reduce the moral order to a question of merely personal preference. "Virtues", on the other hand, have specific application to an individual person in terms of that person's nature (Sally may be more courageous than Robert, thereby exhibiting more fully the moral virtue of courage). The virtue of courage would be discussed as something, in a sense, beyond each. All properly informed people would recognize the common and particular aspects of the virtues because they had been taught to recognize and describe them. Now educational materials

in the public school (and most private schools) assist children in the task of "clarifying their own values" instead of teaching them. As such, it conforms them to chaos instead of informing them about meaning.

Now we make our own "values" rather than conform ourselves to "virtues" as the categorical aspects of an overall (and therefore shared) goodness. In such a situation, where reasoned debate itself is considered unnecessary in the face of power politics, we all have reason to fear a "values" approach that appears moral but is essentially relativistic. Yet, due to the lamentable watering-down of education over the past century, what was once basic to education and culture itself, is now largely lost. Since politics depends on culture and culture depends on the character of a people, a recovery of the tradition of the virtues is essential. A suspicion of reason goes hand in hand with a deeply ambiguous use of "values." Perhaps a reasoned explanation of virtue will go some way to restoring confidence in both.

The writers of the classical period had various lists of virtues and divided them in different ways. Aristotle, for example, divided all the virtues into those that were moral (having to do with character) and those that were intellectual (having to do with the mind).Though others mentioned these virtues as important, it was a Christian thinker, Thomas Aquinas, who grouped four key virtues together as the cardinal virtues: justice, wisdom (prudence), courage (fortitude), and moderation (temperance or self-control). The term cardinal comes from the Latin word cardo (a hinge) because all the other virtues pivoted on these four. Wisdom was called the "charioteer of the virtues" because it guided all the other virtues. Finally, "Grace perfects nature" and the theological virtues of faith, hope, and charity came to be seen as the supreme virtues, with the greatest of these being charity.

The concept of the mean (or "golden mean") recognizes that the virtues are the mean (or middle) between two extremes. Thus, courage is the mean (or middle way) between rashness (too much) and cowardice (too little). All errors with respect to the virtues involve either an excess or a deficiency of the virtue in question. Depending on our natures, we might have to move towards courage from either side of the mean. This is true for all the virtues and presents the drama of each person's development of a virtuous character. Aristotle observed that an understanding of particular virtues was more helpful than simply being urged to "do good and avoid evil." The same applies to holiness. It is helpful to examine and practice the specific aspects that together make up a holy life. That is the essence of the virtuous life -- a dynamic rooted in the reality of our natures and the moral life. Great stories (scriptural and other) provide examples for reflection and education but need the "grammar" that the teaching of the structure of the virtues can provide. The difficulty is in getting access to such teaching nowadays. True education, as Augustine noted, is to learn what to desire. Since many obviously desire to be better informed about "virtues" and have been more or less suspicious of "values" language, it is hoped that the works listed below will provide some assistance in beginning the essential task of recovery and development of a robust understanding of virtue and character.

CLASS 6. FRIENDSHIP

Aristotle, *Nicomachean Ethics* 8.1-4; 9.4-9

Book VIII

1

After what we have said, a discussion of friendship would naturally follow, since it is a virtue or implies virtue, and is besides most necessary with a view to living. For without friends no one would choose to live, though he had all other goods; even rich men and those in possession of office and of dominating power are thought to need friends most of all; for what is the use of such prosperity without the opportunity of beneficence, which is exercised chiefly and in its most laudable form towards friends? Or how can prosperity be guarded and preserved without friends? The greater it is, the more exposed is it to risk. And in poverty and in other misfortunes men think friends are the only refuge. It helps the young, too, to keep from error; it aids older people by ministering to their needs and supplementing the activities that are failing from weakness; those in the prime of life it stimulates to noble actions-'two going together'-for with friends men are more able both to think and to act. Again, parent seems by nature to feel it for offspring and offspring for parent, not only among men but among birds and among most animals; it is felt mutually by members of the same race, and especially by men, whence we praise lovers of their fellowmen. We may even in our travels how near and dear every man is to every other. Friendship seems too to hold states together, and lawgivers to care more for it than for justice; for unanimity seems to be something like friendship, and this they aim at most of all, and expel faction as their worst enemy; and when men are friends they have no need of justice, while when they are just they need friendship as well, and the truest form of justice is thought to be a friendly quality.

But it is not only necessary but also noble; for we praise those who love their friends, and it is thought to be a fine thing to have many friends; and again we think it is the same people that are good men and are friends.

Not a few things about friendship are matters of debate. Some define it as a kind of likeness and say like people are friends, whence come the sayings 'like to like', 'birds of a feather flock together', and so on; others on the contrary say 'two of a trade never agree'. On this very question they inquire for deeper and more physical causes, Euripides saying that 'parched earth loves the rain, and stately heaven when filled with rain loves to fall to earth', and Heraclitus that 'it is what opposes that helps' and 'from different tones comes the fairest tune' and 'all things are produced through strife'; while Empedocles, as well as others, expresses the opposite view that like aims at like. The physical problems we may leave alone (for they do not belong to the present inquiry); let us examine those which are human and involve character and feeling, e.g. whether friendship can arise between any two people or people cannot be friends if they are wicked, and whether there is one

species of friendship or more than one. Those who think there is only one because it admits of degrees have relied on an inadequate indication; for even things different in species admit of degree. We have discussed this matter previously.

2

The kinds of friendship may perhaps be cleared up if we first come to know the object of love. For not everything seems to be loved but only the lovable, and this is good, pleasant, or useful; but it would seem to be that by which some good or pleasure is produced that is useful, so that it is the good and the useful that are lovable as ends. Do men love, then, the good, or what is good for them? These sometimes clash. So too with regard to the pleasant. Now it is thought that each loves what is good for himself, and that the good is without qualification lovable, and what is good for each man is lovable for him; but each man loves not what is good for him but what seems good. This however will make no difference; we shall just have to say that this is 'that which seems lovable'. Now there are three grounds on which people love; of the love of lifeless objects we do not use the word 'friendship'; for it is not mutual love, nor is there a wishing of good to the other (for it would surely be ridiculous to wish wine well; if one wishes anything for it, it is that it may keep, so that one may have it oneself); but to a friend we say we ought to wish what is good for his sake. But to those who thus wish good we ascribe only goodwill, if the wish is not reciprocated; goodwill when it is reciprocal being friendship. Or must we add 'when it is recognized'? For many people have goodwill to those whom they have not seen but judge to be good or useful; and one of these might return this feeling. These people seem to bear goodwill to each other; but how could one call them friends when they do not know their mutual feelings? To be friends, then, the must be mutually recognized as bearing goodwill and wishing well to each other for one of the aforesaid reasons.

3

Now these reasons differ from each other in kind; so, therefore, do the corresponding forms of love and friendship. There are therefore three kinds of friendship, equal in number to the things that are lovable; for with respect to each there is a mutual and recognized love, and those who love each other wish well to each other in that respect in which they love one another. Now those who love each other for their utility do not love each other for themselves but in virtue of some good which they get from each other. So too with those who love for the sake of pleasure; it is not for their character that men love ready-witted people, but because they find them pleasant. Therefore those who love for the sake of utility love for the sake of what is good for themselves, and those who love for the sake of pleasure do so for the sake of what is pleasant to themselves, and not in so far as the other is the person loved but in so far as he is useful or pleasant. And thus these friendships are only incidental; for it is not as being the man he is that the loved person is loved, but as providing some good or pleasure. Such friendships, then, are easily dissolved, if the parties do not remain like themselves; for if the one party is no longer pleasant or useful the other ceases to love him.

Now the useful is not permanent but is always changing. Thus when the motive of the friendship is done away, the friendship is dissolved, inasmuch as it existed only for the ends in question. This kind of friendship seems to exist chiefly between old people (for at that age people pursue not the pleasant but the useful) and, of those who are in their prime or young, between those who pursue utility. And such people do not live much with each other either; for sometimes they do not even find each other pleasant; therefore they do not need such companionship unless they are useful to each other; for they are pleasant to each other only in so far as they rouse in each other hopes of something good to come. Among such friendships people also class the friendship of a host and guest. On the other hand the friendship of young people seems to aim at pleasure; for they live under the guidance of emotion, and pursue above all what is pleasant to themselves and what is immediately before them; but with increasing age their pleasures become different. This is why they quickly become friends and quickly cease to be so; their friendship changes with the object that is found pleasant, and such pleasure alters quickly. Young people are amorous too; for the greater part of the friendship of love depends on emotion and aims at pleasure; this is why they fall in love and quickly fall out of love, changing often within a single day. But these people do wish to spend their days and lives together; for it is thus that they attain the purpose of their friendship.

Perfect friendship is the friendship of men who are good, and alike in virtue; for these wish well alike to each other qua good, and they are good themselves. Now those who wish well to their friends for their sake are most truly friends; for they do this by reason of own nature and not incidentally; therefore their friendship lasts as long as they are good-and goodness is an enduring thing. And each is good without qualification and to his friend, for the good are both good without qualification and useful to each other. So too they are pleasant; for the good are pleasant both without qualification and to each other, since to each his own activities and others like them are pleasurable, and the actions of the good are the same or like. And such a friendship is as might be expected permanent, since there meet in it all the qualities that friends should have. For all friendship is for the sake of good or of pleasure-good or pleasure either in the abstract or such as will be enjoyed by him who has the friendly feeling-and is based on a certain resemblance; and to a friendship of good men all the qualities we have named belong in virtue of the nature of the friends themselves; for in the case of this kind of friendship the other qualities also are alike in both friends, and that which is good without qualification is also without qualification pleasant, and these are the most lovable qualities. Love and friendship therefore are found most and in their best form between such men.

But it is natural that such friendships should be infrequent; for such men are rare. Further, such friendship requires time and familiarity; as the proverb says, men cannot know each other till they have 'eaten salt together'; nor can they admit each other to friendship or be friends till each has been found lovable and been trusted by each. Those who quickly show the marks of friendship to each other wish to be friends, but are not friends unless they both are lovable and know the fact; for a wish for friendship may arise quickly, but friendship does not.

4

This kind of friendship, then, is perfect both in respect of duration and in all other respects, and in it each gets from each in all respects the same as, or something like what, he gives; which is what ought to happen between friends. Friendship for the sake of pleasure bears a resemblance to this kind; for good people too are pleasant to each other. So too does friendship for the sake of utility; for the good are also useful to each other. Among men of these inferior sorts too, friendships are most permanent when the friends get the same thing from each other (e.g. pleasure), and not only that but also from the same source, as happens between ready-witted people, not as happens between lover and beloved. For these do not take pleasure in the same things, but the one in seeing the beloved and the other in receiving attentions from his lover; and when the bloom of youth is passing the friendship sometimes passes too (for the one finds no pleasure in the sight of the other, and the other gets no attentions from the first); but many lovers on the other hand are constant, if familiarity has led them to love each other's characters, these being alike. But those who exchange not pleasure but utility in their amour are both less truly friends and less constant. Those who are friends for the sake of utility part when the advantage is at an end; for they were lovers not of each other but of profit.

For the sake of pleasure or utility, then, even bad men may be friends of each other, or good men of bad, or one who is neither good nor bad may be a friend to any sort of person, but for their own sake clearly only good men can be friends; for bad men do not delight in each other unless some advantage come of the relation.

The friendship of the good too and this alone is proof against slander; for it is not easy to trust any one talk about a man who has long been tested by oneself; and it is among good men that trust and the feeling that 'he would never wrong me' and all the other things that are demanded in true friendship are found. In the other kinds of friendship, however, there is nothing to prevent these evils arising. For men apply the name of friends even to those whose motive is utility, in which sense states are said to be friendly (for the alliances of states seem to aim at advantage), and to those who love each other for the sake of pleasure, in which sense children are called friends. Therefore we too ought perhaps to call such people friends, and say that there are several kinds of friendship- firstly and in the proper sense that of good men qua good, and by analogy the other kinds; for it is in virtue of something good and something akin to what is found in true friendship that they are friends, since even the pleasant is good for the lovers of pleasure. But these two kinds of friendship are not often united, nor do the same people become friends for the sake of utility and of pleasure; for things that are only incidentally connected are not often coupled together.

Friendship being divided into these kinds, bad men will be friends for the sake of pleasure or of utility, being in this respect like each other, but good men will be friends for their own sake, i.e. in virtue of their goodness. These, then, are friends without qualification; the others are friends incidentally and through a resemblance to these.

4

Friendly relations with one's neighbours, and the marks by which friendships are defined, seem to have proceeded from a man's relations to himself. For (1) we define a friend as one who wishes and does what is good, or seems so, for the sake of his friend, or (2) as one who wishes his friend to exist and live, for his sake; which mothers do to their children, and friends do who have come into conflict. And (3) others define him as one who lives with and (4) has the same tastes as another, or (5) one who grieves and rejoices with his friend; and this too is found in mothers most of all. It is by some one of these characterstics that friendship too is defined.

Now each of these is true of the good man's relation to himself (and of all other men in so far as they think themselves good; virtue and the good man seem, as has been said, to be the measure of every class of things). For his opinions are harmonious, and he desires the same things with all his soul; and therefore he wishes for himself what is good and what seems so, and does it (for it is characteristic of the good man to work out the good), and does so for his own sake (for he does it for the sake of the intellectual element in him, which is thought to be the man himself); and he wishes himself to live and be preserved, and especially the element by virtue of which he thinks. For existence is good to the virtuous man, and each man wishes himself what is good, while no one chooses to possess the whole world if he has first to become some one else (for that matter, even now God possesses the good); he wishes for this only on condition of being whatever he is; and the element that thinks would seem to be the individual man, or to be so more than any other element in him. And such a man wishes to live with himself; for he does so with pleasure, since the memories of his past acts are delightful and his hopes for the future are good, and therefore pleasant. His mind is well stored too with subjects of contemplation. And he grieves and rejoices, more than any other, with himself; for the same thing is always painful, and the same thing always pleasant, and not one thing at one time and another at another; he has, so to speak, nothing to repent of.

Therefore, since each of these characteristics belongs to the good man in relation to himself, and he is related to his friend as to himself (for his friend is another self), friendship too is thought to be one of these attributes, and those who have these attributes to be friends. Whether there is or is not friendship between a man and himself is a question we may dismiss for the present; there would seem to be friendship in so far as he is two or more, to judge from the afore-mentioned attributes of friendship, and from the fact that the extreme of friendship is likened to one's love for oneself.

But the attributes named seem to belong even to the majority of men, poor creatures though they may be. Are we to say then that in so far as they are satisfied with themselves and think they are good, they share in these attributes? Certainly no one who is thoroughly bad and impious has these attributes, or even seems to do so. They hardly belong even to inferior people; for they are at variance with themselves, and have appetites for some things and rational desires for others. This is true, for instance, of

incontinent people; for they choose, instead of the things they themselves think good, things that are pleasant but hurtful; while others again, through cowardice and laziness, shrink from doing what they think best for themselves. And those who have done many terrible deeds and are hated for their wickedness even shrink from life and destroy themselves. And wicked men seek for people with whom to spend their days, and shun themselves; for they remember many a grevious deed, and anticipate others like them, when they are by themselves, but when they are with others they forget. And having nothing lovable in them they have no feeling of love to themselves. Therefore also such men do not rejoice or grieve with themselves; for their soul is rent by faction, and one element in it by reason of its wickedness grieves when it abstains from certain acts, while the other part is pleased, and one draws them this way and the other that, as if they were pulling them in pieces. If a man cannot at the same time be pained and pleased, at all events after a short time he is pained because he was pleased, and he could have wished that these things had not been pleasant to him; for bad men are laden with repentance.

Therefore the bad man does not seem to be amicably disposed even to himself, because there is nothing in him to love; so that if to be thus is the height of wretchedness, we should strain every nerve to avoid wickedness and should endeavour to be good; for so and only so can one be either friendly to oneself or a friend to another.

5

Goodwill is a friendly sort of relation, but is not identical with friendship; for one may have goodwill both towards people whom one does not know, and without their knowing it, but not friendship. This has indeed been said already.' But goodwill is not even friendly feeling. For it does not involve intensity or desire, whereas these accompany friendly feeling; and friendly feeling implies intimacy while goodwill may arise of a sudden, as it does towards competitors in a contest; we come to feel goodwill for them and to share in their wishes, but we would not do anything with them; for, as we said, we feel goodwill suddenly and love them only superficially.

Goodwill seems, then, to be a beginning of friendship, as the pleasure of the eye is the beginning of love. For no one loves if he has not first been delighted by the form of the beloved, but he who delights in the form of another does not, for all that, love him, but only does so when he also longs for him when absent and craves for his presence; so too it is not possible for people to be friends if they have not come to feel goodwill for each other, but those who feel goodwill are not for all that friends; for they only wish well to those for whom they feel goodwill, and would not do anything with them nor take trouble for them. And so one might by an extension of the term friendship say that goodwill is inactive friendship, though when it is prolonged and reaches the point of intimacy it becomes friendship-not the friendship based on utility nor that based on pleasure; for goodwill too does not arise on those terms. The man who has received a benefit bestows goodwill in return for what has been done to him, but in doing so is only doing what is just; while he who wishes some one to prosper because he hopes for enrichment through him seems to have goodwill not to him but rather to himself, just as a man is not a friend to another if he cherishes him for the sake of some use to be made of him. In general,

goodwill arises on account of some excellence and worth, when one man seems to another beautiful or brave or something of the sort, as we pointed out in the case of competitors in a contest.

6

Unanimity also seems to be a friendly relation. For this reason it is not identity of opinion; for that might occur even with people who do not know each other; nor do we say that people who have the same views on any and every subject are unanimous, e.g. those who agree about the heavenly bodies (for unanimity about these is not a friendly relation), but we do say that a city is unanimous when men have the same opinion about what is to their interest, and choose the same actions, and do what they have resolved in common. It is about things to be done, therefore, that people are said to be unanimous, and, among these, about matters of consequence and in which it is possible for both or all parties to get what they want; e.g. a city is unanimous when all its citizens think that the offices in it should be elective, or that they should form an alliance with Sparta, or that Pittacus should be their ruler-at a time when he himself was also willing to rule. But when each of two people wishes himself to have the thing in question, like the captains in the Phoenissae, they are in a state of faction; for it is not unanimity when each of two parties thinks of the same thing, whatever that may be, but only when they think of the same thing in the same hands, e.g. when both the common people and those of the better class wish the best men to rule; for thus and thus alone do all get what they aim at. Unanimity seems, then, to be political friendship, as indeed it is commonly said to be; for it is concerned with things that are to our interest and have an influence on our life.

Now such unanimity is found among good men; for they are unanimous both in themselves and with one another, being, so to say, of one mind (for the wishes of such men are constant and not at the mercy of opposing currents like a strait of the sea), and they wish for what is just and what is advantageous, and these are the objects of their common endeavour as well. But bad men cannot be unanimous except to a small extent, any more than they can be friends, since they aim at getting more than their share of advantages, while in labour and public service they fall short of their share; and each man wishing for advantage to himself criticizes his neighbour and stands in his way; for if people do not watch it carefully the common weal is soon destroyed. The result is that they are in a state of faction, putting compulsion on each other but unwilling themselves to do what is just.

7

Benefactors are thought to love those they have benefited, more than those who have been well treated love those that have treated them well, and this is discussed as though it were paradoxical. Most people think it is because the latter are in the position of debtors and the former of creditors; and therefore as, in the case of loans, debtors wish their creditors did not exist, while creditors actually take care of the safety of their debtors, so it is thought that benefactors wish the objects of their action to exist since they will then get their gratitude, while the beneficiaries take no interest in making this return.

Epicharmus would perhaps declare that they say this because they 'look at things on their bad side', but it is quite like human nature; for most people are forgetful, and are more anxious to be well treated than to treat others well. But the cause would seem to be more deeply rooted in the nature of things; the case of those who have lent money is not even analogous. For they have no friendly feeling to their debtors, but only a wish that they may kept safe with a view to what is to be got from them; while those who have done a service to others feel friendship and love for those they have served even if these are not of any use to them and never will be. This is what happens with craftsmen too; every man loves his own handiwork better than he would be loved by it if it came alive; and this happens perhaps most of all with poets; for they have an excessive love for their own poems, doting on them as if they were their children. This is what the position of benefactors is like; for that which they have treated well is their handiwork, and therefore they love this more than the handiwork does its maker. The cause of this is that existence is to all men a thing to be chosen and loved, and that we exist by virtue of activity (i.e. by living and acting), and that the handiwork is in a sense, the producer in activity; he loves his handiwork, therefore, because he loves existence. And this is rooted in the nature of things; for what he is in potentiality, his handiwork manifests in activity.

At the same time to the benefactor that is noble which depends on his action, so that he delights in the object of his action, whereas to the patient there is nothing noble in the agent, but at most something advantageous, and this is less pleasant and lovable. What is pleasant is the activity of the present, the hope of the future, the memory of the past; but most pleasant is that which depends on activity, and similarly this is most lovable. Now for a man who has made something his work remains (for the noble is lasting), but for the person acted on the utility passes away. And the memory of noble things is pleasant, but that of useful things is not likely to be pleasant, or is less so; though the reverse seems true of expectation.

Further, love is like activity, being loved like passivity; and loving and its concomitants are attributes of those who are the more active.

Again, all men love more what they have won by labour; e.g. those who have made their money love it more than those who have inherited it; and to be well treated seems to involve no labour, while to treat others well is a laborious task. These are the reasons, too, why mothers are fonder of their children than fathers; bringing them into the world costs them more pains, and they know better that the children are their own. This last point, too, would seem to apply to benefactors.

8

The question is also debated, whether a man should love himself most, or some one else. People criticize those who love themselves most, and call them self-lovers, using this as an epithet of disgrace, and a bad man seems to do everything for his own sake, and the more so the more wicked he is-and so men reproach him, for instance, with doing nothing of his own accord-while the good man acts for honour's sake, and the more so the better he is, and acts for his friend's sake, and sacrifices his own interest.

But the facts clash with these arguments, and this is not surprising. For men say that one ought to love best one's best friend, and man's best friend is one who wishes well to the object of his wish for his sake, even if no one is to know of it; and these attributes are found most of all in a man's attitude towards himself, and so are all the other attributes by which a friend is defined; for, as we have said, it is from this relation that all the characteristics of friendship have extended to our neighbours. All the proverbs, too, agree with this, e.g. 'a single soul', and 'what friends have is common property', and 'friendship is equality', and 'charity begins at home'; for all these marks will be found most in a man's relation to himself; he is his own best friend and therefore ought to love himself best. It is therefore a reasonable question, which of the two views we should follow; for both are plausible.

Perhaps we ought to mark off such arguments from each other and determine how far and in what respects each view is right. Now if we grasp the sense in which each school uses the phrase 'lover of self', the truth may become evident. Those who use the term as one of reproach ascribe self-love to people who assign to themselves the greater share of wealth, honours, and bodily pleasures; for these are what most people desire, and busy themselves about as though they were the best of all things, which is the reason, too, why they become objects of competition. So those who are grasping with regard to these things gratify their appetites and in general their feelings and the irrational element of the soul; and most men are of this nature (which is the reason why the epithet has come to be used as it is-it takes its meaning from the prevailing type of self-love, which is a bad one); it is just, therefore, that men who are lovers of self in this way are reproached for being so. That it is those who give themselves the preference in regard to objects of this sort that most people usually call lovers of self is plain; for if a man were always anxious that he himself, above all things, should act justly, temperately, or in accordance with any other of the virtues, and in general were always to try to secure for himself the honourable course, no one will call such a man a lover of self or blame him.

But such a man would seem more than the other a lover of self; at all events he assigns to himself the things that are noblest and best, and gratifies the most authoritative element in and in all things obeys this; and just as a city or any other systematic whole is most properly identified with the most authoritative element in it, so is a man; and therefore the man who loves this and gratifies it is most of all a lover of self. Besides, a man is said to have or not to have self-control according as his reason has or has not the control, on the assumption that this is the man himself; and the things men have done on a rational principle are thought most properly their own acts and voluntary acts. That this is the man himself, then, or is so more than anything else, is plain, and also that the good man loves most this part of him. Whence it follows that he is most truly a lover of self, of another type than that which is a matter of reproach, and as different from that as living according to a rational principle is from living as passion dictates, and desiring what is noble from desiring what seems advantageous. Those, then, who busy themselves in an exceptional degree with noble actions all men approve and praise; and if all were to strive towards what is noble and strain every nerve to do the noblest deeds, everything would be as it

should be for the common weal, and every one would secure for himself the goods that are greatest, since virtue is the greatest of goods.

Therefore the good man should be a lover of self (for he will both himself profit by doing noble acts, and will benefit his fellows), but the wicked man should not; for he will hurt both himself and his neighbours, following as he does evil passions. For the wicked man, what he does clashes with what he ought to do, but what the good man ought to do he does; for reason in each of its possessors chooses what is best for itself, and the good man obeys his reason. It is true of the good man too that he does many acts for the sake of his friends and his country, and if necessary dies for them; for he will throw away both wealth and honours and in general the goods that are objects of competition, gaining for himself nobility; since he would prefer a short period of intense pleasure to a long one of mild enjoyment, a twelvemonth of noble life to many years of humdrum existence, and one great and noble action to many trivial ones. Now those who die for others doubtless attain this result; it is therefore a great prize that they choose for themselves. They will throw away wealth too on condition that their friends will gain more; for while a man's friend gains wealth he himself achieves nobility; he is therefore assigning the greater good to himself. The same too is true of honour and office; all these things he will sacrifice to his friend; for this is noble and laudable for himself. Rightly then is he thought to be good, since he chooses nobility before all else. But he may even give up actions to his friend; it may be nobler to become the cause of his friend's acting than to act himself. In all the actions, therefore, that men are praised for, the good man is seen to assign to himself the greater share in what is noble. In this sense, then, as has been said, a man should be a lover of self; but in the sense in which most men are so, he ought not.

9

It is also disputed whether the happy man will need friends or not. It is said that those who are supremely happy and self-sufficient have no need of friends; for they have the things that are good, and therefore being self-sufficient they need nothing further, while a friend, being another self, furnishes what a man cannot provide by his own effort; whence the saying 'when fortune is kind, what need of friends?' But it seems strange, when one assigns all good things to the happy man, not to assign friends, who are thought the greatest of external goods. And if it is more characteristic of a friend to do well by another than to be well done by, and to confer benefits is characteristic of the good man and of virtue, and it is nobler to do well by friends than by strangers, the good man will need people to do well by. This is why the question is asked whether we need friends more in prosperity or in adversity, on the assumption that not only does a man in adversity need people to confer benefits on him, but also those who are prospering need people to do well by. Surely it is strange, too, to make the supremely happy man a solitary; for no one would choose the whole world on condition of being alone, since man is a political creature and one whose nature is to live with others. Therefore even the happy man lives with others; for he has the things that are by nature good. And plainly it is better to spend his days with friends and good men than with strangers or any chance persons. Therefore the happy man needs friends.

What then is it that the first school means, and in what respect is it right? Is it that most identify friends with useful people? Of such friends indeed the supremely happy man will have no need, since he already has the things that are good; nor will he need those whom one makes one's friends because of their pleasantness, or he will need them only to a small extent (for his life, being pleasant, has no need of adventitious pleasure); and because he does not need such friends he is thought not to need friends.

But that is surely not true. For we have said at the outset that happiness is an activity; and activity plainly comes into being and is not present at the start like a piece of property. If (1) happiness lies in living and being active, and the good man's activity is virtuous and pleasant in itself, as we have said at the outset, and (2) a thing's being one's own is one of the attributes that make it pleasant, and (3) we can contemplate our neighbours better than ourselves and their actions better than our own, and if the actions of virtuous men who are their friends are pleasant to good men (since these have both the attributes that are naturally pleasant),-if this be so, the supremely happy man will need friends of this sort, since his purpose is to contemplate worthy actions and actions that are his own, and the actions of a good man who is his friend have both these qualities.

Further, men think that the happy man ought to live pleasantly. Now if he were a solitary, life would be hard for him; for by oneself it is not easy to be continuously active; but with others and towards others it is easier. With others therefore his activity will be more continuous, and it is in itself pleasant, as it ought to be for the man who is supremely happy; for a good man qua good delights in virtuous actions and is vexed at vicious ones, as a musical man enjoys beautiful tunes but is pained at bad ones. A certain training in virtue arises also from the company of the good, as Theognis has said before us.

If we look deeper into the nature of things, a virtuous friend seems to be naturally desirable for a virtuous man. For that which is good by nature, we have said, is for the virtuous man good and pleasant in itself. Now life is defined in the case of animals by the power of perception in that of man by the power of perception or thought; and a power is defined by reference to the corresponding activity, which is the essential thing; therefore life seems to be essentially the act of perceiving or thinking. And life is among the things that are good and pleasant in themselves, since it is determinate and the determinate is of the nature of the good; and that which is good by nature is also good for the virtuous man (which is the reason why life seems pleasant to all men); but we must not apply this to a wicked and corrupt life nor to a life spent in pain; for such a life is indeterminate, as are its attributes. The nature of pain will become plainer in what follows. But if life itself is good and pleasant (which it seems to be, from the very fact that all men desire it, and particularly those who are good and supremely happy; for to such men life is most desirable, and their existence is the most supremely happy) and if he who sees perceives that he sees, and he who hears, that he hears, and he who walks, that he walks, and in the case of all other activities similarly there is something which perceives that we are active, so that if we perceive, we perceive that we perceive, and if we think, that we think; and if to perceive that we perceive or think is to perceive that we exist (for existence was defined as perceiving or thinking); and if perceiving that one lives is in itself one of the things that are pleasant (for life is by nature good, and to perceive what is good present in

oneself is pleasant); and if life is desirable, and particularly so for good men, because to them existence is good and pleasant for they are pleased at the consciousness of the presence in them of what is in itself good); and if as the virtuous man is to himself, he is to his friend also (for his friend is another self):-if all this be true, as his own being is desirable for each man, so, or almost so, is that of his friend. Now his being was seen to be desirable because he perceived his own goodness, and such perception is pleasant in itself. He needs, therefore, to be conscious of the existence of his friend as well, and this will be realized in their living together and sharing in discussion and thought; for this is what living together would seem to mean in the case of man, and not, as in the case of cattle, feeding in the same place.

If, then, being is in itself desirable for the supremely happy man (since it is by its nature good and pleasant), and that of his friend is very much the same, a friend will be one of the things that are desirable. Now that which is desirable for him he must have, or he will be deficient in this respect. The man who is to be happy will therefore need virtuous friends.

CLASS 7. THE FAMILY

John Paul II, *Familiaris consortio*

6. The situation in which the family finds itself presents positive and negative aspects: the first are a sign of the salvation of Christ operating in the world; the second, a sign of the refusal that man gives to the love of God.

On the one hand, in fact, there is a more lively awareness of personal freedom and greater attention to the quality of interpersonal relationships in marriage, to promoting the dignity of women, to responsible procreation, to the education of children. There is also an awareness of the need for the development of interfamily relationships, for reciprocal spiritual and material assistance, the rediscovery of the ecclesial mission proper to the family and its responsibility for the building of a more just society. On the other hand, however, signs are not lacking of a disturbing degradation of some fundamental values: a mistaken theoretical and practical concept of the independence of the spouses in relation to each other; serious misconceptions regarding the relationship of authority between parents and children; the concrete difficulties that the family itself experiences in the transmission of values; the growing number of divorces; the scourge of abortion; the ever more frequent recourse to sterilization; the appearance of a truly contraceptive mentality.

At the root of these negative phenomena there frequently lies a corruption of the idea and the experience of freedom, conceived not as a capacity for realizing the truth of God's plan for marriage and the family, but as an autonomous power of self-affirmation, often against others, for one's own selfish well-being.

Worthy of our attention also is the fact that, in the countries of the so-called Third World, families often lack both the means necessary for survival, such as food, work, housing and medicine, and the most elementary freedoms. In the richer countries, on the contrary, excessive prosperity and the consumer mentality, paradoxically joined to a certain anguish and uncertainty about the future, deprive married couples of the generosity and courage needed for raising up new human life: thus life is often perceived not as a blessing, but as a danger from which to defend oneself.

The historical situation in which the family lives therefore appears as an interplay of light and darkness.

This shows that history is not simply a fixed progression towards what is better, but rather an event of freedom, and even a struggle between freedoms that are in mutual conflict, that is, according to the well-known expression of St. Augustine, a conflict between two loves: the love of God to the point of disregarding self, and the love of self to the point of disregarding God.(16)

It follows that only an education for love rooted in faith can lead to the capacity of interpreting "the signs of the times," which are the historical expression of this twofold love.

8. The whole Church is obliged to a deep reflection and commitment, so that the new culture now emerging may be evangelized in depth, true values acknowledged, the rights of men and women defended, and justice promoted in the very structures of society. In this way the "new humanism" will not distract people from their relationship with God, but will lead them to it more fully.

Science and its technical applications offer new and immense possibilities in the construction of such a humanism. Still, as a consequence of political choices that decide the direction of research and its applications, science is often used against its original purpose, which is the advancement of the human person.

It becomes necessary, therefore, on the part of all, to recover an awareness of the primacy of moral values, which are the values of the human person as such. The great task that has to be faced today for the renewal of society is that of recapturing the ultimate meaning of life and its fundamental values. Only an awareness of the primacy of these values enables man to use the immense possibilities given him by science in such a way as to bring about the true advancement of the human person in his or her whole truth, in his or her freedom and dignity. Science is called to ally itself with wisdom.

The following words of the Second Vatican Council can therefore be applied to the problems of the family: "Our era needs such wisdom more than bygone ages if the discoveries made by man are to be further humanized. For the future of the world stands in peril unless wiser people are forthcoming.(17)

The education of the moral conscience, which makes every human being capable of judging and of discerning the proper ways to achieve self-realization according to his or her original truth, thus becomes a pressing requirement that cannot be renounced.

Modern culture must be led to a more profoundly restored covenant with divine Wisdom. Every man is given a share of such Wisdom through the creating action of God. And it is only in faithfulness to this covenant that the families of today will be in a position to influence positively the building of a more just and fraternal world.

11. God created man in His own image and likeness (20): calling him to existence through love, He called him at the same time for love.

God is love(21) and in Himself He lives a mystery of personal loving communion. Creating the human race in His own image and continually keeping it in being, God inscribed in the humanity of man and woman the vocation, and thus the capacity and responsibility, of love and communion.(22) Love is therefore the fundamental and innate vocation of every human being.

As an incarnate spirit, that is a soul which expresses itself in a body and a body informed by an immortal spirit, man is called to love in his unified totality. Love includes the human body, and the body is made a sharer in spiritual love.

Christian revelation recognizes two specific ways of realizing the vocation of the human person in its entirety, to love: marriage and virginity or celibacy. Either one is, in its own proper form, an actuation of the most profound truth of man, of his being "created in the image of God."

Consequently, sexuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses, is by no means something purely biological, but concerns the innermost being of the human person as such. It is realized in a truly human way only if it is an integral part of the love by which a man and a woman commit themselves totally to one another until death. The total physical self-giving would be a lie if it were not the sign and fruit of a total personal self-giving, in which the whole person, including the temporal dimension, is present: if the person were to withhold something or reserve the possibility of deciding otherwise in the future, by this very fact he or she would not be giving totally.

This totality which is required by conjugal love also corresponds to the demands of responsible fertility. This fertility is directed to the generation of a human being, and so by its nature it surpasses the purely biological order and involves a whole series of personal values. For the harmonious growth of these values a persevering and unified contribution by both parents is necessary.

The only "place" in which this self-giving in its whole truth is made possible is marriage, the covenant of conjugal love freely and consciously chosen, whereby man and woman accept the intimate community of life and love willed by God Himself(23) which only in this light manifests its true meaning. The institution of marriage is not an undue interference by society or authority, nor the extrinsic imposition of a form. Rather it is an interior requirement of the covenant of conjugal love which is publicly affirmed as unique and exclusive, in order to live in complete fidelity to the plan of God, the Creator. A person's freedom, far from being restricted by this fidelity, is secured against every form of subjectivism or relativism and is made a sharer in creative Wisdom.

14. According to the plan of God, marriage is the foundation of the wider community of the family, since the very institution of marriage and conjugal love are ordained to the procreation and education of children, in whom they find their crowning. (34)

In its most profound reality, love is essentially a gift; and conjugal love, while leading the spouses to the reciprocal "knowledge" which makes them "one flesh,"(35) does not end with the couple, because it makes them capable of the greatest possible gift, the gift by which they become cooperators with God for giving life to a new human person. Thus the couple, while giving themselves to one another, give not just themselves but also the reality of children, who are a living reflection of their love, a permanent sign of conjugal unity and a living and inseparable synthesis of their being a father and a mother.

When they become parents, spouses receive from God the gift of a new responsibility. Their parental love is called to become for the children the visible sign of the very love of God, "from whom every family in heaven and on earth is named."(36)

It must not be forgotten however that, even when procreation is not possible, conjugal life does not for this reason lose its value. Physical sterility in fact can be for spouses the occasion for other important services to the life of the human person, for example, adoption, various forms of educational work, and assistance to other families and to poor or handicapped children.

18. The family, which is founded and given life by love, is a community of persons: of husband and wife, of parents and children, of relatives. Its first task is to live with fidelity the reality of communion in a constant effort to develop an authentic community of persons.

The inner principle of that task, its permanent power and its final goal is love: without love the family is not a community of persons and, in the same way, without love the family cannot live, grow and perfect itself as a community of persons. What I wrote in the Encyclical Redemptor hominis applies primarily and especially within the family as such: "Man cannot live without love. He remains a being that is incomprehensible for himself, his life is senseless, if love is not revealed to him, if he does not encounter love, if he does not experience it and make it his own, if he does not participate intimately in it."(45)

The love between husband and wife and, in a derivatory and broader way, the love between members of the same family-between parents and children, brothers and sisters and relatives and members of the household-is given life and sustenance by an unceasing inner dynamism leading the family to ever deeper and more intense communion, which is the foundation and soul of the community of marriage and the family.

21. Conjugal communion constitutes the foundation on which is built the broader communion of the family, of parents and children, of brothers and sisters with each other, of relatives and other members of the household.

This communion is rooted in the natural bonds of flesh and blood, and grows to its specifically human perfection with the establishment and maturing of the still deeper and richer bonds of the spirit: the love that animates the interpersonal relationships of the different members of the family constitutes the interior strength that shapes and animates the family communion and community.

The Christian family is also called to experience a new and original communion which confirms and perfects natural and human communion. In fact the grace of Jesus Christ, "the first-born among many brethren "(56) is by its nature and interior dynamism "a grace of brotherhood," as St. Thomas Aquinas calls it.(57) The Holy Spirit, who is poured forth in the celebration of the sacraments, is the living source and inexhaustible sustenance of

the supernatural communion that gathers believers and links them with Christ and with each other in the unity of the Church of God. The Christian family constitutes a specific revelation and realization of ecclesial communion, and for this reason too it can and should be called "the domestic Church."(58)

All members of the family, each according to his or her own gift, have the grace and responsibility of building, day by day, the communion of persons, making the family "a school of deeper humanity"(59): this happens where there is care and love for the little ones, the sick, the aged; where there is mutual service every day; when there is a sharing of goods, of joys and of sorrows.

A fundamental opportunity for building such a communion is constituted by the educational exchange between parents and children, (60) in which each gives and receives. By means of love, respect and obedience towards their parents, children offer their specific and irreplaceable contribution to the construction of an authentically human and Christian family.(61) They will be aided in this if parents exercise their unrenounceable authority as a true and proper "ministry," that is, as a service to the human and Christian well-being of their children, and in particular as a service aimed at helping them acquire a truly responsible freedom, and if parents maintain a living awareness of the "gift" they continually receive from their children.

Family communion can only be preserved and perfected through a great spirit of sacrifice. It requires, in fact, a ready and generous openness of each and all to understanding, to forbearance, to pardon, to reconciliation. There is no family that does not know how selfishness, discord, tension and conflict violently attack and at times mortally wound its own communion: hence there arise the many and varied forms of division in family life. But, at the same time, every family is called by the God of peace to have the joyous and renewing experience of "reconciliation," that is, communion reestablished, unity restored. In particular, participation in the sacrament of Reconciliation and in the banquet of the one Body of Christ offers to the Christian family the grace and the responsibility of overcoming every division and of moving towards the fullness of communion willed by God, responding in this way to the ardent desire of the Lord: "that they may be one."(62)

23. Without intending to deal with all the various aspects of the vast and complex theme of the relationships between women and society, and limiting these remarks to a few essential points, one cannot but observe that in the specific area of family life a widespread social and cultural tradition has considered women's role to be exclusively that of wife and mother, without adequate access to public functions which have generally been reserved for men.

There is no doubt that the equal dignity and responsibility of men and women fully justifies women's access to public functions. On the other hand the true advancement of women requires that clear recognition be given to the value of their maternal and family role, by comparison with all other public roles and all other professions. Furthermore,

these roles and professions should be harmoniously combined, if we wish the evolution of society and culture to be truly and fully human.

This will come about more easily if, in accordance with the wishes expressed by the Synod, a renewed "theology of work" can shed light upon and study in depth the meaning of work in the Christian life and determine the fundamental bond between work and the family, and therefore the original and irreplaceable meaning of work in the home and in rearing children.(66) Therefore the Church can and should help modern society by tirelessly insisting that the work of women in the home be recognized and respected by all in its irreplaceable value. This is of particular importance in education: for possible discrimination between the different types of work and professions is eliminated at its very root once it is clear that all people, in every area, are working with equal rights and equal responsibilities. The image of God in man and in woman will thus be seen with added luster.

While it must be recognized that women have the same right as men to perform various public functions, society must be structured in such a way that wives and mothers are not in practice compelled to work outside the home, and that their families can live and prosper in a dignified way even when they themselves devote their full time to their own family.

Furthermore, the mentality which honors women more for their work outside the home than for their work within the family must be overcome. This requires that men should truly esteem and love women with total respect for their personal dignity, and that society should create and develop conditions favoring work in the home.

With due respect to the different vocations of men and women, the Church must in her own life promote as far as possible their equality of rights and dignity: and this for the good of all, the family, the Church and society.

But clearly all of this does not mean for women a renunciation of their femininity or an imitation of the male role, but the fullness of true feminine humanity which should be expressed in their activity, whether in the family or outside of it, without disregarding the differences of customs and cultures in this sphere.

28. With the creation of man and woman in His own image and likeness, God crowns and brings to perfection the work of His hands: He calls them to a special sharing in His love and in His power as Creator and Father, through their free and responsible cooperation in transmitting the gift of human life: "God blessed them, and God said to them, 'Be fruitful and multiply, and fill the earth and subdue it.'"(80)

Thus the fundamental task of the family is to serve life, to actualize in history the original blessing of the Creator-that of transmitting by procreation the divine image from person to person. (81)

Fecundity is the fruit and the sign of conjugal love, the living testimony of the full reciprocal selfgiving of the spouses: "While not making the other purposes of matrimony of less account, the true practice of conjugal love, and the whole meaning of the family life which results from it, have this aim: that the couple be ready with stout hearts to cooperate with the love of the Creator and the Savior, who through them will enlarge and enrich His own family day by day."(82)

However, the fruitfulness of conjugal love is not restricted solely to the procreation of children, even understood in its specifically human dimension: it is enlarged and enriched by all those fruits of moral, spiritual and supernatural life which the father and mother are called to hand on to their children, and through the children to the Church and to the world.

42. "Since the Creator of all things has established the conjugal partnership as the beginning and basis of human society," the family is "the first and vital cell of society."(105)

The family has vital and organic links with society, since it is its foundation and nourishes it continually through its role of service to life: it is from the family that citizens come to birth and it is within the family that they find the first school of the social virtues that are the animating principle of the existence and development of society itself.

Thus, far from being closed in on itself, the family is by nature and vocation open to other families and to society, and undertakes its social role.

43. The very experience of communion and sharing that should characterize the family's daily life represents its first and fundamental contribution to society.

The relationships between the members of the family community are inspired and guided by the law of "free giving." By respecting and fostering personal dignity in each and every one as the only basis for value, this free giving takes the form of heartfelt acceptance, encounter and dialogue, disinterested availability, generous service and deep solidarity.

Thus the fostering of authentic and mature communion between persons within the family is the first and irreplaceable school of social life, and example and stimulus for the broader community relationships marked by respect, justice, dialogue and love.

The family is thus, as the Synod Fathers recalled, the place of origin and the most effective means for humanizing and personalizing society: it makes an original contribution in depth to building up the world, by making possible a life that is properly speaking human, in particular by guarding and transmitting virtues and "values." As the Second Vatican Council states, in the family "the various generations come together and help one another to grow wiser and to harmonize personal rights with the other requirements of social living."(106)

Consequently, faced with a society that is running the risk of becoming more and more depersonalized and standardized and therefore inhuman and dehumanizing, with the negative results of many forms of escapism-such as alcoholism, drugs and even terrorism-the family possesses and continues still to release formidable energies capable of taking man out of his anonymity, keeping him conscious of his personal dignity, enriching him with deep humanity and actively placing him, in his uniqueness and unrepeatability, within the fabric of society.

44. The social role of the family certainly cannot stop short at procreation and education, even if this constitutes its primary and irreplaceable form of expression.

Families therefore, either singly or in association, can and should devote themselves to manifold social service activities, especially in favor of the poor, or at any rate for the benefit of all people and situations that cannot be reached by the public authorities' welfare organization.

The social contribution of the family has an original character of its own, one that should be given greater recognition and more decisive encouragement, especially as the children grow up, and actually involving all its members as much as possible.(107)

In particular, note must be taken of the ever greater importance in our society of hospitality in all its forms, from opening the door of one's home and still more of one's heart to the pleas of one's brothers and sisters, to concrete efforts to ensure that every family has its own home, as the natural environment that preserves it and makes it grow. In a special way the Christian family is called upon to listen to the Apostle's recommendation: "Practice hospitality,"(108) and therefore, imitating Christ's example and sharing in His love, to welcome the brother or sister in need: "Whoever gives to one of these little ones even a cup of cold water because he is a disciple, truly, I say to you, he shall not lose his reward."(109)

The social role of families is called upon to find expression also in the form of political intervention: families should be the first to take steps to see that the laws and institutions of the State not only do not offend but support and positively defend the rights and duties of the family. Along these lines, families should grow in awareness of being "protagonists" of what is known as "family politics" and assume responsibility for transforming society; otherwise families will be the first victims of the evils that they have done no more than note with indifference. The Second Vatican Council's appeal to go beyond an individualistic ethic therefore also holds good for the family as such."(110)

Marriage: What Social Science Says and Doesn't Say
by Jennifer Marshall

Social science data indicate that the intact family—defined as a man and a woman who marry, conceive, and raise their children together—best ensures the current and future welfare of children and society when compared with other common forms of households. As alternative family forms have become more prevalent since the 1960s, social science research and government surveys have indicated an accompanying rise in a number of serious social problems.

Government's interest in marriage has been based primarily on its interest in the welfare of the next generation. Among the many types of social relationships, marriage has always had a special place in all legal traditions, our own included, because it is the essential foundation of the intact family, and no other family form has been able to provide a commensurate level of social security.

In all other common family and household forms, the risk of negative individual outcomes and family disintegration is much greater, increasing the risk of dependence on state services. A free society requires a critical mass of individuals in stable households who are not dependent on the state. The most stable and secure household, the available research shows, is the intact family. Therefore, the state has an interest in protecting the intact family and we should be cautious about facilitating other forms of household, the effects of which are either deleterious or unknown.

Compared with counterparts in other common household arrangements, adolescents in intact families have better health, are less likely to be depressed, are less likely to repeat a grade in school, and have fewer developmental problems, data show. By contrast, national surveys reveal that, as a group, children in other family forms studied are more likely to experience poverty, abuse, behavioral and emotional problems, lower academic achievement, and drug use. These surveys illustrate

* Adolescents in intact families, as a group, are the least likely to feel depressed compared to those with divorced, step-, cohabiting, or single parents; (National Longitudinal Survey of Adolescent Health)
* The national average grade-point scores of children in intact families is 2.98, compared to 2.79 for children of cohabiting parents and 2.71 for children living in stepfamilies; (National Longitudinal Survey of Adolescent Health)
* The rate of youth incarceration is significantly greater for children raised in single-mother and stepfamily homes than for those raised in intact families, even after controlling for parental income and education; (National Longitudinal Survey of Youth)
* Children in non-intact families are three times as likely to have children outside of marriage; (National Longitudinal Survey of Youth.) and

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Rates of engaging in problem behaviors such as lying, stealing, drunkenness, and violence are sharply higher for children of divorce compared to children in intact families. (National Longitudinal Survey of Adolescent Health)

During the 1990s, a serious public policy debate resulted when emerging social science data showed the consequences of several decades of experimentation with family forms. Out of this increased awareness grew a movement for policy and cultural changes to reinforce and restore marriage in America. Policy decisions—such as welfare reform—were grounded in these data. We have seen some of the fruit of those efforts in declining rates of teen sex and childbearing.

By contrast, the current debate over same-sex marriage is not anchored in sound research, and data on the consequences of children being brought up by same-sex couples remains scarce. Same-sex couples with children constitute a new form of household that has not been carefully studied. Nor has the objective of this policy discussion been clearly defined as the interest of children or the future of the nation's families.

Same-sex marriage advocates propose that we institutionalize a social experiment in its early stages by elevating it in law to the status of the oldest of institutions: marriage. That experiment is the same-sex coupling and parenting recently taking place around us. To be sure, Americans have become more accepting of other types of sexual experimentation—sex outside of marriage, cohabitation, single parenting—but do not equate them with or see them as a substitute for marriage. None of these experiments has been regarded in law as the equivalent of the intact family. Yet this is precisely the proposal before us on the question of same-sex marriage: that we institutionalize in law an experiment about which we have very little knowledge.

The data on the homosexual household is extremely limited. We know relatively little about the long-term effects of homosexual relationships on partners and even less about the children that will be raised in such households. Such an absence of data should give us pause before reconfiguring the basic institution of society. Thus we should study the results of the current experiment in homosexual households with children rather than forcing communities at large to accept, by law, same-sex marriage and parenting.

We should also further explore what it is about marriage that sets the intact family apart in the current research. Many would contend that the unique natures and contributions of a male and a female constitute the critical characteristic of marriage, and that the distinctive sexual nature and identity of each parent, along with their number (two rather than one) and relationship status (marriage rather than cohabitation), gives the intact family the exceptional quality it exhibits. This needs to be examined carefully, to determine how having two parents of opposite sexes contributes to the upbringing of a child.

In the meantime, with the policy debate forced by same-sex marriage advocates beyond the conclusions of existent social science research, we must look to the best evidence

currently available about family forms and their social impacts. What we know about alternative family forms is a good indicator of what we might expect from this variant.

Modern policymaking should be informed by the realities of available empirical evidence. In time, the data will be forthcoming on this newest form of experimentation, same-sex partnering and parenting, and its effects on homosexual men and women and on those who live with them. In the meantime America's marriage and family law should stay the course based on what we do know.

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CLASS 8. CIVIL SOCIETY AND ENTREPRENEURSHIP

Office of Social Justice, excerpts on the principle of subsidiarity

Still, that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them.
--Pius XI, encyclical *Quadragesimo anno* (1941), n.79

The "principle of subsidiarity" must be respected: "A community of a higher order should not interfere with the life of a community of a lower order, taking over its functions." In case of need it should, rather, support the smaller community and help to coordinate its activity with activities in the rest of society for the sake of the common good.
--John Paul II, encyclical *Centisimus anus* (1991), n. 48

The primary norm for determining the scope and limits of governmental intervention is the "principle of subsidiarity" cited above. This principle states that, in order to protect basic justice, government should undertake only those initiatives which exceed the capacities of individuals or private groups acting independently. Government should not replace or destroy smaller communities and individual initiative. Rather it should help them contribute more effectively to social well-being and supplement their activity when the demands of justice exceed their capacities. These does not mean, however, that the government that governs least, governs best. Rather it defines good government intervention as that which truly "helps" other social groups contribute to the common good by directing, urging, restraining, and regulating economic activity as "the occasion requires and necessity demands".
--Economic Justice for All, 124

“Civil Society”
entry from the Civic Dictionary by Carmen Sirianni and Lewis Friedland

Civil society refers to that sphere of voluntary associations and informal networks in which individuals and groups engage in activities of public consequence. It is distinguished from the public activities of government because it is voluntary, and from the private activities of markets because it seeks common ground and public goods. It is often described as the "third sector." For democratic societies, it provides an essential link between citizens and the state. Its fundamental appeal since its origin in the Scottish Enlightenment is its attempt to synthesize public and private good.

Civil society includes voluntary associations of all sorts: churches, neighborhood organizations, cooperatives, fraternal and sororal organizations, charities, unions, parties, social movements, interest groups, and families. The inclusion of the family among those forms of social interaction between economy and state yields the broadest definition of civil society. The boundaries are defined variously in the theoretical literature, and there is much elasticity and ambiguity. Reformers in Eastern Europe, who have been key to reviving the use of the term in recent years, use it expansively to define the challenges of a democratic transition from statist regimes. American conservatives are likely to speak of "mediating structures" more narrowly, and focus on the family, neighborhood and local voluntary associations. Left-liberal intellectuals often make the new social movements (women's movement, environmental movement etc.) the heart of their argument for a renewed civil society that places the public sphere on more pluralistic foundations.

The "civil society argument," as Michael Walzer notes, is most useful as a corrective to other accounts of the good life and a democratic society. In particular, it is a corrective to those who see government and formal politics as the primary focus of good citizenship and source of public goods, as well as to those who see the market actions of individual consumers and corporate producers as largely responsible for freedom and the good life. Since these positions are often attached to political ideologies, the civil society argument is directed as a critique of both the left (too wedded to government action in the pursuit of distributive justice) and the right (too unconcerned about the destructive impact of competitive markets on the fabric of associational life). But there are important tendencies within theories of both left and right to recover new vitality by means of an emphasis on civil society.

In the American tradition, Tocqueville's writings on civil society in the early nineteenth century have been central, and are the touchstone for much of the revival of debate. Tocqueville noted the propensity of Americans, who live in a relative equality of conditions compared to their European counterparts, to form associations of all kinds and for all purposes, and in this lay the strength of their democracy. Civic associations reinforced the spirit of collaboration so vital for public affairs, and political associations, in turn, taught habits that could be transferred to nonpolitical forms of cooperation. Through associational life citizens are imbued with an ethic of "self-interest, rightly understood," in which an "enlightened regard for themselves constantly prompts them to

assist one another and inclines them willingly to sacrifice a portion of their time and property to the welfare of the state."

Recently, social critics have spoken of the decline of civil society in the United States as a result of expansive government and corporate sectors, as well as the narrowing of much of the voluntary sector to service and advocacy. The intrusion of the "therapeutic state," and its assumption of many roles previously performed by families and community institutions, has been targeted as a major factor by critics of the right and the left.

Some Relevant Issues

Civil society has experienced an enormous theoretical rebirth in recent years, which testifies to its pivotal role in modern democratic theory, as well as to a broader crisis of contemporary societies seeking new foundations for citizenship. But much of the writing on civil society is highly abstract, diffuse or hortatory. The challenge in the coming years will be to further concretize these theoretical debates in the context of practical action and innovation. Some issues are the following:

How can the institutions of civil society cultivate robust citizenship?

Civil society is populated with institutions whose role in developing robust citizenship is often weak and one-sided. These include, arguably: public interest groups that cannot mobilize their members beyond a narrow representation of interests; youth organizations that have become primarily recreation service providers; charities that reinforce models of community deficits; media that have forgotten how to help communities deliberate; universities that educate for a narrow professionalism; and new social movements that balkanize identities and proliferate victim statuses. If we have been "deskilled" as citizens, it is not simply the result of the bureaucratic welfare state, but of the erosion of some of the essential citizenship-enhancing functions of our civic institutions themselves. These need to be challenged to develop new capacities for practical civic education and institutional renewal.

How can government and markets be more firmly embedded in civil society?

This question emerges from theoretical critiques that see a steady "disembedding" of institutions in modern societies. We have some models of civic innovation that begin to address this problem, and we need more from which we can learn. "Good neighbor agreements" and similar civic environmental models use community-right-to-know laws to begin to embed market and production calculations of firms in the context of community compacts and advisory boards. Regulatory programs that convene stakeholders and trade associations in resolving disputes or developing cleaner technologies embed government in civil society by making it a catalyst of voluntary efforts that appeal to norms and mobilize networks. Some states fund battered women's shelters in a way that avoids a bureaucratic client model in favor of grassroots empowerment practices, community mobilization of assets, and multicultural dialogue on

family violence. Some corporations give social service leaves that encourage employees to develop projects in the voluntary sector.

How can the density of associational life be reconstructed under new conditions of freedom and equality?

The institutions of civil society have often been ones of profound inequalities of power, and have inculcated traits of deference and subordination based on gender and race, rather than independent citizenship. They have often been ethnocentric as well. A heterogeneous society that seeks to devolve greater powers to civil society must do so in the framework of state protections, so that we can continue to secure the benefits of modern, universal citizenship, even as we seek to recover those of closer and more particularistic communities.

What is the role of government in supporting the kind of associational life appropriate to a vibrant democracy of free and equal citizens?

This is clearly a contentious political issue, but one open to a fruitful debate focused on specific kinds of programs and innovations.

The Future of Civil Society **MICHAEL NOVAK**

After the fall of the evil collectivist regime that insisted on "the scientific study of atheism," and that so dominated world history in the twentieth century, what is to be said about the construction of a normal, decent, human society? This question is of vital importance for the young democracies of Eastern and Central Europe; it is also crucial for more "seasoned" experiments in democracy, including our own.

The foundational error of communism — the error that led Leo XIII to predict in 1891 that communism could not and would not work, that it was not only evil but futile — was its atheism. More exactly perhaps, its dialectical materialist atheism. For one can imagine an atheist who is not a materialist but a humanist. Such atheists have a sense of irony and tragedy, and an instinct for community and compassion; and they grasp and defend the rules of right reason.

Still, atheism is a fundamental error about the possibilities open to humankind. Like a guillotine, it cuts off horizons that are in fact open. It foreshortens the human perspective. The religious impulse is as universal and deep in humans as the love for music — even deeper. At the same time, it is possible for humans, even those who love music, not to have an ear for it, not to be able, on their own, to carry a tune accurately. Similarly, it is possible for those who respect religion, and know its power and its rightful place, not to have an ear for it, as Friedrich Hayek confessed in The Fatal Conceit that he, alas, did not.

For reasons such as this, it is important for believers not to pass judgment on the state of soul of professed atheists. Some of them may in the depths of their consciences be as faithful to the light of honesty, compassion, and courage as it is given to them to be. With such light as they have, they may be in God's eyes more pleasing in their fidelity than those to whom religious faith is given, but whose actual fidelity is less concrete.

In trying to force humans to believe that they are no more than random and temporary unities of matter, destined for oblivion, communism was obliged to deny far too many daily experiences. All around us, as the sociologist Peter Berger has put it, are "rumors of angels." To be on constant guard against these in-breaking intimations of the infinite requires a fierce discipline — and, in the end, one that is as self-mutilating as that imposed upon youthful Spartan militants of old or, in our own century, on the Nazi extermination units inured to the cruelty commanded of them.

Let me put this in another way. Among many of those confined to the prisons and torture chambers of the twentieth century, who entered prison as atheists or agnostics, there were not a few who decided at a certain moment not under any circumstances to continue cooperating with the lie. Such persons learned through terror the difference between the lie and truth, and no matter the consequences entrusted themselves to truth. In such truth, they found shelter against injustice, cruelty, and brutal power. And many came to believe,

in Solzhenitsyn's words, that one word of truth is more powerful than all the arms of the world.

In 1989, that miracle year, so truth proved to be. And in this agonized way many came to the threshold of hope. In the experience of many, no God appeared to them in the darkness. And yet they knew, at last, what it is like to believe in God — to trust in the light, against the lie.

Thus, in trying to cut humans off by force from the transcendent origin of their own knowing and loving, Communism undid itself. Its project was futile from the first. In its very prisons and torture cells, it turned itself inside out. Its official materialism forced into evidence a nonmaterial love for truth, as opposed to the enforced official lies. And this, in turn, awakened silent reflection on the human significance of the indestructible instinct for truth in the human heart, no matter the material consequences. Why would anyone do something so lacking in pragmatism as to remain faithful to that instinct? What does that instinct say about the nature and existence of man? Despite itself, communism awakened wonder.

After establishing beyond the shadow of a doubt that atheism is like a snake's skin, unable to contain the bursting dynamism of the human mind, communism made one other thing clear: that a city organized solely as a state is bound to be tyrannical, airless, suffocating, and doomed to debility. Thus there was awakened at the heart of Europe a spontaneous outcry for the air and oxygen of "the civic forum."

Civil society

As has been recognized since the time of Adam Ferguson in Scotland (1723 - 1816), civil society is a larger, more supple social reality than the iron rods and stiff, formal structures designated by the term "state." Civil society is constituted by conversations among free persons, associating themselves in a thousand inventive ways to accomplish their own social purposes, either with or entirely independent of the state. Civil society is the Internet that self-governing citizens construct for themselves over time, sometimes tacitly and unself-consciously, at times with full explicit purpose and deliberate voluntary choice.

But civil society is not an unambiguous term. Under the Austro-Hungarian Empire, for example, it sometimes connoted an informal network of aristocratic and other hereditary powers, who exercised considerable political authority behind the veils of state power. In other words, civil society was a euphemism for informal power parallel to, undergirding, and sometimes actually directing, the exercise of an often weaker state power. Civil society in this sense was a cover for real power. To it and to its hereditary and often tacit laws, the emperor himself frequently bowed.

The Habsburg talent, it has often been said, lay in forging informal consent among the disparate parts of the empire, chiefly through leaders whose authority derived from tradition. These the emperors did not so much command as gently herd toward tacit

consensus, for their own mutual self-interest, and in the name of the practical common good of their subjects. That there was good faith and practical wisdom in these arrangements is evidenced by their longevity, and also by the relative loyalty they evoked in their subjects over many generations.

Nonetheless, such a regime was necessarily less meritocratic than suits modern ideas of liberty; less permeable by upward mobility than satisfies subjects longing to become citizens; and less open to the ideals of a new sort of city, the democratic city, which Tocqueville observed Providence bringing about in America. These new democratic ideals, Tocqueville predicted, would later move the souls of Europeans and others around the world. He was at least partly right. From the ashes of the ancien regime left by World Wars I and II, a regime more in tune with "the system of natural liberty" has everywhere been struggling to be born. Accurate emphasis falls upon "struggling."

Thus, we must be careful to point out that what we mean by civil society today is not the civil society of the old Habsburg era, the civil society of the ancien regime, but a civil society conceived of after the American model. The ideal we seek need not be (should not be) exactly like the American model, but should certainly be closer to it than to the past of the ancien regime.

But what is the American model? Many commentators, especially those on the continent but also those Americans infected with continental ideas of a socialist, Rousseauian, collectivist cast, think that what dominates the American imagination is the individual, the lonely cowboy riding carefree on the prairie, the free and unconnected atomic self, the do-as-he-pleases outlaw on the frontier beyond the laws of the city. By contrast, Europeans, a visitor observes, tend to fear the independent individual; they visibly prefer people tied down by a thousand gossamer Gulliver's threads of tradition, custom, and unquestioning willingness to do things as they have always been done.

A specter haunts Europe still — the specter of the free individual questioning the rationality of custom, tradition, and habit; the individual who is communitarian, but not wholly defined by his community.

Nonetheless, despite its reputation, the American character is not the exact opposite of the European character — is not purely individualistic — but communitarian without being intensely communal. The true inner heart of America, as Tocqueville grasped right at the beginning, is the art of association. In America, fifty years after the ratification of the Constitution of 1787, Tocqueville observed thousands of associations, societies, clubs, organizations, and fraternities invented by a self-governing people unaccustomed to being told by the state (or even by custom) what to do and when to do it. At the time of the revolution in France, he wrote, there were not ten men in all of France who were capable of practicing the art of association as most Americans practiced it.

In the new science of politics, Tocqueville added, the art of association is the first law of democracy. This art does not belong to Americans only. It is rooted in the social nature of man. Its source does not lie in the authority of the state (as in France) or of the aristocracy

(as in Britain), but in the capacity of all citizens to originate cooperative activities with their fellows, without being commanded from above. The American is not the individual par excellence, but the practitioner of association par excellence. The American is through and through a social being. Virtually nothing significant gets done in America apart from free associations, of a virtually infinite number of kinds. In this view, the primary agency of the common good is civil society; the state is secondary.

In America, even the churches come to be conceived of as associations, formed out of the decisions of individuals either to associate themselves with historical communities or to form new sects never seen before. In practice, this conception of churches as associations has gained considerable plausibility, even for Catholics and Jews, who did not historically think of their communions in so individualistic a way. After all, when immigrants arrived in America, they could choose whether or not to continue in the faith they brought with them in the habits of their hearts. A great many chose not to. Nonetheless, probably a majority of both Christians and Jews elected to recreate communities of faith in the New World, in continuity with their fellows in Europe.

Four characteristics of civil society

The American conception of civil society, meanwhile, may be outlined swiftly in four propositions:

1. Civil society is a larger and deeper concept than state. Civil society is a moral reality conceptually prior to the state. To devolve power from the state to civil society is at the heart of the experiment in self-government. Self-governing citizens try to meet their social needs first through creating their own social organizations, and only as a last resort, when all else fails, through turning to the state. Turning to the state is considered a morally inferior, although sometimes necessary, way of proceeding — a falling away from the project of self-reliance and self-government.

2. The primary social institution of democracy is religion. "The first political institution of democracy," Tocqueville wrote, is the churches and synagogues. The reason for this is twofold:

First, as Vatican Council II stressed, freedom of conscience is the first of all freedoms; it lies deeper than, and beyond the reach of, political institutions. The inner forum of conscience is beyond the reach of the political power, and morally prior to it. That is the meaning of the two American maxims: "One nation under God" and "In God we trust." Even for atheists, the term "God" in these public maxims is intended as a sentinel protecting the realm of conscience (including the consciences of atheists) from the power of the state.

Second, as the historian of liberty Lord Acton noted, the concept and practice of liberty are in historical fact coincident with the history of Judaism and, even more so, Christianity. The decision of the Council of Jerusalem to baptize the Gentiles, without demanding that they first be circumcised, cut the link between birth as a son of a Jewish

mother and faith, therefore invoking liberty of spirit as the primary condition of faith. The ideal of liberty in its full range, from liberty of conscience to liberty of speech, and including civil and political liberties, does not appear in Muslim, Hindu, Buddhist, Confucian, Shinto, or animist cultures.

Thus, to weaken the churches and synagogues is to dilute the source of convictions about personal liberty from which the concept and practice of civil society flow. Here, surely, is one reason why the communists were determined to destroy the churches and synagogues. Judaism and Christianity depend on, and defend like tigers, liberty of conscience.

Another reason why church and synagogue are central institutions of civil society is that they encourage their members to take up their social responsibilities in other civic institutions.

3. The separation of church and state, yes, but also the inseparability of politics and religion. As the twenty-first century approaches, after the experience of communism, one urgent need is as clear as Bohemian crystal: the need for a limited state, under the rule of law, with multiple checks and balances, and also other protections to rein in the power of the state. Among these protections is the disestablishment of the churches. The power of the state should not be enhanced by its identification with religion. Churches need to be free from state power.

Nonetheless, the separation of the coercive power of the state and the spiritual/moral power of the churches, as institutions does not mean that the concrete human being should become schizophrenic. It would be a violation of integrity for a human person to be split between being a political animal on one side and, in a separate compartment, a privatized spiritual/moral animal. The separation of church and state does not entail sealing off, in the minds of individuals, watertight compartments between religion and politics. On the contrary, the deepest motives for loving liberty, respecting the dignity of the person, and feeling identification with the life of the earthly city are religious. Psychologists find that religion is rooted more deeply in the psyche than politics; most people change their religion much more reluctantly than their politics. Religion is a matter of conviction; politics, a matter of practical judgment. On its many levels of consciousness, the human soul ought not to be divided against itself.

Therefore, public policies that affect both the polity and religion stir the souls of individuals in complex ways. Whether the issue is abortion, euthanasia, sex education, family life, or a host of other difficult questions, the intelligent person is likely to struggle with two different sets of criteria — moral and religious, on the one side, and political or social, on the other side.

It is wise, of course, not to confuse political reasoning with religious reasoning; even in the same person, these two modes are not the same. But the person of integrity cannot abandon either one. There are cases in which practical wisdom demands that one or the other must be given precedence. It is always a mistake, however, to simplify one's

decision-making simply by cutting one side of one's mind out of the discussion and ramming through a partially considered decision.

4. Religion has a rightful place in the public square. Religion and politics do not meet only in the privacy of the heart; they also meet — and sometimes clash — in the public square. Here both the Protestant and the secular (libertarian) points of view sometimes fail to do justice to the realities involved. In many cases, it is imagined that religion is a mostly private matter, best confined within the closet of the individual's soul. In this view, the liberal society depends upon a bargain: Religion will be tolerated, even respected, but only so long as it agrees never to enter the public square.

For Jews, Catholics, and others, this type of liberalism is oppressive, for in their understanding religion has a social and public dimension, just as each human being has. True religion does not consist solely in prayers conducted in private, but also in helping the widow, feeding the hungry, caring for the poor — and building up the city of man. Religion requires action in the world. Religion requires vitality, civil argument, and cooperative action in the public square. The individualistic and privatizing understanding of religion, whether of certain Protestants or of some libertarians, is too cramped and narrow. Religion ought not to be established; but neither ought it to be confined in merely private places. Religious persons must be free to express their arguments in the public square, and to take part in public actions. They ought to do so with conspicuous civility, but they ought to do so.

The public square should not be naked or empty. It should ring with civil argument about how a free people ought to order its life together. In that argument, religious people ought to have a voice — in practice, many voices.

The great reversal

One of the weaknesses in recent church-state relations is the assumption that religion belongs in the closet of privatized sentiment — not of conviction, but only sentiment; not a fruit of the critical mind, but only of the feelings. Actually, in this formulation, two mistakes are intertwined: first, that religion is a merely private internal matter; second, that religion is relativized, has nothing to do with mind or truth, but only expresses a preference or a feeling, without grounding in a judgment about reality.

At the founding of the democratic experiment, toward the end of the Enlightenment, democracy seemed strong and religion weak. Democracy commanded that religion accept certain demands: Religion would be tolerated if it agreed to be individualized, privatized, and relativized. Not only on pragmatic grounds, but for serious reasons of its own (having to do with the dignity of persons and an ideal of charity — caritas — as the form of human community), the Jewish and Christian communities agreed to play by the rules democrats prescribed.

But what has happened? Within two centuries, as the French philosopher Pierre Manent has argued, democracy has been diminished into a contest among special interests and a

formalism of correct procedure. Democracy says little or nothing about man. It lacks a vision or even a clear statement of the criteria that any vision of a good society for free women and free men would have to meet. By affirming that it is sovereign over human nature and that it is, little by little, its own creator, with no plan laid down in advance, democratic humanity basically declares that it wills itself, without knowing itself. As Manent has observed, however, religion has conformed itself to all of democracy's demands; democracy can make no complaints against it. But democracy's silence on the question of man's destiny has left the Jewish and Christian religions with a decisive advantage in that they offer such a teaching. In Manent's words, "the relation unleashed by the Enlightenment is today reversed. No one knows what will happen when democracy and the Church become aware of this reversal."

Finding the proper relation between state and civil society, and especially between the state and the church, is still a work in progress. No country seems to have gotten it quite right, just yet. But there is no question, compared with the youthful pride of two hundred years ago, that the arrogance of the democratic state has been curbed. Cynicism regarding politicians grows. The social assistance state and its budgetary resources are in crisis. Public and private morals tumble into decline.

The free society is a noble cause, but it is maintained only through constant vigilance. And such vigilance depends upon a firm idea of the possibilities and duties of humankind, the conditions demanded by natural liberty, and a commitment to distinguishing lies from truth. No one may "possess" the truth, but all must be committed to pursuing evidence wherever it leads; in that sense, all must remain open to truth. Truth is as necessary to liberty as air to fire.

In one of history's sweetest ironies, it is today a pope, Pope John Paul II, who publicly defends reason and the idea of truth in the face of deconstructionists, postmodernists, and other children of the Enlightenment, who are nowadays renouncing both reason and truth and basing themselves on a metaphysic that recognizes only raw interests and disguised power. The pope defends reason, which the enlightened scorn. The pope speaks for truth discernible by reason, while the enlightened deny the possibility of truth, and clothe themselves in the interests of class, race, gender, and power. Speaking for reason and truth, John Paul II writes:

If there is no transcendent truth, in obedience to which man achieves his full identity, then there is no sure principle for guaranteeing just relations between people. Their self-interest as a class, group or nation would inevitably set them in opposition to one another. If one does not acknowledge transcendent truth, then the force of power takes over, and each person tends to make full use of the means at his disposal in order to impose his own interests or his own opinion, with no regard for the rights of others.

In summary, it appears that Tocqueville was right in saying that without belief in a Creator to Whom everything that is is intelligible, because He understood it before He created it, and everything is graced and good because He loves it, the foundations of democracy are weak and likely to fail. It has not yet dawned on democratic humanists

that the ecology of liberty rests upon a certain limited range of understandings both about human nature and about "the system of natural liberty." Without a concept of truth, people cannot reason with each other or converse with each other in the light of evidence. Without a commitment to truth, reason is irrelevant, only power matters. Religions, certainly those that speak of the Creator and Final Judgment, keep alive in consciences standards of truth beyond personal preferences.

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Novak, Michael. "The Future of Civil Society." Crisis 14 no. 8 (September 1996).

Capitalism Rightly Understood
Michael Novak

Whereas at one time the decisive factor of production was "the land," and later capital—understood as a total complex of the instruments of production—today the decisive factor is increasingly "man himself," that is, his knowledge, especially his scientific knowledge, his capacity for interrelated and compact organization, as well as his ability to perceive the needs of others and to satisfy them.— "Centesimus Annus", #32

"Centesimus Annus" exploded across the Roman sky on May 2, 1991, like a sonic boom. Even the first fleeting sight of this new encyclical of Pope John Paul II led commentators around the world to predict that it would lift the worldwide terms of debate to a new level. Immediately evoking praise from both left and right, this encyclical seemed to some to be the greatest in the series of which it is a part.1 In reply to questions raised about political economy and free social institutions by the events of 1989, it is a classic restatement of Christian anthropology.

As Karol Wojtyla, Pope John Paul II had already done significant work in phenomenology, particularly in his book "The Acting Person".2 The title of that book furnishes us a key to the nuanced approval that the Pope now gives to capitalism rightly understood—a capitalism he recommends to his native Poland, other formerly socialist nations, and the Third World. This approval surprised many commentators. The London "Financial Times", for example, had predicted a ringing endorsement of socialism more advanced than that of Neil Kinnock, Willy Brandt, and Jose Gonzalez.3 The Christian anthropology of Pope John Paul II, plus his acute observation of the way the world works, led him to other conclusions.

The success of "Centesimus Annus" is due, in any case, to its philosophical profundity. It comes at a time when the world has learned a great deal from the bitter ideological warfare of this bloodiest of centuries. Of the three great ideologies that put their mark upon the twentieth century, first national socialism failed, then communist socialism. From Eastern Europe, from the Third World, many are asking the Pope: What next?

Pope John Paul II now envisages a tripartite social structure, composed of a free political system, a free economy, and a culture of liberty. He says in effect that the great political debate of this century has ended in favor of democracy; and that the great economic debate has ended in favor of capitalism rightly understood. He insists that a formidable struggle awaits us regarding the "culture" of freedom. If we have the politics and the economics roughly straight, how ought we to shape our culture? How actually shall we live? These are the underlying questions "Centesimus Annus" poses for the next century.

Outline of "Centesimus Annus"

Before plunging too far into the particulars, it may be well to fix in mind an outline of the six chapters of "Centesimus Annus". First, John Paul II undertakes a "re-reading" of "Rerum Novarum", whose hundredth anniversary he celebrates, which thus becomes an

authoritative reinterpretation of “Rerum Novarum”. Although Leo XIII had predicted the "futility" of socialism, there was as he wrote no socialist state. His description of the consequences of socialist ideas was amply confirmed in the testimony of Eastern Europeans after 1989.4

In chapter two, John Paul II takes up the "new things" that have happened since 1891 and that still affect us today. He analyzes the shortcomings of socialist anthropology, and describes the reforms that have transformed the "real existing capitalism" of the advanced countries from what it was in 1891.5

In chapter three, Pope John Paul II lingers reflectively on the great events of "The Year 1989," one of the great vintage years of human history, a watershed. He analyzes the reasons for the collapse of socialism and the lessons of worldwide importance to be drawn from it.

In chapter four, the Pope addresses the classic Christian theme of "private property and the universal destination of material goods." There is some affinity between this tradition and Locke's liberal doctrine of private property.6 In this, the longest part of the encyclical, the Pope examines existing political economies for their compatibility with the dignity of the human person. Here he develops his new approach to initiative, enterprise, profit, and capitalism itself.

Chapter five discusses the state and culture. Here the Pope stresses the limited state, democratic checks and balances, human rights, and constraints upon the state regarding welfare rights. He criticizes rather harshly the present excesses of the welfare state. He turns as well to the moral and cultural sphere, which is too often ignored: "People lose sight of the fact that life in society has neither the market nor the state as its final purpose." (#49) Here, too, are found the Pope's comments on the formation of a "culture of peace."

Chapter six, concluding on a theological note, looks to the future. We are, the Pope thinks, "ever more aware that solving serious national or international problems is not just a matter of economic production or of juridical or social organization." Most problems today also call for "specific ethical and religious values as well as changes of mentality, behavior, and structures." (#60) The most perfect structures will not function if citizens do not have the relevant attitudes, habits, and behaviors.

In sum, “Centesimus Annus” calls for serious reform of the moral and cultural institutions of democratic and capitalist societies—including the institutions of the mass media, cinema, universities, and families—in order to make democracy and capitalism fulfill their best promises. Neither the preservation of free political space achieved by democracy nor the achievement of liberation from oppressive poverty wrought by capitalism are sufficient, alone or together, to meet the human desire for truth and justice. Only a vital cultural life, at its heights infused by God's grace, can do that. Meanwhile, some two billion poor persons on this planet are not yet included within free polities or

free economies, and their condition cannot be forgotten. Practical reforms of the international economic order are very much needed.

A Christian Social Anthropology

With this overview of the whole terrain in our minds, it should now be easier to grasp the inner logic of "Centesimus Annus." This logic begins with concrete inspection of the human being.

We are not dealing here with man in the "abstract," but with the real, "concrete," "historical" man. We are dealing with each individual. . . . The horizon of the church's whole wealth of doctrine is man in his concrete reality as sinful and righteous. (#53)

Already in 1969 in his philosophical work as Archbishop of Krakow, Wojtyla had laid out his vision of "the acting person"—a vision of liberty, responsibility, agency. As an originating source of action, the human person is capable of novel and creative conceptions, of invention, of initiative. The human person is not merely acted upon, shaped from the outside in, passive, conditioned, but is able to shape her or his own life, and is self-determining. Then in his first social encyclical in 1981, "Laborem Exercens," John Paul II appealed to the anthropology implicit in the creation story of Genesis, the single best starting place for religious inquiry into the nature and causes of the creation of wealth.7 And this move from the acting person of phenomenology to the creative person of the biblical story (or the reverse) is a small step. The Creator made us in His own image, we are creators. We are acting persons; to think of ourselves as creators seems natural and effortless.

When the young Wojtyla as a student first wrestled with modern Western thinkers such as Scheler and Heidegger, he fully expected that he would be living the rest of his life under "real existing socialism." In that ideology, the human person counted for very little. In actual practice, socialist work was wholly oriented toward the piling up of objects, of things, with no real regard for the subjectivity of the worker. After toiling for days on the freezing seas at the risk of their lives, fishermen would discover that the refrigeration unit of the storehouse in which their catch had been deposited was defective and that the entire fruit of their labors had spoiled. Steelworkers would see the iron beams on which they had labored pile up in huge lots and rust, because distribution systems had broken down. Under Marxism, it was in no one's interest to see a product all the way through from conception to execution to delivery to satisfying use. Every person felt like a cog in someone else's machine. A new type of alienation was experienced; in "Sollicitudo Rei Socialis", his second social encyclical, Pope John Paul II described it—and described it precisely in contrast to a sense of personal action and initiative:

The right of economic initiative is a right which is important not only for the individual but also for the common good. Experience shows us that the denial of this right, or its limitation in the name of an alleged "equality" of everyone in society, diminishes, or in practice absolutely destroys the spirit of initiative, that is to say, "the creative subjectivity of the citizen." As a consequence, there arises, not so much a true equality as a "leveling

down." In the place of creative initiative there appear passivity, dependence and submission to the bureaucratic apparatus which, as the only "ordering" and "decision-making" body—if also the "owner" of the entire totality of goods and the means of production, puts everyone in a position of almost absolute dependence, which is similar to the traditional dependence of the worker-proletarian in capitalism. This provokes a sense of frustration of desperation and predisposes people to opt out of national life, impelling many to emigrate and also favoring a form of "psychological" emigration.8

Amid such sour alienation, Wojtyla's emphasis on "the acting person" was entirely convincing. His emphasis on the creative subjectivity of the worker unsettled those Marxists who were assigned to do ideological battle with him. He turned the tables on them. He forced them to argue on Christian terrain. Thus, while he was the Archbishop of Krakow, the Pope came to perceive the front between Catholicism and Marxism, or more broadly, between humanism and socialism, to be a contestation over the meaning of man.

The fundamental error of socialism is anthropological in nature. Socialism considers the individual person simply as an element, a molecule within the social organism, so that the good of the individual is completely subordinated to the functioning of the socio-economic mechanism. Socialism likewise maintains that the good of the individual can be realized without reference to his free choice, to the unique and exclusive responsibility he exercises in the face of good or evil. Man is thus reduced to a series of social relationships, and the concept of the person as the autonomous subject of moral decision disappears, the very subject whose decisions build the social order. (#13)

This consideration of the erroneous anthropology of socialism takes Wojtyla beyond the horizon of the human individual. It introduces the larger context of social relations and social systems: Today, the church's social doctrine focuses especially on man as he is involved in a complex network of relationships within modern societies. (#54)

Thus, the main lines of “Centesimus Annus” are clean and clear: the human as acting, creative person, capable of initiative and responsibility, seeking institutions in the three main spheres of life (political, economic, and cultural) worthy of his capacities—institutions that do not stifle or distort his dynamic nature.

Not only is it wrong from the ethical point of view to disregard human nature, which is made for freedom, but in practice it is impossible to do so. Where society is so organized as to reduce arbitrarily or even suppress the sphere in which freedom is legitimately exercised, the result is that the life of society becomes progressively disorganized and goes into decline. (#25)

This is the lesson the Pope draws from the self-destruction of socialism.

There is a further lesson about human capacities for evil. A good Calvinist joke roughly expresses the Pope's views: "Anyone who says that man is totally depraved couldn't be all bad." Analogously, the Pope: "Man tends toward good, but he is also capable of evil. He can transcend his immediate interest and still remain bound to it." (#25)

Thus, respecting man's limited but genuine goodness, the Pope urges us to see the common good as a "harmony" between "self-interest" and "the interests of society as a whole," wherever this may be possible: "The social order will be all the more stable, the more it takes this fact into account and does not place in opposition personal interest and the interests of society as a whole, but rather seeks ways to bring them into fruitful harmony." (#25)

One of the refrains of James Madison and Alexander Hamilton in "The Federalist" is that the perfect should not be the enemy of the good.9 In the same spirit, the Pope continues:

In fact, where self-interest is violently suppressed, it is replaced by a burdensome system of bureaucratic control which dries up the wellsprings of initiative and creativity. When people think they possess the secret of a perfect social organization which makes evil impossible, they also think that they can use any means, including violence and deceit, in order to bring that organization into being. Politics then becomes a "secular religion" which operates under the illusion of creating paradise in this world. But no political society—which possesses its own autonomy and laws—can ever be confused with the kingdom of God. (#25)

In this direct way, Pope John Paul II grasps the horns of the contemporary problem of "free persons and the common good." It was relatively easy to determine what the common good was when, as of old, a single tribune of the people was charged with pointing it out. It is far more difficult when the freedom of each person to discern the common good is respected. Moreover, many aspects of the good of a whole people are not achieved in concert or by single-minded direction from above; on the contrary, they are achieved by a large number of persons and groups independently performing their own tasks with excellence. For example, a sound family life is not achieved throughout society by "diktat" from above, but by each set of parents independently doing its best. And individual small businesses do not take commands from planning boards, but achieve their purposes within their own markets and in their own particular niches in their own way. Thus, in asserting the principle that the coincidence of private interest and public good, as often as it can occur, achieves an outcome not at all bad for society, the Pope is being more than worldly-wise. He is not only taking account of both the good in humans and its ordinary limits. He is also assuming a more subtle view of the common good than was possible in the less pluralistic past.10

Personal action always entails risk, fault, and possible failure. A universe in which freedom is possible is open. Pope John Paul II regularly stresses the new things that happen in history; for example, the new ideas that emerged in the crisis faced by "Rerum Novarum",11 and how much the world changed between 1891 and 1991.12 For him, history is a realm of trial and error, or costly mistakes and lessons hard earned.13 Moreover, the human person seldom experiences societies worthy of his capacities for freedom, for love, for truth, for justice. It is these that the human race seeks.

And at this point, the Pope passes from the analysis of personal action to the analysis of social structures and, in particular, economic systems.

Capitalism, Yes

Papal social thought was once said to be too focused on the individual and to lack sophistication in the social sciences. “Centesimus Annus” intends to expand its analytic apparatus broadly enough to contrast, not just ideologies, but actual systems of political economy such as real existing socialism and real existing examples of democracy and capitalist economies.14

With some sophistication, the Pope distinguishes the sphere of the "social" from that of the "state," the civic society from government. He emphasizes the importance of free labor unions, citizens' initiatives, and free associations.15 In a passage reminiscent of Tocqueville's worries about the "new soft despotism" of democracies, he launches a systemic critique of "the social assistance state," contrasting local "neighborly" work among the poor with the sterility of bureaucratic relationships.16 Whereas for centuries, the Catholic tradition has maintained a positive view of the role of the state in social life, John Paul II is especially careful and detailed in setting limits to the overly ambitious states of the late twentieth century.17

There has never been any question in Pope John Paul II's mind that democratic institutions, whatever their faults, are the best available protection for human rights. He now adds that capitalist virtues and institutions, whatever their faults, are also the best available protection for democracy.

To be sure, it was the famous "paragraph 42" that drew most of the attention in the world's press. Until this point, the Pope has been dealing with the events that have changed the world since 1891, and especially the events of 1989, preparatory to offering his practical advice today. Thus, in paragraph 42 the Pope is at last ready to return for the third time to the underlying question being pressed upon him from Poland, Czechoslovakia, Hungary, the Third World, and many other quarters: After the collapse of socialism, what do you recommend? It is worth giving his answer in full, since the only sensible answer to the question requires some care with the highly disputed term "capitalism."

Returning now to the initial question: Can it perhaps be said that after the failure of communism capitalism is the victorious social system and that capitalism should be the goal of the countries now making efforts to rebuild their economy and society? Is this the model which ought to be proposed to the countries of the Third World, which are searching for the path to true economic and civil progress?

The answer is obviously complex. If by “capitalism” is meant an economic system which recognizes the fundamental and positive role of business, the market, private property and the resulting responsibility for the means of production as well as free human creativity in the economic sector, then the answer is certainly in the affirmative even though it would

perhaps be more appropriate to speak of a “business economy, market economy” or simply “free economy.” But if by “capitalism” is meant a system in which freedom in the economic sector is not circumscribed within a strong juridical framework which places it at the service of human freedom in its totality and which sees it as a particular aspect of that freedom, the core of which is ethical and religious, then the reply is certainly negative. (#42)

Point by point, this reply reflects the experience of those nations that since World War II have experienced both political liberty and economic prosperity. For example, Nazi totalitarianism had introduced gross distortions of human personality, and Germany after World War II had to undergo a major transformation which was not economic only, but necessarily political and moral, as well.18 In the formerly communist nations, the situation today is similar. So also in the Anglo-American nations a structure of law has evolved over centuries, from which slowly emerged the political, economic, and cultural institutions that, together, frame "the free society." Even such neoliberal thinkers as Friedrich Hayek in “The Constitution of Liberty” and Bruno Leoni in “Freedom and Law” stress these non-economic factors.19

In “The Spirit of Democratic Capitalism” (1982), I called the resulting “Gestalt” a "tripartite system."

Democratic capitalism is not a "free enterprise system" alone. It cannot thrive apart from the moral culture that nourishes the virtues and values on which its existence depends. It cannot thrive apart from a democratic polity committed, on the one hand, to limited government and, on the other hand, to many legitimate activities without which a prosperous economy is impossible. The inarticulate practical wisdom embedded in the political system and in the moral-cultural system has profoundly affected the workings of the economic system. Both political decisions and the moral climate encouraged this development. At various times in American history, both the political system and the moral-cultural system have seriously intervened, positively and negatively, in the economic system. Each of the three systems has modified the others.20

In the second part of paragraph 42, cited above, Pope John Paul II carefully orders the roles of all three systems—economic, juridical, and moral.21

As one part of the tripartite structure, capitalism rightly understood flows from Pope John Paul II's anthropology. "Man's principal resource is man himself. His intelligence enables him to discover the earth's productive potential and the many different ways in which human needs can be satisfied." (#32) Man, he writes again, "discovers his capacity to transform and in a certain sense create the world through his own work . . . carrying out his role as cooperator with God in the work of creation." (#37) And again, "Man fulfills himself by using his intelligence and freedom. In so doing he utilizes the things of this world as objects and instruments and makes them his own. The foundation of the right of private initiative and ownership is to be found in this activity." (#43)

Moreover, the expression of personal creativity through work entails a social dimension: "By means of his work man commits himself not only for his own sake, but also for others and with others. Each person collaborates in the work of others and for their own good. Man works in order to provide for the needs of his family, his community, his nation, and ultimately all humanity." (#43) In these texts, we see the elemental form of the Pope's logic: from the image of the Creator endowed in each person to the work that flows from that source. Or again, from the fecund mind of the creative God to the exercise of human intelligence and choice in invention, initiative, and enterprise.

Already in "Sollicitudo Rei Socialis", the Pope had seen that "the right to personal economic initiative" is a fundamental human right, second only to the right to religious liberty.22 Like religious freedom, economic initiative also flows from the "creative subjectivity" of the human person.23 This line of thought led the Pope to discern the role of enterprise in economic activity. Israel Kirzner defines enterprise as an act of discovery, an act of discerning either a new product or service to be supplied for the utility of others or a new way of providing the same.24 The Pope sees creativity at work in such acts of discovery and discernment. He even sees in them a new form of "capital."

Although the origins of the word "capital" lie in a more primitive economic era, when capita referred to heads of cattle, and the major form of economic capital lay in the ownership of land, the same word also suggests the Latin caput [head], the seat of that very creativity, invention, initiative the Pope sees in "creative subjectivity." Indeed, the Pope himself alludes to the crucial shift from the primitive meaning of capital as land to its modern meaning as human capital, as we must now examine.

The Pope's thinking on this point parallels that of Abraham Lincoln. In "Laborem Exercens," the Pope had asserted "the principle of the priority of labor over capital" (where by "labor" he meant all sorts of work, even intellectual work, and by "capital" he meant material things).25 Similarly, in his First Annual Message to Congress on December 3, 1861, rephrasing some of the very words he had used at the Wisconsin State Fair in 1859, Lincoln also wrote:

Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as worthy of protection as any other rights. Nor is it denied that there is, and probably always will be, a relation between labor and capital, producing mutual benefits. The error is in assuming that the whole labor of community exists within that relation.26

Yet Lincoln also saw that the great cause of wealth is human wit and grew quite eloquent in praising the role of invention in drawing wealth from the hidden bounty of creation.27 Similarly, he saw in the Patent and Copyright Clause of the U.S. constitution a remarkable incentive for inventors and creators—and thus one of history's great boons to human freedom—since the prospect of the temporary ownership of ideas (of ideas as property) "added the fuel of "interest" to the "fire" of genius."28 The Pope writes:

The earth, by reason of its fruitfulness and its capacity to satisfy human needs, is God's first gift for the sustenance of human life. But the earth does not yield its fruits without a particular human response to God's gift, that is to say, without work. It is through work that man, using his intelligence and exercising his freedom, succeeds in dominating the earth and making it a fitting home.

In history, these two factors—work and the land—are to be found at the beginning of every human society. However, they do not always stand in the same relationship to each other. At one time the natural fruitfulness of the earth appeared to be and was in fact the primary factor of wealth, while work was, as it were, the help and support for this fruitfulness. In our time, the role of human work is becoming increasingly important as the productive factor both of non-material and of material wealth.

Work becomes ever more fruitful and productive to the extent that people become more knowledgeable of the productive potentialities of the earth and more profoundly cognizant of the needs of those for whom their work is done. (#31)

Like Ludwig von Mises and Friedrich von Hayek, the Pope sees work as building up the tacit, experiential, evolving network of a "Great Society."29 "It is becoming clearer how a person's work is naturally interrelated with the work of others. More than ever, work is work with others and work for others: It is a matter of doing something for someone else." (#31)

In an odd way, then, modern capitalism centers more and more attention on “caput”, on factors such as knowledge, insight, discovery, enterprise and inquiry. "Human capital" becomes the major cause of the wealth of nations, more important even than natural resources. The cases of Japan and Brazil illustrate this point very nicely—one without natural resources but very wealthy, the other rich in natural resources but quite poor.30

Thus the Pope uncovers a new meaning of "capital."

In our time in particular there exists another form of ownership which is becoming no less important than land: the possession of know-how, technology and skill. The wealth of the industrialized nations is based much more on this kind of ownership than on natural resources. (#32)

The Pope's emphasis on the "community of work" also leads him to appreciate "entrepreneurial ability." It is not so easy to discern just how to put together human needs and human resources in a productive and efficient way; in many nations today, economic failure, not success, seems to be the rule. The Pope discovers in a kind of foresight, a key to avoiding failure:

A person who produces something other than for his own use generally does so in order that others may use it after they have paid a just price mutually agreed upon through free bargaining. It is precisely the ability to foresee both the needs of others and the

combinations of productive factors most adapted to satisfying those needs that constitutes another important source of wealth in modern society. (#32)

Like Mises, the Pope stresses the social aspects of entrepreneurship. A free economic system is nothing if not a social system of exchange, based upon voluntary agreement. The Pope follows this logic closely:

Many goods cannot be adequately produced through the work of an isolated individual; they require the cooperation of many people in working toward a common goal. Organizing such a productive effort, planning its duration in time, making sure that it corresponds in a positive way to the demands which it must satisfy and taking the necessary risks—all this too is a source of wealth in today's society. In this way the role of disciplined and creative human work and, as an essential part of that work, initiative and entrepreneurial ability becomes increasingly evident and decisive. (#32)

At this point, everything that the Pope has heretofore written about the acting person, about creative subjectivity, and about the fundamental right to personal economic initiative falls into place. He is in a position to render a systemic judgment:

This [modern economic] process, which throws practical light on a truth about the person which Christianity has constantly affirmed, should be viewed carefully and favorably. Indeed, besides the earth, man's principal resource is man himself. His intelligence enables him to discover the earth's productive potential and the many different ways in which human needs can be satisfied. It is his disciplined work in close collaboration with others that makes possible the creation of ever more extensive working communities which can be relied upon to transform man's natural and human environments. (#32)

Nor does the Pope neglect the virtues required to accomplish this task:

Important virtues are involved in this process such as diligence, industriousness, prudence in undertaking reasonable risks, reliability and fidelity in interpersonal relationships as well as courage in carrying out decisions which are difficult and painful, but necessary both for the overall working of a business and in meeting possible setbacks. (#32)

The basis of "the modern business economy," the Pope writes, "is human freedom exercised in the economic field." (#32) This is a very important recognition. To papal approval for the free political life of democracy, it adds approval for a free economic life; and in both cases freedom implies accountability.

This approval is called for because today's economic systems are different from yesterday's:

It is important to note that there are specific differences between the trends of modern society and those of the past, even the recent past. Whereas at one time the decisive factor of production was the land and later capital—understood as a total complex of the

instruments of production—today the decisive factor is increasingly man himself, that is, his knowledge, especially his scientific knowledge, his capacity for interrelated and compact organization as well as his ability to perceive the needs of others and to satisfy them. (#32)

The Pope even finds it useful to say a good word for profit as "a regulator of the life of a business": "The church acknowledges the legitimate role of profit as an indication that a business is functioning well. When a firm makes a profit, this means that productive factors have been properly employed and corresponding human needs have been satisfied." (#35) Like much good business writing today, the Pope also stresses that profit "is not the only" regulator of the life of a business; "human and moral factors must also be considered, which in the long term are at least equally important for the life of a business." (#35) Business writers stress the crucial role of "human relations" in firms; the Pope speaks of a firm as "a community of persons . . . who forms a particular group at the service of the whole of society." (#35)

The Limits of Capitalism

Nevertheless, Pope John Paul II does not forget the costs of a new modern capitalism based upon human creativity, whose other face is necessarily what Josef Schumpeter called "creative destruction."31 The Pope writes that "the constant transformation of the methods of production and consumption devalues certain acquired skills and professional expertise, and thus requires a continual effort of retraining and updating." (#33) He particularly worries about the elderly, the young who cannot find jobs, and "in general those who are weakest." He refers to the vulnerable inside advanced societies as "the Fourth World." He commends the unfinished work of “Rerum Novarum”, "a sufficient wage for the support of the family, social insurance for old age and unemployment, and adequate protections for the conditions of employment." (#34)

The Pope is also eager to distinguish capitalism rightly understood from the "primitive" or "early" capitalism of which he does “not” approve. There are three situations of which he does “not” approve: (1) a capitalism that means the "domination of things over people;" (2) "situations in which the rules of the earliest period of capitalism still flourish in conditions of 'ruthlessness' in no way inferior to the darkest moments of the first phase of industrialization;" and (3) those systems in which "land is still the central element in the economic process, while those who cultivate it are excluded from ownership and are reduced to a position of quasi-servitude." (#33)

By contrast, the Pope is “in favor” of "a society of free work, of enterprise, and of participation," (#35) phrases that echo Lincoln's praise of a society of free labor as opposed to slave labor.32 The Pope adds:

Such a society is not directed against the market, but demands that the market be appropriately controlled by the forces of society and by the state so as to guarantee that the basic needs of the whole of society are satisfied. (#34)

The words "appropriately controlled" exclude a pure version of "laissez-faire", but are in line with the concept of the tripartite society envisaged in #42. "Society" is distinguished from "state;" the moral and cultural institutions of civic society are distinguished from the political organs of the government. Both the society and the state check, balance, and regulate the economy. That the Pope does not mean a socialist method of "control" is obvious from the preceding sentence, wherein the Pope is crystal clear, "what is being proposed as an alternative is not the socialist system."

In the same spirit, the Pope has already said "that it is unacceptable to say that the defeat of so-called 'real socialism' leaves capitalism as the only model of economic organization." (#33) But here as elsewhere his cure for faulty capitalism is capitalism of a more balanced, open, well-ordered kind. For he immediately proposes as a remedy:

It is necessary to break down the barriers and monopolies which leave so many countries on the margins of development and to provide all individuals and nations with the basic conditions which will enable them to share in development. This goal calls for programmed and responsible efforts on the part of the entire international community. Stronger nations must offer weaker ones opportunities for taking their place in international life, and the latter must learn how to use these opportunities by making the necessary efforts and sacrifices and by ensuring political and economic stability, the certainty of better prospects for the future, the improvement of workers' skills and the training of competent business leaders who are conscious of their responsibilities. (#35)

Similarly, in #42, after having introduced capitalism rightly understood, the Pope again attacks "a radical capitalistic ideology."

Vast multitudes are still living in conditions of great material and moral poverty. The collapse of the communist system in so many countries certainly removes an obstacle to facing these problems in an appropriate and realistic way, but it is not enough to bring about their solution. Indeed, there is a risk that a radical capitalistic ideology could spread which refuses even to consider these problems in the a priori belief that any attempt to solve them is doomed to failure, and which blindly entrusts their solution to the free development of market forces. (#42)

By "radical capitalistic ideology," he seems to mean total reliance on market mechanisms and economic reasoning alone. In the United States, we usually call such a view "libertarianism." It is the view of a very small minority.

Curiously, however, the Pope prefers to call the capitalism of which he approves the ""business economy, market economy", or simply "free economy."" This is probably because of the European usage of the word "capitalism."33 My own reasoning in preferring to speak of "democratic capitalism," rather than "the market economy," is to avoid sounding libertarian, that is, narrowly focused on the economic system alone. For in reality, in advanced societies the institutions of the juridical, political order and the institutions of the cultural order today impinge greatly on, modify, and "control" the economic system. "Democratic capitalism" better captures this complexity.34

The Pope also notes three limits to the principle of the free market: (1) many human needs are not met by the market; (2) some goods "cannot and must not be bought and sold;" and (3) whole groups of people are without the resources to enter the market, and need non-market assistance.

In addition to the primary human and Christian responsibility to be certain that the poor are assisted, the Pope sees many other moral imperatives surrounding and suffusing economic activities. Care must be taken not to injure the environment; the common good of all should be served and not violated; humans should be treated as ends—their dignity respected—not as means; efforts must be expanded to establish a framework favorable to creativity, full employment, a decent family wage, and social insurance for various contingencies. The tasks to be met by the good society are many. No system is as likely to achieve all these goods as a market system, but in order to be counted as fully good, the market system must in fact achieve them.

On matters of population growth, the Pope's insight into human capital as the chief resource of nations is ripe for further development. Those who say dogmatically that nations of dense population must be poor, or that a large population causes poverty, have not thought carefully about Japan, Hong Kong, or the Netherlands. The Pope's emphasis on the creative capacity of every human being explains why such densely populated countries can be wealthy. It suggests that each person can create more in one lifetime than he or she consumes. This is the very principle of economic progress. The cause of poverty is not "overpopulation" but, on the contrary, a system of political economy that represses the economic creativity which God has endowed in every woman and man. Nations ought not to repress that creative capacity.

The Liberation of the Poor

“Centesimus Annus” has many practical implications. Although many primarily affect political and moral/cultural institutions, I would like to concentrate on its implications for liberating the poor from poverty.

Liberation theology in Latin America deserves credit for directing the eyes of the world to the attention of the world's poor, especially in Latin America and Africa. But liberation theologians made a faulty analysis of the dynamics of poverty. Mostly, they relied on outmoded and dysfunctional Marxist categories. In naming their dream of liberation "socialism," they also miscalculated, so that events in Eastern Europe have now sent shock waves through their entire system of analysis. They tied their hopes to mistaken nineteenth century economic theories concerning the abolition of private property, class struggle, the labor theory of value, and the zero-sum game of "oppressors and oppressed." Eastern Europeans by the millions, furthermore, rose up against the strategy of fulfilling the "basic needs" of the people—a strategy sufficient for animals or prisoners in jail, but intolerable to human beings. Thus, liberation theologians who once attributed Latin America's poverty to excessive "dependency" on Europe and North America are now

worried that Europe and North America will turn to the needs of Eastern Europe and leave Latin America in excessive "independence."35

In short, liberation theologians called attention to the problem. But they did little to solve it—and perhaps even delayed its solution for a generation. Nonetheless, the bitter condition of the poor must still be addressed.

Nearly one billion people still live under systems that repress their creative capacities and leave them in destitution, that is, a poverty so biting that they are deprived of a normal daily caloric intake. The continued existence of such repressive regimes is a moral scandal. Since it can be ended, it must be. The key to ending it is contained in "Centesimus Annus": those laws and institutions that repress the creative capacity of individuals must be uprooted. For example, in much of the Third World, although most of the poor are neither proletarians nor peasants but entrepreneurs, it is virtually impossible under current practices for poor persons to own safe title to property, to incorporate their own businesses cheaply and swiftly, to obtain legal credit at low interest rates, to complete primary school, to obtain basic technical training, or to obtain advice and support in making their businesses prosper.36 In a word, traditionalist Third World systems are nearly as repressive as formerly communist systems in suffocating economic creativity.

Similarly, within advanced societies, neglect of important human factors in the design of "the welfare state" has dehumanizing effects upon welfare "clients." In any society, some important fraction of the citizenry is bound to be without income, because of age (too old or too young), disability, illness, or ill fortune. Some will be permanently, some only temporarily, so. A good society will provide care for such persons. Preferably, as the Pope notes, this should be done according to the principle of subsidiarity, with an emphasis on local and "neighborly" assistance, through family, neighbors, churches, unions, fraternal societies, or other associations.37 One is reminded of Edmund Burke's emphasis upon "the little platoons" of society.

Yet in large, continental, highly mobile societies such as the United States, and perhaps in all modern societies, local assistance will need to be backed up by a national safety net. This is not without risks of impersonality, exorbitant costs, and unintended effects upon behavior to which the Pope gives attention in #48.38 Those who are healthy between the ages of 18 and 64, are capable of remarkable initiative, self-development, and creativity; these capacities must not be stunted. Healthy human beings must not be reduced to semi-permanent dependency.

Since frictional unemployment accompanies a free market system, particularly under the pressures of international competition and rapid technological change, attention to the plight of the temporarily unemployed is especially necessary, in part to make certain that unemployment is temporary and as little damaging to families as possible. Much more foresight is now needed concerning technological obsolescence and changeover than in the past.

Both on the international and on the national level, problems of poverty will not disappear under capitalism. But they will certainly be more extensively diminished than under the two existing alternatives, socialism and the traditional Third World society. The combination of democracy and capitalism will not bring about heaven on earth. But it will do more to free the poor from poverty and tyranny, and to release their creativity, than any known alternative. To put it another way, the combination of democracy and capitalism is a poor system. But all the others are worse. This is hardly a ringing endorsement. But the real world is no utopia, and utopias have had a very bloody history in this century.

Even if it is said that "Centesimus Annus" does not represent "two cheers for capitalism," for a realistic, biblically rooted system this side of the End Time, one cheer is quite enough.

Meanwhile, we have a lot of hard work to do to bring the poor billions of the Third World within the system of liberty and creativity. And a good deal to do to assist the poor in advanced countries, too. Just on this matter of poverty alone, without considering further problems in the political and moral/cultural order, our human and our Christian duty is far from done.

Endnotes

1 "Centesimus Annus" commemorates the one hundredth anniversary of Pope Leo XIII's 1891 encyclical "Rerum Novarum" considered the beginning of modern Catholic social teaching. Since then the essential documents have been: Pius XI's "Quadragesimo Anno" (1931); John XIII's "Mater et Magistra" (1961) and "Pacem in Terris" (1963); Paul VI "Octogesima Andremius" and Pope John Paul II's "Laborem Exercens" (1981), and "Sollicitudo Rei Socialis" (1987).

2 Karol Wojtyla, "The Acting Person", tr. Andrzej Potocki (Boston: D. Reidel, 1979). Originally published as "Osoba i Szyn" (Dordrecht, 1969).

3 John Wyles wrote, "When all the speechmaking is done and the writings published, it is quite possible that the most prominent advocacy of socialist democratic values in Europe this year will not come from the likes of Willy Brandt, Felipe Gonzales or even Neil Kinnock, but from Karol Wojtyla, the Polish Pontiff whose frequently controversial views suggest a quiet loathing for aspects of liberal capitalism . . .

"The Vatican is nervous about acquiring political labels, but John Paul II has long been one of Europe's leading socialists . . .

"The impression the Pope gives is that he can find little more to praise in liberal capitalism than in marxist communism." John Wyles, "Vatican Prepares Attack on Sins of Capitalism," "Financial Times", March 9-10, 1991: Section II, p. 1.

4 See Kevin Acker, "Poisoning of the Soul: New Leaders of Russia and Central Europe Talk about the Evil Empire," “Policy Review”, No. 55 (Winter 1991): 60-65.

5 Pope John Paul II says that “Rerum Novarum” "and the related social teaching of the church had far-reaching influence in the years bridging the nineteenth and twentieth centuries. This influence is evident in the numerous reforms which were introduced in the areas of social security, pensions, health insurance and compensation in the case of accidents within the framework of greater respect for the rights of workers." (#15)

"“Rerum Novarum” points the way to just reforms which can restore dignity to work as the free activity of man. These reforms imply that society and the state will both assume responsibility, especially for protecting the worker from the nightmare of unemployment. Historically, this has happened in two converging ways: either through economic policies aimed at ensuring balanced growth and full employment or through unemployment insurance and restraining programs capable of ensuring a smooth transfer of workers from crisis sectors to those in expansion." (#15)

6 David Little gives an account of this similarity: " 'God . . . hath given the world . . . to Mankind in common.' Locke writes, and therefore all human beings share exactly the same common rights in using the earth to preserve life. Each individual is entitled to use what is needful so long as everyone's equal need is respected: 'The same Law of Nature, that does . . . give us Property, does also “bound” that “property” too.' Individuals must always observe the equal rights of others, they may not cause waste by taking more than they need, and they must leave 'enough and as good . . . in common for others.'

"The idea here is that because property originally belongs to all in common, all individuals by birthright possess certain prior 'inclusive rights' to it. In other words, everyone possesses an enforceable title, or what might be called a fair survival share, not to be excluded from access to the means of preservation and sustenance. Accordingly, all human beings have an inclusive natural right to use property for the sake of survival." David Little, "A Christian Perspective on Human Rights," in Abdullahi Ahmed An-Na'im and Francis M. Deng, eds., “Human Rights in Africa: Cross-Cultural Perspectives” (Washington: Brookings Institution, 1991), p. 74.

7 "The word of God's revelation is profoundly marked by the fundamental truth that man, created in the image of God, shares by his work in the activity of the Creator and that, within the limits of his own human capabilities, man in a sense continues to develop that activity and perfects it as he advances further and further in the discovery of the resources and values contained in the whole of creation." Pope John Paul II, “Laborem Exercens”, #25.

8 Pope John Paul II, “Sollicitudo Rei Socialis”, #15.

9 "Have we not already seen enough of the fallacy and extravagance of those idle theories which have amused us with promises of an exemption from the imperfection, the weaknesses, and the evils incident to society in every shape? Is it not time to awake from

the deceitful dream of a golden age and to adopt as a practical maxim for the direction of our political conduct that we, as well as the other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue?" "The Federalist Papers", ed. Clinton Rossiter (New York: Mentor, 1961), #6, p. 59.

10 On this coincidence of self-interest and public interest, see the "accord" reached by Jacques Maritain, Yves R. Simon and Charles de Koninck as described in "When Personal and Communal Good are One," in Michael Novak, "Free Persons and the Common Good" (Lanham, Md.: Madison Books, 1989), pp. 30-35.

"The Americans enjoy explaining almost all the actions of their lives by the principle of self-interest properly understood. It gives them pleasure to point out how an enlightened self-love continually leads them to help one another and disposes them freely to give part of their time and wealth for the good of the state." Tocqueville, "Democracy in America," tr. George Lawrence, ed. J. P. Mayer (New York: Anchor Books, 1969), p. 526.

11 Pope John Paul II points out the many social upheavals taking place in the time of Leo XIII: "The church found herself facing a historical process which had already been taking place for some time but which was by then reaching a critical point. The determining factor in this process was a combination of radical changes which had taken place in the political, economic and social fields, and in the areas of science and technology, to say nothing of the wide influence of the prevailing ideologies.

"In the sphere of economics, in which scientific discoveries and their practical application come together, new structures for the production of consumer goods had progressively taken shape. A new form of property had appeared—capital; and a new form of labor—labor for wages, characterized by high rates of production which lacked due regard for sex, age or family situation and were determined solely by efficiency, with a view to increasing profits." (#4)

"The pope and the church with him were confronted, as was the civil community, by a society which was torn by a conflict all the more harsh and inhumane because it knew no rule or regulation. It was the conflict between capital and labor or—as the encyclical puts it—the worker question." (#5)

12 "Following the destruction caused by the [Second World] war, we see in some countries and under certain aspects a positive effort to rebuild a democratic society inspired by social justice, so as to deprive Communism of the revolutionary potential represented by masses of people subjected to exploitation and oppression. In general, such attempts endeavor to preserve free market mechanism, ensuring by means of a stable currency and the harmony of social relations, the conditions for steady and healthy economic growth in which people through their own work can build a better future for themselves and their families. At the same time, these attempts try to avoid making market mechanisms the only point of reference for social life, and they tend to subject them to public control which upholds the principle of the common destination of material goods. In this context, an abundance of work opportunities, a solid system of social

security and professional training, the freedom to join trade unions and the effective action of unions, the assistance provided in cases of unemployment, the opportunities for democratic participation in the life of society—all these are meant to deliver work from the mere condition of 'commodity,' and to guarantee its dignity." Pope John Paul II, "Centesimus Annus", #19.

13 The pope writes about "the tragic series of wars which ravaged Europe and the world between 1914 and 1945. Some of these resulted from militarism and exaggerated nationalism, and from related forms of totalitarianism; some derived from the class struggle; still others were civil wars of an ideological nature. Without the terrible burden of hatred and resentment which had built up as a result of so many injustices both on the international level and within individual states, such cruel wars would not have been possible in which great nations had invested their energies and in which there was not hesitation to violate the most sacred human rights, with the extermination of entire peoples and social groups being planned and carried out. Here we recall the Jewish people in particular, whose terrible fate has become a symbol of the aberration of which man is capable when he turns against God." (#17)

The pope later refers to the Cold War: "Extremist groups . . . found ready political and military support and were equipped and trained for war. . . . In addition, the precariousness of the peace which followed World War II was one of the principal causes of the militarization of many Third World countries and the fratricidal conflicts which afflicted them as well as of the spread of terrorism and of increasingly barbaric means of political and military conflict." (#18)

14 Pope John Paul II explains that Leo XIII anticipated "real existing socialism" in "Rerum Novarum": "It may seem surprising that 'socialism' appeared at the beginning of the pope's critique of solutions to the 'question of the working class' at a time when 'socialism' was not yet in the form of a strong and powerful state, with all the resource which that implies, which was later to happen. However, he correctly judged the danger posed to the masses by the attractive presentation of this simple and radical solution to the 'question of the working class' of the time—all the more so when one considers the terrible situation of injustice in which the working classes of the recently industrialized nations found themselves." (#12)

In describing today's world, the pope takes many pains to distinguish reality from ideological claims, often pointing out concrete differences among systems in different parts of the world. On Latin America, e.g., see #20; on Asia #22; on the advanced democratic and capitalist countries, #19.

15 Pope John Paul II cites Leo XIII's teaching that it is a " 'natural human right' to form private associations. This means above all the right to establish professional associations of employers and workers or of workers alone. Here we find the reason for the church's defence and approval of the establishment of what are commonly called trade unions: certainly not because of ideological prejudices or in order to surrender to a class

mentality, but because the right of association is a natural right of the human being, which therefore precedes his or her incorporation into political society." (#7)

"Apart from the family, other intermediate communities exercise primary functions and give life to specific networks of solidarity. These develop as real communities of persons and strengthen the social fabric, preventing society from becoming an anonymous and impersonal mass, as unfortunately often happens today. It is in interrelationships on many levels that a person lives, and that society becomes more 'personalized'." (#49)

See also #13: "The social nature of man is not completely fulfilled in the state, but is realized in various intermediary groups, beginning with the family and including economic, social, political and cultural groups which stem from human nature itself and have their own autonomy, always with a view to the common good. That is what I have called the 'subjectivity' of society which, together with the subjectivity of the individual, was canceled out by 'real socialism'."

16 "By intervening directly and depriving society of its responsibility, the social assistance state leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending. In fact, it would appear that needs are best understood and satisfied by people who are closest to them and who act as neighbors to those in need." (#48)

Compare Tocqueville: "I am trying to imagine under what novel features despotism may appear in the world. In the first place, I see an innumerable multitude of men, alike and equal, constantly circling around in pursuit of the petty and banal pleasures with which they glut their souls. Each of them, withdrawn into himself, is almost unaware of the fate of the rest. Mankind, for him, consists in his children and his personal friends. As for the rest of his fellow citizens, they are near enough, but he does not notice them. He touches them but feels nothing. He exists in and for himself, and though he may still have a family, one can at least say that he has not got a fatherland.

"Over this kind of men stands an immense, protective power which alone is responsible for securing their enjoyment and watching over their fate. That power is absolute, thoughtful of detail, orderly, provident, and gentle. It would resemble parental authority if, fatherlike, it tried to prepare its charges for a man's life, but on the contrary, it only tries to keep them in perpetual childhood.

"Having thus taken each citizen in turn in its powerful grasp and shaped him to its will, government then extends its embrace to include the whole of society. It covers the whole of social life with a network of petty, complicated rules that are both minute and uniform, through which even men of the greatest originality and the most vigorous temperament cannot force their heads above the crowd. It does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits, action; it does not destroy anything, but prevents much being born; it is not at all tyrannical, but it hinders, restrains, enervates, stifles, and stultifies so much that in the end each nation is no more than a

flock of timid and hardworking animals with the government as its shepherd." Alexis de Tocqueville, “Democracy in America”, tr. George Lawrence, ed. J. P. Mayer (New York: Anchor Books, 1969), pp. 690-92.

17 One "task of the State is that of overseeing and directing the exercise of human rights in the economic sector. However, primary responsibility in this area belongs not to the State, but to individuals and to the various groups and associations which make up society. The State could not directly ensure the right to work for all its citizens unless it controlled every aspect of economic life and restricted the free initiative of individuals." (#48)

18 "In general, such attempts endeavor to preserve free-market mechanisms, ensuring by means of a stable currency and the harmony of social relations the conditions for steady and healthy economic growth in which people through their own work can build a better future for themselves and their families. At the same time, these attempts try to avoid making market mechanisms the only point of reference for social life, and they tend to subject them to public control, which upholds the principle of the common destination for material goods." (“Centesimus Annus”, #19)

Germany, after World War II, had to restructure its political, economic, and moral systems simultaneously. To emphasize both "markets" and political-moral constraints upon them, they called their new system the "social market economy." For a report on its successes and failures, see: Alan Peacock and Hans Willgerodt, “Germany's Social Market Economy: Origins and Evolution” (New York: St. Martin's Press, 1989).

19 Among other tests of Hayek, see: "There probably never has existed a genuine belief in freedom, and there has certainly been no successful attempt to operate a free society, without a genuine reverence for grown institutions, for customs and habits and 'all those securities of liberty which arise from regulation of long prescription and ancient ways.' Paradoxical as it may appear, it is probably true that a successful free society will always in large measure be a tradition-bound one." Friedrich A. Hayek, The Constitution of Liberty (Chicago: University of Chicago, 1978), p. 66.

Bruno Leoni was a great champion of custom, common sense, and trial and error, rather than of reformist legislation. He wrote, e.g.: "Legislation appears today to be a quick, rational, and far-reaching remedy against every kind of evil or inconvenience, as compared with, say, judicial decisions, the settlement of disputes by private arbiters, conventions, customs, and similar kinds of spontaneous adjustments on the part of individuals. . . .

"Both Roman and English history teach us . . . a completely different lesson from that of the advocates of inflated legislation in the present age. . . . Both the Romans and the English shared the idea that the law is something to be “discovered” more than to be “enacted” and that nobody is so powerful in his society as to be in a position to identify his own will with the law of the land. The task of 'discovering' the law was entrusted in

their countries to the jurisconsults and to the judges, respectively." Bruno Leoni, "Freedom and the Law" (Los Angeles: Nash Publishing, 1961), pp. 5, 10.

20 Michael Novak, "The Spirit of Democratic Capitalism", 2d edition (Lanham, Md.: Madison Books, 1990), pp. 56-57.

21 This tripartite division is foreshadowed in the three chapters into which the Constitution on the Church in the modern world, "Gaudium et Spes", is divided.

22 ""Peoples or nations" too have a right to their own full development, which while including . . . the economic and social aspects, should also include individual cultural identity and openness to the transcendent. Not even the need for development can be used as an excuse for imposing on others one's own way of life or own religious belief." (#32)

"When individuals and communities do not see a rigorous respect for the moral, cultural and spiritual requirements, based on the dignity of the person and on the proper identity of each community, beginning with the family and religious societies, then all the rest—availability of goods, abundance of technical resources applied to daily life, a certain level of material well-being—will prove unsatisfying and in the end contemptible. The Lord clearly says this in the Gospel, when he calls the attention of all to the true hierarchy of values: 'For what will it profit a man, if he gains the whole world and forfeits his life?'

"On the internal level of every nation, respect for all rights takes on great importance, especially: the rights to life at every stage of its existence; the rights of the family, as the basic social community, or 'cell of society'; justice in employment relationships; the rights inherent in the life of the political community as such; the rights based on the transcendent vocation of the human being, beginning with the right of freedom to profess and practice one's own religious belief." Sollicitudo Rei Socialis, #33.

For a discussion of economic liberty as the second liberty, see Michael Novak, "The Second Liberty," forthcoming.

23 The pope links initiative and creative subjectivity in "Sollicitudo Rei Socialis", when he says that political structures must not diminish or destroy "the spirit of initiative, that is to say, the creative subjectivity of the citizen." (#15)

24 Kirzner describes his work as an "attempt to understand the systematic character of the capitalist process in terms of entrepreneurial discovery." He says, "To understand the systematic forces as work in markets, we must introduce into our analysis the element of undeliberate but motivated discovery."

"A misallocation of resources occurs because, so far, market participants have not noticed the price discrepancy involved. This price discrepancy presents itself as an opportunity to be exploited by its discoverer. "The most impressive aspect of the market system is the tendency for such opportunities to be discovered."" Israel Kirzner, "Discovery and the Market Process" (Chicago: University of Chicago Press, 1985), pp. 14; 30.

25 "This principle directly concerns the process of production: In this process labor is always a primary efficient cause, while capital, the whole collection of means of production, remains a mere instrument or instrumental cause." Pope John Paul II, "Laborem Exercens", #12.

26 Abraham Lincoln, "Annual Message to Congress", December 3, 1861 in "Lincoln: Speeches and Writings 1859-1865", ed. Don E. Fehrenbacher (New York: Library of America, 1989, p. 296.

27 "I know of nothing so pleasant to the mind, as the discovery of anything which is at once new and valuable—nothing which so lightens and sweetens toil, as the hopeful pursuit of such discovery. And how vast, and how varied a field is agriculture for discovery. The mind, already trained to thought, in the country school, or higher school, cannot fail to find there an exhaustless source of profitable enjoyment. Every blade of grass is a study; and to produce two, where there was but one, is both a profit and a pleasure." Lincoln, "Address to the Wisconsin State Agricultural Society, Milwaukee, Wisconsin;" September 30, 1859, in "Abraham Lincoln: Speeches and Writings 1859-1865" (New York: Library of America, 1989), p. 99.

28 On the patent laws, Lincoln says, "These began in England in 1624; and, in this country, with the adoption of our constitution [sic]. Before then, any man might instantly use what another had invented; so that the inventor had no special advantage from his own invention. The patent system changed this; secured the inventory, for a limited time, the exclusive use of his invention; and thereby added the fuel of "interest" to the "fire" of genius, in the discovery and production of new and useful things." Abraham Lincoln, "Abraham Lincoln: Speeches and Writings 1859-1865" (New York: Library of America, 1989), p. 11.

29 In what Hayek calls the "Great Society," the "products and services of each benefit mostly persons he does not know. The greater productivity of such a society rests on a division of labour extending far beyond the range any one person can survey. This extension of the process of exchange beyond relatively small groups, and including large numbers of persons not known to each other, has been made possible by conceding to the stranger and even the foreigner the same protecting of rules of just conduct which apply to the relations to the known members of one's own small group." . . .

"The Great Society arose through the discovery that men can live together in peace and mutually benefiting each other without agreeing on the particular aims which they severally pursue. The discovery that by substituting abstract rules of conduct for obligatory concrete ends made it possible to extend the order of peace beyond small groups pursuing the same ends, because it enabled each individual to gain from the skill and knowledge of others whom he need not know and whose aims could be wholly different from his own." Hayek, "The Mirage of Social Justice", pp. 88, 109.

And under the heading of "Great Society," Mises says, "Society is joint action and cooperation in which each participant sees the other partner's success as a means for the attainment of his own.

"The ascendancy of the idea that even in war not every act is to be considered permissible, that there are legitimate and illicit acts of warfare, that there are laws, i.e., societal relationships which are above all nations, even above those momentarily fighting one another, has finally established a Great Society embracing all men and all nations. The various regional societies were merged into one ecumenical society.

"Society . . . always involves men acting in cooperation with other men in order to let all participants attain their own ends." Ludwig von Mises, "Human Action" (New Haven: Yale University Press, 1949), pp. 168-69.

30 See Michael Novak, "This Hemisphere of Liberty" (Washington, D.C.: The AEI Press, 1990), p. 51: "Those who wish to liberate human beings from poverty within their nation should look to its primary resource, the minds and spirits of the citizens "at the bottom" of society. The cause of the wealth of nations is the empowerment of such persons. To empower people is the indispensable first step toward rapid economic development."

I expand this point elsewhere: "The heart of the capitalist idea is to begin "at the bottom", by releasing the economic creativity of the poor. Several nations of the East Asian rim—Hong Kong, Singapore, Taiwan, and South Korea—observed the lessons to be learned from the Fabian socialism of India and from Communist socialism in China and North Korea. They also observed Japan. Like Japan, they had suffered in the war. They had extremely low standards of living. They had virtually no natural resources. Their populations, already large, were growing rapidly. Per capita income in Taiwan in 1945 was an incredibly low $70. By 1980, it had reached $2,280. The real GNP of Taiwan doubled every seven years—in 1980 it was eleven times greater than in 1952. Destitution is gone, and Taiwan's income distribution is among the most equal in the world. The case is similar in South Korea, racked not only by severe Japanese repression during World War II but suffering horribly during the long Korean war of 1949-1953. In 1962, per capita income was $87. Twenty years later, it was $1,600. The average increase in real wages exceeded seven percent per year during the same twenty years." Michael Novak, "Will It Liberate? Questions about Liberation Theology" (Mahwah, N.J.: Paulist Press, 1986), p. 90.

The Pope makes a similar point about unleashing the creative potential of the poor: "This is the culture which is hoped for: one which fosters trust in the human potential of the poor and consequently in their ability to improve their condition through work or to make a positive contribution to economic prosperity. But to accomplish this, the poor—be they individuals or nations—need to be provided with realistic opportunities." (#52) And he speaks of the most important means of creating wealth: "In our time in particular there exists another form of ownership which is becoming no less important than land: the

possession of know-how, technology and skill. The wealth of the industrialized nations is based much more on this kind of ownership than on natural resources."

31 "The opening up of new markets, foreign and domestic, and the organizational development from the craft shop and factory to such concerns as U.S. Steel illustrate the same process of industrial mutation . . . that incessantly revolutionizes the economic structure "from within", incessantly destroying the old one, incessantly creating a new one. This process of Creative Destruction is the essential fact about capitalism." Joseph Schumpeter, "Capitalism, Socialism and Democracy" (New York: Harper & Row, 1950), p. 83.

32 In a speech at New Haven, Connecticut, in 1860, Lincoln said, "I am glad to see that a system of labor prevails in New England under which laborers can strike when they want to, where they are not obliged to work under all circumstances, and are not tied down and obliged to labor whether you pay them or not! I "like" the system which lets a man quit when he wants to, and wish it might prevail everywhere. One of the reasons why I am opposed to Slavery is just here. What is the true condition of the laborer? I take it that it is best for all to leave each man free to acquire property as fast as he can. Some will get wealthy. I don't believe in a law to prevent a man from getting rich; it would do more harm than good. So while we do not propose any war upon capital, we do wish to allow the humblest man an equal chance to get rich with everybody else. When one starts poor, as most do in the race of life, free society is such that he knows he can better his condition; he knows that there is no fixed condition of labor, for his whole life. I am not ashamed to confess that twenty five years ago I was a hired laborer, mauling rails, at work on a flat-boat—just what might happen to any poor man's son! I want every man to have the chance—and I believe a black man is entitled to it—in which he can better his condition—when he may look forward and hope to be a hired laborer this year and the next, work for himself afterward, and finally hire men to work for him! That is the true system." Lincoln, "Speech at New Haven, Connecticut," in "Lincoln: Speeches and Writings 1859-1865", p. 144.

"Again: as has already been said, there is not, of necessity any such thing as the free hired laborer being fixed to that condition for life. Many independent men everywhere in these States, a few years back in their lives, were hired laborers. The prudent, penniless beginner in the world, labors for wages awhile, saves a surplus with which to buy tools or land for himself; then labors on his own account another while, and at length hires another new beginner to help him. This is the just and generous, and prosperous system, which opens the way to all—gives hope to all, and consequent energy, and progress, and improvement of condition to all." Lincoln, "Annual Message to Congress," December 3, 1861, in "Lincoln: Speeches and Writings 1859-1865", pp. 296-97.

33 Writing from Italy, for instance, Rocco Buttiglione explains that while in the United States, "capitalism is a thoroughly positive and respectable word," in Europe "as a rule, we have a different perception of the same word. Here capitalism implies rather the exploitation of large masses through an elite of tycoons who dispose of natural and

historical resources of the land and expropriate and reduce to poverty large masses of peasants and artisans." Rocco Buttiglione, "Behind “Centesimus Annus,”" Crisis, Vol. 9, no. 7 (July-August 1991): 8.

34 In addition, "democratic capitalism" has three other advantages. In the political order, it stresses the democratic ideal. It underlines the role of “caput” or "human capital" in the modern economic order. And it parallels closely the classic phrase "political economy." (That phrase does “not” mean that the economy is "political," and its parallel does not mean that capitalism is internally "democratic.")

35 See Michael Novak, "Liberation Theology—What's Left," in “First Things”, No. 14 (June/July 1991): 10-12.

36 For the most complete assessment of these problems see the sobering work by Hernando de Soto, “The Other Path: The Invisible Revolution in the Third World,” tr. June Abbott (New York: Harper & Row, 1989).

37 See for instance “Centesimus Annus,” #49 and especially 13: "Apart from the family, other intermediate communities exercise primary functions and give life to specific networks of solidarity. These develop as real communities of persons and strengthen the social fabric, preventing society from becoming an anonymous and impersonal mass, as unfortunately often happens today. It is in interrelationships on many levels that a person lives, and that society becomes more 'personalized'." (#49)

38 One "task of the state is that of overseeing and directing the exercise of human rights in the economic sector. However, primary responsibility in this area belongs not to the state, but to individuals and to the various groups and associations that make up society. The state could not directly ensure the right to work for all its citizens unless it controlled every aspect of economic life and restricted the free initiative of individuals.

"Malfunctions and defects in the social assistance state are the result of an inadequate understanding of the tasks proper to the state. Here again the principle of subsidiarity must be respected: A community of higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions.

"By intervening directly and depriving society of its responsibility, the social assistance state leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending. In fact, it would appear that needs are best understood and satisfied by people who are closest to them and who act as neighbors to those in need." (#48)

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CLASS 9. SOLIDARITY

John Paul II, encyclical *Solicitudo Rei Socialis*, 38-45

38. This path is long and complex, and what is more it is constantly threatened because of the intrinsic frailty of human resolutions and achievements, and because of the mutability of very unpredictable external circumstances. Nevertheless, one must have the courage to set out on this path, and, where some steps have been taken or a part of the journey made, the courage to go on to the end.

In the context of these reflections the decision to set out or to continue the journey involves, above all, a moral value which men and women of faith recognize as a demand of God's will, the only true foundation of an absolutely binding ethic.

One would hope that also men and women without an explicit faith would be convinced that the obstacles to integral development are not only economic but rest on more profound attitudes which human beings can make into absolute values. Thus one would hope that all those who, to some degree or other, are responsible for ensuring a "more human life" for their fellow human beings, whether or not they are inspired by a religious faith, will become fully aware of the urgent need to change the spiritual attitudes which define each individual's relationship with self, with neighbor, with even the remotest human communities, and with nature itself; and all of this in view of higher values such as the common good or, to quote the felicitous expression of the Encyclical Populorum Progressio, the full development "of the whole individual and of all people."[66]

For Christians, as for all who recognize the precise theological meaning of the word "sin", a change of behavior or mentality or mode of existence is called "conversion", to use the language of the Bible (cf. Mk 13:3, 5; Is 30:15). This conversion specifically entails a relationship to God, and to the sin committed, to its consequences and hence to one's neighbor, either an individual or a community. It is God, in "whose hands are the hearts of the powerful"[67] and the hearts of all, who according to his own promise and by the power of his Spirit can transform "hearts of stone" into "hearts of flesh" (cf. Ezek 36:26).

On the path towards the desired conversion, towards the overcoming of the moral obstacles to development, it is already possible to point to the positive and moral value of the growing awareness of interdependence among individuals and nations. The fact that men and women in various parts of the world feel personally affected by the injustices and violations of human rights committed in distant countries, countries which perhaps they will never visit, is a further sign of a reality transformed into awareness, thus acquiring a moral connotation.

It is above all a question of interdependence, sensed as a system determining relationships in the contemporary world, in its economic, cultural, political and religious

elements, and accepted as a moral category. When interdependence becomes recognized in this way, the correlative response as a moral and social attitude, as a "virtue", is solidarity. This then is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all. This determination is based on the solid conviction that what is hindering full development is that desire for profit and that thirst for power already mentioned. These attitudes and "structures of sin" are only conquered--presupposing the help of divine grace--by a diametrically opposed attitude: a commitment to the good of one's neighbor with the readiness, in the Gospel sense, to "lose oneself" for the sake of the other instead of exploiting him, and to "serve him" instead of oppressing him for one's own advantage (cf. Mt 10:40-42; 20: 25; Mk 10: 42-45; Lk 22: 25-27).

39. The exercise of solidarity within each society is valid when its members recognize one another as persons. Those who are more influential, because they have a greater share of goods and common services, should feel responsible for the weaker and be ready to share with them all they possess. Those who are weaker, for their part, in the same spirit of solidarity, should not adopt a purely passive attitude or one that is destructive of the social fabric, but, while claiming their legitimate rights, should do what they can for the good of all. The intermediate groups, in their turn, should not selfishly insist on their particular interests, but respect the interests of others.

Positive signs in the contemporary world are the growing awareness of the solidarity of the poor among themselves, their efforts to support one another, and their public demonstrations on the social scene which, without recourse to violence, present their own needs and rights in the face of the inefficiency or corruption of the public authorities. By virtue of her own evangelical duty the Church feels called to take her stand beside the poor, to discern the justice of their requests, and to help satisfy them, without losing sight of the good of groups in the context of the common good.

The same criterion is applied by analogy in international relationships. Interdependence must be transformed into solidarity, based upon the principle that the goods of creation are meant for all. That which human industry produces through the processing of raw materials, with the contribution of work, must serve equally for the good of all.

Surmounting every type of imperialism and determination to preserve their own hegemony, the stronger and richer nations must have a sense of moral responsibility for the other nations, so that a real international system may be established which will rest on the foundation of the equality of all peoples and on the necessary respect for their legitimate differences. The economically weaker countries, or those still at subsistence level, must be enabled, with the assistance of other peoples and of the international community, to make a contribution of their own to the common good with their treasures of humanity and culture, which otherwise would be lost for ever.

Solidarity helps us to see the "other" whether a person, people or nation not just as some kind of instrument, with a work capacity and physical strength to be exploited at low cost and then discarded when no longer useful, but as our "neighbor", a "helper" (cf. Gen 2: 18-20), to be made a sharer, on a par with ourselves, in the banquet of life to which all are equally invited by God. Hence the importance of reawakening the religious awareness of individuals and peoples.

Thus the exploitation, oppression and annihilation of others are excluded. These facts, in the present division of the world into opposing blocs, combine to produce the danger of war and an excessive preoccupation with personal security, often to the detriment of the autonomy, freedom of decision, and even the territorial integrity of the weaker nations situated within the so-called "areas of influence" or "safety belts".

The "structures of sin" and the sins which they produce are likewise radically opposed to peace and development, for development, in the familiar expression of Pope Paul's Encyclical, is "the new name for peace".[68]

In this way, the solidarity which we propose is the path to peace and at the same time to development. For world peace is inconceivable unless the world's leaders come to recognize that interdependence in itself demands the abandonment of the politics of blocs, the sacrifice of all forms of economic, military or political imperialism, and the transformation of mutual distrust into collaboration. This is precisely the act proper to solidarity among individuals and nations.

The motto of the pontificate of my esteemed predecessor Pius XII was Opus iustitiae pax, peace as the fruit of justice. Today one could say, with the same exactness and the same power of biblical inspiration (cf. Is 32:17; Jas 3:18): Opus solidaritatis pax, peace as the fruit of solidarity.

The goal of peace, so desired by everyone, will certainly be achieved through the putting into effect of social and international justice, but also through the practice of the virtues which favor togetherness, and which teach us to live in unity, so as to build in unity, by giving and receiving, a new society and a better world.

40. Solidarity is undoubtedly a Christian virtue. In what has been said so far it has been possible to identify many points of contact between solidarity and charity, which is the distinguishing mark of Christ's disciples (cf. Jn 13: 35)

In the light of faith, solidarity seeks to go beyond itself, to take on the specifically Christian dimensions of total gratuity, forgiveness and reconciliation. One's neighbor is then not only a human being with his or her own rights and a fundamental equality with everyone else, but becomes the living image of God the Father, redeemed by the blood of Jesus Christ and placed under the permanent action of the Holy Spirit. One's neighbor must therefore be loved, even if an enemy, with the same love with which the Lord loves him or her; and for that person's sake one must be ready for sacrifice, even the ultimate one: to lay down one's life for the brethren (cf. 1 Jn 3: 16).

At that point, awareness of the common fatherhood of God, of the brotherhood of all in Christ "children in the Son" and of the presence and life-giving action of the Holy Spirit will bring to our vision of the world a new criterion for interpreting it. Beyond human and natural bonds, already so close and strong, there is discerned in the light of faith a new model of the unity of the human race, which must ultimately inspire our solidarity. This supreme model of unity, which is a reflection of the intimate life of God, one God in three persons, is

what we Christians mean by the word "communion". This specifically Christian communion, jealously preserved, extended and enriched with the Lord's help, is the soul of the Church's vocation to be a "sacrament", in the sense already indicated.

Solidarity therefore must play its part in the realization of this divine plan, both on the level of individuals and on the level of national and international society. The "evil mechanisms" and "structures of sin" of which we have spoken can be overcome only through the exercise of the human and Christian solidarity to which the Church calls us and which she tirelessly promotes. Only in this way can such positive energies be fully released for the benefit of development and peace.

Many of the Church's canonized saints offer a wonderful witness of such solidarity and can serve as examples in the present difficult circumstances. Among them I wish to recall Saint Peter Claver and his service to the slaves at Cartagena de Indias, and Saint Maximilian Maria Kolbe who offered his life in place of a prisoner unknown to him in the concentration camp at Auschwitz.

41. The Church does not have technical solutions to offer for the problem of underdevelopment as such, as Pope Paul VI already affirmed in his Encyclical.[69] For the Church does not propose economic and political systems or programs, nor does she show preference for one or the other, provided that human dignity is properly respected and promoted, and provided she herself is allowed the room she needs to exercise her ministry in the world.

But the Church is an "expert in humanity",[70] and this leads her necessarily to extend her religious mission to the various fields in which men and women expend their efforts in search of the always relative happiness which is possible in this world, in line with their dignity as persons.

Following the example of my predecessors, I must repeat that whatever affects the dignity of individuals and peoples, such as authentic development, cannot be reduced to a "technical" problem. If reduced in this way, development would be emptied of its true content, and this would be an act of betrayal of the individuals and peoples whom development is meant to serve.

This is why the Church has something to say today, just as twenty years ago, and also in the future, about the nature, conditions, requirements and aims of authentic development,

and also about the obstacles which stand in its way. In doing so the Church fulfills her mission to evangelize, for she offers her first contribution to the solution of the urgent problem of development when she proclaims the truth about Christ, about herself and about man, applying this truth to a concrete situation.[71]

As her instrument for reaching this goal, the Church uses her social doctrine. In today's difficult situation, a more exact awareness and a wider diffusion of the "set of principles for reflection, criteria for judgment and directives for action" proposed by the Church's teaching[72] would be of great help in promoting both the correct definition of the problems being faced and the best solution to them.

It will thus be seen at once that the questions neither the analysis of the problem of development as such nor the means to overcome the present difficulties can ignore this essential dimension.

The Church's social doctrine is not a "third way" between liberal capitalism and Marxist collectivism, nor even a possible alternative to other solutions less radically opposed to one another: rather, it constitutes a category of its own. Nor is it an ideology, but rather the accurate formulation of the results of a careful reflection on the complex realities of human existence, in society and in the international order, in the light of faith and of the Church's tradition. Its main aim is to interpret these realities, determining their conformity with or divergence from the lines of the Gospel teaching on man and his vocation, a vocation which is at once earthly and transcendent; its aim is thus to guide Christian behavior. It therefore belongs to the field, not of ideology, but of theology and particularly of moral theology.

The teaching and spreading of her social doctrine are part of the Church's evangelizing mission. And since it is a doctrine aimed at guiding people's behavior, it consequently gives rise to a "commitment to justice", according to each individual's role, vocation and circumstances.

The condemnation of evils and injustices is also part of that ministry of evangelization in the social field which is an aspect of the Church's prophetic role. But it should be made clear that proclamation is always more important than condemnation, and the latter cannot ignore the former, which gives it true solidity and the force of higher motivation.

42. Today more than in the past, the Church's social doctrine must be open to an international outlook, in line with the Second Vatican Council, [73] the most recent Encyclicals, [74] and particularly in line with the Encyclical which we are commemorating. [75] It will not be superfluous therefore to re-examine and further clarify in this light the characteristic themes and guidelines dealt with by the Magisterium in recent years.

Here I would like to indicate one of them: the option or love of preference for the poor. This is an option, or a special form of primacy in the exercise of Christian charity, to which the whole tradition of the Church bears witness. It affects the life of each Christian

inasmuch as he or she seeks to imitate the life of Christ, but it applies equally to our social responsibilities and hence to our manner of living, and to the logical decisions to be made concerning the ownership and use of goods.

Today, furthermore, given the worldwide dimension which the social question has assumed,[76] this love of the preference for the poor, and the decisions which it inspires in us, cannot but embrace the immense multitudes of the hungry, the needy, the homeless, those without medical care and, above all, those without hope of a better future. It is impossible not to take account of the existence of these realities. To ignore them would mean becoming like the "rich man" who pretended not to know the beggar Lazarus lying it his gate (cf. Lk 16:19-31). [77]

Our daily life as well as our decisions in the political and economic fields must be marked by these realities. Likewise the leaders of nations and the heads of International Bodies, while they are obliged always to keep in mind the true human dimension as a priority in their development plans, should not forget to give precedence to the phenomenon of growing poverty. Unfortunately, instead of becoming fewer the poor are becoming more numerous, not only in less developed countries but--and this seems no less scandalous--in the more developed ones too. It is necessary to state once more the characteristic principle of Christian social doctrine: the goods of this world are originally meant for all. [78] The right to private property is valid and necessary, but it does not nullify the value of this principle. Private property, in fact, is under a "social mortgage", [79] which means that it has an intrinsically social function, based upon and justified precisely by the principle of the universal destination of goods. Likewise, in this concern for the poor, one must not overlook that special form of poverty which consists in being deprived of fundamental human rights, in particular the right to religious freedom and also the right to freedom of economic initiative.

43. The motivating concern for the poor--who are, in the very meaningful term, "the Lord's poor"[80]--must be translated at all levels into concrete actions, until it decisively attains a series of necessary reforms. will show what reforms are most urgent and how they can be achieved. But those demanded by the situation of international imbalance, as already described, must not be forgotten.

In this respect I wish to mention specifically: the reform of the international trade system, which is mortgaged to protectionism and increasing bilateralism; the reform of the world monetary and financial system, today recognized as inadequate; the question of technological exchanges and their proper use; the need for a review of the structure of the existing International Organizations, in the framework of an international juridical order.

The international trade system today frequently discriminates against the products of the young industries of the developing countries and discourages the producers of raw materials. There exists, too, a kind of international division of labor, whereby the low-cost products of certain countries which lack effective labor laws or which are too weak to apply them are sold in other parts of the world at considerable profit for the companies engaged in this form of production, which knows no frontiers.

The world monetary and financial system is marked by an excessive fluctuation of exchange rates and interest rates, to the detriment of the balance of payments and the debt situation of the poorer countries.

Forms of technology and their transfer constitute today one of the major problems of international exchange and of the grave damage deriving therefrom. There are quite frequent cases of developing countries being denied needed forms of technology or sent useless ones.

In the opinion of many, the International Organizations seem to be at a stage of their existence when their operating methods, operating costs and effectiveness need careful review and possible correction. Obviously, such a delicate process cannot be put into effect without the collaboration of all. This presupposes the overcoming of political rivalries and the renouncing of all desire to manipulate these Organizations, which exist solely for the common good.

The existing Institutions and Organizations have worked well for the benefit of peoples. Nevertheless, humanity today is in a new and more difficult phase of its genuine development. It needs a greater degree of international ordering, at the service of the societies, economies and cultures of the whole world.

44. Development demands above all a spirit of initiative on the part of the countries which need it. [81] Each of them must act in accordance with its own responsibilities, not expecting everything from the more favored countries, and acting in collaboration with others in the same situation. Each must discover and use to the best advantage its own area of freedom. Each must make itself capable of initiatives responding to its own needs as a society. Each must likewise realize its true needs as well as the rights and duties which oblige it to respond to them. The development of peoples begins and is most appropriately accomplished in the dedication of each people to its own development, in collaboration with others.

It is important then that as far as possible the developing nations themselves should favor the self-affirmation of each citizen, through access to a wider culture and a free flow of information. Whatever promotes literacy and the basic education which completes and deepens it is a direct contribution to true development, as the Encyclical Populorum Progressio proposed. [82] These goals are still far from being reached in so many parts of the world.

In order to take this path, the nations themselves will have to identify their own priorities and clearly recognize their own needs, according to the particular conditions of their people, their geographical settling and their cultural traditions.

Some nations will have to increase food production, in order to have always available what is needed for subsistence and daily life. In the modern world where starvation claims so many victims, especially among the very young there are examples of not

particularly developed nations which have nevertheless achieved the goal of food self-sufficiency and have even become food exporters.

Other nations need to reform certain unjust structures, and in particular their political institutions, in order to replace corrupt, dictatorial and authoritarian forms of government by democratic and participatory ones. This is a process which we hope will spread and grow stronger. For the "health" of a political community as expressed in the free and responsible participation of all citizens in public affairs, in the rule of law and in respect for and promotion of human rights is the necessary condition and sure guarantee of the development of "the whole individual and of all people".

45. None of what has been said can be achieved without the collaboration of all especially the international community in the framework of a solidarity which includes everyone, beginning with the most neglected. But the developing nations themselves have the duty to practice solidarity among themselves and with the neediest countries of the world.

It is desirable, for example, that nations of the same geographical area should establish forms of cooperation which will make them less dependent on more powerful producers; they should open their frontiers to the products of the area; they should examine how their products might complement one another; they should combine in order to set up those services which each one separately is incapable of providing; they should extend cooperation to the monetary and financial sector.

Interdependence is already a reality in many of these countries. To acknowledge it, in such a way as to make it more operative, represents an alternative to excessive dependence on richer and more powerful nations, as part of the hoped for development, without opposing anyone, but discovering and making best use of the country's own potential. The developing countries belonging to one geographical area, especially those included in the term "South", can and ought to set up new regional organizations inspired by criteria of equality, freedom and participation in the comity of nations as is already happening with promising results.

An essential condition for global solidarity is autonomy and free self-determination, also within associations such as those indicated. But at the same time solidarity demands a readiness to accept the sacrifices necessary for the good of the whole world community.

46. Peoples and individuals aspire to be free: their search for full development signals their desire to overcome the many obstacles preventing them from enjoying a "more human life".

Recently, in the period following the publication of the Encyclical Populorum Progressio, a new way of confronting the problems of poverty and underdevelopment has spread in some areas of the world, especially in Latin America. This approach makes liberation the fundamental category and the first principle of action. The positive values, as well as the deviations and risks of deviation, which are damaging to the faith and are connected with

this form of theological reflection and method, have been appropriately pointed out by the Church's Magisterial. [83]

It is fitting to add that the aspiration to freedom from all forms of slavery affecting the individual and society is something noble and legitimate. This in fact is the purpose of development, or rather liberation and development, taking into account the intimate connection between the two.

Development which is merely economic is incapable of setting man free; on the contrary, it will end by enslaving him further. Development that does not include the cultural, transcendent and religious dimensions of man and society, to the extent that it does not recognize the existence of such dimensions and does not endeavor to direct its goals and priorities towards the same, is even less conducive to authentic liberation. Human beings are totally free only when they are completely themselves, in the fullness of their rights and duties. The same can be said about society as a whole.

The principal obstacle to be overcome on the way to authentic liberation is sin and the structures produced by sin as it multiplies and spreads. [84]

The freedom with which Christ has set us free (cf. Gal 5:1) encourages us to become the servants of all. Thus the process of development and liberation takes concrete shape in the exercise of solidarity, that is to say in the love and service of neighbor, especially of the poorest: "For where truth and love are missing, the process of liberation results in the death of a freedom which will have lost all support".[85]

John Paul II, *Ecclesia in America*, "The Church in America", excerpts

11. …

How can we fail to emphasize the role which belongs to the Virgin Mary in relation to the pilgrim Church in America journeying towards its encounter with the Lord? Indeed, the Most Blessed Virgin "is linked in a special way to the birth of the Church in the history ... of the peoples of America; through Mary they came to encounter the Lord". (18)

Throughout the continent, from the time of the first evangelization, the presence of the Mother of God has been strongly felt, thanks to the efforts of the missionaries. In their preaching, "the Gospel was proclaimed by presenting the Virgin Mary as its highest realization. From the beginning — invoked as Our Lady of Guadalupe — Mary, by her motherly and merciful figure, was a great sign of the closeness of the Father and of Jesus Christ, with whom she invites us to enter into communion".(19)

The appearance of Mary to the native Juan Diego on the hill of Tepeyac in 1531 had a decisive effect on evangelization. (20) Its influence greatly overflows the boundaries of Mexico, spreading to the whole Continent. America, which historically has been, and still is, a melting-pot of peoples, has recognized in the mestiza face of the Virgin of Tepeyac, "in Blessed Mary of Guadalupe, an impressive example of a perfectly inculturated evangelization". (21) Consequently, not only in Central and South America, but in North America as well, the Virgin of Guadalupe is venerated as Queen of all America. (22)

With the passage of time, pastors and faithful alike have grown increasingly conscious of the role of the Virgin Mary in the evangelization of America. In the prayer composed for the Special Assembly for America of the Synod of Bishops, Holy Mary of Guadalupe is invoked as "Patroness of all America and Star of the first and new evangelization". In view of this, I welcome with joy the proposal of the Synod Fathers that the feast of Our Lady of Guadalupe, Mother and Evangelizer of America, be celebrated throughout the continent on December 12.(23) It is my heartfelt hope that she, whose intercession was responsible for strengthening the faith of the first disciples (cf. Jn 2:11), will by her maternal intercession guide the Church in America, obtaining the outpouring of the Holy Spirit, as she once did for the early Church (cf. Acts 1:14), so that the new evangelization may yield a splendid flowering of Christian life.

CHAPTER II

ENCOUNTERING JESUS CHRIST
IN AMERICA TODAY

"From those who have received much,
much will be required" (Lk 12:48)

The situation of the men and women of America and their encounter with the Lord

13. The Gospels tell of Jesus encountering people in very diverse situations. At times these are situations of sin, which show the need for conversion and the Lord's forgiveness. At other moments we find people searching for the truth and genuinely trusting in Jesus — positive attitudes which help to establish a friendship with him and awaken the desire to imitate him. Nor can we forget the gifts with which the Lord prepares some people for a later encounter. Thus, by making Mary "full of grace" (Lk 1:28) from the very beginning, God prepared her for the realization in her of God's supreme encounter with human nature: the ineffable mystery of the Incarnation.

Like the social virtues, sins do not exist in the abstract, but are the consequence of personal acts.(31) Hence it is necessary to bear in mind that America today is a complex reality, the result of the attitudes and actions of the men and women who live there. It is in this real and concrete situation that they must encounter Jesus.

The Christian identity of America

14. The greatest gift which America has received from the Lord is the faith which has forged its Christian identity. For more than five hundred years the name of Christ has been proclaimed on the continent. The evangelization which accompanied the European migrations has shaped America's religious profile, marked by moral values which, though they are not always consistently practiced and at times are cast into doubt, are in a sense the heritage of all Americans, even of those who do not explicitly recognize this fact. Clearly, America's Christian identity is not synonymous with Catholic identity. The presence of other Christian communities, to a greater or lesser degree in the different parts of America, means that the ecumenical commitment to seek unity among all those who believe in Christ is especially urgent. (32)

The fruits of holiness in America

15. The Saints are the true expression and the finest fruits of America's Christian identity. In them, the encounter with the living Christ "is so deep and demanding . . . that it becomes a fire which consumes them completely and impels them to build his Kingdom, to the point that Christ and the new Covenant are the meaning and the soul . . . of personal and communal life". (33) The fruits of holiness have flourished from the first days of the evangelization of America. Thus we have Saint Rose of Lima (1586-1617), "the New World's first flower of holiness", proclaimed principal patroness of America in 1670 by Pope Clement X. (34) After her, the list of American saints has grown to its present length. (35) The beatifications and canonizations which have raised many sons and daughters of the continent to public veneration provide heroic models of the Christian life across the range of nations and social backgrounds. In beatifying or canonizing them, the Church points to them as powerful intercessors made one with Christ, the eternal High Priest, the mediator between God and man. The Saints and the Beatified of America accompany the men and women of today with fraternal concern in

all their joys and sufferings, until the final encounter with the Lord.(36) With a view to encouraging the faithful to imitate them ever more closely and to seek their intercession more frequently and fruitfully, the Synod Fathers proposed — and I find this a very timely initiative — that there be prepared "a collection of short biographies of the Saints and the Beatified of America, which can shed light on and stimulate the response to the universal call to holiness in America".(37)

Among the Saints it has produced, "the history of the evangelization of America numbers many martyrs, men and women, Bishops and priests, consecrated religious and lay people who have given life . . . to [these] nations with their blood. Like a cloud of witnesses (cf. Heb 12:1), they stir us to take up fearlessly and fervently today's task of the new evangelization".(38) Their example of boundless dedication to the cause of the Gospel must not only be saved from oblivion, but must become better and more widely known among the faithful of the continent. In this regard, I wrote in Tertio Millennio Adveniente: "The local Churches should do everything possible to ensure that the memory of those who have suffered martyrdom should be safeguarded, gathering the necessary documentation". (39)

Popular piety

16. A distinctive feature of America is an intense popular piety, deeply rooted in the various nations. It is found at all levels and in all sectors of society, and it has special importance as a place of encounter with Christ for all those who in poverty of spirit and humility of heart are sincerely searching for God (cf. Mt 11:25). This piety takes many forms: "Pilgrimages to shrines of Christ, of the Blessed Virgin and the Saints, prayer for the souls in purgatory, the use of sacramentals (water, oil, candles . . .). These and other forms of popular piety are an opportunity for the faithful to encounter the living Christ".(40) The Synod Fathers stressed the urgency of discovering the true spiritual values present in popular religiosity, so that, enriched by genuine Catholic doctrine, it might lead to a sincere conversion and a practical exercise of charity.(41) If properly guided, popular piety also leads the faithful to a deeper sense of their membership of the Church, increasing the fervor of their attachment and thus offering an effective response to the challenges of today's secularization.(42)

Given that in America, popular piety is a mode of inculturation of the Catholic faith and that it has often assumed indigenous religious forms, we must not underestimate the fact that, prudently considered, it too can provide valid cues for a more complete inculturation of the Gospel.(43) This is especially important among the indigenous peoples, in order that "the seeds of the Word" found in their culture may come to their fullness in Christ.(44) The same is true for Americans of African origin. The Church "recognizes that it must approach these Americans from within their own culture, taking seriously the spiritual and human riches of that culture which appear in the way they worship, their sense of joy and solidarity, their language and their traditions".(45)

…

The Church in the field of education and social action

18. One of the reasons for the Church's influence on the Christian formation of Americans is her vast presence in the field of education and especially in the university world. The many Catholic universities spread throughout the continent are a typical feature of Church life in America. Also in the field of primary and secondary education, the large number of Catholic schools makes possible a wide-ranging evangelizing effort, as long as there is a clear will to impart a truly Christian education. (49)

Another important area in which the Church is present in every part of America is social and charitable work. The many initiatives on behalf of the elderly, the sick and the needy, through nursing homes, hospitals, dispensaries, canteens providing free meals, and other social centers are a concrete testimony of the preferential love for the poor which the Church in America nurtures. She does so because of her love for the Lord and because she is aware that "Jesus identified himself with the poor (cf. Mt 25:31-46)". (50) In this task which has no limits, the Church in America has been able to create a sense of practical solidarity among the various communities of the continent and of the world, showing in this way the fraternal spirit which must characterize Christians in every time and place.

For this service of the poor to be both evangelical and evangelizing, it must faithfully reflect the attitude of Jesus, who came "to proclaim Good News to the poor" (Lk 4:18). When offered in this spirit, the service of the poor shows forth God's infinite love for all people and becomes an effective way of communicating the hope of salvation which Christ has brought to the world, a hope which glows in a special way when it is shared with those abandoned or rejected by society.

This constant dedication to the poor and disadvantaged emerges in the Church's social teaching, which ceaselessly invites the Christian community to a commitment to overcome every form of exploitation and oppression. It is a question not only of alleviating the most serious and urgent needs through individual actions here and there, but of uncovering the roots of evil and proposing initiatives to make social, political and economic structures more just and fraternal.

Growing respect for human rights

19. Among the positive aspects of America today, we see in civil society a growing support throughout the continent for democratic political systems and the gradual retreat of dictatorial regimes; this has immediate moral implications. The Church looks sympathetically upon this evolution insofar as it favors an ever more marked respect for the rights of each individual, including those accused and condemned, against whom it is never legitimate to resort to modes of detention and investigation — one thinks especially of torture — which are offensive to human dignity. "The rule of law is the necessary condition for establishing true democracy". (51)

There can be no rule of law, however, unless citizens and especially leaders are convinced that there is no freedom without truth.(52) In effect, "the grave problems which threaten the dignity of the human person, the family, marriage, education, the economy and working conditions, the quality of life and life itself, raise the question of the rule of law".(53) The Synod Fathers rightly stressed that "the fundamental rights of the human person are inscribed in human nature itself, they are willed by God and therefore call for universal observance and acceptance. No human authority can infringe upon them by appealing to majority opinion or political consensus, on the pretext of respect for pluralism and democracy. Therefore, the Church must be committed to the task of educating and supporting lay people involved in law-making, government and the administration of justice, so that legislation will always reflect those principles and moral values which are in conformity with a sound anthropology and advance the common good".(54)

The phenomenon of globalization

20. A feature of the contemporary world is the tendency towards globalization, a phenomenon which, although not exclusively American, is more obvious and has greater repercussions in America. It is a process made inevitable by increasing communication between the different parts of the world, leading in practice to overcoming distances, with evident effects in widely different fields.

The ethical implications can be positive or negative. There is an economic globalization which brings some positive consequences, such as efficiency and increased production and which, with the development of economic links between the different countries, can help to bring greater unity among peoples and make possible a better service to the human family. However, if globalization is ruled merely by the laws of the market applied to suit the powerful, the consequences cannot but be negative. These are, for example, the absolutizing of the economy, unemployment, the reduction and deterioration of public services, the destruction of the environment and natural resources, the growing distance between rich and poor, unfair competition which puts the poor nations in a situation of ever increasing inferiority. (55) While acknowledging the positive values which come with globalization, the Church considers with concern the negative aspects which follow in its wake.

And what should we say about the cultural globalization produced by the power of the media? Everywhere the media impose new scales of values which are often arbitrary and basically materialistic, in the face of which it is difficult to maintain a lively commitment to the values of the Gospel.

Growing urbanization

21. Also on the increase in America is the phenomenon of urbanization. For some time now the continent has been experiencing a constant exodus from the countryside to the city. This is a complex phenomenon already described by my Predecessor Paul VI.(56) There are different reasons for it, but chief among them are poverty and

underdevelopment in rural areas, where utilities, transportation, and educational and health services are often inadequate. Moreover, the city, with the allure of entertainment and prosperity often presented in the media, exerts a special attraction for simple people from country areas.

The frequent lack of planning in this process is a source of many evils. As the Synod Fathers pointed out, "in certain cases, some urban areas are like islands where violence, juvenile delinquency and an air of desperation flourish".(57) The phenomenon of urbanization therefore presents great challenges for the Church's pastoral action, which must address cultural rootlessness, the loss of family traditions and of people's particular religious traditions. As a result, faith is often weakened because it is deprived of the expressions that helped to keep it alive.

The evangelization of urban culture is a formidable challenge for the Church. Just as she was able to evangelize rural culture for centuries, the Church is called in the same way today to undertake a methodical and far-reaching urban evangelization through catechesis, the liturgy and the very way in which her pastoral structures are organized. (58)

The burden of external debt

22. The Synod Fathers voiced concern about the external debt afflicting many American nations and expressed solidarity with them. They were consistent in reminding public opinion of the complexity of this issue, acknowledging that "the debt is often the result of corruption and poor administration". (59) In keeping with the spirit of the Synod's deliberations, such an acknowledgment does not mean to place on one side all the blame for a phenomenon which is extremely complex in its origin and in the solutions which it demands. (60)

Among the causes which have helped to create massive external debt are not only high interest rates, caused by speculative financial policies, but also the irresponsibility of people in government who, in incurring debt, have given too little thought to the real possibility of repaying it. This has been aggravated by the fact that huge sums obtained through international loans sometimes go to enrich individuals instead of being used to pay for the changes needed for the country's development. At the same time, it would be unjust to impose the burden resulting from these irresponsible decisions upon those who did not make them. The gravity of the situation is all the more evident when we consider that "even the payment of interest alone represents a burden for the economy of poor nations, which deprives the authorities of the money necessary for social development, education, health and the establishment of a fund to create jobs".(61)

Corruption

23. Corruption is often among the causes of crushing public debt, and is therefore a serious problem which needs to be considered carefully. "Respecting no boundaries, [corruption] involves persons, public and private structures of power and the governing

elites". It creates a situation which "encourages impunity and the illicit accumulation of money, lack of trust in political institutions, especially the administration of justice and public investments, which are not always transparent, equal for all and effective".(62)

Here I wish to recall what I wrote in the Message for the 1998 World Day of Peace — that the plague of corruption needs to be denounced and combatted forcefully by those in authority, with "the generous support of all citizens, sustained by a firm moral conscience".(63) Appropriate supervisory bodies and transparency in economic and financial transactions are helpful and in many cases stop the spread of corruption, the dire consequences of which fall in the main upon the weakest and most marginal members of society. It is also the poor who are the first to suffer as a result of delays and inefficiency, by not being properly defended, because of structural deficiencies, especially when corruption affects the administration of justice itself.

The drug trade

24. The drug trade and drug use represent a grave threat to the social fabric of American nations. The drug trade "contributes to crime and violence, to the destruction of family life, to the physical and emotional destruction of many individuals and communities, especially among the young. It also undermines the ethical dimension of work and increases the number of people in prison — in a word, it leads to the degradation of the person created in the image of God".(64) This devastating trade also leads to "the ruin of governments and erodes economic security and the stability of nations".(65) Here we are facing one of the most urgent challenges which many nations around the world need to address: it is in fact a challenge which threatens many features of the human progress achieved in recent times. For some American nations, the production, trafficking and use of drugs are factors which tarnish their international reputation, because they reduce their credibility and render more difficult the cooperation which they seek with other countries and which is so essential nowadays for harmonious social development.

Ecological concern

25. "And God saw that it was good" (Gen 1:25). These words from the first chapter of the Book of Genesis reveal the meaning of what God has done. To men and women, the crown of the entire process of creation, the Creator entrusts the care of the earth (cf. Gen 2:15). This brings concrete obligations in the area of ecology for every person. Fulfillment of these obligations supposes an openness to a spiritual and ethical perspective capable of overcoming selfish attitudes and "life-styles which lead to the depletion of natural resources". (66)

In this area too, so relevant today, the action of believers is more important than ever. Alongside legislative and governmental bodies, all people of good will must work to ensure the effective protection of the environment, understood as a gift from God. How much ecological abuse and destruction there is in many parts of America! It is enough to think of the uncontrolled emission of harmful gases or the dramatic phenomenon of forest fires, sometimes deliberately set by people driven by selfish interest. Devastations such as

these could lead to the desertification of many parts of America, with the inevitable consequences of hunger and misery. This is an especially urgent problem in the forests of Amazonia, an immense territory extending into different countries: from Brazil to Guyana, Surinam, Venezuela, Colombia, Ecuador, Peru and Bolivia. (67) This is one of the world's most precious natural regions because of its bio-diversity which makes it vital for the environmental balance of the entire planet.

CHAPTER III

THE PATH OF CONVERSION

"Repent therefore and be converted" (Acts 3:19)

The urgency of the call to conversion

26. "The time is fulfilled and the kingdom of God is close at hand: repent and believe the Good News" (Mk 1:15). These words with which Jesus began his Galilean ministry still echo in the ears of Bishops, priests, deacons, consecrated men and women and the lay faithful throughout America. Both the recent celebration of the fifth centenary of the first evangelization of America and the commemoration of the two thousandth anniversary of the birth of Jesus, the Great Jubilee we are preparing to celebrate, summon everyone alike to a deeper sense of our Christian vocation. The greatness of the Incarnation and gratitude for the gift of the first proclamation of the Gospel in America are an invitation to respond readily to Christ with a more decisive personal conversion and a stimulus to ever more generous fidelity to the Gospel. Christ's call to conversion finds an echo in the words of the Apostle: "It is time now to wake from sleep, because our salvation is closer than when we first became believers" (Rom 13:11). The encounter with the living Jesus impels us to conversion.

In speaking of conversion, the New Testament uses the word metanoia, which means a change of mentality. It is not simply a matter of thinking differently in an intellectual sense, but of revising the reasons behind one's actions in the light of the Gospel. In this regard, Saint Paul speaks of "faith working through love" (Gal 5:6). This means that true conversion needs to be prepared and nurtured though the prayerful reading of Sacred Scripture and the practice of the Sacraments of Reconciliation and the Eucharist. Conversion leads to fraternal communion, because it enables us to understand that Christ is the head of the Church, his Mystical Body; it urges solidarity, because it makes us aware that whatever we do for others, especially for the poorest, we do for Christ himself. Conversion, therefore, fosters a new life, in which there is no separation between faith and works in our daily response to the universal call to holiness. In order to speak of conversion, the gap between faith and life must be bridged. Where this gap exists, Christians are such only in name. To be true disciples of the Lord, believers must bear witness to their faith, and "witnesses testify not only with words, but also with their lives". (68) We must keep in mind the words of Jesus: "Not every one who says to me, 'Lord, Lord!' shall enter the kingdom of heaven, but he who does the will of my Father

who is in heaven" (Mt 7:21). Openness to the Father's will supposes a total self-giving, including even the gift of one's life: "The greatest witness is martyrdom". (69)

The social dimension of conversion

27. Yet conversion is incomplete if we are not aware of the demands of the Christian life and if we do not strive to meet them. In this regard, the Synod Fathers noted that unfortunately "at both the personal and communal level there are great shortcomings in relation to a more profound conversion and with regard to relationships between sectors, institutions and groups within the Church". (70) "He who does not love his brother whom he has seen, cannot love God whom he has not seen" (1 Jn 4:20).

Fraternal charity means attending to all the needs of our neighbor. "If any one has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him?" (1 Jn 3:17). Hence, for the Christian people of America conversion to the Gospel means to revise "all the different areas and aspects of life, especially those related to the social order and the pursuit of the common good".(71) It will be especially necessary "to nurture the growing awareness in society of the dignity of every person and, therefore, to promote in the community a sense of the duty to participate in political life in harmony with the Gospel".(72) Involvement in the political field is clearly part of the vocation and activity of the lay faithful.(73)

In this regard, however, it is most important, especially in a pluralistic society, to understand correctly the relationship between the political community and the Church, and to distinguish clearly between what individual believers or groups of believers undertake in their own name as citizens guided by Christian conscience and what they do in the name of the Church in communion with their Pastors. The Church which, in virtue of her office and competence, can in no way be confused with the political community nor be tied to any political system, is both a sign and safeguard of the transcendent character of the human person. (74)

Continuing conversion

28. In this life, conversion is a goal which is never fully attained: on the path which the disciple is called to follow in the footsteps of Jesus, conversion is a lifelong task. While we are in this world, our intention to repent is always exposed to temptations. Since "no one can serve two masters" (Mt 6:24), the change of mentality (metanoia) means striving to assimilate the values of the Gospel, which contradict the dominant tendencies of the world. Hence there is a need to renew constantly "the encounter with the living Jesus Christ", since this, as the Synod Fathers pointed out, is the way "which leads us to continuing conversion". (75)

The universal call to conversion has special implications for the Church in America, involved as she is in the renewal of faith. The Synod Fathers expressed this very specific and demanding task in this way: "This conversion demands especially of us Bishops a genuine identification with the personal style of Jesus Christ, who leads us to simplicity,

poverty, responsibility for others and the renunciation of our own advantage, so that, like him and not trusting in human means, we may draw from the strength of the Holy Spirit and of the Word all the power of the Gospel, remaining open above all to those who are furthest away and excluded".(76) To be Pastors after God's own heart (cf. Jer 3:15), it is essential to adopt a mode of living which makes us like the one who says of himself: "I am the good shepherd" (Jn 10:11), and to whom Saint Paul points when he writes: "Imitate me as I imitate Christ" (1 Cor 11:1).

CHAPTER IV

THE PATH TO COMMUNION

Lay faithful and the renewal of the Church

44. "The teaching of the Second Vatican Council on the unity of the Church as the People of God gathered into the unity of the Father and the Son and the Holy Spirit stresses that Baptism confers upon all who receive it a dignity which includes the imitation and following of Christ, communion with one another and the missionary mandate". (156) The lay faithful should thus be conscious of their baptismal dignity. For their part, Pastors should have a profound respect "for the witness and evangelizing work of lay people who, incorporated into the People of God through a spirituality of communion, lead their brothers and sisters to encounter the living Jesus Christ. The renewal of the Church in America will not be possible without the active presence of the laity. Therefore, they are largely responsible for the future of the Church". (157)

There are two areas in which lay people live their vocation. The first, and the one best suited to their lay state, is the secular world, which they are called to shape according to God's will. (158) "Their specific activity brings the Gospel to the structures of the world; 'working in holiness wherever they are, they consecrate the world itself to God'". (159) Thanks to the lay faithful, "the presence and mission of the Church in the world is realized in a special way in the variety of charisms and ministries which belong to the laity. Secularity is the true and distinctive mark of the lay person and of lay spirituality, which means that the laity strive to evangelize the various sectors of family, social, professional, cultural and political life. On a continent marked by competition and aggressiveness, unbridled consumerism and corruption, lay people are called to embody deeply evangelical values such as mercy, forgiveness, honesty, transparency of heart and patience in difficult situations. What is expected from the laity is a great creative effort in activities and works demonstrating a life in harmony with the Gospel". (160)

America needs lay Christians able to assume roles of leadership in society. It is urgent to train men and women who, in keeping with their vocation, can influence public life, and direct it to the common good. In political life, understood in its truest and noblest sense as the administration of the common good, they can find the path of their own sanctification. For this, they must be formed in the truths and values of the Church's social teaching, and in the basic notions of a theology of the laity. A deeper knowledge of Christian ethical

principles and moral values will enable them to be exponents of these in their own particular setting, proclaiming them even where appeals are made to the so-called "neutrality of the State". (161)
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The dignity of women

45. Particular attention needs to be given to the vocation of women. On other occasions I have expressed my esteem for the specific contribution of women to the progress of humanity and recognized the legitimacy of their aspiration to take part fully in ecclesial, cultural, social and economic life. (167) Without this contribution, we would miss the enrichment which only the "feminine genius" (168) can bring to the life of the Church and to society. To fail to recognize this would be an historic injustice, especially in America, if we consider the contribution which women have made to the material and cultural development of the continent, just as they have in handing down and preserving the faith. Indeed, "their role was decisive, above all in consecrated life, in education and in health care". (169)

Unfortunately, in many parts of America women still meet forms of discrimination. It can be said that the face of the poor in America is also the face of many women. That is why the Synod Fathers spoke of a "feminine side of poverty". (170) The Church feels the duty to defend the human dignity which belongs to every person, and "denounces discrimination, sexual abuse and male domination as actions contrary to God's plan". (171) In particular, the Church deplores the appalling practice, sometimes part of a larger plan, of the sterilization of women, especially the poorest and most marginalized, often carried out surreptitiously, without the women themselves realizing it. This is all the more serious when it is done in order to obtain economic aid at the international level.

The Church throughout America feels committed to show greater concern for women and to defend them "so that society in America can better support family life based on marriage, better protect motherhood and show greater respect for the dignity of all women". (172) There is a need to help women in America to take an active and responsible role in the Church's life and mission, (173) and also to acknowledge the need for the wisdom and cooperation of women in leadership roles within American society.

Challenges facing Christian families

46. "God the Creator, by forming the first man and woman and commanding them to 'be fruitful and multiply' (Gen 1:28), definitively established the family. In this sanctuary life is born and is welcomed as God's gift. The word of God, faithfully read in the family, gradually builds it up as a domestic church and makes it fruitful in human and Christian virtues; it is there that the source of vocations is to be found. Marian devotion, nourished by prayer, will keep families united and prayerful with Mary, like the disciples of Jesus before Pentecost (cf. Acts 1:14)". (174) Many insidious forces are endangering the solidity of the institution of the family in most countries of America, and these represent so many challenges for Christians. Among them we should mention the increase in

divorce, the spread of abortion, infanticide and the contraceptive mentality. Faced with this situation, we need to reaffirm "that the foundation of human life is the conjugal relationship between husband and wife, a relationship which, between Christians, is sacramental". (175)

Hence there is urgent need of a broad catechetical effort regarding the Christian ideal of conjugal communion and family life, including a spirituality of fatherhood and motherhood. Greater pastoral attention must be given to the role of men as husbands and fathers, as well as to the responsibility which they share with their wives for their marriage, the family and the raising of their children. Also required is a serious preparation of young people for marriage, one which clearly presents Catholic teaching on this sacrament at the theological, anthropological and spiritual levels. On a continent like America, characterized by significant population growth, there needs to be a constant increase of pastoral initiatives directed to families.

In order to be a true "domestic church" (176) the Christian family needs to be a setting in which parents hand down the faith, since they are "for their children, by word and example, the first heralds of the faith". (177) Families should not fail to set time aside for prayer, in which spouses are united with each other and with their children. There is a need to encourage shared spiritual moments such as participating in the Eucharist on Sundays and Holy Days, receiving the Sacrament of Reconciliation, daily prayer in the family and practical signs of charity. This will strengthen fidelity in marriage and unity in families. In such a family setting it will not be difficult for children to discover a vocation of service in the community and the Church, and to learn, especially by seeing the example of their parents, that family life is a way to realize the universal call to holiness. (178)

Young people, the hope of the future

47. Young people are a great force in society and for evangelization. They "represent quite a large part of the population in many nations of America. On their encounter with the living Christ depends the hope and expectation of a future of greater communion and solidarity for the Church and society in America". (179) The particular Churches throughout the continent are clearly making real efforts to catechize young people before Confirmation and to offer them other kinds of support in developing their relationship with Christ and their knowledge of the Gospel. The formation process for young people must be constant and active, capable of helping them to find their place in the Church and in the world. Consequently, youth ministry must be one of the primary concerns of Pastors and communities.

In fact, while many young people in America are searching for true meaning in life and are thirsting for God, quite often they lack the conditions needed to take advantage of their abilities and realize their aspirations. Unfortunately, unemployment and the lack of prospects for the future lead them at times to withdrawal and to violence. The resulting sense of frustration not infrequently leads them to abandon the search for God. Faced with this complex situation, "the Church is committed to maintaining her pastoral and

missionary commitment to young people, so that they will encounter today the living Jesus Christ". (180)

CHAPTER V

THE PATH TO SOLIDARITY

"By this all will know that you are my disciples,
if you have love for one another" (Jn 13:35)

Solidarity, the fruit of communion

52. "Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me" (Mt 25:40; cf. 25:45). The awareness of communion with Christ and with our brothers and sisters, for its part the fruit of conversion, leads to the service of our neighbors in all their needs, material and spiritual, since the face of Christ shines forth in every human being. "Solidarity is thus the fruit of the communion which is grounded in the mystery of the triune God, and in the Son of God who took flesh and died for all. It is expressed in Christian love which seeks the good of others, especially of those most in need". (195)

For the particular Churches of the American continent, this is the source of a commitment to reciprocal solidarity and the sharing of the spiritual gifts and material goods with which God has blessed them, fostering in individuals a readiness to work where they are needed. Taking the Gospel as its starting-point, a culture of solidarity needs to be promoted, capable of inspiring timely initiatives in support of the poor and the outcast, especially refugees forced to leave their villages and lands in order to flee violence. The Church in America must encourage the international agencies of the continent to establish an economic order dominated not only by the profit motive but also by the pursuit of the common good of nations and of the international community, the equitable distribution of goods and the integral development of peoples. (196)

The Church's teaching, a statement of the demands of conversion

53. At a time when in the sphere of morality there is a disturbing spread of relativism and subjectivism, the Church in America is called to proclaim with renewed vigor that conversion consists in commitment to the person of Jesus Christ, with all the theological and moral implications taught by the Magisterium of the Church. There is a need to recognize "the role played by theologians, catechists and religion teachers who, by setting forth the Church's teaching in fidelity to the Magisterium, cooperate directly in the correct formation of the consciences of the faithful". (197) If we believe that Jesus is the Truth (cf. Jn 14:6), we cannot fail to desire ardently to be his witnesses in order to bring our brothers and sisters closer to the full truth that dwells in the Son of God made man, who died and rose from the dead for the salvation of the human race. "In this way we will be able to be, in this world, living beacons of faith, hope and charity". (198)

The Church's social doctrine

54. Faced with the grave social problems which, with different characteristics, are present throughout America, Catholics know that they can find in the Church's social doctrine an answer which serves as a starting-point in the search for practical solutions. Spreading this doctrine is an authentic pastoral priority. It is therefore important "that in America the agents of evangelization (Bishops, priests, teachers, pastoral workers, etc.) make their own this treasure which is the Church's social teaching and, inspired by it, become capable of interpreting the present situation and determine the actions to take". (199) In this regard, special care must be taken to train lay persons capable of working, on the basis of their faith in Christ, to transform earthly realities. In addition, it will help to promote and support the study of this doctrine in every area of the life of the particular Churches in America, especially in the universities, so that it may be more deeply known and applied to American society. The complex social reality of the continent is a fruitful field for the analysis and application of the universal principles contained in this doctrine.

To this end, it would be very useful to have a compendium or approved synthesis of Catholic social doctrine, including a "Catechism", which would show the connection between it and the new evangelization. The part which the Catechism of the Catholic Church devotes to this material, in its treatment of the seventh commandment of the Decalogue, could serve as the starting-point for such a "Catechism of Catholic Social Doctrine". Naturally, as in the case of the Catechism of the Catholic Church, such a synthesis would only formulate general principles, leaving their application to further treatment of the specific issues bound up with the different local situations. (200)

An important place in the Church's social doctrine belongs to the right to dignified labor. Consequently, given the high rates of unemployment found in numerous countries in America and the harsh conditions in which many industrial and rural workers find themselves, "it is necessary to value work as a factor of the fulfillment and dignity of the human person. It is the ethical responsibility of an organized society to promote and support a culture of work". (201)

The globalization of solidarity

55. As I mentioned earlier, the complex phenomenon of globalization is one of the features of the contemporary world particularly visible in America. An important part of this many-faceted reality is the economic aspect. By her social doctrine the Church makes an effective contribution to the issues presented by the current globalized economy. Her moral vision in this area "rests on the threefold cornerstone of human dignity, solidarity and subsidiarity". (202) The globalized economy must be analyzed in the light of the principles of social justice, respecting the preferential option for the poor who must be allowed to take their place in such an economy, and the requirements of the international common good. For "the Church's social doctrine is a moral vision which aims to encourage governments, institutions and private organizations to shape a future consonant with the dignity of every person. Within this perspective it is possible to

examine questions of external debt, internal political corruption and discrimination both within and between nations". (203)

The Church in America is called not only to promote greater integration between nations, thus helping to create an authentic globalized culture of solidarity, (204) but also to cooperate with every legitimate means in reducing the negative effects of globalization, such as the domination of the powerful over the weak, especially in the economic sphere, and the loss of the values of local cultures in favor of a misconstrued homogenization.

Social sins which cry to heaven

56. The Church's social doctrine also makes possible a clearer appreciation of the gravity of the "social sins which cry to heaven because they generate violence, disrupt peace and harmony between communities within single nations, between nations and between the different regions of the continent". (205) Among these must be mentioned: "the drug trade, the recycling of illicit funds, corruption at every level, the terror of violence, the arms race, racial discrimination, inequality between social groups and the irrational destruction of nature". (206) These sins are the sign of a deep crisis caused by the loss of a sense of God and the absence of those moral principles which should guide the life of every person. In the absence of moral points of reference, an unbridled greed for wealth and power takes over, obscuring any Gospel-based vision of social reality.

Not infrequently, this leads some public institutions to ignore the actual social climate. More and more, in many countries of America, a system known as "neoliberalism" prevails; based on a purely economic conception of man, this system considers profit and the law of the market as its only parameters, to the detriment of the dignity of and the respect due to individuals and peoples. At times this system has become the ideological justification for certain attitudes and behavior in the social and political spheres leading to the neglect of the weaker members of society. Indeed, the poor are becoming ever more numerous, victims of specific policies and structures which are often unjust. (207)

On the basis of the Gospel, the best response to this tragic situation is the promotion of solidarity and peace, with a view to achieving real justice. For this to happen, encouragement and support must be given to all those who are examples of honesty in the administration of public finances and of justice. So too there is a need to support the process of democratization presently taking place in America, (208) since a democratic system provides greater control over potential abuses.

"The rule of law is the necessary condition for the establishment of an authentic democracy". (209) For democracy to develop, there is a need for civic education and the promotion of public order and peace. In effect, "there is no authentic and stable democracy without social justice. Thus the Church needs to pay greater attention to the formation of consciences, which will prepare the leaders of society for public life at all levels, promote civic education, respect for law and for human rights, and inspire greater efforts in the ethical training of political leaders". (210)

The ultimate foundation of human rights

57. It is appropriate to recall that the foundation on which all human rights rest is the dignity of the person. "God's masterpiece, man, is made in the divine image and likeness. Jesus took on our human nature, except for sin; he advanced and defended the dignity of every human person, without exception; he died that all might be free. The Gospel shows us how Christ insisted on the centrality of the human person in the natural order (cf. Lk 12:22-29) and in the social and religious orders, even against the claims of the Law (cf. Mk 2:27): defending men, women (cf. Jn 8:11) and even children (cf. Mt 19:13-15), who in his time and culture occupied an inferior place in society. The human being's dignity as a child of God is the source of human rights and of corresponding duties". (211) For this reason, "every offense against the dignity of man is an offense against God himself, in whose image man is made". (212) This dignity is common to all, without exception, since all have been created in the image of God (cf. Gen 1:26). Jesus' answer to the question "Who is my neighbor?" (Lk 10:29) demands of each individual an attitude of respect for the dignity of others and of real concern for them, even if they are strangers or enemies (cf. Lk 10:30-37). In all parts of America the awareness that human rights must be respected has increased in recent times, yet much still remains to be done, if we consider the violations of the rights of persons and groups still taking place on the continent.

Preferential love for the poor and the outcast

58. "The Church in America must incarnate in her pastoral initiatives the solidarity of the universal Church towards the poor and the outcast of every kind. Her attitude needs to be one of assistance, promotion, liberation and fraternal openness. The goal of the Church is to ensure that no one is marginalized". (213) The memory of the dark chapters of America's history, involving the practice of slavery and other situations of social discrimination, must awaken a sincere desire for conversion leading to reconciliation and communion.

Concern for those most in need springs from a decision to love the poor in a special manner. This is a love which is not exclusive and thus cannot be interpreted as a sign of partiality or sectarianism; (214) in loving the poor the Christian imitates the attitude of the Lord, who during his earthly life devoted himself with special compassion to all those in spiritual and material need.

The Church's work on behalf of the poor in every part of America is important; yet efforts are still needed to make this line of pastoral activity increasingly directed to an encounter with Christ who, though rich, made himself poor for our sakes, that he might enrich us by his poverty (cf. 2 Cor 8:9). There is a need to intensify and broaden what is already being done in this area, with the goal of reaching as many of the poor as possible. Sacred Scripture reminds us that God hears the cry of the poor (cf. Ps 34:7) and the Church must heed the cry of those most in need. Hearing their voice, "she must live with the poor and share their distress. By her lifestyle her priorities, her words and her actions, she must testify that she is in communion and solidarity with them". (215)

Foreign debt

59. The existence of a foreign debt which is suffocating quite a few countries of the American continent represents a complex problem. While not entering into its many aspects, the Church in her pastoral concern cannot ignore this difficult situation, since it touches the life of so many people. For this reason, different Episcopal Conferences in America, conscious of the gravity of the question, have organized study meetings on the subject and have published documents aimed at pointing out workable solutions. (216) I too have frequently expressed my concern about this situation, which in some cases has become unbearable. In light of the imminent Great Jubilee of the Year 2000, and recalling the social significance that Jubilees had in the Old Testament, I wrote: "In the spirit of the Book of Leviticus (25:8-12), Christians will have to raise their voice on behalf of all the poor of the world, proposing the Jubilee as an appropriate time to give thought, among other things, to reducing substantially, if not cancelling outright, the international debt which seriously threatens the future of many nations". (217)

Once more I express the hope, which the Synod Fathers made their own, that the Pontifical Council for Justice and Peace together with other competent agencies, such as the Section for Relations with States of the Secretariat of State, "through study and dialogue with representatives of the First World and with the leaders of the World Bank and the International Monetary Fund, will seek ways of resolving the problem of the foreign debt and produce guidelines that would prevent similar situations from recurring on the occasion of future loans". (218) On the broadest level possible, it would be helpful if "internationally known experts in economics and monetary questions would undertake a critical analysis of the world economic order, in its positive and negative aspects, so as to correct the present order, and that they would propose a system and mechanisms capable of ensuring an integral and concerted development of individuals and peoples". (219)

The fight against corruption

60. In America too, the phenomenon of corruption is widespread. The Church can effectively help to eradicate this evil from civil society by "the greater involvement of competent Christian laity who, thanks to their training in the family, at school and in the parish, foster the practice of values such as truth, honesty, industriousness and the service of the common good". (220) In order to attain this goal, and to offer enlightenment to all people of good will anxious to put an end to the evils resulting from corruption, there is a need to teach and make known as widely as possible the passages of the Catechism of the Catholic Church devoted to this subject, while making Catholics in the different nations better acquainted with the relevant documents published by Episcopal Conferences in other countries. (221) With such training, Christians will contribute significantly to resolving the problem of corruption, committing themselves to put into practice the Church's social doctrine in all matters affecting their lives and in those areas where they can be of help to others.

The drug problem

61. With regard to the serious problem of the drug trade, the Church in America can cooperate effectively with national and business leaders, non-governmental organizations and international agencies in developing projects aimed at doing away with this trade which threatens the well-being of the peoples of America. (222) This cooperation must be extended to legislative bodies, in support of initiatives to prevent the "recycling of funds", foster control of the assets of those involved in this traffic, and ensure that the production and marketing of the chemical substances from which drugs are obtained are carried out according to the law. The urgency and the gravity of the problem make it imperative to call upon the various sectors and groups within civil society to be united in the fight against the drug trade. (223) Specifically, as far as the Bishops are concerned, it is necessary — as the Synod Fathers suggested — that they themselves, as Pastors of the People of God, courageously and forcefully condemn the hedonism, materialism and life styles which easily lead to drug use. (224)

There is also a need to help poor farmers from being tempted by the easy money gained from cultivating plants used for drug-production. In this regard international agencies can make a valuable contribution to governments by providing incentives to encourage the production of alternative crops. Encouragement must also be given to those involved in rehabilitating drug users and to those engaged in the pastoral care of the victims of drug dependence. It is fundamentally important to offer the proper "meaning of life" to young people who, when faced with a lack of such meaning, not infrequently find themselves caught in the destructive spiral of drugs. Experience shows that this work of recuperation and social rehabilitation can be an authentic commitment to evangelization. (225)

The arms race

62. One factor seriously paralyzing the progress of many nations in America is the arms race. The particular Churches in America must raise a prophetic voice to condemn the arms race and the scandalous arms trade, which consumes huge sums of money which should instead be used to combat poverty and promote development. (226) On the other hand, the stockpiling of weapons is a cause of instability and a threat to peace. (227) For this reason the Church remains vigilant in situations where these is a risk of armed conflict, even between sister nations. As a sign and instrument of reconciliation and peace, she must seek "by every means possible, including mediation and arbitration, to act in favor of peace and fraternity between peoples". (228)

The culture of death and a society dominated by the powerful

63. Nowadays, in America as elsewhere in the world, a model of society appears to be emerging in which the powerful predominate, setting aside and even eliminating the powerless: I am thinking here of unborn children, helpless victims of abortion; the elderly and incurably ill, subjected at times to euthanasia; and the many other people relegated to the margins of society by consumerism and materialism. Nor can I fail to mention the unnecessary recourse to the death penalty when other "bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of

persons. Today, given the means at the State's disposal to deal with crime and control those who commit it, without abandoning all hope of their redemption, the cases where it is absolutely necessary to do away with an offender 'are now very rare, even non-existent practically'". (229) This model of society bears the stamp of the culture of death, and is therefore in opposition to the Gospel message. Faced with this distressing reality, the Church community intends to commit itself all the more to the defense of the culture of life.

In this regard, the Synod Fathers, echoing recent documents of the Church's Magisterium, forcefully restated their unconditional respect for and total dedication to human life from the moment of conception to that of natural death, and their condemnation of evils like abortion and euthanasia. If the teachings of the divine and natural law are to be upheld, it is essential to promote knowledge of the Church's social doctrine and to work so that the values of life and family are recognized and defended in social customs and in State ordinances. (230) As well as protecting life, greater efforts should be made, through a variety of pastoral initiatives, to promote adoptions and to provide continuing assistance to women with problem pregnancies, both before and after the birth of the child. Special pastoral attention must also be given to women who have undergone or actively procured an abortion. (231)

How can we fail to thank God and express genuine appreciation to our brothers and sisters in the faith throughout America who are committed, along with other Christians and countless individuals of good will, to defending life by every legal means and to protecting the unborn, the incurably ill and the handicapped? Their work is all the more praiseworthy if we consider the indifference of so many people, the threats posed by eugenics and the assaults on life and human dignity perpetrated everywhere each day. (232)

This same concern must be shown to the elderly, who are often neglected and left to fend for themselves. They must be respected as persons; it is important to care for them and to help them in ways which will promote their rights and ensure their greatest possible physical and spiritual well-being. The elderly must be protected from situations or pressures which could drive them to suicide; in particular they must be helped nowadays to resist the temptation of assisted suicide and euthanasia.

Together with the Pastors of the People of God in America, I appeal to "Catholics working in the field of medicine and health care, to those holding public office or engaged in teaching, to make every effort to defend those lives most at risk, and to act with a conscience correctly formed in accordance with Catholic doctrine. Here Bishops and priests have a special responsibility to bear tireless witness to the Gospel of life and to exhort the faithful to act accordingly". (233) At the same time, it is essential for the Church in America to take appropriate measures to influence the deliberations of legislative assemblies, encouraging citizens, both Catholics and other people of good will, to establish organizations to propose workable legislation and to resist measures which endanger the two inseparable realities of life and the family. Nowadays there is a

special need to pay attention to questions related to prenatal diagnosis, in order to avoid any violation of human dignity.

Discrimination against indigenous peoples and Americans of African descent

64. If the Church in America, in fidelity to the Gospel of Christ, intends to walk the path of solidarity, she must devote special attention to those ethnic groups which even today experience discrimination. Every attempt to marginalize the indigenous peoples must be eliminated. This means, first of all, respecting their territories and the pacts made with them; likewise, efforts must be made to satisfy their legitimate social, health and cultural requirements. And how can we overlook the need for reconciliation between the indigenous peoples and the societies in which they are living?

Here I would like to mention that in some places Americans of African descent still suffer from ethnic prejudice, and this represents a serious obstacle to their encounter with Christ. Since all people, whatever their race or condition, have been created by God in his image, it is necessary to encourage concrete programs, in which common prayer must play a part, aimed at promoting understanding and reconciliation between different peoples. These can build bridges of Christian love, peace and justice between all men and women. (234)

In order to attain these goals it is essential to train competent pastoral workers capable of employing methods already legitimately "inculturated" in catechesis and the liturgy, avoiding a syncretism which gives only a partial account of true Christian doctrine. Then too, it will be easier to provide a sufficient number of pastors to work with the native peoples if efforts are made to promote priestly and religious vocations within the midst of these very people. (235)

The question of immigrants

65. In its history, America has experienced many immigrations, as waves of men and women came to its various regions in the hope of a better future. The phenomenon continues even today, especially with many people and families from Latin American countries who have moved to the northern parts of the continent, to the point where in some cases they constitute a substantial part of the population. They often bring with them a cultural and religious heritage which is rich in Christian elements. The Church is well aware of the problems created by this situation and is committed to spare no effort in developing her own pastoral strategy among these immigrant people, in order to help them settle in their new land and to foster a welcoming attitude among the local population, in the belief that a mutual openness will bring enrichment to all.

Church communities will not fail to see in this phenomenon a specific call to live an evangelical fraternity and at the same time a summons to strengthen their own religious spirit with a view to a more penetrating evangelization. With this in mind, the Synod Fathers recalled that "the Church in America must be a vigilant advocate, defending against any unjust restriction the natural right of individual persons to move freely within

their own nation and from one nation to another. Attention must be called to the rights of migrants and their families and to respect for their human dignity, even in cases of non-legal immigration". (236)

Migrants should be met with a hospitable and welcoming attitude which can encourage them to become part of the Church's life, always with due regard for their freedom and their specific cultural identity. Cooperation between the dioceses from which they come and those in which they settle, also through specific pastoral structures provided for in the legislation and praxis of the Church, (237) has proved extremely beneficial to this end. In this way the most adequate and complete pastoral care possible can be ensured. The Church in America must be constantly concerned to provide for the effective evangelization of those recent arrivals who do not yet know Christ. (238)

…

As I have already noted, love for the poor must be preferential, but not exclusive. The Synod Fathers observed that it was in part because of an approach to the pastoral care of the poor marked by a certain exclusiveness that the pastoral care for the leading sectors of society has been neglected and many people have thus been estranged from the Church. (251) The damage done by the spread of secularism in these sectors — political or economic, union-related, military, social or cultural — shows how urgent it is that they be evangelized, with the encouragement and guidance of the Church's Pastors, who are called by God to care for everyone. They will be able to count on the help of those who — fortunately still numerous — have remained faithful to Christian values. In this regard the Synod Fathers have recognized "the commitment of many leaders to building a just and fraternal society". (252) With their support, Pastors will face the not easy task of evangelizing these sectors of society. With renewed fervor and updated methods, they will announce Christ to leaders, men and women alike, insisting especially on the formation of consciences on the basis of the Church's social doctrine. This formation will act as the best antidote to the not infrequent cases of inconsistency and even corruption marking socio-political structures. Conversely, if this evangelization of the leadership sector is neglected, it should not come as a surprise that many who are a part of it will be guided by criteria alien to the Gospel and at times openly contrary to it.

The evangelization of culture

70. My Predecessor Paul VI widely remarked that "the split between the Gospel and culture is undoubtedly the drama of our time". (263) Hence the Synod Fathers rightly felt that "the new evangelization calls for a clearly conceived, serious and well organized effort to evangelize culture". (264) The Son of God, by taking upon himself our human nature, became incarnate within a particular people, even though his redemptive death brought salvation to all people, of every culture, race and condition. The gift of his Spirit and his love are meant for each and every people and culture, in order to bring them all into unity after the example of the perfect unity existing in the Triune God. For this to happen, it is necessary to inculturate preaching in such a way that the Gospel is proclaimed in the language and in the culture of its hearers. (265) At the same time, however, it must not be forgotten that the Paschal Mystery of Christ, the supreme

manifestation of the infinite God within the finitude of history, is the only valid point of reference for all of humanity on its pilgrimage in search of authentic unity and true peace.

In America, the mestiza face of the Virgin of Guadalupe was from the start a symbol of the inculturation of the Gospel, of which she has been the lodestar and the guide. Through her powerful intercession, the Gospel will penetrate the hearts of the men and women of America and permeate their cultures, transforming them from within. (266)

Evangelizing centers of education

71. Education can play an outstanding role in promoting the inculturation of the Gospel. Nonetheless, Catholic centers of education, and those which, although non-denominational, are clearly inspired by Catholic principles, will be able to engage in authentic evangelization only if at all levels — including that of the university — they clearly preserve their Catholic orientation. The content of the education they impart should make constant reference to Jesus Christ and his message as the Church presents it in her dogmatic and moral teaching. Only in this way will they train truly Christian leaders in the different spheres of human activity, and in society, especially in politics, economics, science, art and philosophical reflection. (267) Hence, "it is essential that the Catholic university be truly both things at once: a university and Catholic. Its Catholic character is an essential element of the university as an institution, and therefore does not depend simply on the decision of the individuals who govern the university at any particular time". (268) Pastoral work in Catholic universities will therefore be given special attention: it must encourage a commitment to the apostolate on the part of the students themselves, so that they can become the evangelizers of the university world. (269) In addition, "cooperation between Catholic universities throughout America needs to be encouraged, for their mutual enrichment"; (270) this will help put into effect, at the university level too, the principle of solidarity and interchange between the peoples of the whole continent.

Something similar must also be said about Catholic schools, particularly with regard to secondary education: "A special effort should be made to strengthen the Catholic identity of schools, whose specific character is based on an educational vision having its origin in the person of Christ and its roots in the teachings of the Gospel. Catholic schools must seek not only to impart a quality education from the technical and professional standpoint, but also and above all provide for the integral formation of the human person. (271) Given the importance of the work done by Catholic educators, I join the Synod Fathers in gratefully encouraging all those devoted to teaching in Catholic schools — priests, consecrated men and women and committed lay people — "to persevere in their most important mission". (272) The influence of these educational centers should extend to all sectors of society, without distinction or exclusion. It is essential that every possible effort be made to ensure that Catholic schools, despite financial difficulties, continue to provide "a Catholic education to the poor and the marginalized in society". (273) It will never be possible to free the needy from their poverty unless they are first freed from the impoverishment arising from the lack of adequate education.

…

To carry out these tasks, the Church in America requires a degree of freedom in the field of education; this is not to be seen as a privilege but as a right, in virtue of the evangelizing mission entrusted to the Church by the Lord. Furthermore, parents have a fundamental and primary right to make decisions about the education of their children; consequently, Catholic parents must be able to choose an education in harmony with their religious convictions. The function of the State in this area is subsidiary; the State has the duty "to ensure that education is available to all and to respect and defend freedom of instruction. A State monopoly in this area must be condemned as a form of totalitarianism which violates the fundamental rights which it ought to defend, especially the right of parents to provide religious education for their children. The family is the place where the education of the person primarily takes place". (276)

Evangelization through the media

72. For the new evangelization to be effective, it is essential to have a deep understanding of the culture of our time in which the social communications media are most influential. Therefore, knowledge and use of the media, whether the more traditional forms or those which technology has produced in recent times, is indispensable. Contemporary reality demands a capacity to learn the language, nature and characteristics of mass media. Using the media correctly and competently can lead to a genuine inculturation of the Gospel. At the same time, the media also help to shape the culture and mentality of people today, which is why there must be special pastoral activity aimed at those working in the media. (277)

On this point, the Synod Fathers suggested a range of concrete initiatives to make the Gospel effectively present in the world of social communications: the training of pastoral workers for this task; the support of high-quality production centers; the careful and effective use of satellite and other new technologies; teaching the faithful to be "critical" in their use of the media; joining forces in order to acquire and manage new transmitters and TV and radio networks, as well as coordinating those already in operation. Catholic publications also deserve support and need to develop the excellence sought by all.

Business people should be encouraged to provide economic support for quality products promoting human and Christian values. (278) But a program as vast as this is far beyond the resources of the individual particular Churches of the American continent. Therefore, the Synod Fathers proposed an inter-American coordination of current activities in the field of social communications, aimed at fostering mutual awareness and coordination of current projects in the field. (279)

CLASS 10. THE THREAT OF INDIVIDUALISM AND CONSUMERISM

John Paul II, "Centesimus Annus", 36-43

36. It would now be helpful to direct our attention to the specific problems and threats emerging within the more advanced economies and which are related to their particular characteristics. In earlier stages of development, man always lived under the weight of necessity. His needs were few and were determined, to a degree, by the objective structures of his physical make-up. Economic activity was directed towards satisfying these needs. It is clear that today the problem is not only one of supplying people with a sufficient quantity of goods, but also of responding to a demand for quality: the quality of the goods to be produced and consumed, the quality of the services to be enjoyed, the quality of the environment and of life in general.

To call for an existence which is qualitatively more satisfying is of itself legitimate, but one cannot fail to draw attention to the new responsibilities and dangers connected with this phase of history. The manner in which new needs arise and are defined is always marked by a more or less appropriate concept of man and of his true good. A given culture reveals its overall understanding of life through the choices it makes in production and consumption. It is here that the phenomenon of consumerism arises. In singling out new needs and new means to meet them, one must be guided by a comprehensive picture of man which respects all the dimensions of his being and which subordinates his material and instinctive dimensions to his interior and spiritual ones. If, on the contrary, a direct appeal is made to his instincts — while ignoring in various ways the reality of the person as intelligent and free — then consumer attitudes and life-styles can be created which are objectively improper and often damaging to his physical and spiritual health. Of itself, an economic system does not possess criteria for correctly distinguishing new and higher forms of satisfying human needs from artificial new needs which hinder the formation of a mature personality. Thus a great deal of educational and cultural work is urgently needed, including the education of consumers in the responsible use of their power of choice, the formation of a strong sense of responsibility among producers and among people in the mass media in particular, as well as the necessary intervention by public authorities.

A striking example of artificial consumption contrary to the health and dignity of the human person, and certainly not easy to control, is the use of drugs. Widespread drug use is a sign of a serious malfunction in the social system; it also implies a materialistic and, in a certain sense, destructive "reading" of human needs. In this way the innovative capacity of a free economy is brought to a one-sided and inadequate conclusion. Drugs, as well as pornography and other forms of consumerism which exploit the frailty of the weak, tend to fill the resulting spiritual void.

It is not wrong to want to live better; what is wrong is a style of life which is presumed to be better when it is directed towards "having" rather than "being", and which wants to have more, not in order to be more but in order to spend life in enjoyment as an end in itself.75 It is therefore necessary to create life-styles in which the quest for truth, beauty, goodness and communion with others for the sake of common growth are the factors which determine consumer choices, savings and investments. In this regard, it is not a matter of the duty of charity alone, that is, the duty to give from one's "abundance", and sometimes even out of one's needs, in order to provide what is essential for the life of a poor person. I am referring to the fact that even the decision to invest in one place rather than another, in one productive sector rather than another, is always a moral and cultural choice. Given the utter necessity of certain economic conditions and of political stability, the decision to invest, that is, to offer people an opportunity to make good use of their own labour, is also determined by an attitude of human sympathy and trust in Providence, which reveal the human quality of the person making such decisions.

37. Equally worrying is the ecological question which accompanies the problem of consumerism and which is closely connected to it. In his desire to have and to enjoy rather than to be and to grow, man consumes the resources of the earth and his own life in an excessive and disordered way. At the root of the senseless destruction of the natural environment lies an anthropological error, which unfortunately is widespread in our day. Man, who discovers his capacity to transform and in a certain sense create the world through his own work, forgets that this is always based on God's prior and original gift of the things that are. Man thinks that he can make arbitrary use of the earth, subjecting it without restraint to his will, as though it did not have its own requisites and a prior God-given purpose, which man can indeed develop but must not betray. Instead of carrying out his role as a co-operator with God in the work of creation, man sets himself up in place of God and thus ends up provoking a rebellion on the part of nature, which is more tyrannized than governed by him.76

In all this, one notes first the poverty or narrowness of man's outlook, motivated as he is by a desire to possess things rather than to relate them to the truth, and lacking that disinterested, unselfish and aesthetic attitude that is born of wonder in the presence of being and of the beauty which enables one to see in visible things the message of the invisible God who created them. In this regard, humanity today must be conscious of its duties and obligations towards future generations.

38. In addition to the irrational destruction of the natural environment, we must also mention the more serious destruction of the human environment, something which is by no means receiving the attention it deserves. Although people are rightly worried — though much less than they should be — about preserving the natural habitats of the various animal species threatened with extinction, because they realize that each of these species makes its particular contribution to the balance of nature in general, too little effort is made to safeguard the moral conditions for an authentic "human ecology". Not only has God given the earth to man, who must use it with respect for the original good purpose for which it was given to him, but man too is God's gift to man. He must therefore respect the natural and moral structure with which he has been endowed. In this

context, mention should be made of the serious problems of modern urbanization, of the need for urban planning which is concerned with how people are to live, and of the attention which should be given to a "social ecology" of work.

Man receives from God his essential dignity and with it the capacity to transcend every social order so as to move towards truth and goodness. But he is also conditioned by the social structure in which he lives, by the education he has received and by his environment. These elements can either help or hinder his living in accordance with the truth. The decisions which create a human environment can give rise to specific structures of sin which impede the full realization of those who are in any way oppressed by them. To destroy such structures and replace them with more authentic forms of living in community is a task which demands courage and patience.77

39. The first and fundamental structure for "human ecology" is the family, in which man receives his first formative ideas about truth and goodness, and learns what it means to love and to be loved, and thus what it actually means to be a person. Here we mean the family founded on marriage, in which the mutual gift of self by husband and wife creates an environment in which children can be born and develop their potentialities, become aware of their dignity and prepare to face their unique and individual destiny. But it often happens that people are discouraged from creating the proper conditions for human reproduction and are led to consider themselves and their lives as a series of sensations to be experienced rather than as a work to be accomplished. The result is a lack of freedom, which causes a person to reject a commitment to enter into a stable relationship with another person and to bring children into the world, or which leads people to consider children as one of the many "things" which an individual can have or not have, according to taste, and which compete with other possibilities.

It is necessary to go back to seeing the family as the sanctuary of life. The family is indeed sacred: it is the place in which life — the gift of God — can be properly welcomed and protected against the many attacks to which it is exposed, and can develop in accordance with what constitutes authentic human growth. In the face of the so-called culture of death, the family is the heart of the culture of life.

Human ingenuity seems to be directed more towards limiting, suppressing or destroying the sources of life — including recourse to abortion, which unfortunately is so widespread in the world — than towards defending and opening up the possibilities of life. The Encyclical Sollicitudo rei socialis denounced systematic anti-childbearing campaigns which, on the basis of a distorted view of the demographic problem and in a climate of "absolute lack of respect for the freedom of choice of the parties involved", often subject them "to intolerable pressures ... in order to force them to submit to this new form of oppression".78 These policies are extending their field of action by the use of new techniques, to the point of poisoning the lives of millions of defenceless human beings, as if in a form of "chemical warfare".

These criticisms are directed not so much against an economic system as against an ethical and cultural system. The economy in fact is only one aspect and one dimension of

the whole of human activity. If economic life is absolutized, if the production and consumption of goods become the centre of social life and society's only value, not subject to any other value, the reason is to be found not so much in the economic system itself as in the fact that the entire socio-cultural system, by ignoring the ethical and religious dimension, has been weakened, and ends by limiting itself to the production of goods and services alone.79

All of this can be summed up by repeating once more that economic freedom is only one element of human freedom. When it becomes autonomous, when man is seen more as a producer or consumer of goods than as a subject who produces and consumes in order to live, then economic freedom loses its necessary relationship to the human person and ends up by alienating and oppressing him.80

40. It is the task of the State to provide for the defence and preservation of common goods such as the natural and human environments, which cannot be safeguarded simply by market forces. Just as in the time of primitive capitalism the State had the duty of defending the basic rights of workers, so now, with the new capitalism, the State and all of society have the duty of defending those collective goods which, among others, constitute the essential framework for the legitimate pursuit of personal goals on the part of each individual.

Here we find a new limit on the market: there are collective and qualitative needs which cannot be satisfied by market mechanisms. There are important human needs which escape its logic. There are goods which by their very nature cannot and must not be bought or sold. Certainly the mechanisms of the market offer secure advantages: they help to utilize resources better; they promote the exchange of products; above all they give central place to the person's desires and preferences, which, in a contract, meet the desires and preferences of another person. Nevertheless, these mechanisms carry the risk of an "idolatry" of the market, an idolatry which ignores the existence of goods which by their nature are not and cannot be mere commodities.

41. Marxism criticized capitalist bourgeois societies, blaming them for the commercialization and alienation of human existence. This rebuke is of course based on a mistaken and inadequate idea of alienation, derived solely from the sphere of relationships of production and ownership, that is, giving them a materialistic foundation and moreover denying the legitimacy and positive value of market relationships even in their own sphere. Marxism thus ends up by affirming that only in a collective society can alienation be eliminated. However, the historical experience of socialist countries has sadly demonstrated that collectivism does not do away with alienation but rather increases it, adding to it a lack of basic necessities and economic inefficiency.

The historical experience of the West, for its part, shows that even if the Marxist analysis and its foundation of alienation are false, nevertheless alienation — and the loss of the authentic meaning of life — is a reality in Western societies too. This happens in consumerism, when people are ensnared in a web of false and superficial gratifications rather than being helped to experience their personhood in an authentic and concrete way.

Alienation is found also in work, when it is organized so as to ensure maximum returns and profits with no concern whether the worker, through his own labour, grows or diminishes as a person, either through increased sharing in a genuinely supportive community or through increased isolation in a maze of relationships marked by destructive competitiveness and estrangement, in which he is considered only a means and not an end.

The concept of alienation needs to be led back to the Christian vision of reality, by recognizing in alienation a reversal of means and ends. When man does not recognize in himself and in others the value and grandeur of the human person, he effectively deprives himself of the possibility of benefitting from his humanity and of entering into that relationship of solidarity and communion with others for which God created him. Indeed, it is through the free gift of self that man truly finds himself.81 This gift is made possible by the human person's essential "capacity for transcendence". Man cannot give himself to a purely human plan for reality, to an abstract ideal or to a false utopia. As a person, he can give himself to another person or to other persons, and ultimately to God, who is the author of his being and who alone can fully accept his gift.82 A man is alienated if he refuses to transcend himself and to live the experience of self-giving and of the formation of an authentic human community oriented towards his final destiny, which is God. A society is alienated if its forms of social organization, production and consumption make it more difficult to offer this gift of self and to establish this solidarity between people.

Exploitation, at least in the forms analyzed and described by Karl Marx, has been overcome in Western society. Alienation, however, has not been overcome as it exists in various forms of exploitation, when people use one another, and when they seek an ever more refined satisfaction of their individual and secondary needs, while ignoring the principal and authentic needs which ought to regulate the manner of satisfying the other ones too.83 A person who is concerned solely or primarily with possessing and enjoying, who is no longer able to control his instincts and passions, or to subordinate them by obedience to the truth, cannot be free: obedience to the truth about God and man is the first condition of freedom, making it possible for a person to order his needs and desires and to choose the means of satisfying them according to a correct scale of values, so that the ownership of things may become an occasion of growth for him. This growth can be hindered as a result of manipulation by the means of mass communication, which impose fashions and trends of opinion through carefully orchestrated repetition, without it being possible to subject to critical scrutiny the premises on which these fashions and trends are based.

42. Returning now to the initial question: can it perhaps be said that, after the failure of Communism, capitalism is the victorious social system, and that capitalism should be the goal of the countries now making efforts to rebuild their economy and society? Is this the model which ought to be proposed to the countries of the Third World which are searching for the path to true economic and civil progress?

The answer is obviously complex. If by "capitalism" is meant an economic system which recognizes the fundamental and positive role of business, the market, private property and

the resulting responsibility for the means of production, as well as free human creativity in the economic sector, then the answer is certainly in the affirmative, even though it would perhaps be more appropriate to speak of a "business economy", "market economy" or simply "free economy". But if by "capitalism" is meant a system in which freedom in the economic sector is not circumscribed within a strong juridical framework which places it at the service of human freedom in its totality, and which sees it as a particular aspect of that freedom, the core of which is ethical and religious, then the reply is certainly negative.

The Marxist solution has failed, but the realities of marginalization and exploitation remain in the world, especially the Third World, as does the reality of human alienation, especially in the more advanced countries. Against these phenomena the Church strongly raises her voice. Vast multitudes are still living in conditions of great material and moral poverty. The collapse of the Communist system in so many countries certainly removes an obstacle to facing these problems in an appropriate and realistic way, but it is not enough to bring about their solution. Indeed, there is a risk that a radical capitalistic ideology could spread which refuses even to consider these problems, in the a priori belief that any attempt to solve them is doomed to failure, and which blindly entrusts their solution to the free development of market forces.

43. The Church has no models to present; models that are real and truly effective can only arise within the framework of different historical situations, through the efforts of all those who responsibly confront concrete problems in all their social, economic, political and cultural aspects, as these interact with one another.84 For such a task the Church offers her social teaching as an indispensable and ideal orientation, a teaching which, as already mentioned, recognizes the positive value of the market and of enterprise, but which at the same time points out that these need to be oriented towards the common good. This teaching also recognizes the legitimacy of workers' efforts to obtain full respect for their dignity and to gain broader areas of participation in the life of industrial enterprises so that, while cooperating with others and under the direction of others, they can in a certain sense "work for themselves"85 through the exercise of their intelligence and freedom.

The integral development of the human person through work does not impede but rather promotes the greater productivity and efficiency of work itself, even though it may weaken consolidated power structures. A business cannot be considered only as a "society of capital goods"; it is also a "society of persons" in which people participate in different ways and with specific responsibilities, whether they supply the necessary capital for the company's activities or take part in such activities through their labour. To achieve these goals there is still need for a broad associated workers' movement, directed towards the liberation and promotion of the whole person.

In the light of today's "new things", we have re-read the relationship between individual or private property and the universal destination of material wealth. Man fulfils himself by using his intelligence and freedom. In so doing he utilizes the things of this world as objects and instruments and makes them his own. The foundation of the right to private

initiative and ownership is to be found in this activity. By means of his work man commits himself, not only for his own sake but also for others and with others. Each person collaborates in the work of others and for their good. Man works in order to provide for the needs of his family, his community, his nation, and ultimately all humanity.86 Moreover, he collaborates in the work of his fellow employees, as well as in the work of suppliers and in the customers' use of goods, in a progressively expanding chain of solidarity. Ownership of the means of production, whether in industry or agriculture, is just and legitimate if it serves useful work. It becomes illegitimate, however, when it is not utilized or when it serves to impede the work of others, in an effort to gain a profit which is not the result of the overall expansion of work and the wealth of society, but rather is the result of curbing them or of illicit exploitation, speculation or the breaking of solidarity among working people.87 Ownership of this kind has no justification, and represents an abuse in the sight of God and man.

The obligation to earn one's bread by the sweat of one's brow also presumes the right to do so. A society in which this right is systematically denied, in which economic policies do not allow workers to reach satisfactory levels of employment, cannot be justified from an ethical point of view, nor can that society attain social peace.88 Just as the person fully realizes himself in the free gift of self, so too ownership morally justifies itself in the creation, at the proper time and in the proper way, of opportunities for work and human growth for all

"Individualism", entry from the *Catholic Encyclopedia*

INDIVIDUALISM. A comprehensive and logical definition of this term is not easy to obtain. Individualism is not the opposite of socialism, except in a very general and incomplete way. The definition given in the Century Dictionary is too narrow: "That theory of government which favours non-interference of the State in the affairs of individuals." This covers only one form of individualism, namely, political or civic.

Perhaps the following will serve as a fairly satisfactory description: The tendency to magnify individual liberty, as against external authority, and individual activity, as against associated activity. Under external authority are included not merely political and religious governments, but voluntary associations, and such forms of restraint as are found in general standards of conduct and belief. Thus, the labourer who refuses on theoretical grounds to become a member of a trade union; the reformer who rejects social and political methods, and relies upon measures to be adopted by each individual acting independently; the writer who discards some of the recognized cannons of his art; the man who regards the pronouncements of his conscience as the only standard of right and wrong; and the freethinker -- are all as truly individualists as the Evangelical Protestant or the philosophical anarchist. Through all forms of individualism runs the note of emphasis upon the importance of self in opposition to either restraint or assistance from without. Individualism is scarcely a principle, for it exhibits too many degrees, and it is too general to be called a theory or a doctrine. Perhaps it is better described as a tendency or an attitude.

Religious Individualism. The chief recognized forms of individualism are religious, ethical, and political. Religious individualism describes the attitude of those persons who refuse to subscribe to definite creeds, or to submit to any external religious authority. Such are those who call themselves freethinkers, and those who profess to believe in Christianity without giving their adhesion to any particular denomination. In a less extreme sense all Protestants are individualists in religion, inasmuch as they regard their individual interpretation of the Bible as the final authority. The Protestant who places the articles of faith adopted by his denomination before his own private interpretation of the teaching of Scripture is not, indeed, a thorough-going individualist, but neither is he a logical Protestant. On the other hand, Catholics accept the voice of the Church as the supreme authority, and therefore reject outright the principle of religious individualism.

Ethical Individualism.

Ethical individualism is not often spoken of now, and the theories which it describes have not many professed adherents. Of course, there is a sense in which all men are ethical individualists, that is, inasmuch as they hold the voice of conscience to be the immediate rule of conduct. But ethical individualism means more than this. It means that the individual conscience, or the individual reason, is not merely the decisive subjective rule, but that it is the only rule; that there is no objective authority or standard which it is bound to take into account. Among the most important forms of the theory are the

intuitionism, or common-sense morality, of the Scottish School (Hutchinson, Reid, Ferguson, and Smith), the autonomous morality of Kant, and all those systems of Hedonism which make individual utility or pleasure the supreme criterion of right and wrong. At present the general trend of ethical theory is away from all forms of individualism, and toward some conception of social welfare as the highest standard. Here, as in the matter of religion, Catholics are not individualists, since they accept as the supreme rule, the law of God, and as the final interpreter of that law, the Church.

Political Individualism. Considered historically and in relation to the amount of attention that it receives, the most important form of individualism is that which is called political. It varies in degree from pure anarchism to the theory that the State's only proper functions are to maintain order and enforce contracts. In ancient Greece and Rome, political theory and practice were anti-individualistic; for they considered and made the State the supreme good, an end in itself, to which the individual was a mere means.

Directly opposed to this conception was the Christian teaching that the individual soul had an independent and indestructible value, and that the State was only a means, albeit a necessary means, to individual welfare. Throughout the Middle Ages, therefore, the ancient theory was everywhere rejected. Nevertheless the prevailing theory and practice were far removed from anything that could be called individualism. Owing largely to the religious individualism resulting from the Reformation, political individualism at length appeared: at first, partial in the writings of Hobbes and Locke; later, complete in the speculations of the French philosophers of the eighteenth century, notably Rousseau. The general conclusion from all these writings was that government was something artificial, and at best a necessary evil. According to the Social Contract theory of Rousseau, the State was merely the outcome of a compact freely made by its individual citizens. Consequently they were under no moral obligation to form a State, and the State itself was not a moral necessity. These views are no longer held, except by professional anarchists. In fact, a sharp reaction has occurred. The majority of non-Catholic ethical and political writers of today approach more or less closely to the position of ancient Greece and Rome, or to that of Hegel; society, or the State, is an organism from which the individual derives all his rights and all his importance. The Catholic doctrine remains as always midway between these extremes. It holds that the State is normal, natural, and necessary, even as the family is necessary, but that it is not necessary for its own sake; that it is only a means to individual life and progress.

Moderate political individualists would, as noted above, reduce the functions of the State to the minimum that is consistent with social order and peace. As they view the matter, there is always a presumption against any intervention by the State in the affairs of individuals, a presumption that can be set aside only by the most evident proof to the contrary. Hence they look upon such activities as education, sumptuary regulations, legislation in the interest of health, morals, and professional competency, to say nothing of philanthropic measures, or of industrial restrictions and industrial enterprises, as outside the State's proper province. This theory has a much smaller following now than it had a century or even half a century ago; for experience has abundantly shown that the assumptions upon which it rests are purely artificial and thoroughly false. There exists no

general presumption either for or against state activities. If there is any presumption with regard to particular matters, it is as apt to be favourable as unfavourable. The one principle of guidance and test of propriety in this field is the welfare of society and of its component individuals, as determined by experience. Whenever these ends can be better attained by state intervention than by individual effort, state intervention is justified.

It is against intervention in the affairs of industry that present-day individualism make its strongest protest. According to the laissez-faire, or let alone, school of economists and politicians, the State should permit and encourage the fullest freedom of contract and of competition throughout the field of industry. This theory, which was derived partly from the political philosophy of the eighteenth century, already mentioned, partly from the Kantian doctrine that the individual has a right to the fullest measure of freedom that is compatible with the equal freedom of other individuals, and partly from the teachings of Adam Smith, received its most systematic expression in the tenets of the Manchester School. Its advocates opposed not only such public enterprises as state railways and telegraphs, but such restrictive measures as factory regulations, and laws governing the hours of labour for women and children. They also discouraged all associations of capitalists or of labourers. Very few individualists now adopt this extreme position. Experience has too frequently shown that the individual can be as deeply injured through an extortionate contract, as at the hands of the thief, the highwayman, or the contract breaker. The individual needs the protection of the State quite as much and quite as often in the former case as in any of the latter contingencies. As to state regulation or state ownership of certain industries and utilities, this too is entirely a question of expediency for the public welfare. There is no a priori principle -- political, ethical, economic, or religious -- by which it can be decided. Many individualists, and others likewise, who oppose state intervention in this field are victims of a fallacy. In their anxiety to safeguard individual liberty, they forget that reasonable labour legislation, for example, does not deprive the labourer of any liberty that is worth having, while it does ensure him real opportunity, which is the vital content of all true liberty; they forget that, while state control and direction of certain industries undoubtedly diminishes both the liberty and the opportunity of some individuals, it may increase the opportunities and the welfare of the vast majority. Both individualists and non-individualists aim, as a rule, at the greatest measure of real liberty for the individual; all their disagreement relates to the means by which this aim is to be realized.

As in the matter of the necessity and justification of the State, so with regard to its functions, the Catholic position is neither individualistic nor anti-individualistic. It accepts neither the "policeman" theory, which would reduce the activities of the State to the protection of life and property and the enforcement of contracts, nor the proposals of Socialism, which would make the State the owner and director of all the instruments of production. In both respects its attitude is determined not by any metaphysical theory of the appropriate functions of the State, but by its conception of the requisites of individual and social welfare.

CLASS 11. THE THREATS OF MATERIALISM AND SECULARISM

A Clash of Orthodoxies

Robert P. George

A few years ago, the eminent Harvard political scientist Samuel Huntington published in Foreign Affairs a widely noted article called "The Clash of Civilizations." Looking at contemporary international relations from a geopolitical vantage point, he predicted a clash of the world's major civilizations: the West, the Islamic world, and the Confucian East. Huntington's article provoked a response from one of his own most brilliant former students—Swarthmore's James Kurth. In an article in the National Interest entitled "The Real Clash," Kurth argued persuasively that the clash that is coming—and has, indeed, already begun—is not so much among the world's great civilizations as it is within the civilization of the West, between those who claim the Judeo–Christian worldview and those who have abandoned that worldview in favor of the "isms" of contemporary American life—feminism, multiculturalism, gay liberationism, lifestyle liberalism—what I here lump together as a family called "the secularist orthodoxy."

This clash of worldviews is sometimes depicted (though not by Professor Kurth) as a battle between the forces of "faith" and those of "reason." I propose to challenge this depiction in a particular and fundamental way. I shall argue that the Christian moral view is rationally defensible. Indeed, my claim is that Christian moral teaching can be shown to be rationally superior to orthodox secular moral beliefs.

In defending the rational strength of Christian morality, I do not mean either to denigrate faith or to deny the importance—indeed, the centrality—of God's revealed Word in the Bible, or of sacred Christian tradition. My aim is to offer a philosophical defense of Christian morality, and to put forward a challenge to the secularist worldview that has established itself as an orthodoxy in the academy and other elite sectors of Western culture.

First, let's get clear what is at stake in the conflict between Christian (and Jewish and to a large extent Islamic) morality and the secularist orthodoxy. The issues immediately in play have mainly, though not exclusively, to do with sexuality, the transmitting and taking of human life, and the place of religion and religiously informed moral judgment in public life.

According to the secularist orthodoxy, a child prior to birth—or some other marker event sometime before or soon after birth, such as the emergence of detectable brain–wave function or the acquisition of self–awareness—has no right not to be killed at the

direction of its mother, no right, at least, that the law may legitimately recognize and protect. At the other edge of life, orthodox secularists believe that every individual has a right to commit suicide and to be assisted in committing suicide, should that person, for whatever reasons, prefer death to life.

In short, secularism rejects the proposition central to the Judeo–Christian tradition of thought about issues of life and death: that human life is intrinsically, and not merely instrumentally, good and therefore morally inviolable. It rejects traditional morality's condemnation of abortion, suicide, infanticide of so–called defective children, and certain other life–taking acts.

The secularist orthodoxy also rejects the Judeo–Christian understanding of marriage as a bodily, emotional, and spiritual union of one man and one woman, ordered to the generating, nurturing, and educating of children, marked by exclusivity and permanence, and consummated and actualized by acts that are reproductive in type, even if not, in every case, in fact. Marriage, for secularists, is a legal convention whose goal is to support a merely emotional union—which may or may not, depending upon the subjective preferences of the partners, be marked by commitments of exclusivity and permanence, which may or may not be open to children depending on whether partners want children, and in which sexual acts of any type mutually agreeable to the partners are perfectly acceptable.

As any type of mutually agreeable consensual sexual act is considered as good as any other, secularist orthodoxy rejects the idea, common not only to Judaism and Christianity but to the world's other great cultures and religious traditions, that marriage is an inherently heterosexual institution. According to secularist orthodoxy, same–sex "marriages" are no less truly marriages than those between partners of opposite sexes who happen to be infertile.

And orthodox secularism, consistent with its view of what marriage is, declines to view marriage as the principle of rectitude in sexual conduct. So orthodox secularists reject as utterly benighted the notion that sex outside of marriage is morally wrong. For them, what distinguishes morally good from bad sex is not whether it is marital, but, rather, whether it is consensual. The consent of the parties involved (or, as in the case of adultery, other parties with a legitimate interest) is the touchstone of sexual morality. So long as there is no coercion or deception involved, orthodox secularism proposes no ground of moral principle for rejecting premarital sex, promiscuity, "open" marriage, etc.

It is not that all secularists believe that sexual passions should be completely unrestrained; it is rather that they conceive constraints on sexual activity other than the principle of consent as merely prudential in nature rather than moral. For example, secularists may counsel against promiscuity, but will do so not on the moral ground that it damages the integrity of people who engage in it, but rather on the prudential ground that it courts disease, unwanted pregnancy, and general unhappiness—which of course it does. To the extent, however, that "safe–sex" techniques can reduce the risk of these and

other bad consequences of promiscuity, orthodox secularism proposes no ground for avoiding it.

On the question of the place of religion and religiously informed moral judgment in public life, orthodox secularism stands for the strict and absolute separation of not only church and state, but also faith and public life: no prayer, not even an opportunity for silent prayer, in public schools; no aid to parochial schools; no displays of religious symbols in the public square; no legislation based on the religiously informed moral convictions of legislators or voters.

Here secularism goes far beyond the views shared by most Americans: namely, that everyone should enjoy the right to be free from coercion in matters of religious belief, expression, and worship; that people should not suffer discrimination or disabilities under civil law based on their religious beliefs and affiliations; and that government should be evenhanded in its treatment of religious groups. Secularism aims to privatize religion altogether, to render religiously informed moral judgment irrelevant to public affairs and public life, and to establish itself, secularist ideology, as the nation's public philosophy.

Orthodox secularism promotes the myth that there is only one basis for disbelieving its tenets: namely, the claim that God has revealed propositions contrary to these tenets. Most orthodox secularists would have us believe that their positions are fully and decisively vindicated by reason and therefore can be judged to have been displaced only on the basis of irrational or, at least, nonrational faith.{1} They assert that they have the reasonable position; any claims to the contrary must be based on unreasoned faith. Secularists are in favor of a "religious freedom" that allows everyone to believe as he wishes, but claims based on this "private faith" must not be the grounds of public policy. Policy must be based on what secularists have lately come to call "public reason."

Interestingly, there have been two different lines of response by religious people to this myth promoted by orthodox secularism.

Some concede that religious and even moral judgments depend on faith that cannot be rationally grounded, but they argue that secularism itself is based on a nonrational faith, that secularism must, in the end, also rest on metaphysical and moral claims that cannot be proved. In that way, they suggest, secularism is just like religion, and is not entitled to any special standing that would qualify it as the nation's public philosophy. In fact, its standing would be less than that of the Judeo–Christian tradition, since it is not the tradition upon which the country was founded. On this account, secularism itself is a sectarian doctrine and, as such, is incapable of fulfilling its own demands of being accessible to "public reason."

A second response by people of faith to the myth promoted by orthodox secularism is to affirm the demand for public reasons for public policies and offer to do battle with secularism on the field of rational debate. Those who take this view tend to agree that secularism is itself a sectarian doctrine, but they claim that religious faith, and especially religiously informed moral judgment, can be based upon and defended by appeal to

publicly accessible reasons. Indeed, they argue that sound religious faith and moral theology will be informed, in part, by insight into the authentic and fully public reasons provided by principles of natural law and natural justice.

These principles are available for rational affirmation by people of good will and sound judgment, even apart from their revelation by God in the Scriptures and in the life, death, and resurrection of Christ. Based on this view, it is possible for Christians to join forces with believing Jews, Muslims, and people from other religious traditions who share a commitment to the sanctity of human life and to other moral principles.

These two distinct lines of response to orthodox secularism are not entirely incompatible. They agree that secularism itself is a sectarian doctrine with its own metaphysical and moral presuppositions and foundations, with its own myths, and, one might even argue, its own rituals. It is a pseudo–religion. Christians can also agree that orthodox secularism is caught in a dilemma. By defining "public reason" stringently enough to exclude appeals to natural law principles, secularism will make it impossible for its own proponents to meet its demand for public reasons. If, on the other hand, it loosens the definition of public reasons sufficiently to pass its own test, it will not be able to rule out principles of natural law, natural rights, or natural justice, as in: "We hold these truths to be self–evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness"—appeals to "the laws of nature and nature's God."

Both religious responses I have outlined deny that reason vindicates secularist morality. The first, however, denies that reason can identify moral truths, content with the claim that secularism is no more rational than, say, Christian belief. The second, by contrast, accepts the proposition that reason can and should be used to identify moral truths, including truths of political morality, but claims that Judeo–Christian morality is rationally superior to the morality of orthodox secularism. As already noted, this is my own position.

Let's take the central issues of life and death. If we lay aside all the rhetorical grandstanding and obviously fallacious arguments, questions of abortion, infanticide, suicide, and euthanasia turn on the question of whether bodily life is intrinsically good, as Judaism and Christianity teach, or merely instrumentally good, as orthodox secularists believe.

If the former, then even the life of an early embryo or a severely retarded child or a comatose person has value and dignity. Their value and dignity are not to be judged by what they can do, how they feel, how they make us feel, or what we judge their "quality" of life to be. Their value and dignity transcend the instrumental purposes to which their lives can be put. They enjoy a moral inviolability that will be respected and protected in any fully just regime of law.

If bodily life is, as orthodox secularists believe, merely a means to other ends and not an end in itself, then a person who no longer gets what he wants out of life may legitimately

make a final exit by suicide. If he is unable to commit suicide under his own power, he is entitled to assistance. If he is not lucid enough to make the decision for himself, then judgment must be substituted for him by the family or by a court to make the "right to die" effectively available to him.

Secularists would have us believe that, apart from revelation, we have no reason to affirm the intrinsic goodness and moral inviolability of human life. That simply isn't true. In fact, the secularist proposition that bodily life is merely instrumentally good entails a metaphysical dualism of the person and the body that is rationally untenable.

Implicit in the view that human life is merely instrumentally and not intrinsically valuable is a particular understanding of the human person as an essentially non–bodily being who inhabits a nonpersonal body. According to this understanding—which contrasts with the Judeo–Christian view of the human person as a dynamic unity of body, mind, and spirit—the "person" is the conscious and desiring "self" as distinct from the body which may exist (as in the case of pre– and post–conscious human beings) as a merely "biological," and, thus, sub–personal, reality.{2} But the dualistic view of the human person makes nonsense of the experience all of us have in our activities of being dynamically unified actors—of being, that is, embodied persons and not persons who merely "inhabit" our bodies and direct them as extrinsic instruments under our control, like automobiles. We don't sit in the physical body and direct it as an instrument, the way we sit in a car and make it go left or right.

This experience of unity of body, mind, and spirit is itself no mere illusion. Philosophical arguments have undermined any theory that purports to demonstrate that the human being is, in fact, two distinct realities, namely, a "person" and a (sub–personal) body. Any such theory will, unavoidably, contradict its own starting point, since reflection necessarily begins from one's own conscious awareness of oneself as a unitary actor. So the defender of dualism, in the end, will never be able to identify the "I" who undertakes the project of reflection. He will simply be unable to settle whether the "I" is the conscious and desiring aspect of the "self," or the "mere living body." If he seeks to identify the "I" with the former, then he separates himself inexplicably from the living human organism that is recognized by others (and, indeed, by himself) as the reality whose behavior (thinking, questioning, asserting, etc.) constitutes the philosophical enterprise in question. And if, instead, he identifies the "I" with that "mere living body," then he leaves no role for the conscious and desiring aspect of the "self" which, on the dualistic account, is truly the "person." As a recent treatment of the subject sums up the matter: "Person" (as understood in dualistic theories) and "mere living body" are "constructs neither of which refers to the unified self who had set out to explain his or her own reality; both of them purport to refer to realities other than that unified self but somehow, inexplicably, related to it." In short, "person/body dualisms" purport to be theories of something, but cannot, in the end, identify something of which to be the theory.

From these arguments one rationally concludes that the body, far from being a nonpersonal and indeed sub–personal instrument at the direction and disposal of the conscious and desiring "self," is irreducibly part of the personal reality of the human

being. It is properly understood, therefore, as fully sharing in the dignity—the intrinsic worth—of the person and deserving the respect due to persons precisely as such.

A comatose human being is a comatose person. The early embryo is a human being and, precisely as such, a person—the same person who will be an infant, a toddler, an adolescent, an adult. The genetically complete, distinct, dynamically unified, self–integrating human organism that we currently identify as, say, the sixty-three–year–old Father Richard John Neuhaus is the same organism, the same human being—the same person—who was once a twenty–eight–year–old civil rights and anti–war activist, a precocious sixteen–year–old high school student, a mischievous adolescent, a toddler, an infant, a fetus, an embryo. Although he has grown and changed in many ways, no change of nature (or "substance") occurred as he matured—with his completeness, distinctness, unity, and identity fully intact—from the embryonic through the fetal, infant, child, and adolescent stages of his development, and finally into adulthood. He was a human being—a whole, living member of the species Homo sapiens—from the start. He did not become a human being sometime after he came to be; nor will he cease being a human being prior to his ceasing to be (i.e., his dying). In view of these facts, it is evident that the central ground of the secularist defense of abortion, infanticide, suicide, and euthanasia is decisively undercut. And it is undercut, not by appeal to revelation, as important as revealed truth is to the life of faith, but by engagement directly with the best arguments that secularists make on the very plane in which they make them.

Much the same is true in the area of sexual morality. Secularists would have us believe that marriage is a social and legal convention that in a variety of possible ways serves a purely emotional bond between two persons. (And if it is a purely emotional bond, some ask, why only two?) They believe that, apart from revealed religious doctrine (which other people may, in the exercise of their religious freedom, happen not to share), no one has reasons for believing marriage to be anything more. Again, this is untrue.

Marriage is a basic human good. By that I mean it is an intrinsic good that provides noninstrumental reasons for choice and action, reasons which are knowable and understandable even apart from divine revelation. Rational reflection on marriage as it is participated in by men and women makes it clear: since men and women are essentially embodied (and not simply inhabitors of a suit of flesh), the biological union of spouses in reproductive–type acts consummates and actualizes their marriage, making the spouses truly, and not merely metaphorically, "two in one flesh." The sexual union of spouses—far from being something extrinsic to marriage or merely instrumental to procreation, pleasure, the expression of tender feelings, or anything else—is an essential aspect of marriage as an intrinsic human good. Marital acts are the biological matrix of the multi–level (bodily, emotional, dispositional, spiritual) sharing of life and commitment that marriage is.

But, one might ask, is a true bodily or "biological" union of persons possible? Indeed it is. Consider that for most human functions or activities, say, digestion or locomotion, the organism performing the function or act is the individual human being. In respect of the act of reproduction, however, things are different. Reproduction is a single act or

function, yet it is performed by a male and female as a mated pair. For purposes of reproduction, the male and female partners become a single organism, they form a single reproductive principle. This organic unity is achieved precisely in the reproductive behavior characteristic of the species—even in cases (such as those of infertile couples) in which the nonbehavioral conditions of reproduction do not obtain.

Properly understood in light of a non–dualistic account of the human person, the goodness of marriage and marital intercourse simply cannot be reduced to the status of a mere means to pleasure, feelings of closeness, or any other extrinsic goal. Indeed, it cannot legitimately be treated (as some Christians have, admittedly, sought to treat it) as a mere means to procreation, though children are among the central purposes of marriage and help to specify its meaning as a moral reality even for married couples who cannot have children.

So marital acts realize the unity of marriage, which includes the coming to be of children. In consensual nonmarital sex acts, then, people damage this unity, the integrity of the marriage, inasmuch as the body is part of the personal reality of the human being and no mere sub–personal instrument to be used and disposed of to satisfy the subjective wants of the conscious and desiring part of the "self."

The psychosomatic integrity of the person is another of the basic or intrinsic goods of the human person. This integrity is disrupted in any sexual act that lacks the common good of marriage as its central specifying point. Where sex is sought purely for pleasure, or as a means of inducing feelings of emotional closeness, or for some other extrinsic end, the body is treated as a sub–personal, purely instrumental, reality. This existential separation of the body and the conscious and desiring part of the self serves literally to dis–integrate the person. It takes the person apart, disrupting the good of acting as the dynamically unified being one truly is.

Did our Christian forebears invent this idea of integrity? Did they dream up the notion that sexual immorality damages integrity by dis–integrating the person? No. Christianity has had, to be sure, a very important role in promoting and enhancing our understanding of sexual morality. But in the dialogues of Plato and the teachings of Aristotle, in the writings of Plutarch and the great Roman stoic Musonius Rufus, and, of course, in Jewish tradition, one can find the core of this central, important teaching about the way sex is so central to integrity, and therefore so central not only to us as individuals but to us as a community. Disintegrated, individual human beings cannot form an integrated community.

Secularist orthodoxy—unlike not only Christianity and Judaism but also the classical philosophical tradition—both misidentifies the good to be realized in marriage (imagining that the value of marriage and marital sexual intercourse is purely instrumental to other goods, rather than something good in itself) and overlooks the harm—the dis–integration of persons and the communities they form—which grounds the Christian, Jewish, and classical condemnations of nonmarital sex.

Of course, there are various possible objections to the arguments I have been advancing. Secularists cannot honestly say, however, that these arguments appeal to religious dogmas or fail to state public reasons for, say, forbidding abortion and euthanasia, or preserving the institution of marriage as traditionally understood. The reasons I have identified are central among the reasons why the Christian tradition has rejected abortion and euthanasia and supported the institution of marriage. This is not to deny that Christians, like our Jewish "elder brothers" in faith, seek the illumination and full understanding of moral principles in the light of Scripture and sacred tradition. But Christians and other believers need not—and typically do not—suggest that abortion, for example, is wrong (or that we know it to be wrong) because God whispered it into our ear, or the ear of a pope or another religious leader, or even into the ear of a sacred writer.

The wrongness of abortion follows from the truth—fully accessible even to unaided reason—that the life of a human being is intrinsically, and not merely instrumentally, good. As a Christian, I believe that each human life is a precious gift from God. But even if one doesn't share that belief, reason nevertheless grasps the truth that human life is intrinsically, and not merely instrumentally, valuable. Reason detects the falsity of the dualistic presuppositions of secularism's belief that human life is merely instrumentally valuable. It identifies the unreasonableness of denying that every innocent human being—irrespective of age, size, stage of development, or condition of dependency—has an inviolable moral right to life.

Reason affirms that if any of us have a right to life, then all of us have it; if we have it at one stage of life, we have it at every stage of life; if we have it in the middle of life, we have it at both edges. There is no rational argument that anybody has been able to come up with—and the best and the brightest in the academy have struggled for more than twenty–five years to do so—that shows that a healthy thirteen–year–old or forty–two–year–old has a right to life, but a comatose eighty–year–old or an unborn child has no right to life. There is no rational basis for distinguishing a class of human beings who have a right to life (and other fundamental human rights) and a class of human beings who do not. This is the moral core of the great "self–evident truth" upon which our nation was founded: the proposition that all of us are "created equal."

Knowledge of this truth does not presuppose Christian faith, although biblical revelation profoundly enriches our understanding of it, and often enough leads to religious conversion. There are many examples of this. A notable recent case is that of Bernard Nathanson, a founder of the organization now known as the National Abortion and Reproductive Rights Action League. He was an atheist and a practicing abortionist who had taken the lives of many unborn children, including one of his own. But he gradually came to see that the deliberate killing of unborn human beings is a violation of the most basic principle of morality and natural justice. So he abandoned the practice of abortion and relinquished his important role in the advocacy of abortion as a political matter. Soon, he joined the prolife movement and began working to roll back the abortion license. A few years later, he abandoned atheism and entered into Christian faith—which to him made sense of, grounded, and profoundly enriched the basic moral understanding that he had initially achieved by way of rational, self–critical reflection.

Orthodox secularist moral belief portrays personal morality as being essentially concerned with extrinsic constraints upon appetite or passion. It presupposes that the ultimate motives for whatever we do are grounded in our desires; reason's role is purely instrumental. The eighteenth–century philosopher David Hume, a founding father of modern secularism, summed up the position: "Reason is and ought only to be the slave of the passions, and may never pretend to any office other than to serve and obey them." Reason's role, in other words, is not to identify what is rational, what people should want, but merely to devise means of obtaining goals that people happen to want.

Ultimately, this view of reason makes it impossible to vindicate any fundamental moral principles, including any fundamental human rights. If reason is purely instrumental and can't tell us what to want but only how to get to what we want, how can we say that people have a fundamental right to freedom of speech? Freedom of the press? Freedom of religion? Privacy? Where do those fundamental rights come from? What is their basis? Why respect someone else's rights?

By contrast, the Christian understanding of morality starts from an appreciation of the basic human goods that provide more than merely instrumental reasons for action. In right moral actions people choose for the sake of these goods in ways that are compatible with the fulfillment and well–being of individuals and communities. Morality's understanding of human flourishing provides more–than–merely–instrumental reasons for action. Emotion or passion, when rightly ordered, supports what reason commends and helps us to accomplish the morally good ends that we have basic reasons to pursue.

Here again the Christian view lines up in important ways with that of the pre–Christian Greek philosophers—Plato and Aristotle, in particular—in understanding reason to be the master of passion in what the ancient thinkers unhesitatingly referred to as the "rightly ordered soul."

Of course, Christianity, like classical philosophy, understands perfectly well that the soul can be wrongly ordered, that emotion or passion can overcome reason and reduce it to the status of a slave that produces rationalizations for morally wrongful behavior. That is what Christians call sin. Yes it happens, but our goal should be to order our souls rightly so that reason controls passion, and not the other way around. When passion is in control, reason is reduced to a mere instrument, becoming its own worst enemy as it cooks up rationalizations for actions that we know to be morally wrong.

Christians can and should challenge at the most fundamental level secularism's instrumentalist view of reason and morality. Secularism's account of the relationship between reason and desire, far from being brutally rigorous in eschewing unprovable metaphysical hypotheses, rests upon and entails metaphysical propositions that not only are controversial, but in the end (say, in the case of person/ body dualism) are demonstrably false.

Chief among secularism's philosophical vulnerabilities is its implicit denial of free choice or free will. People can make free choices just to the extent that they are capable of understanding and acting upon reasons that are not reducible to desire or emotion. In denying the possibility of rationally motivated action, secularism denies the possibility of free choice since it claims that we don't, in any fundamental sense, cause our own actions. What are they caused by? Either by the force of external pressures (whether one knows it or not), or by internal factors (such as desires). In the secularist worldview, "hard" and "soft" forms of determinism constitute the universe of possible accounts of all human behavior. Free choice is written off as an illusion.

Christian philosophers such as Germain Grisez, Joseph M. Boyle, Jr., and Olaf Tollefsen have rigorously shown, however, that the denial of free choice is rationally untenable, because it is a self–referentially contradictory claim, a self–defeating proposition. No one can rationally deny free choice, or claim as illusory our ordinary experience of freely choosing, without presupposing the possibility of free choice. To deny free choice is to claim that it is more rational to believe that there is no free choice than to believe that there is. But this, in turn, presupposes that one can identify norms of rationality and freely choose to conform one's beliefs to those norms. It presupposes that we are free to affirm the truth or falsity of a proposition, our desires or emotions or preferences to the contrary notwithstanding. Otherwise, the assertion of no free choice is pointless. The person who says people can't freely choose presupposes that there are reasons for accepting his claim, otherwise his act of asserting it would be pointless. But our ability to understand and act upon such reasons is incompatible with the idea that one is caused by his desires or by outside forces to accept or not accept such claims. So someone who denies free choice implicitly contradicts his own claim.

Here again, orthodox secularists are stuck, not because they have been beaten over the head with the Bible, but on the plane where they have made the argument—the plane of rationality. No position can be reasonable if it is self–referentially inconsistent, if it presupposes the opposite of the very claim it asserts. But if the "no free choice" claim is self–defeating, then we have an additional reason for affirming the existence of basic, intelligible, understandable reasons for action—reasons that are not reducible to desires or emotions or merely instrumental to the satisfaction of desires. And we have an additional reason for rejecting secularism's conception of morality as basically concerned with extrinsic restraints on appetite, rather than the integral directiveness of the basic human goods that provide such reasons for action.

Orthodox secularists typically say that we should respect the rights of others, even as we go about the business of satisfying our own desires. Ultimately, however, secularism cannot provide any plausible account of where rights come from or why we should respect others' rights. Of course, most secularists emphatically believe that people have rights. Indeed, they frequently accuse Christians and other religious believers of supporting policies that violate people's rights. We are all familiar with the rhetoric: You religious people shouldn't be imposing your values on other people. You are violating their rights! If it is between consenting adults, stay out of it! Any two (or more?) people

have the right to define "marriage" for themselves. Women have a right to abortion. People have a right to take their own lives. Who are you to say otherwise?

But on the presuppositions of the secularist view, why should anybody respect anybody else's rights? What is the reason for respecting rights? Any answer must state a moral proposition, but what, on orthodox secularist premises, could provide the ground of its moral truth?

You may ask, Why doesn't the secularist cheerfully affirm moral subjectivism or moral relativism? Indeed, isn't some sort of moral relativism at the heart of secularism?

While one still hears subjectivism or relativism invoked at cocktail parties and in undergraduate classrooms—and even occasionally in faculty lounges—it seems that the heyday of moral relativism is over, even among doctrinaire secularists. Most sophisticated secularists have concluded that relativism is ultimately inconsistent with many of their own cherished moral claims, particularly those having to do with claims about rights—the right to abortion, the right to sexual freedom, the right to die. As the distinguished liberal political philosopher Joel Feinberg has warned: "Liberals must beware of relativism—or, at least, of a sweeping relativism—lest they be hoist on their own petard."

If relativism is true, then it is not wrong in principle to have an abortion, but neither is it wrong for people who happen to abhor abortion to attempt to legislate against it or to interfere with someone else's having an abortion by, say, blockading clinics or even shooting abortionists. Claims of a right to abortion are manifestly moral claims. Claims that it is wrong to shoot abortionists are moral claims. They could possibly be true only if moral relativism and subjectivism are false. So the mainstream of orthodox secularism at the end of the twentieth century has become self–consciously moralistic and nonrelativistic.

This is not to say that secularism is no longer, in significant respects, a relativist doctrine. It is merely to say that secularism is no longer a thoroughgoing and self–consciously relativist doctrine. Insofar as it remains relativistic, it has a massive philosophical problem. Secularism, at least in its liberal manifestations, makes the rights of others the principle of moral constraints upon action, relativizing allegedly self–regarding actions. But it generates a critical question it has no way of answering: Why should anyone respect the rights of others? Merely prudential answers—such as, people should respect the rights of others so that others will respect their rights, or people should respect the rights of others to avoid being punished—simply won't do. The fact is that people can often get away with violating others' rights. And they know it. And many do it.

If people shouldn't violate the rights of others, it must be because doing so is morally wrong, but on the secularist account why is it morally wrong? What is the source of its moral wrongness? The eminent philosopher and Christian convert Alasdair MacIntyre observes that traditions of thought about morality go into crisis when they generate questions they lack the resources to answer. By this standard, orthodox secularism is a

tradition in crisis. It generates the question, Why should I respect the rights of others? Yet it possesses no resources for answering it.

By contrast, Christian thought understands that human rights are rooted in intelligible and basic human goods. It, therefore, has no logical difficulty explaining why each of us has an obligation to respect the rights of others, as well as to act in conformity with other moral principles. And recent Christian teaching, including the teaching of popes and Protestant bodies, speaks unhesitatingly of universal human rights, without fear of collapsing into relativism or individualism of the sort that is characteristic of orthodox secularism.

It is true that church teaching about human rights often overlaps with liberal secularist ideology. For example, Christian conservatives and liberal secularists agree on certain questions pertaining to religious freedom and have sometimes—as in the case of the Religious Freedom Restoration Act—joined together in political coalitions.

When church teaching and secularist ideology overlap, particularly on the question of rights, Christian thought has proved itself capable of giving a far superior account of these rights and why each of us has an obligation to respect the rights of others. From this I conclude that Christian teaching is rationally superior to secularism, not only when these worldviews disagree, as over abortion, euthanasia, marriage, and family, but even when they agree.

At the end of the day, whatever is to be said for and against secularism, there can be no legitimate claim for secularism to be a "neutral" doctrine that deserves privileged status as the national public philosophy. As MacIntyre has argued, secularism (which he calls liberalism) is far from being a "tradition–independent" view that merely represents a neutral playing field on which Judaism, Christianity, Marxism, and other traditions can wage a fair fight for the allegiance of the people. Instead, it is itself a tradition of thought about personal and political morality that competes with others.

Secularism rests upon and represents a distinct and controversial set of metaphysical and moral propositions having to do with the relationship of consciousness to bodiliness and of reason to desire, the possibility of free choice, and the source and nature of human dignity and human rights. Secularist doctrine contains very controversial views about what constitutes a person—views every bit as controversial as the Jewish and Christian views. Secularism is a philosophical doctrine that stands or falls depending on whether its propositions can withstand arguments advanced against them by representatives of other traditions. I have tried to show that secularist orthodoxy cannot withstand the critique to be advanced against it by the tradition of Christian philosophy.

Notes

{1} A minority party within the secularist camp defends secularist ideology not on the ground that its tenets are true or vindicated by reason—secularists of this stripe deny the possibility of moral truth or the power of reason to make sound moral judgments of any type—but on the purely prudential ground that the official commitment of public

institutions to secularism is the only way of preserving social peace. Ultimately, this is a hopeless strategy for defending secularism. It must implicitly appeal to the idea of moral truth and invoke the authority of reason (if, for no other purpose, than to establish the value of social peace) even as it officially denies that moral truth is possible and that reason has any real authority.

Moreover, there is simply no warrant for believing that social peace is likely, or more likely, to be preserved by committing our public institutions to secularist ideology. Partisans of worldviews that compete with secularism are, to say the least, unlikely to surrender these institutions to the forces of secularism without a fight; nor is there any reason for them to do so. Consider the issue of abortion: Christians, observant Jews, and others who oppose the taking of unborn human life do not consider a circumstance in which more than a million elective abortions are performed each year to be a situation of "social peace." They quite reasonably reject secularism's claim to constitute nothing more than a neutral playing field on which other worldviews may fairly and civilly compete for the allegiance of the people. As the example of abortion makes clear, secularism is itself one of the competing worldviews. We should credit its claims to neutrality no more than we would accept the claims of a baseball pitcher who in the course of a game declares himself to be umpire and begins calling his own balls and strikes.

{2} It is true that some Christians embrace a certain form of person/body dualism, believing it necessary to identify the human person with the soul as distinct from the body in order to avoid materialism and/or affirm the existence of the immaterial human soul or its immortality. According to this form of dualism, the body, though not an intrinsic part of the person, may nevertheless enjoy a certain dignity by virtue of its association with the soul so that the deliberate destruction of the body, as in suicide, euthanasia, and abortion, may therefore be morally wrongful. Still, the body remains an essentially subpersonal reality and does not in itself participate in the dignity of the person. A homicidal act does not actually destroy a person, though it may nevertheless constitute the wrongful destruction of a person's body. This view, whose proponents can claim the patronage of Plato and Descartes, was rejected by Aquinas and other great Christian thinkers for what I believe to be excellent reasons. They saw that it is by no means logically (or, for that matter, theologically) necessary to identify the human person with the soul as distinct from the body, and thus to deny that bodily life is intrinsic to the human person, in order to avoid materialism or to affirm the soul's existence and immortality. One needn't deny the soul's existence or immortality in order to affirm that the human person is a unity of body and soul—both being intrinsic parts of the person. As the doctrine of the resurrection of the body makes clear, human beings are saved and exist in eternity as bodily persons, not as disembodied souls.

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Josh Dever

As an atheist, a liberal, and a philosopher, I suppose I'm as likely as anyone to qualify as a proponent of Robert P. George's "secular orthodoxy" ("A Clash of Orthodoxies," August/September 1999). As such, I'd like to say a few words in defense of that orthodoxy. I want to raise three categories of objection to Professor George's comments: first, that his characterization of that orthodoxy is highly tendentious; second, that the philosophical failings of that orthodoxy are not nearly so numerous as Prof. George takes them to be; and third, that the corresponding philosophical triumphs of the "Judeo–Christian" worldview are not so triumphant as he represents them.

Prof. George feels that committed members of the secular orthodoxy hold a number of unpalatable views. We are supposed to reject the "condemnation of . . . infanticide of so–called defective children," and to believe that "marriage . . . is a legal convention whose goal is to support a merely emotional union"; that there should be "not even an opportunity for silent prayer in public schools"; that there should be "no legislation based on the religiously informed moral convictions of legislators or voters"; that a person desiring but unable to commit suicide is "entitled to assistance"; that if such a person "is not lucid enough to make the decision for himself, then judgment must be substituted for him by the family or court"; that reason is purely instrumental; and that persons lack free will (to pick a few of the ascriptions that struck me as most objectionable).

I suppose Prof. George is free to define his target category of "secular orthodoxy" in any way he sees fit, but if he wants his "orthodoxy" to be in any real sense an orthodoxy, I'm afraid he has set up a straw man. While I suppose I could hunt down individuals holding each of the views listed above, I think it's clear that all of the above views (with the regrettable exception of the view that reason is slave to the passions, and even there I think recent work on externalism in practical reason is beginning to turn the tide) are extreme minority views. Were they not, Peter Singer's notoriety would be hard to understand. If Prof. George is genuinely out to compare the prospects of secularism and Judeo–Christianity as philosophical foundations of morality, both charity and good academic practice would seem to require focusing on the best that secularism has to offer, rather than on its extremists.

The characterization of the so–called secular orthodoxy (I'll suggest below that there's good reason to doubt that there is such a thing) is, however, the least of my three complaints. Let's now consider more substantive issues, beginning with the particular philosophical charges that Prof. George raises against secular orthodoxy. According to him, those of us doing our moral reasoning within this tradition are guilty of the following crimes: endorsing a mind/body dualism, rejecting (in a self–contradictory manner) free will, eliminating any intrinsic reason for pursuit of the moral good, and embracing relativism. All of these charges are, I think, wholly false.

Prof. George claims that secularists who believe that bodily life is not intrinsically valuable are committed to mind/body dualism. The secularist view in question here holds that the mere fact that an organism is alive and of the human species is not enough to

endow it with (full) moral worth—other qualities, such as consciousness, phenomenology, or future–directedness, are needed also. Since, however, mind/body dualism is almost entirely a dead philosophical position these days, secularists who have thought through their position carefully also believe that whether an organism has these further characteristics is entirely a function of the physical structure of that organism (as well as, perhaps, the causal imbedding of that organism in some larger environment). Believing that these structural features are important to moral worth no more commits one to mind/body dualism than does believing that the structural features that come with life morally differentiate a person from a corpse. Views on when morally protected personhood begins and ends can vary greatly—at conception, at birth, after birth, before death, at death, after death—without in any way endorsing a metaphysical separation between person and body.

Deciding that not all living organisms of the human species are persons is dangerous territory, of course, and we must be guided by the terrible misdeeds of the past that have frequently come under the banner of denying full personhood to various groups. But the line must be drawn somewhere by everyone, so mere accusations of line–drawing can carry no weight. And just as there is a price to pay for drawing the line too narrowly, there is also a price to pay for drawing the line too widely, since the moral duties owed toward persons can place a heavy burden on others. Thus there is reason to try to find the right place to draw the line, and not to fence about the law too broadly.

Furthermore, while secularists may deny the intrinsic value of bodily life by way of denying that all human life enjoys the full moral protection of personhood, they are not thereby committed to denying that persons have intrinsic value. This leads to the broader point of whether secularists must lose entirely the concept of intrinsic value. Prof. George seems to feel that they must, but I admit I see no reason why this is the case. It is true that British Empiricism left philosophy with a legacy whose twin denial of the motivational power of reason and of epistemic access to objective normative facts made it hard to find conceptual room for intrinsic values (although these difficulties hardly stopped people from trying). However, under the corrective influence of philosophers such as W. V. O. Quine, Wilfrid Sellars, and Donald Davidson, strict empiricism has largely been abandoned as a philosophical position, and (while the philosophical problems certainly have not been fully resolved) a more full–blooded epistemology, which allows for real knowledge of moral facts, has been widely adopted. Similarly, Bernard Williams' work has led to a revival of interest in the broadly Socratic idea that reason can be intrinsically motivating.

Thus it is not at all true to say that secular orthodoxy possesses no resources for answering the question "Why should I respect the rights of others?" We can offer both the "internal" reason that I should do so because it would be wrong to do otherwise, and at least the beginnings of an external reason based on considerations about the nature of agency. The latter reason is far from complete as of yet, but if one considers the corresponding questions about theoretical reason—"why should I obey the rules of logic in my thought?"—and looks at work arguing that it is in the nature of being a holder of beliefs (as opposed to wishes, desires, etc.) that one is committed to certain norms

governing beliefs, the outlines of its future directions may become clear. That we don't yet have all the answers is, I take it, not a very serious charge against secular orthodoxy (especially since, as I'll suggest below, the same is true of the Judeo–Christian philosophical foundation).

Prof. George's charge that secular orthodoxy is committed to relativism I find particularly baffling, both because he gives no reason to think that this is the case, and because it runs so counter to my experience as a professional philosopher. Anyone who has spent time teaching in the philosophy classroom can tell you how much effort is devoted to trying to convince students that it's not acceptable to talk blithely about what's "true for you" and "true for me."

Prof. George's further charge that secular orthodoxy is committed to the denial of free will I also find baffling, since the view that there is no free will is an extreme minority position in philosophy. As I read Prof. George, we secularists are supposed to reject free will because it comes into conflict with "hard" or "soft" determinism. However, the dominant (although hardly universal) view among philosophers these days is that there is no genuine conflict between determinism and free will. Donald Davidson, for example, has said that arguments for that supposed conflict are no more than "superficially plausible." Far from being "written off as an illusion," free will is alive and well under the secularist orthodoxy.

The argument that the denial of free will is "rationally untenable," by the way, is fallacious. While it may well be the case that, if there were no free will, there would be no point in announcing that there is no free will, or even that the nature of our subjective experience is such that none of us can seriously doubt the existence of free will, this does nothing to show that there is free will. Those few who become philosophically convinced that there is no free will might be correct in what they announce, even if there's no point in telling us and even if, like Hume, they immediately slip back into their pre–philosophical endorsement of free will.

I fail to see, then, that Prof. George has provided any evidence that secular orthodoxy suffers from philosophical bankruptcy. As I have said, the philosophical foundations of morality are a work in progress, and we certainly don't claim to have all the answers yet, or even universal agreement about the right directions to go in, but I don't see any reason to think that we're obviously on the wrong track.

Let's look now at some of the supposed philosophical successes of the Judeo–Christian orthodoxy: its account of free will, its defense of the rights of others, its explanation of the intrinsic value of bodily life, and its account of the intrinsic value of marriage. I don't mean in any case to claim that the Judeo–Christian framework is a failure on these issues, but I do want to try to show that that framework is subject to the same difficulties as the secular framework.

Prof. George chastises secular orthodoxy for its (supposed) abandonment of free will in the face of determinism, but he gives no indication of how the Judeo–Christian

framework will escape any threat that determinism poses to free will (if there is no threat, of course, there's no problem for secular orthodoxy either). Will he deny determinism? This is a hard row to hoe in light of what we now know about the connections between brain states and mental life, and (as many philosophers have argued) it doesn't seem to help with the underlying issues anyway. Will he appeal to "rationally motivated action"? Then he needs a theory of reason to back up this possibility, and an explanation of why deterministic control of which reasons we act on doesn't threaten our freedom. None of these things appear (or are even alluded to) in the article.

Prof. George also suggests that Judeo–Christian moral foundations enjoy an explanatory advantage over the secular orthodoxy in that they are able to explain why one ought to respect the rights of others—by showing that these rights are "rooted in intelligible and basic human goods." However, rooting the rights in basic human goods does nothing to solve the problem if there is not some further reason why we ought to pursue the good. If Judeo–Christian philosophy provides such a reason, Prof. George has made no mention of it. If it provides no such reason, then it is unclear why basic goods are any better than basic rights as a foundation that must be respected.

Prof. George also holds that Judeo–Christian philosophy, through its rejection of mind/body dualism, upholds the intrinsic value of bodily life. As I have argued above, there is no intimate connection between one's views on mind/body dualism and the intrinsic value (or lack thereof) of the body. To show that bodily life is intrinsically valuable, one must give some explanation of the source of its intrinsic value; merely saying that there is no person separate from the body does nothing to provide such an explanation. Judeo–Christian philosophy, as I understand it, traditionally finds the roots of the intrinsic moral value of the human person in the scriptural assertion that humanity is created in God's image, but until it is specified in what way we are in God's image, conclusions about what aspects of our existence give rise to our intrinsic value are premature.

Finally, Prof. George holds that Judeo–Christian philosophy can provide an explanation of the intrinsic value of marriage. Details of this explanation are sketchy in his article, but it would seem that the explanation derives from the biological fact that we come in two sexes who interact sexually. This fact, however, would seem to leave us very far from the desired conclusion. Some explanation of why this particular feature of our biology is normative (and normative only when sexuality manifests itself in the heterosexual variety) must be added, as well as a demonstration that the purported normativity of the biological facts requires the institution of monogamous and indissoluble marriage.

My own inclination would be to locate the intrinsic value, and non–conventionality, of marriage in (or at least in part in) the objective obligations incurred through the marital vows, but this is clearly common secular territory, and does little to capture specifically heterosexual or monogamous marriage.

Again, it is not my intention to claim that the secular orthodoxy is free of philosophical difficulties or that Judeo–Christian philosophical foundations are hopelessly flawed. My

impression, rather, is that both philosophies are faced with many serious questions to which they lack complete answers, but few (if any) issues that threaten a complete overturn of the program. Indeed, I find it revealing that, for the most part, the very same questions hound both programs.

I want to close by commenting briefly on whether there is such a thing as "secular orthodoxy," and on whether such a thing could provide neutral territory for the pursuit of public debate. In my view, what is orthodox, and common ground for all, are the rules of right reason that situate the various philosophical tensions in conceptual space and provide the rules for navigating among those tensions. Provided one rejects (as I think one should) the pseudo–Kierkegaardian idea that religious faith is a rationally unwarranted leap into the dark, this orthodoxy is open to secularists and nonsecularists alike, because our reason is both universal and prior to our particular convictions as Christians, Jews, atheists, etc.

An orthodoxy based on rationality provides us a common arena in which to do battle, but I think it is an error to believe that any one view will emerge victorious from that arena. That's just not the way reason works. As Peter van Inwagen so eloquently observes, reason, outside of special fields like mathematics and logic, rarely delivers unequivocal responses. The typical situation is that many views will be rationally permissible, not that one will be rationally compelling. How to construct public policy when we cannot expect our best reasons to convince all good–willed rational agents is a problem to which I don't have a solution, but one that our sadly limited epistemic status seems to force on to us.

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Robert P. George

I am grateful to Josh Dever for his thoughtful challenge to my essay "A Clash of Orthodoxies."

Professor Dever states candidly his religious views and moral–political commitments: he is an atheist and a liberal. He begins by proposing to defend the secularist orthodoxy, though later he suggests that no such orthodoxy exists. With a single exception—which, interestingly, Prof. Dever himself considers to be "regrettable"—he claims that the positions I have attributed to secularist liberalism are, in truth, "extreme minority views." The most he is prepared to concede is that one could probably "hunt down individuals holding each of [these] views."

I'm afraid I cannot yield to Prof. Dever's claim. Perhaps things are different at the University of Texas, but even on a rainy day when most people stay indoors I could "hunt down" dozens of people who hold these views simply by taking a stroll across the Princeton campus.

Let's consider some of the specific positions I attributed to the secularist orthodoxy. I said that orthodox secularists "reject traditional morality's condemnation of abortion, suicide, infanticide of so–called defective children, and certain other life–taking acts." That the overwhelming majority of Prof. Dever's fellow atheists and liberals support abortion and suicide is hardly a disputable proposition. Indeed, Prof. Dever himself doesn't dispute it. He complains about my claim that orthodox secularists reject the "condemnation of . . . infanticide of so–called defective children." Readers will take note of what is omitted in the ellipsis.

What about infanticide? Is the "letting die" (as the more squeamish insist on describing it) of mentally retarded or severely physically handicapped babies an "extreme minority view" among orthodox secularists, as Prof. Dever maintains? It must be, he suggests, for otherwise "Peter Singer's notoriety would be hard to understand." It is true, of course, that Singer has been a particularly vocal (and notably non–squeamish) defender of infanticide. Nevertheless, Prof. Dever could not have chosen a worse piece of evidence for an alleged consensus among orthodox secularists against the killing of handicapped newborns. Opposition to Singer's appointment as DeCamp Professor of Bioethics at Princeton has come entirely from outside the University faculty, mostly from outside the University community, and mainly from believing Jews and Christians. Among orthodox secularists at Princeton and elsewhere, Singer's appointment is uncontroversial. With the single exception of John DiIulio—the eminent social scientist (and devout Christian) who has, alas, since resigned from the Princeton faculty to accept a new chair in faith and public policy at the University of Pennsylvania—I know of no member of the Princeton faculty who has publicly spoken out against Singer for his defense of infanticide.

I have no doubt that there are secularists who have qualms about killing handicapped newborns. (Prof. Dever himself suggests that infanticide is not part of "the best that secularism has to offer.") Some—perhaps many—secularists believe that Singer's defense of infanticide goes too far and would permit the practice in too many cases. But there are two points worth making.

First, even those secularists who oppose infanticide generally admit, in defending abortion, that it is difficult on their own premises to identify a mistake in Singer's argument that newborns—particularly severely handicapped newborns—do not suddenly become "persons" merely by emerging from the womb. Second, the secularist orthodoxy—like any orthodoxy—consists not only of those views that all members of the group share, but also of those views that are considered within the group to be reasonable and acceptable to hold, even if not everybody in the group happens to share them. (For example, Catholic orthodoxy holds that the Virgin Mary was, at the end of her life on earth, assumed bodily into heaven. Although most orthodox Catholics believe that Mary's assumption occurred after her death, it is a mark of Catholic orthodoxy to consider it reasonable and acceptable to believe, as others do, that Mary was assumed into heaven without dying.) No one can doubt that, among orthodox secularists, Singer's willingness to defend infanticide in the case of severely handicapped newborns is considered reasonable and acceptable in a way that it is not among observant Jews and Christians.

Another position that Prof. Dever insists is held only by "an extreme minority" of orthodox secularists is opposition to "even an opportunity for silent prayer in public schools." On this point, I must say, I am astonished by Prof. Dever's claim. The Supreme Court's anti–school prayer decisions, beginning with Engel v. Vitale in 1962, and including its 1985 ruling in Wallace v. Jaffree striking down even a minute of silence for "meditation or voluntary prayer" in public schools, have been joined by every liberal justice on the Court and applauded by liberals of every stripe. Neither Prof. Dever nor I would have the slightest difficulty "hunting down" secularist liberal pundits, constitutional scholars, political theorists, and others who enthusiastically support Jaffree and the other school prayer decisions. Indeed, the true challenge would be finding a few secularists who actually oppose them. Theirs would be an altogether unorthodox secularism.

Yet another issue Prof. Dever raises is assisted suicide and "substituted judgment" for mentally incapacitated people who are not able to make the decision whether to end their suffering by suicide. As with infanticide, I have no doubt that there are dissenters among secularist liberals on this issue; but the consensus is plainly in favor of assisted suicide and substituted judgment. Prof. Dever's field is philosophy. He is certainly aware of the celebrated amicus curiae brief filed by Ronald Dworkin, John Rawls, Robert Nozick, Thomas Nagel, Tim Scanlon, and Judith Jarvis Thomson—arguably the six most influential liberal moral philosophers in the United States—asking the Supreme Court to invalidate laws prohibiting assisted suicide and to establish a right to assistance in dying. Dworkin is the author of a much admired book defending euthanasia and substituted judgment. No one I know thinks that Dworkin's advocacy of a "right to die" places him on the extreme fringes of the liberal camp. I doubt that Prof. Dever actually thinks that.

I could make similar points about the issues of marriage and legislation based on religiously informed moral judgments, but at this point let me go straight to some of the big philosophical issues to which Prof. Dever devotes most of his space.

He concedes that most secularists subscribe to the "subjectivist" or "noncognitivist" view of practical reason as purely instrumental—the "slave of the passions," in Hume's famous characterization—though he himself happens to deviate from the secularist orthodoxy on this particular question. Indeed, he regrets the continuing dominance of the instrumental view of practical reason and hopes that the tide will soon turn against it. (This is the "regrettable exception" I made reference to at the beginning of these remarks.)

However, Prof. Dever thinks that I am wrong to ascribe to secularist liberals the belief that people lack what he calls free will (and what I call free choice). But if, as he concedes, the instrumental view of practical reason remains dominant among secularists, then what grounds could those who hold to it possibly have for believing in free choice? The problem is that free choice is impossible if practical reason is purely instrumental. One chooses freely if, and only if, one has, is aware of, and chooses for the sake of more–than–merely–instrumental reasons for action. If reason is merely passion's ingenious servant—if rationally motivated action is impossible because our ultimate ends are

necessarily provided by feeling, emotion, or other sub rational motivating factors—then even externally uncoerced action cannot be truly freely chosen. Rather, our actions are the products of—are determined by—such factors.

Of course, people often cling to beliefs that are incompatible with other beliefs that they hold, but among those philosophers, social scientists, and people in other fields who subscribe to the instrumental view of practical reason, I perceive little evidence for Prof. Dever's claim that "free will is alive and well under the secularist orthodoxy."

Indeed, that claim is all the more remarkable in view of Prof. Dever's admission that secularist liberals, including himself, are in fact determinists. His method of squaring this particular philosophical circle is by endorsing what he says is now the "dominant (although hardly universal) view among philosophers these days . . . that there is no genuine conflict between determinism and free will." According to this view, our actions can be both determined and freely chosen. Determinism must be true, he suggests, in light of "what we now know about the connections between brain states and mental life."

But on both counts Prof. Dever is mistaken. An action is truly freely chosen if and only if two things are the case: 1) the choice to do it is between (or among) alternatives considered in deliberation, and 2) both (or all) of those alternatives are really possible in the sense that only the choosing itself settles which alternative will be realized. And nothing "we now know" about brain states, mental life, and their connections compels the conclusion that our actions are determined rather than freely chosen in light of reasons that provide motivation but do not compel a decision one way or another.

Prof. Dever bluntly claims that the self–referential argument I sketched to establish the rational untenability of the denial of free choice is "fallacious." He supposes (mistakenly) that my claim is merely that it is pointless for people who deny that there is free will to announce their denial, since "if there were no free will, there would be no point in announcing that there is no free will." He then replies: "Those few who become philosophically convinced that there is no free will might be correct in what they announce." But my argument had nothing to do with "announcements." Its focus is the activity that Prof. Dever misleadingly puts into the passive "becom[ing] philosophically convinced."

Philosophical reflection is a matter not simply of passively receiving the truth about, for example, free will. It is an activity in which one has every opportunity of falling into error unless one is willing to pursue truth with an energy and care that only devotion to truth can sufficiently motivate. In this activity, anyone motivated by concern for truth will be guided not only by the requirements of logic but also by the less formal norms of rationality that enable us to distinguish sound from unsound investigative procedures in science, history, philosophy, etc. These norms direct sound thinking, but they can be violated, and are violated, in all shoddy investigations and inquiries in any and every field of intellectual endeavor.

The question whether people can make free choices is not a question settled by formal logic alone; rather, the investigation of it is addressed also by norms of rationality. Everyone who engages in this reflective investigation has the opportunity of violating those norms in the interest of reaching answers that his prejudices favor, or of taking short–cuts for other motives. Everyone is confronted, right here, with the opportunity of choosing to respect, or not to respect, rationality's norms.

Those who deny that people can make truly free choices cannot claim that the truth of their position is established by bare formal logic. They must contend that those who assert the possibility of free choices are failing to attend with sufficient care to the evidence (regarding, e.g., brain states, mental life, and their connections), and ought to think the issues through more carefully, listen to reason, etc. By that ought they concede the very claim they are concerned to deny: the claim that one can choose between, say, lazy reaffirmation of one's prejudices or wishes and authentic philosophical reflection and pursuit of truth. Thus their concern that they and we should get to the truth of the matter about (not simply "announce") freedom of choice refutes their own denial that free choices can be made, and sometimes are made. (The argument that I have here been able to do no more than sketch is fully set forth by Germain Grisez, Joseph M. Boyle, Jr., and Olaf Tollefsen in their book Free Choice: A Self–Referential Argument.)

Prof. Dever is also critical of my claim that the secularist denial of the intrinsic, and not merely instrumental, value of human bodily life entails a rationally untenable dualism of "person" and "body." "Mind/ body dualism," he says, "is almost entirely a dead philosophical position these days." It is true that most philosophers have concluded that certain positions falling under the label "dualism" (including some, such as Cartesianism, that were once widely entertained) are untenable. But there is a particular form of person/body dualism that is far from uncommon today. It reduces the person to the intermittently conscious (genderless) subject, which regards its (male or female) body as a possession or instrument that unlike other property or tools is untransferable, though discardable by suicide. My claim is that the denial of the intrinsic value of bodily life which underwrites the secularist defense of abortion, infanticide, euthanasia, and other forms of homicide entails precisely this form of dualism.

Either the body is a part of the personal reality of the human being, in which case the human person, properly speaking, is a dynamic unity of body, mind, and spirit, or the body is a subpersonal dimension of the human being that functions as an instrument at the service of the conscious and desiring aspect of the self—the "person," strictly speaking, who controls and uses the body. The secularist position on issues such as abortion, infanticide, and euthanasia straightforwardly treats the body as a subpersonal reality: a living human body is not a person, or, at least, is not a person until it comes to be associated (somehow) with a mind or other center of conscious self–awareness; and a living human body ceases to be a person not necessarily by dying, but at any point at which it loses this association, which may be long before death. The body, as such, according to secularists, lacks the dignity of personhood—that is why they believe it isn't necessarily wrong to kill "pre–personal" or "post–personal" human beings (fetuses, handicapped infants, the irreversibly demented, or other human "nonpersons").

Prof. Dever seems to suggest that the secularist position avoids dualism because its understanding of human beings and their attributes and capacities is purely materialist or physicalist. But that is, if I may borrow a term from Prof. Dever, fallacious. He says that "whether an organism has [these] further characteristics" that give it (full) moral standing and a right not to be killed (e.g., "consciousness, phenomenology, future–directedness") "is entirely a function of the physical structure of that organism (as well as, perhaps, the causal imbedding of that organism in some larger environment)." Note well: "a function of." Of course, Prof. Dever wants to avoid the claim that the "physical structure" as such gives the organism moral standing. Rather, it is something else, albeit something which on Prof. Dever's account is "a function of" the organism's physical structure, that works the magic of converting what would otherwise be a mere physical organism with no right to life (e.g., a fetus, a severely demented person, etc.) into a "person" with a dignity so profound that it is morally wrong to kill it (e.g., a healthy infant, a normal adult).

The dualism of orthodox secularism is not erased by the materialist insistence that the attributes of personhood are "entirely a function" of the physical structure of the human organism. For secularist liberals, it is the conscious, desiring, self–aware, and future–directed part of the human being that is truly the "person"; it is the psychological attributes of consciousness, self–awareness, etc. that confer "moral standing." By contrast, the living body, as such, is not part of the personal reality of the human being. And it is the status of the body as subpersonal that accounts for the willingness of secularists to authorize the killing of human beings before they become "persons" (fetuses and even infants) and after they cease being "persons" (the demented, the permanently comatose, etc.). The dualism of orthodox secularism consists in treating the "person" and the "mere living body" as really separable. "Persons" have dignity and rights; (their) "mere" living bodies do not.

Prof. Dever concedes that we enter "dangerous territory" when deciding that not all living organisms of the human species are persons. (Note, once again, the fruit of the dualistic presuppositions: there are "persons" and then there are "living organisms of the human species"—e.g., unborn and some newborn human beings, the demented, those in permanent comas—who are human beings but, according to orthodox secularists, not persons.) But, he insists, "the line must be drawn somewhere by everyone, so mere accusations of line–drawing can carry no weight." The fact, however, is that we needn't and shouldn't draw this line. The reasonable standard—the one that follows from a proper rejection of person/body dualism—is that living members of the species Homo sapiens are persons whose dignity is incompatible with a license to kill them.

Prof. Dever—believing that it is necessary to draw a line between "persons" and certain living human beings who are nonpersons—warns that "just as there is a price to pay for drawing the line too narrowly, also there is a price to pay for drawing the line too widely, since the moral duties owed to persons can place a heavy burden on others." I'm worried, on the other hand, about our natural human desire to be free of the moral duties we owe to others—particularly the weak, the infirm, and the dependent—a desire that tempts us to credit the idea of a distinction between "persons" and human nonpersons. The

supposition that such a distinction can rationally be drawn does not merely place us in "dangerous territory," it perforce implicates us in a form of injustice against the most vulnerable of our fellow human beings.

Prof. Dever professes bafflement at what he takes to be my charge that secular orthodoxy is committed to relativism. As a professional philosopher, he reports, he is at pains to talk his students out of the mindless relativism they bring to the classroom. On this point, however, he seems not to have understood my claim. Indeed, I went so far as to say that "the mainstream of orthodox secularism at the end of the twentieth century has become self–consciously moralistic and nonrelativistic." The defense of relativism, I said, is today largely confined to "cocktail parties and undergraduate classrooms." (On this score, at least, it sounds as though things don't vary much between Austin and Princeton.) At the same time, I asserted that secularism remains in significant respects a relativistic doctrine. And how could it be otherwise, if, as Prof. Dever freely concedes, the mainstream of secularist thought clings to the Humean subjectivist account of practical reason and morality?

One area in which this subjectivism makes itself felt is by relativizing allegedly self–regarding conduct. The familiar idea here is that what goes on between consenting adults simply isn't subject to critical moral evaluation. A moral issue arises only where the "rights of others" are violated or placed in jeopardy. Why, though, on a secularist understanding, should people restrain themselves—and even bear the sometimes heavy burden of moral duties—out of regard for the rights of others? On purely atheistic and materialistic premises, how can it be rational for someone to bear heavy burdens and suffer great cost—perhaps even death—to honor other people's rights? No satisfactory answer is forthcoming. None, I submit, is possible.

Prof. Dever suggests that when Judeo–Christian philosophy confronts the same question, it relies for an answer on the bare "scriptural assertion that humanity is created in God's image." But here, as elsewhere, Jewish and Christian thinkers find in revelation the confirmation, but not the root, of their philosophical affirmation of the nature and value of the human person—an affirmation found clearly (though not unmixed with error) in the philosophies of Plato and Aristotle, as well as in the thought of the greatest Roman jurists. Christian philosophers in particular hold that there are sound philosophical reasons—having to do with the contingency and intelligibility of the universe—to judge that God is personal in nature, that is, able to envisage and choose between intelligible options.

In concluding, let me return to that point about the nature of practical reasoning on which even Prof. Dever regrets the established orthodoxy of secular liberalism. He is part of a "moral realist" movement in contemporary analytic philosophy that seeks to dislodge "the twin denial of the motivational power of reason and of epistemic access to objective normative facts" that is a central "legacy" of British Empiricism. As Prof. Dever himself recognizes, this makes him something of an unorthodox secularist. Fine. I wholeheartedly approve his heresy. But until this movement gains the upper hand, it remains the case that secularist orthodoxy, on its own terms, "possesses no resources for answering the

question ‘Why should I respect the rights of others?’" And, should it succeed in overcoming the Humean hegemony, it will be interesting to see whether the logic of moral realism begins to undermine the practical atheism, materialism, and, with them, the moral–political liberalism that are the defining features of contemporary secularism.

For my part, I am hopeful that people who come to see that the Humean tradition has been wrong, and that the Judeo–Christian tradition has been right all along, about the possibilities of free choice, rationally motivated action, and objective moral truth, will soon come to the realization that these possibilities point beyond themselves to a more–than–merely–human source of meaning and value, a divine ground of human intelligence and free will who freely discloses Himself to us when we are prepared to open our minds—and hearts—to Him.

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"A New Ethic for Medicine and Society", *California Medicine*, September 1970

The traditional Western ethic has always placed great emphasis on the intrinsic worth and equal value of every human life, regardless of its age or condition. This ethic has had the blessing of the Judeo-Christian heritage and has been the basis for most of our laws and much of our social policy. The reverence for each and every human life has also been a keystone of Western medicine and is the ethic which has caused physicians to preserve, protect and repair, prolong and enhance every human life which comes under their surveillance. This traditional ethic is still clearly dominant but there is much to suggest that it is being eroded at its core and may eventually be abandoned. This of course will produce profound changes in Western medicine and in Western society.

There are certain new facts and social realities which are becoming recognised, are widely discussed in Western societies and seem certain to undermine and transform this traditional ethic. They have come into being and into focus as the by-products of unprecedented technological progress and achievement. Of particular importance are, first, the demographic data of human population expansion which tends to proceed, uncontrolled and at a geometric rate of progression; second, an ever growing ecological disparity between the numbers of people and the resources available to support these numbers in the manner to which they are or would like to become accustomed; and third, and perhaps most important, a quite new emphasis on something which is beginning to be called the quality of life, a something which becomes possible for the first time in human history because of scientific and technological achievement. These are now being seen by a growing segment of the public as realities which are within the power of humans to control and there is quite evidently an increasing determination to do this.

What is not yet so clearly perceived is that in order to bring this about, hard choices will have to be made with respect to what is to be preserved and strengthened and what is not, and this will of necessity violate and ultimately destroy the traditional Western ethic with all that this portends. It will become necessary and acceptable to place relative rather than absolute values on things such as human lives, the use of scarce resources and the various elements which make up the quality of life or of living which is to be sought. This is quite distinctly at variance with the Judeo-Christian ethic and carries serious philosophical, social, economic and political implications for Western society and perhaps for world society.

The process of eroding the old ethic and substituting the new has already begun. It may be seen most clearly in changing attitudes toward human abortion. In defiance of the long held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition or status, abortion is becoming accepted by society as moral, right and even necessary. It is worth noting that this shift in public attitude has affected the churches, the laws and the public policy rather than the reverse. Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everybody knows, that human life begins at

conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but the taking of a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected.

It seems safe to predict that the new demographic, ecological and social realities and aspirations are so powerful that the new ethic of relative rather than absolute and equal values will ultimately prevail as man exercises over ever more certain control over his numbers and uses his always comparatively scarce resources to provide the housing, economic support, education and health care in such ways as to achieve his desired quality of life and living. The criteria upon which these relative values are to be based will depend considerably upon whatever concept of the quality of life or living is developed. This may be expected to reflect the extent that quality of life is considered to be a function of personal fulfilment; of individual responsibility for the common welfare, the preservation of the environment, the betterment of the species; and of whether or not, or to what extent, these responsibilities are to be exercised on a compulsory or voluntary basis.

The part which medicine will play as all this develops is not yet entirely clear. That it will be deeply involved is certain. Medicine's role with respect to changing attitudes toward abortion may well be a prototype of what is to occur. Another precedent may be found in the part physicians have played in evaluating who is and who is not to be given costly long-term renal dialysis. Certainly this has required placing relative values on human lives and the impact of the physician to this decision process has been considerable. One may anticipate further development of these roles as the problems of birth control and birth selection are extended inevitably to death selection and death control whether by the individual or society, and further public and professional determinations of when and when not to use scarce resources.

Since the problems which the new demographic, ecological and social realities pose are fundamentally biological and ecological in nature and pertain to the survival and well-being of human beings, the participation of physicians and of the medical profession will be essential in planning and decision-making at many levels. No other discipline has the knowledge of human nature, human behaviour, health and disease, and of what is involved in physical and mental well-being which will be needed. It is not too early for our profession to examine this new ethic, recognize it for what it is and will mean for human society, and prepare to apply it in a rational development for the fulfilment and betterment of mankind in what is almost certain to be a biologically oriented world society.

Notes Towards a (Re)Definition of the "Secular"

IAIN T. BENSON[†]

Despite the centrality of the term when descriptions of the contemporary state are given, the term "secular" has received little analysis in any judgment of the Canadian courts. This paper examines the meaning of the term "secular" in relation to the nature of human acts as based on faith. Some contextual concerns will also be addressed, since it is against the backdrop of how the courts and society view philosophy and religion that the meaning of "secular" and faith (including religious faith) are determined.

A deeper ground for moral education is both necessary to citizenship and largely missing from contemporary education of all sorts including the law. What now stands in the place of moral education is a series of disconnected concepts (e.g."tolerance," "equality," "self-esteem," and "rights") that are themselves obscured by a loss of historic understanding of such concepts as "virtue" and the rise of a superficial language of "values."

Until faith—understood as metaphysical assertions that we do not empirically prove—is recognized as an inevitable aspect of human action and therefore of culture, a simplistic focus upon a "non-religious secular" will lead to a thinning of our common life, not an improvement of it. Recognition of the necessarily "faith-based" ground for many of society's key notions means that we will either function with these notions articulated or un-articulated. Much is to be gained from a wider understanding of the terms so that what we take for granted may, in fact, be recognized expressly.

Through a better understanding of the scope of the term "secular" we will have the possibility in law and society to conceptualize a more robust protection of expressions of conscience and religion, thus building a more liberal and democratic society.

Redefining the Secular: What Does "Secular" Mean?

The term "secular" has come to mean a realm that is neutral or, more precisely, "religion-free." Implicit in this religion free neutrality is the notion that the secular is a realm of facts distinct from the realm of faith. This understanding, however, is in error. Parse historically the word "secular" and one finds that secular means something like non-sectarian or focused on this world, not "non-faith." States cannot be neutral towards metaphysical claims. Their very inaction towards certain claims operates as an affirmation of others. This realization of the faith-based nature of all decisions will be important as the courts seek to give meaning to terms such as secular in statutes written some time ago.

The often *anti*-religious stance embodied in secular*ism* excludes and banishes religion from any practical place in culture. A proper understanding of secular, however, will seek to understand what faith claims are necessary for the public sphere, and a properly constituted secular government (non-sectarian not non-faith) will see as necessary the due accommodation of religiously informed beliefs from a variety of cultures. Our current

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ability to respect and incorporate religion and/or spirituality in the public sphere is uneven.

Growing recognition of native spirituality, for example, is a positive step in this regard: there is no reason why children in public schools should discuss the spirituality of the longhouse but never be exposed to the beliefs of the synagogue, church, or temple. Such recognition must be extended to all groups in Canada and they must be treated fairly with respect to funding and access, otherwise the inchoate "religion" or faith of the state will unfairly dominate the consciences of its citizens.

When the "natural faith" of those that govern no longer views itself as "religious," it must still recognize that in its affirmations of the greatest goods—*e.g.* when the pieties are boiled down to such things as "*Charter* values"—these pieties act as the lineaments of the "religion" of the state.[1] The question then will be how minority religious views are to be accommodated and fostered. George Grant warned years ago that a "religion of humanity" which attempted to use a shared belief in "progress" or "technique" as the cement for culture had better look to those with a more comprehensive explanation for meaning when its own thin glues began to fail.[2]

Contemporary *secularism*, therefore, poses a great challenge to religions of all sorts, and the failure of the courts to address this is unfortunate. It is worth reminding ourselves of George Grant's assertion and question:

> when the religion of progress becomes the public religion we cannot look forward to a vital religious pluralism, but to a monism of meaninglessness. And what becomes of the constitutional state in a society where more and more persons face their own existing as meaninglessness?[3]

Judicial or political decisions that insist upon implicit faith elevation and explicit faith submersion pose a great threat to a thriving and genuine pluralism in the contemporary age. What can advertise itself as neutral is often anything but, and "implicit faith" positions, because they fail entirely to acknowledge their grounding as faith, can all too easily establish a hegemony against explicit faith traditions, traditions that have every right to "share" the public sphere. Until the necessarily "implicit faiths" are acknowledged, explicit faiths are at a marked disadvantage in finding any place in the public sphere, including: politics, public education, and law itself. The new "secular" state and its supporters view their (now practically, if not numerically, dominant) implicit faith views as the only proper (*i.e.* funded) education of the young or the only kind of neutral constitutional principles. But they are anything but "neutral."

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[1] It is probably wise to restrict the use of the term "religion" to those beliefs rooted in belief in a Divinity and framed around express religious practices. While implicit faith may stand in for conscious religious affirmation and adherence in a society, it is nonetheless different in many key ways. For similar reasons, it is useful to keep the concepts of the *de facto* faith in a state and such thing as a "state religion" distinct.

The Centre for Cultural Renewal, an Ottawa based think-tank with which the writer is associated, is dedicated to investigating the connections between morality, religion and public policy and attempts to link a reclamation of language with the task of strategic cultural renewal. The topic of "values" has been addressed in one of its publications. Newsletters and a variety of tapes on subjects related to some of the themes in this paper may be located on the Centre's website: www.centreforrenewal.ca.

[2] George Grant, *English-Speaking Justice* (Toronto: Anansi, 1985) at 86.

[3] G. Grant, "Religion and the State" *infra* note 64 at 195-196. A more recent treatise on this theme, containing some useful observations about the need for liberalism to look more favourably on religion, is to be found in D. Walsh, *The Growth of the Liberal Soul* (Missouri: Missouri University Press, 1997).

Many inconsistencies are emerging as the new secularism finally moves to establish its own faiths against those of the prior, explicitly religious, era. Some of these will be discussed below.

It is important to challenge the hidden faith of this new secularity, because in describing all other religions and faiths as "others" and its own faith as *fact* or somehow "neutral," it views religious faith as a problem to minimize rather than a necessary sphere to accommodate, much less encourage. The mass of religious people know, even if they cannot exactly articulate it, that religion is not being treated fairly in contemporary society. Calls for just treatment go unheard and decisions in area after area display the same tendency to relegate express faiths to the private and implicit faiths to the podium. For those who believe that there are foundations for society that are best preserved by understanding religious views and allowing religious insights to animate citizenship, arguments around the key notions of personhood, faith, and the right approach to pluralism are important and timely. But, arguments on these lines must be clear and convincing if they are to make an impact on judges who have been schooled within contemporary categories of thought. As Justice Willard Estey stated around the time of his retirement from the Supreme Court of Canada: "you are looking to us judges to answer questions under the Charter of Rights and Freedoms that we have never been trained to deal with."[4]

The Context for the Charter: How the Courts View Philosophy and Religion

Since the "repatriation" of the Canadian *Charter of Rights and Freedoms*[5] in 1982 the courts have applied a variety of constitutional remedies to strike down legislation, read in, or sever language in enactments that, in their opinion, are in breach of the *Charter*. Section 1 of the *Charter* is the limiting provision, providing that the only limitation on the enumerated rights and freedoms are "reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."[6] Cases determined under the *Charter*, therefore, require judges to make decisions that assume a primacy for rationality within some notion of freedom and democracy. Such determinations call for a degree of historical and political sophistication. By focusing primarily on various readings of the term "secular," this paper argues that current approaches by elites (such as the courts, politicians, and Royal Commissioners) to the rights enumerated in the *Charter* are insufficient to deal adequately with either the rights enumerated or the society within which rights disputes are being adjudicated.

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[4] Stated at a Conference, attended by the author, at the University of British Columbia in 1985.

[5] *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982 C. 11 [hereinafter *Charter*].

[6] The *Charter* protections include the following key provisions: section 2 "*Fundamental Freedoms*" including "freedom of conscience and religion," "freedom of thought, belief and opinion including freedom of the press....," "freedom of peaceful assembly," and "freedom of association"; section 7 "*Legal Rights*" which states that "[e]veryone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice"; and section 15 "*Equality Rights*" which states that "[e]very individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Section 15(2) expressly allows for affirmative action programs.

In Canada's first case dealing with Sunday closing legislation, Chief Justice Dickson, speaking for the Court, stated that it was important to recall that "the Charter was not enacted in a vacuum, and must therefore...be placed in its proper linguistic, philosophic and historical contexts."[7] An analysis of the philosophical and historical framework of rights has not occurred in all cases—even where one might have thought it indicated. The Court's direction, that analysis be placed in a larger context has recently led to the additional inclusion of *religious* principles. In *Egan* v. *Canada*, the first Supreme Court of Canada *Charter* case to deal with whether a same-sex relationship should be considered a spousal relationship, Justice La Forest noted:

> [M]arriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical *and religious traditions*. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate....In this sense, marriage is by nature heterosexual. It would be possible to legally define marriage to include homosexual couples, but this would not change the biological and social realities that underlie the traditional marriage.[8]

The references here to history, philosophy, religious tradition, nature, biology, and social realities are in marked contrast to the lack of such analysis in many other *Charter* cases.

In dealing with philosophical points, the judges of the Court seem confused as to how to approach the issues. Decisions made relatively close together in time are inconsistent. In one, the court said that matters of philosophy and "metaphysics" are not for the courts to delve into and that "philosophical questions" are for the legislature;[9] in others, the Court resorted to Aristotle, or even C.E.M. Joad—both philosophers—before making its own decision.[10]

On occasion, reliance upon, then doubt about, "philosophy" may appear in the same judgment. In one decision, an approving reference to Aristotle's belief that "reasoned capacity for choice was central to the issue of moral culpability" was followed by a statement that "...a court is in no position to make determinations on questions of morality."[11] Yet the affirmation of a "reasoned capacity for choice" must be a relevant philosophical aspect of morality.

In *Rodriguez* v. *British Columbia (Attorney General)*,[12] Chief Justice Lamer, in his dissenting judgment, opined that the Court should answer the question of the constitutionality of assisted suicide "...without reference to the philosophical and theological considerations fuelling the debate on the morality of suicide or euthanasia."[13] In a key passage in his reasons, Sopinka J. referred to a novel concept—a "non-religious

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7 *R.* v. *Big M Drug Mart Ltd.* [1985] 1 S.C.R. 295, 18 D.L. R. (4th) 321 [hereinafter *Big M Drug Mart*].

8 *Egan* v. *Canada* (1995) 124 D.L.R. (4th) 609 at 625 [emphasis added] [hereinafter *Egan*]. La Forest J. and three other judges expressly noted that it is open to legislators to make distinctions between traditional marriages and common-law marriages.

9 *Tremblay* v. *Daigle* (1989) 62 D.L.R. (4th) 634 (S.C.C.) at 650. Dealing with whether the Quebec *Charter* provision saying "every human being has a right to life" provided protection for a third trimester infant *en ventre sa mère*.

10 *R.* v. *Chaulk* [1991] 2 W.W.R. 385 (S.C.C.) ; *R. v. Morgentaler* [1988]1 S.C.R. 30 at §252.

11 *R.* v. *Chaulk ibid.* at 461, 474 per McLachlin J.

12 (1993) 107 D.L.R. (4th) 342 [hereinafter *Rodriguez*].

13 *Ibid.* at 366.

sanctity" when he referred to the "…generally held and deeply rooted belief in our society that human life is sacred or inviolable (which terms I use in the non-religious sense described by Ronald Dworkin…)."[14]

This approach is at stark variance with the approach called for in *Big M Drug Mart*,[15] and *Egan*,[16] above, that the *Charter* must be placed in its proper linguistic, historical, philosophical, and religious context if it is to be properly interpreted. There is no basis in philosophy, history or theology for a "sanctity" (the very term comes from the term for "holy") outside religion. Why would a justice of the court choose an important term such as "sanctity" for key notions—that human life is "sacred or inviolable" and that there is "an intrinsic value of human life and…the inherent dignity of every human being…"—and then promptly attempt to empty it of its settled content?

The court appears enmeshed in a functional "metaphobia"—an undue fear and avoidance of metaphysics. One useful example of this insecurity or incoherence in dealing with morality and law may be seen in *R.* v. *Butler*.[17] In *Butler*,[18] the Supreme Court of Canada upheld the *Criminal Code*[19] definition of "obscenity" in the face of a *Charter* challenge on the basis of the "freedom of expression." In so doing, the Court was at pains to attempt to base the restriction of pornography on the basis of "harm," even though it could not establish a clear causal connection between the existence of pornography and harm arising from it.

The Court could not avoid the fact that such a restriction depends upon a moral basis, yet, in its manner of reasoning it undercuts any valid ground for moral evaluation by saying that the restriction must be found in the *Charter* itself. This approach is nonsensical because the *Charter* is an open-ended document that states its rights in outline and in the broadest terms. Whether the breach or limitation is demonstrably justified in a free and democratic society is an *external* analysis, involving matters not to be found in the *Charter* itself.

Mr. Justice Sopinka, in giving the majority judgment,[20] stated that it is no longer an appropriate objective of law "to advance a particular conception of morality"[21] because:

> [T]his particular objective is no longer defensible in view of the Charter. *To impose a certain standard of public and sexual morality, solely because it reflects the conventions of a given community, is inimical to the exercise and enjoyment of individual freedoms*, which form the basis of our social contract. D. Dyzenhaus, "Obscenity and the Charter: Autonomy and Equality" (1991), 1 C.R. (4th) 367 at p. 270, refers to this as "legal moralism," of a

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[14] *Ibid.* at 389.

[15] *Supra* note 7.

[16] *Supra* note 8.

[17] (1992) 89 D.L.R (4th) 449 [hereinafter *Butler*].

[18] *Ibid.*

[19] *Criminal Code of Canada*, R.S.C. 1985, c. C-46.

[20] Mr. Justice Sopinka spoke for himself and six other judges. The minority reasons of Gonthier J. agreed with those parts of Sopinka's judgment referred to here. On the analysis being discussed, therefore, the nine judges of the Supreme Court of Canada were unanimous.

[21] *Butler*, *supra* note 17 at 476 [emphasis added].

> majority deciding what values should inform individual lives and then coercively imposing those values on minorities. The prevention of "dirt for dirt's sake" is not a legitimate objective which would justify the violation of one of the most fundamental freedoms enshrined in the *Charter*.
>
> *On the other hand, I cannot agree with the suggestion of the appellant that Parliament does not have the right to legislate on the basis of some fundamental conception of morality* for the purposes of safeguarding the values which are integral to a free and democratic society. As Dyzenhaus writes, "Moral disapprobation is recognized as an appropriate response when it has its basis in *Charter* values."[22]
>
> As the respondent and many of the intervenors have pointed out, much of the criminal law is based on moral conceptions of right and wrong and the mere fact that a law is grounded in morality does not automatically render it illegitimate.[23]

Sopinka J. recognized that moral corruption and harm to society are inextricably linked. But if it is "moral corruption of a certain kind," that "leads to the detrimental effect on society,"[24] and if Parliament has the right to legislate "on the basis of some fundamental conception of morality," then it is simply *not possible* to avoid "*a* particular conception of morality": the very thing that Sopinka J. said was "no longer appropriate."

This is a good recent example of what may be termed the philosophical insecurity (or incoherence) of modern justice. It is interesting to note that, ultimately, the definition of obscenity based on a "community standards test" was found to be acceptable under the *Charter*. But what is a community standards test but the coercive imposition of the majority wishes over those of the individual? According to Sopinka J. (and the whole Court) that imposition was not permissible.

The views of the community, therefore, could form the basis of constitutionally acceptable law, despite the limits on individual autonomy in the area of obscenity. But "harm," here, was inferred, not proven, and any "moral" concerns were expressly rejected as a valid basis for the law. By seeking to avoid a particular moral framework, the court cannot erect any moral ground. The court creates a circular approach that makes moral articulation impossible. Indeed, it is not just the courts that exhibit this confusion. For example, "community standards" with respect to other matters were deemed irrelevant in another elite setting. In the November 1993 Report of the Commission on New Reproductive Technologies, entitled *Proceed With Care*, the Commissioners had to decide whether lesbians should have access to donor insemination. The Commissioners knew that the majority of Canadians did not believe that lesbians should have access to donor insemination. At issue was whether populism, the results of polls, or the desires of the majority are satisfactory ways of determining over time what is "right" and "wrong" in society. The Commission majority wrote that:

> As we made clear in Part One of this report, the Commission believes that society's approach to new reproductive technologies should be governed by the social values of Canadians. *We are also aware, however, of the difference between social values and individual opinions. We believe that social values held by Canadians are reflected in the Canadian Charter of Rights and Freedoms, and the prohibitions on discrimination it contains must be our guide in this matter.*[25]

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22 D. Dyzenhaus, "Obscenity and the Charter: Autonomy and Equality" (1991), 1 C.R. (4th) 367 at 376.

23 *Butler*, *supra* note 17 at 476-77.

24 *Ibid.* at 477.

25 Canada, "Proceed With Care," *Report of The Royal Commission on New Reproductive Technologies* (Ottawa: Canadian Communications Group, 1993) at 456 [emphasis added].

Here the *Charter* principle of discrimination (and therefore equality) was seen to "trump" popular wishes and the Report of the majority of Commissioners recommended permitting lesbian access to donor insemination on equality grounds.

Some interesting tensions emerge from this analysis. For the Supreme Court of Canada, the wishes of Canadians are important (affirmed as "consensus," rejected as "majoritarianism") for determining whether we should allow assisted suicide (*Rodriguez*) or obscenity (*Butler*) to be constitutionally permissible criminal acts, but irrelevant for the definition of who is a "human being" (*Tremblay* v. *Daigle*) or whether abortion restrictions are valid (*Morgentaler*). For the Royal Commissioners, decisions on a contentious social question must be based on "*Charter* values" which, in their interpretation, can be contrary to the wishes of the majority (lesbian access to artificial insemination).

Since they have generally eschewed express moral evaluation, the type of analysis the judges and elite groups such as Royal Commissions now embark upon is this: somehow to determine what "social values" govern and whether a non-majoritarian "consensus" has emerged in society (because majoritarian focus, like moral principles, have been rejected in name—though both have been used in the "community standards" or "intrinsic value of life" aspects in *Butler* and *Rodriguez*).

Constitutional cases increasingly resemble games of chance more than debates of principle. Noone can say with any confidence whether a matter will be struck down, read in, left to the legislature, or avoided entirely using any number of legal techniques. Lest anyone say that this is how law has always been, the inconsistent approaches of similar cases under the *Charter* makes the current situation different from the always difficult task of predicting legal outcomes, and the inconsistency is visible with regard to the treatment of religion and the nature of the "secular" as well. This is not surprising, perhaps, because philosophical insight, in addition to legal insight, is important to knowing not only how contemporary rights claims are to be defined, but how they are to be rank-ordered or accommodated when they conflict.

As recently as 1953 Lord Denning wrote about the necessity of a relationship between law, morality, and religion:

> The severance of the three ideas—of law from morality, and of religion from law—belongs very distinctly to the later stages of mental progress.
>
> This severance has gone a great way. Many people now think that religion and law have nothing in common. The law, they say, governs our dealings with our fellows: whereas religion concerns our dealings with God. Likewise they hold that law has nothing to do with morality. It lays down rigid rules which must be obeyed without questioning whether they are right or wrong. Its function is to keep order, not to do justice.
>
> The severance has, I think, gone much too far. Although religion, law and morals can be separated, they are nevertheless still very much dependent on each other. Without religion there can be no morality: and without morality there can be no law…
>
> If religion perishes in the land, truth and justice will also. We have already strayed too far from the faith of our fathers. Let us return to it, for it is the only thing that can save us.[26]

[26] A. Denning, *The Changing Law* (London: Stevens & Sons Ltd., 1953) at 99, 122.

Lord Denning is surely correct to note the inter-relationship between law and metaphysical assumptions and morality. He is surely *incorrect* to say there is "no morality" without religion. There is no morality without "metaphysical claims," and no metaphysical assumptions without "natural faith," but most modern analysis, and much religious expression, does not distinguish between *natural faith* (which everyone must have to act) and *religious faith* (which is a specific set of faith assumptions). There is morality *without* religion, just as there is morality *informed by* religion; and all forms of morality are based, as this paper suggests, on some kind of faith. The question is: Which kind of morality makes the most sense and explains the human situation best? No matter what answer is given to this question, all approaches must recognize that faith (religious or otherwise) is a primary fact of life for all human beings. Therefore, "faith questions" (including those questions that involve morality) must be considered as part of all debates in society. A movement by secularism away from the Jewish and Christian traditions, which have always sought to enrich both their own communities and the societies around them by raising key questions relevant to life in community, has left contemporary approaches that avoid faith questions (and morality) empty.

Unfortunately, Lord Denning's error (that there is no morality without religion) is as common with a particular sort of religious believer as is the belief of non-religious people that their affirmations are not based upon faith. It may well be that saying "only religious morality is possible," or that "only faith is religious" both stand in the way of wider social acceptance of what many liberal theorists (religious and non-religious) now recognize as essential: the re-grounding, re-learning, and re-introduction into public education of *liberal virtues*.[27]

When religious believers learn that "virtues" exist "outside" religion, and non-religious believers learn that they too operate out of a series of "faith assumptions," then perhaps we shall be closer to an engagement that is long overdue in our society, where we recognize that all human beings operate on *some basis of faith*.

What I have attempted to show is that any description of the Court's approach to philosophical or theological questions must begin with a frank assessment of what the courts actually have said about law and philosophy in the *Charter* era.[28] It is worth noting

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[27] For useful discussions by liberal theorists of core notions without any analysis of the necessarily "faith-based" grounding of such notions see, for example, S. Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford: Clarendon Press, 1990) and W. Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (Cambridge, Cambridge University Press, 1991). In Chapters 11 and 12 of his book, Galston comes close to a recognition that faith animates liberal intuitions when he describes the "*beliefs* and character traits that help sustain a liberal community." *Ibid.* at. 257 [emphasis added]. By not taking this recognition that "beliefs" animate both liberals and what he calls "traditionalists," one step further to ground them both in faith, Galston, though he strives for balance and offers many valuable insights, nonetheless fails to recognize that, epistemologically, both liberalism and traditionalism rely upon "natural faith." Had Galston done this he might then have had a better ground for the "third way" he seeks to establish between traditionalists and liberals, where such things as the "virtues" may be seen as informed by, consistent with, and, indeed, open to religious insights while they are taught as "common curriculum" in public schools. Nonetheless, Galston's frank assessment that liberalism needs religion ought to give pause to those "liberals" who view religion through entirely skeptical lenses [see footnote 72 *infra*].

[28] Anthony Peacock, in his introduction "Rethinking the Constitution," refers to Canada as a country "…mired in deep intellectual crisis." It is useful to consider the implications of Peacock's rather depressing catalogue of examples showing the sad state of the contemporary Canadian legal (including law school) scene. See A.A. Peacock, ed. *Rethinking the Constitution: Perspectives on Canadian Constitutional Reform, Interpretation and Theory* (Toronto: Oxford University Press, 1996) vii at xiv. See also, F.L. Morton and R. Knopff, *The Charter Revolution and the Court Party* (Peterborough: Broadview Press, 2000).

the comment of the late George Grant regarding the court's decisions in the early years of the *Charter*. In one of his last published essays, Grant wrote:

> *When society puts power into the hands of the courts, they had better be educated...The more the justices quote philosophy or religious tradition the less they give the sense they understand what they are dealing with.* Another long article would be required to spell out the causes in legal and general education which lead to the jurisprudential shallowness among the judges. As much as abortion, this question goes to the very roots of modernity.[29]

The Nature of the "Secular" in Canadian Society

As we have said, the term "secular" can have a number of different meanings. At least three definitions of a "secular" state seem to be most frequently used:

1. The state is expressly non-religious and must not support religion in any way (neutral secular);
2. The state does not affirm religious beliefs of any particular religious group but may act so as to create conditions favourable to religions generally ("positive" secular);
3. The state is not competent in matters involving religion but must not act so as to inhibit religious manifestations that do not threaten the common good ("negative" secular).

In all three of these the state is viewed as "outside" the "faith-claims" represented by "religious views." This "external" aspect is largely implicit. To these three a fourth definition should be added:

4. The state must not be run or directed by a particular religion or "faith-group" but must develop a notion of moral citizenship consistent with the widest involvement of different faith groups (religious and non-religious).

This last definition does not view the state as outside a variety of competing faith-claims but situates the state as itself inside and, therefore, concerned with the questions of faith in society. The focus is not on "religion" only, but on "faiths" of a variety of kinds. It is this fourth understanding that best suits the development of a free and democratic society animated by a meaningful (moral) pluralism consistent with intelligible notions of freedom, respect, and responsibility—essential to the coherence of the constitution itself. If Canada is a secular society, what sort of secular society is it? Does the meaning we give to the term secular make a difference to the kinds of law and politics that operate in the state? If we accept the second or third definition of "secular" set out above, then a state has a positive duty to evaluate its actions to ensure that it is, in one, promoting favourable conditions for religion. In the third definition, it must evaluate its actions and policies to ensure that it is not harming religion.

It is clear that if the term "secular" is used in the so-called neutral sense above, "that the state must not support religion in any way," what results is not, in fact, neutral in terms of religion at all. For it is one of the highly debatable but little debated aspects of the so-

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[29] G. Grant, "The Triumph of the Will" in I. Gentles, ed., *A Time to Choose Life: Women, Abortion and Human Rights* (Stoddart: Toronto, 1990) at 18 [footnotes omitted] [emphasis added].

called neutral secular that where it is employed, it tends to hide metaphysical (or faith) assumptions under its cloak.

In all of the first three categories, however, the nature of faith claims is not directly addressed leading both to an unnecessary exclusion of religious faith claims (as against non-religious faith claims) and a corresponding failure to identify certain affirmations *as* faith claims at all. The fourth definition permits a better grounding for citizenship as a shared moral enterprise and for the adjudication of competing faith claims as just that, competing "faith claims."

Banishing state support of religion does not articulate or restrict the state's involvement in matters of faith. On the contrary, the exclusion of the most articulate, historically significant, and widely accepted traditions (the religions) will tend to leave the public influenced by those faiths that are new, fragmented, often ahistorical, and incoherent. The failure to examine the category of faith as the necessary grounding of all human actions is widespread and as common amongst religious as non-religious citizens.

So where one author may write about "the myth of religious neutrality,"[30] or another may show that the many current debates between "orthodox secularists" and "orthodox religious believers" amount to "a clash of orthodoxies,"[31] the difficulty that remains in discussing the "secular" is that the grounds of agreement and disagreement are so rarely discussed in terms of what is taken on faith. The religious believer may hold that outside of the worship of the true God there is only worship of idols, but this argument is likely to have little impact on a person who does not believe that he or she believes at all—"if I do not believe in *God*, why would I believe in the concept of an *idol*?"

What can be shown, more convincingly, is that everyone, religious or not, has faith in things they take on faith. This is easily demonstrable. One, for example, looks in the rear-view mirror and has faith in the mirror's reliability. One does not test it afresh each time. This may seem like a trivial example, but it is, nonetheless, an example of "natural faith." Whatever else it is, therefore, the secular cannot be a realm of "non-faith." For there is no such realm. The question, then, is *what kinds of faith* are operative, not *whether or not* there is faith at work.

What Aldous Huxley noted with respect to metaphysics is in every way applicable to the necessarily "faith-based" nature of the secular:

> Men live in accordance with their philosophy of life, their conception of the world. This is true even for the most thoughtless. It is impossible to live without a metaphysic. The choice that is given us is not between some kind of metaphysic and no metaphysic; it is always between a good metaphysic and a bad metaphysic, a metaphysic that corresponds reasonably closely with observed and inferred reality and one that doesn't.[32]

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[30] R.A. Clouser, *The Myth of Religious Neutrality* (Notre Dame: University of Notre Dame Press, 1991). Mention of this book here is no indication that the book's important thesis is erroneous, merely that its central distinction does not cover all the possibilities. I thank Professor Clouser for providing me with a copy of his most useful book.

[31] R.P. George, "A Clash of Orthodoxies" (1999) 95 First Things 33.

[32] A. Huxley, *Ends and Means* (London: Chatto & Windus, 1937) at 252.

What Huxley says of metaphysics applies to faith and the world around us. The choice is not between faith and "no faith" but between, as Huxley says with respect to metaphysics, a good faith and a bad one. A good faith is one that corresponds reasonably closely with observed and inferred (and some might wish to add inspired) reality, and a bad one is a faith that does not. A "good" faith includes that series of affirmations consistent with a robust understanding of citizenship and the common good. In a constitutional order, a "bad" faith would take a view of the individual that is inconsistent with ordered freedom and such things as "tolerance," "respect," "dignity of the person," *etc.* Indeed, many liberals, though they insist upon them, do not wish to recognize them as based on any kind of faith.[33]

However, this elementary approach is avoided by most contemporary analysts and must be rediscovered if we are to explain the nature of the secular to contemporary sceptics who do not believe they believe or whose lack of confidence in what they perceive as faith blinds them to the many things they necessarily take "on faith." The four cardinal virtues of courage, wisdom/prudence, temperance/moderation and justice, for example, could be taught (with appropriate illustrations) in public schooling. Even the three "theological virtues" (faith, hope, and charity) could be taught while still recognizing that teaching their dogmatic or indoctrinational aspects would be properly left to families and religious communities. The introduction of such a "virtues based" curriculum ought not to conflict with religious or non-religious liberal beliefs and ought to provide a much richer ground for citizenship and public education than the current "soft relativism" of "values-based" education which amounts to little more than a *mélange* of half-formed sentiments.

It would be better that children, the citizens of tomorrow, be taught something of "justice" and "prudence" and the structure of the virtues than that they be cast adrift with a series of non-rank-ordered (and non-rank-orderable, given their entirely subjective nature) and necessarily ambiguous "values." After all, an axiom of modernity, perhaps *the* axiom of modernity, is that "you have your values and I have mine." In such a setting, how can a student differentiate between what is genuinely good and necessary and what is personal and, perhaps, trivial? George Grant and others have written about the bankruptcy of "values" frameworks, and if their insights become generally known and widely accepted, a wholesale change to many aspects of contemporary education should follow.[34]

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[33] See note 27, *supra*.

[34] The seriousness of the problem is touched upon in a recent work that traces the origins of "values" language in Nietzsche's thought. Professor Edward Andrew of the University of Toronto notes a fact that, in our current cultural malaise, ought to be widely known by those who think "values" improve culture or who speak easily about such things as so-called "*Charter* values": "…there has been only partial awareness [in the Western academy] that the language of values entails that nothing is intrinsically good and nobody is intrinsically worthy." E.G. Andrew, *The Genealogy of Values* (Lanham: Rowman and Littlefield, 1995) at 170. George Grant once said, in a Canadian Broadcasting Corporation interview that values language is "…an obscuring language for morality used when the idea of purpose has been destroyed…and that is why it is so wide-spread in North America" G. Grant, Transcript "The Moving Image of Eternity" *Ideas* (Toronto: CBC, 1986); thanks to producer David Cayley for bringing this transcript to my attention.

What Kind of "Secular" State Are We According to the Law?

As soon as one begins to look at the law historically, one realizes that judges and politicians have changed their views on this question over time. One thing is consistent, *at least in words*: the Canadian approach to religion and the state is still seen as different from the dominant manner in which that relationship is viewed in the United States.[35] Consider the language of the *Canadian Bill of Rights*.[36] In the Preamble the following is set out:

> The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;
>
> Affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law…[37]

While the *Charter* Preamble shrinks to two propositions, "the Supremacy of God and the Rule of Law" there is nothing in the document that precludes governmental *encouragement* of religion. There is no non-establishment clause. But even if there were, encouragement in a general sense by any meaningful definition, is a long way from "establishment" in ways that would offend the freedom of citizens. Any such restriction would therefore have to be read in by courts, since the document itself does not require it. Affirmation of "democratic" principles, properly interpreted, would urge an inclusive stance to accommodation of religious pluralism rather than a narrow reading.

There are, however, strong grounds to argue against a "false neutralist" interpretation of the term "secular." In the first place, a "neutralist" position is an illusion, because what

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[35] There is nothing in the language of the *Charter*, nor in Canadian history, that would require the kind of interpretation that has been given in the United States to the First Amendment (1791). That Amendment reads: "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof*; or abridging the freedom of speech, or the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances" [emphasis added]. The U.S. Supreme Court's First Amendment jurisprudence has been subjected to withering criticism by Michael W. McConnell, laying bare the court's lack of comprehension of "the central place of religious pluralism [and] hence minority religions…" see M.W. McConnell "Taking Religious Freedom Seriously" in T. Eastland, ed., *Religious Liberty in the Supreme Court* (Grand Rapids: Eerdmans, 1993) 497 at 500.

Where the Canadian Supreme Court has commented on American decisions, it has suggested that different constitutional considerations apply and that the American approaches are complicated by their own history—complication that it believes it is not wise to import into Canadian jurisprudence. See, for example,Chief Justice Dickson's comments in *Big M Drug Mart*, *supra* note 7 at 339 (S.C.R.) 356 (D.L.R.):

> In my view, this recourse to categories from the American jurisprudence is not particularly helpful in defining the meaning of freedom of conscience and religion under the Charter. The adoption in the United States of the categories "establishment" and "free exercise" is perhaps an inevitable consequence of the wording of the first Amendment. The cases illustrate, however, that these are not two totally separate and distinct categories, but rather, as the Supreme Court of the United States has frequently recognized, in specific instances "the two clauses may overlap."

He concluded that American decisions on freedom of religion must be applied with care by Canadian courts and at 341 (S.C.R.) 357 (D.L.R.) said:

> In my view the applicability of the Charter guarantee of freedom of conscience and religion does not depend on the presence or absence of an "anti-establishment principle" in the Canadian Constitution, a principle which can only further obfuscate an already difficult area of the law.

[36] *Canadian Bill of Rights*, S.C. 1960 c. 44, reprinted in R.S.C. 1985, App. III. On commenting on the *Canadian Bill of Rights* in an early *Charter* decision, Beetz J. stated that "the Bill of Rights retains its full force and effect' after the *Charter*. See *R. v. Singh* [1985] 1 S.C.R. 177 at 224.

[37] *Constitution Act*, 1982, Being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, Part 1, Preamble.

the State affirms in law is the assertion of "faith claims" of some sort against the "faiths" of others.

There is no reason why a democratic state may not, for perfectly good reasons, support religious faith purposes as furthering, amongst other things, the principles of democracy themselves. There is a strong line of argument (in writers as diverse as Tocqueville and Galston) that religious faith affirmations (in, for example, the dignity of the human person created in the image of God) enhance democracy and meaningful conceptions of freedom. Though I discuss this notion in greater detail below, it can also be argued that the "faith claims" of some versions of liberalism are derivative of religious belief, lack a good reasoned basis, and are, therefore, insufficient as grounding for citizenship. But until we characterize these differing viewpoints as a conflict of "faiths," we will see pseudo-neutral secularism's inchoate "faiths" drive the express faith of religion out of public realms. This is clearly visible in court decisions in the area of education.[38] Chief Justice Lamer began his dissent in *Rodriguez* by noting that the *Charter* "has established the essentially secular nature of Canadian society and the central place of freedom of conscience in the operation of our institutions."[39] But what does it mean to determine that a country has an "essentially secular nature?" Chief Justice Lamer and the court do not tell us. The passage suggests that an affirmation of the "secular" nature of the country is necessary to preserve "the central place of freedom of conscience in the operation of our institutions." So, for Chief Justice Lamer, something in the "secular" is essential to maximizing the freedom of conscience. The Chief Justice provides no authority for his statement that "the *Charter* has established the essentially secular nature of Canadian society." Indeed, as we have seen, the Preamble, history, and even the Court's affirmation of "religious tradition" all suggest a tension here. Chief Justice Lamer, does, however, cite authority for the centrality of "freedom of conscience in the operations of our institutions." That authority is the judgment of Chief Justice Dickson in the seminal case on the freedom of religion, *R. v. Big M Drug Mart*.[40]

Here, the freedom of religion was defined as follows:

> The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination.[41]

The state cannot coerce an individual to affirm a specific religious belief or to manifest a specific religious practice. It was fatal, in *Big M Drug Mart*, for example, that the Sunday closing legislation had a religiously-based purpose. When later legislation was challenged it survived on the basis that its purpose had become "secular" and any effect on other Saturday-observing consumers could survive a Section 1 analysis.

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[38] Two prime examples of courts completely missing the faith based nature of all public education and thereby affirming a "false neutral secular" are the Ontario Court of Appeal in *Zylberberg* v. *Sudbury Board of Education* (1988), 65 O.R. (2d) 641 (C.A.) and the British Columbia Supreme Court in *Chamberlain* v. *Surrey School District No. 36* (1998), 60 B.C.L.R. (3d) 311 (SC) [hereinafter *Surrey School*].

[39] *Rodriguez*, *supra* note 13 at 366.

[40] *Big M Drug Mart*, *supra* note 7.

[41] *Ibid.* at 336.

In *Surrey School*,[42] we see another manner in which a contemporary judge may interpret the meaning of the term "secular." In this decision, three books showing same-sex parents were the subject of an application for approval as classroom resource materials. The School Board Trustees refused to approve the books and various people, including members of a gay advocacy group, petitioned the court to set aside the Trustee's decision. Madam Justice Saunders held that the Trustee's resolution breached a requirement of the *School Act* which provides that all schools "shall be conducted on strictly secular and non-sectarian principles." The judge held that the School Board had breached this statutory requirement because "the words "conducted on strictly secular principles" preclude a decision *significantly influenced by religious considerations*."[43] For Saunders J., the requirement that a public body function on "secular" principles means that no concerns in education may be *influenced by* or *based upon* religious belief. What is the meaning of this idea? Let us consider the structure of the *Charter* itself.

Section 2(a) of the *Charter* affirms that "the freedom of conscience and religion" is a fundamental freedom. The terms "conscience" and "religion" are listed side by side. If all religious considerations are to be excluded from any influence in the public school setting because of the way Saunders J. interprets the terms "secular" and "non-sectarian" then why, by parity of reasoning, would Saunders J. not also suggest that "conscience" ought similarly to be banned from the exercise of public school determinations? In fact, if conscience is formed by religion (and many if not most people would say that their consciences were formed or influenced by religion) then why not exclude not only their religious views but their conscience influenced by religion as well?

To follow the idea through leads to the paradoxical result that a religious person could not run for any elected office or, if elected, could not function in a secular manner, at least as Saunders J. interprets the word, while using their religious beliefs or their conscience informed by a religious belief. This nonsensical result shows that the approach to "secular" is, at the very least, shallow and erroneous.

What is behind Madam Justice Saunders' reasoning here? Why would a decision based on the *conscience* of a trustee be exempt from concerns, but a decision based on the *religious convictions* of a trustee be circumscribed? Moreover, if "secular" is read to exclude moral decisions informed by religious convictions but not moral decisions arrived at based on conscience, then what is the reasoning of Saunders J. except *anti-religious*? How could it be anything other than an attack on religion under the guise of "secular neutrality?" This kind of judicial reasoning does not withstand scrutiny and ends up weakening the place both of "religion" and of "conscience" in Section 2. Awareness of the epistemological grounding of all human acts on faith and a richer historical, philosophical, and religious understanding of society would preclude the specious approaches some judges have recently articulated. When one considers the meaning of faith and the fact that every man and woman alive operates every day on a host of matters they cannot and do not empirically prove from moment to moment (that

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[42] *Supra* note 38.

[43] *Ibid.* at 330 [emphasis added].

the car mirrors work, that the sidewalk is actually there in front of me, that "human dignity" is a reality *etc.*) then on what valid basis can one kind of faith be banished to the private realm (religion) and the other declared fit for the public sphere (conscience)? And by what possible rule of moral analysis may a belief based on conscience be deemed to be acceptable while the same belief based on religious considerations be deemed to be unacceptable? Saunders J. has adopted an understanding of "secular" that, in addition to its philosophical incoherence, has no historical warrant.

Historical Background to the Terms "Secular" and "Secularism"

Before the Reformation the concepts of "religious" and "secular" did not exist as descriptions of fundamentally different aspects of society.[44] In fact, within the Roman Catholic tradition the categorization of clergy themselves remains to this day divided between "secular clergy" and "regular clergy." Those who are "secular" serve in the world (*saecularis:* "the times," "the age," "the world") and those who are "regular" are members of religious orders who live according to a rule (*i.e.* who take vows of poverty and obedience *etc.*). The historic use of "secular" in relation to clergy ought to alert us that the new use, which radically bifurcates religion and the secular, is just that, new.[45] Where the *Oxford English Dictionary* defines "secular," the uses of the word that suggest that the secular is "non-sacred" in character arise as recently as the mid-nineteenth century.[46]

"Secular" should be viewed alongside "secularization" and "secularism," though the differences between them are important. "Secularization" has been defined as:

> The process in which religious consciousness, activities and institutions lose social significance. It indicates that religion becomes marginal to the operation of the social system, and that the essential functions for the operation of society become rationalized, passing out of the control of agencies devoted to the supernatural.[47]

The distinction between the secular and the religious is, in a sense, jurisdictional. This functional distinction, noted in contemporary Catholic thought and represented in different ways in the earlier uses with respect to "secular clergy" and "regular clergy" can all too easily be mistaken as a distinction between faith and "no faith." But it is clear that on the moral and spiritual level the question of who runs a hospital—church or state—is, on one reading, not relevant in terms of whether the hospital, in fact, runs according to certain moral or even religious teachings.

Put another way, just because a particular religious group runs a hospital (or a school) does not necessarily mean that religious principles animate its operations. Conversely, the

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[44] F.M. Gedicks, "The Religious the Secular and the Antithetical," (1991) 20:1 Capital U. L. Rev. 20 145 at 116.

[45] *The Oxford Dictionary of the Christian Church* (London: Oxford University Press, 1974) *s.v.* "secular clergy." The same book also notes that the term "secularism" was first used around 1850.

[46] *The Oxford English Dictionary*, 2nd ed., *s.v.* "secular," "secularism," and "secularity." All uses suggesting a meaning of "secular" that denotes an absence of connection with *religion* post-date G.J. Holyoake, *The Principles of Secularism Briefly Explained* (London: Holyoake & Co., 1859).

[47] B.R. Wilson "Secularization" in M. Eliade, ed., *The Encyclopedia of Religion* (New York: MacMillan Publishing Co., 1987) 159 at 160. Oxford Professor of Jurisprudence John Finnis, has noted that "Neither the differentiating of the secular from the sacred, nor the social processes of secularization, entail the mind-set or cluster of ideologies we call "secularism" see, "On the Practical Meaning of Secularism" (1998) 73 Notre Dame L. Rev. 491 at 492.

fact that a secular school board runs a school does not mean that its operations are not run according to religious principles. The actual content of what is taught is the important factor. The question then, both for the state and the church, is what kind of faith is active, not just who runs a facility or what name is on the door. This distinction, at times subtle, needs to be kept in mind throughout any discussion of the nature of the "secular" in the modern era.[48]

In *Daly* v. *Ontario (Attorney General)* [49] on the constitutionality of s. 136 of the Ontario *Education Act*,[50] Mr. Justice Sharpe said:

> I find, therefore, that the evidence and the applicable legal principles justify a finding that s. 136 of the *Education Act* prejudicially affects the rights of the applicants guaranteed by the *Constitution Act, 1867*, s. 93(1). In my view, taking religious belief into account in making employment decisions with respect to teachers is a denominational aspect of the rights conferred by s. 93(1). I find further that the evidence shows that, at the very least, with respect to the teaching of religion and family studies, taking into account the religious faith of the teacher is necessary to ensure the enjoyment of the constitutional right.
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> I am fortified in reaching this conclusion by a body of case law that recognizes the importance of the religious faith of the teacher in a Catholic school. While a specific question of whether preferential hiring in favour of Roman Catholics is protected by s. 93 appears never before to have arisen for judicial consideration, in my view, these cases lend significant support to the Applicant's position.[51]

Here Sharpe J. refers to a line of denominational cause cases.[52]

This finding of Justice Sharpe was upheld by the Court Appeal in *Ontario (Attorney General)* v. *Daly*:

> Implicit in the recognition of the constitutional right to dismiss a teacher for denominational cause is an acknowledgment of the importance of the faith of the teacher to Catholic education. In my opinion, this right to dismiss necessarily has as its corollary a right to consider the faith of prospective teachers.[53]

While Mr. Justice Sharpe identifies correctly the importance of "religious faith" to Catholic education and both he and the justices of the Court of Appeal upheld the denominational standards and thereby allowed scope for genuine pluralism in education, he makes two serious errors that illustrate the theme of this paper. First, in the passage that follows he bifurcates faith and "intellectual explanations," implying that only "religious" explanations are based on faith and that religious explanations are not capable of "intellectual" grounding; second, he suggests that the "secular" is neutral with respect

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[48] McGill Professor of Philosophy Charles Taylor, in a note to a section of an essay on "The Public Sphere" discusses the concept of "radical secularity" and states: "As a matter of fact, excluding the religious dimension is not even necessary to my concept of the secular. A secular association is one grounded purely on common action, and this excludes any divine grounding for the association, but nothing prevents the people so associated from continuing a religious form of life; indeed, this form may even require that political associations be purely secular. There are also religious motives for espousing a separation of church and state." See, *Philosophical Arguments* (Cambridge: Harvard University Press, 1995) at 309 note 15.

[49] (1999) 38 O.R. (3d) 37 [hereinafter *Daly*].

[50] *Education Act*, R.S.O.1990, c. E. 2.

[51] *Supra* note 49 at 37-9.

[52] *Re Casagrande* v. *Hinton Roman Catholic Separate School District No. 155* (1987), 38 D.L.R. (4th) 382 (Alta. Q.B.); *Walsh and Newfoundland Teachers' Association* v. *Newfoundland (Treasury Board)* (1988), 220 A.P.R. 21 (Nfld. C.A.). Thanks to Peter Lauwers for providing these authorities.

[53] [1999] 172 D.L.R. (4th) 241 (Ont. C.A.) at §25, leave to appeal refused, 21 October 1999 S.C.C.A. No. 321.

to faith claims—an example of what is referred to earlier in this paper as the "false neutralist" position.

> The argument that a non-Catholic could acquire knowledge of the Catholic perspective on these matters and convey that knowledge to the students seems to me entirely to miss the point of such a course and to overlook the central objective of Catholic education as reflected by the evidence led by the applicants. *A non-believer would necessarily teach the subject from an intellectual rather that faith-based perspective.* Separate schools do not aim to teach their students about these matters from a neutral or objective point of view. Separate schools explicitly reject that secular approach and have consistently defined their mission to be the inculcation of a particular religious faith as the appropriate way for students to confront these issues in their lives. Given those objectives, it is difficult to see how the non-Catholic teacher's lack of belief could remain concealed from students. Even if the teacher were able to hide the fact that he or she did not embrace the Catholic faith, how could the teacher effectively urge a faith-based approach upon students? *The very notion of religious faith involves an acceptance of the limits of the human intellect and of the need to accept, on faith, certain fundamental precepts as a guide to life.*[54]

Mr. Justice Sharpe's mischaracterization of what is actually at issue with respect to faith and the "secular" could be described as a common misunderstanding. However, if religion and religiously inspired "faiths" are to be treated fairly and our culture is to have an actual sense of how faith (religious and non) operates, then the philosophical and rhetorical analysis that undergirds judicial reasoning on these matters must be taken to a new level.

It is unfair to exclude opinions that emanate from religiously held faith views (as in *Surrey School*[55]) or to view religion as faith-based but the "secular" as somehow neutral and based in a "non-faith" manner upon the "intellectual" (as in *Daly*[56]). What contemporary philosophers have shown us is that opposing views in all cases are equally based on certain faith assumptions and the question for a free and democratic society is how can competing faith assumptions share the public sphere. The approach taken by Justices Saunders and Sharpe mischaracterize faith, exclude religious faith explanations, and lend support to domination of the public by implicit or atheistically based faith claims.

What religious groups learned some time ago (that dogma and indoctrination have no place in public education, such that religious groups cannot expect that all their dearest beliefs be supported in public school classrooms) must be learned by other groups who are not used to this kind of analysis for their own orthodoxies. Failure to recognize the philosophical underpinnings of all human acts as based on faith and society itself as dependant upon what it takes on faith (about such things as, say, the validity of constitutional principles) tends to drive out those faith-claims that are described in religious language, while leaving unexamined and unchallenged those that oppose them. Thus, in the education sphere, if the kind of judicial analysis discussed above were to continue over time only implicit or atheistic faith-claims would be left as having access to public education—a situation author Lois Sweet has referred to as "secular fundamentalism."[57]

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[54] *Ibid.* at §65 [emphasis added].

[55] *Supra* note 38.

[56] *Supra* note 49.

[57] L. Sweet, *God in the Classroom* (Toronto: McClelland and Stewart, 1997) at 211. More generally, French philosopher Jacques Maritain has described the shift from a sacral to a secular age as "…something normal in itself, required by the Gospel's very distinction between God's and Caeser's domains." However, Maritain notes that this shift has been accompanied by "a most

While this result might be supported by those who have an axe to grind against religions (of whatever sort), it cannot be tolerated in a society that prides itself on tolerance, open-mindedness, and equality, or by a judiciary required to uphold the rule of law, rationality, freedom, and democracy (see the Preamble and section 1 of the *Charter*). The current dominance in civic discourse and judicial reasoning by philosophically inaccurate distinctions must end for genuine pluralism to be a reality in Canada.

If religion and religiously inspired "faiths" are to avoid being banished entirely from the public sphere, then the rhetorical analysis must be reconfigured. It is imperative that the faith-based nature of human endeavour be discussed so that the tension is not between faith and facts or created by a historically impoverished and inaccurate division between secular and religious but, rather, in terms of what kind of faith-claims can share the public sphere. There is no reason to denigrate opinions that emanate from religiously held views while elevating those animated by inchoate, implicit, and often secularistic faiths.[58]

In a recent book by philosopher Thomas Langan, the concept of "natural faith" is discussed as the basis of all human inquiry.[59] The implications of this work must be thought through, but, at the very least, it would seem as if Langan is creating the possibility here of a bridge between those who believe that religious faith undergirds their view of reality and those who believe they operate out of a position of no-faith. Professor Langan's discussion of "natural faith" is a convincing account of the fact that all human beings operate and must operate on the basis of "natural faith" assumptions ("the floor is there in front of my foot," "all human beings have dignity" *etc.*).

This observation calls into question how many people *implicitly* speak of the so-called "secular" realm as entirely free of faith claims. It may be true and good (for both religion and the state) that the state is not coextensive with the Church or religious communities and that a jurisdictional competency divides them.[60] It is false to claim, either implicitly

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aggressive and stupid process of insulation from, and finally rejection of, God and the Gospel in the sphere of social and political life. The fruit of this we can contemplate today in the *theocratic atheism* of the Communist State." See, *The Social and Political Philosophy of Jacques Maritain: Selected Readings* (New York: Charles Scribner and Sons, 1955) at 248 [emphasis added]. Maritain's choice of the phrase "theocratic atheism," like Lois Sweet's "secular fundamentalism" accurately names what has been a lamentable feature of the 20th century. Courts must be on guard to protect human beings in human society from theocracies of either the theistic or atheistic varieties. Maritain offers a helpful insight when he suggests that human society confronted by "bourgeois liberalism, communism and totalitarian statism" needs a view of freedom "…that is at the same time personalist and communal, one that sees human society as *an organization of freedoms*" at 338 [emphasis added].

58 In his "Tamworth Reading Room Letters," John Henry Cardinal Newman recognized that everyone who acts must take matters on faith and wrote: "Life is for action. If we insist on proofs for everything, we shall never come to action: to act you must assume, and that assumption is faith." See *Discussions and Arguments on Various Subjects* (London: Longmans, 1899) at 295. Any writers today who wish to come to a well informed understanding of the "secular" and faith should examine the works of Newman, particularly *Discussions and Arguments* and his *Fifteen Sermons Preached Before the University of Oxford Between A.D. 1826 and 1843* (London: Longmans, 1898) in which he draws a distinction between "implicit" and "explicit" religion, *ibid.* at 279. It is just such a distinction that I am suggesting in this paper between "explicit faith" and "implicit faith."

59 T. Langan, *Being and Truth* (Missouri: Missouri University Press, 1996).

60 Much of contemporary liberal *angst* on this score is based on a belief that religious people in fact want a unification of church and state or some kind of theocracy: see, for example, an article lamenting "desecularization" and the supposed threat that is posed to secularization by such things as the number of beds in Catholic hospitals that "are still under Church control.": E. Doer, "*Desecularization*" (1998) 58:4 Humanist 37. Yet nothing is further from the truth, and, at least with respect to many Protestant groups and the Roman Catholic Church, a separation of church and state is understood as essential in order for religious faith to perform its necessary functions in culture. In the Catholic tradition, a development of this understanding culminated in the text of the Vatican II document Declaration on Religious Liberty *Dignitatis Humanae* (7 December 1965) which grew in many ways out

or explicitly, however, that the state is "faith-free" or "religiously neutral" if by that we mean "contains no 'faith claims'," or must pre-emptively silence religious voices and insights. The demand that certain conscience views of activist teachers should have access to public classrooms but views animated by religious faith must keep silent by virtue of the *origin* of such views (faith outside religious frameworks or within them) is bizarre, biased, and illiberal. Yet this false neutrality is just what some judges and politicians uphold in their decisions about the place of a "religious perspective" and religious access to or participation in the public sphere.

Judges must be careful not to create an approach to competing faith claims that masks the competition of claims. They must also be careful to avoid the temptation (now frequently offered by litigants) to re-fashion what are, in essence, disputes of differing conscience or faith beliefs as disputes based on a supposed and imagined superiority of principles of *equality*, instead of a conflict that is actually rooted in differing faith conceptions. Conscience beliefs of one person may well run head-on into the beliefs of others. Nothing is gained by categorizing one set of beliefs as superior to the other, if one can characterize oneself as an "equality-seeking" litigant. All this does is provide a convenient though inaccurate ground to avoid the real issue.

Note that religion itself is one of the protected rights in Section 15, and that Section 2 protects "conscience and religion." It is properly characterizing conflicts *within sections*, not between them, that will maintain the proper symmetry of *Charter* jurisprudence. Failure to heed this important distinction has already led to increasing confusions of principle.[61]

The state affirms certain faith commitments in a multitude of ways. No liberal (religious or non), for example, can *prove* the notion of "the dignity of the human person" which many now profess. That notion comes from earlier religious traditions and relies entirely on faith assumptions, as do many key principles of "liberalism" and liberal tradition.[62] The fact that these basic notions seem not to be understood by elite groups (including lawyers and judges) shows the paucity of legal and general education, and the extent to which religious education now conforms too much to a secularism that wishes to drive religion out of any public place in culture.

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of the work of John Courtney Murray S.J.: see J.C. Murray, *We Hold These Truths* (Kansas City: Sheed and Ward, 1960). A functional separation of Church from State is not a separation of all aspects of society from religion or religious influence. Refusal to acknowledge the valid place for religion and religiously influenced views in all aspects of public life is an earmark of inappropriate "secularization" and current anti-religious bias.

[61] The Ontario Human Rights Commission decision in *Brillinger* v. *Brockie*, [2000] O.H.R.B.I.D. No. 3, Decision No. 00-003-R, Board File No. BI-0179-98, 24 February 2000, provides a good example of where the characterization of Brillinger's desire (on behalf of the Gay and Lesbian Archives) to use Brockie's printing press was inappropriately analyzed as a case of "equality" and "advancement" as against Brockie's religious belief that using his business to advance homosexual acts would be to support sin. The real question in the case is whether private actors ought to be forced to support views against which they are strongly opposed. Should a "pro-choice" printer be forced by Human Rights to publish materials from a "pro-life" organization? Characterizing the matter as a conflict regarding "equality" merely obfuscates the real issues of conscience conflict and accommodation in a pluralistic state. The Commission ordered that Brockie print the materials against his religious convictions with no analysis that what was at issue was a competition of conscience. The decision is under appeal.

[62] S.L. Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* (New York: Basic Books, 1993) at 224-226. Carter, quoting Robert Nisbet, notes at 226: "Even [John Stuart] Mill apparent atheist through much of his life, came in his final years to declare the indispensability of Christianity to both progress and order."

The public system must avoid certain kinds of affirmations and instructions and must seek to be genuinely tolerant. It must not, under the *guise of tolerance*, determine some "faith claims" (*i.e.* religiously based ones) out of bounds but leave others ("implicit faith claims") in. That would be to tilt the public sphere in the direction of atheism or agnosticism.

Conclusion: True Liberalism is Inconsistent with a "Faithless" Secularism

This idea, that the "secular" is or can be "faith-claim free" must be examined, particularly when judges are tempted to use some notion of "secular principles" to exclude reasoning based on faith commitments of various sorts. If one can show that the "secular" is not, in fact, free of the metaphysical (an easy task but one that is often overlooked in the analysis), then the ground for the state to pre-emptively rule out expressly "faith-based" or "religious faith influenced" decisions (as in *Surrey School*) disappears, since to exclude "religious faith" articulations while leaving in place other "faith-based" considerations, amounts to an impermissible move against religion.[63]

George Grant took a slightly different tack in challenging the so-called neutrality of a "secularized" state in an important critique published nearly 40 years ago. In his now-classic paper, "Religion and the State," Grant noted that liberal humanists (or Marxists) are, in fact, properly to be understood as "religious" people and, by inference, that their states are in a sense also "religious."[64] The key to successful incorporation of competing faiths in culture will depend upon the principles of accomodation.

In the Ontario court decisions of the mid and later 1990s, such as the *Bal* decision, the courts refused to accept an argument on behalf of Sikh, Hindu, Muslim, Mennonite, and Christian Reformed communities that a government Memorandum infringed their religious freedoms by restricting publicly funded alternative minority religious schools.[65] The court in *Bal* did not consider the question of accommodation at all much less in terms of the standard used in human rights cases: up to the point of "undue hardship." Religion here was treated as something that could simply be restricted and the claim that the secular sphere was neutral allowed to succeed. Even though the private sphere of employment and housing requires non-discrimination on the basis of religion and provides bona fide occupational requirement protection for religious believers, the courts have been unwilling to extend equality of treatment to parents seeking access to public

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[63] A legislative requirement that education be conducted on a "non-sectarian" basis, like the requirement that something be conducted in a "secular" manner relates not to its grounding or influence in faith (religious or not) but, rather, to its *exclusivity*. A "sect" after all is defined as: "a party or faction…" or "a religious following or adherence to a *particular* religious teacher or faith." Broadly supported and historically rooted "faith claims" will stand, one would think, a greater chance of overcoming a preclusion against sectarianism. There can be, on this reading of "sectarian," new sorts of sectarianism. These could include "sectarian liberalism" "sectarian feminism" and "sectarian neo-Marxism" to name but three that exhibit the particularity that makes them appropriately analogous to religious denominations or sects. *Oxford English Dictionary*, *supra* note 46.

[64] G. Grant, "Religion and the State" (1963) 70 Queen's Quarterly 183; republished in *Technology and Empire* (Toronto: Anansi, 1969) 43-60 [hereinafter "Religion and the State"]. The material in these next few paragraphs comes from I.T. Benson, "Religious Conscience, the State and the Law," Book Review of *Religious Conscience, the State and the Law* by J. McLaren and H. Coward, eds. (1999) 24 Queen's L. J. 691.

[65] *Bal* v. *Ontario (Attorney General)* (1994) 21 O.R. (3d) 682 (Ont. Ct. (Gen. Div.)); aff"d (1997), 34 O.R. (3d) 484 (Ont. C.A.), leave to appeal to S.C.C. denied (1998) 49 C.R.R.(2d) 188 (S.C.C.) [hereinafter *Bal*].

schools that would teach in accordance with their beliefs. The result is that unofficially sanctioned "atheistic" or "agnostic" beliefs (with their own "faith affirmations," such as that there is no God—every bit a "faith position" since it cannot be empirically proven)—are the "default" position of this kind of pseudo-neutrality.

Part of the task ahead is how best to express a more richly grounded understanding of the place of religion and "faiths" in culture and in relation to human freedom generally. For only in religion do we have a developed understanding of the place, nature, and causes of evil and the possibility of conversion, Grace, and redemption.[66] Many are concerned about individualism, fragmentation, and the increasing incoherence of contemporary law and philosophy. Few, however, have faced non-religious liberalism and the false-neutral secular with their own reliance upon and failure to acknowledge the many faith claims upon which some of their richest convictions rest.

If citizens (religious and non), continue to attempt to speak to surrounding cultures in confused language (such as by misusing the term "secular" or using the pseudo-moral language of "values" when they mean an objective category of truth and meaning), they will never succeed in communicating those matters that are deepest and most essential to citizenship and culture. The fact that so many religious people and religious leaders, just like those non-religious people and leaders around them, use the language of "values" in such phrases as "family values" or "*Charter* values" shows that they do not understand how modern philosophy has corrupted both the language they themselves use and the traditions they still imagine themselves to inhabit. Reclamation of what T.S. Eliot called "the dialect of the tribe" is essential if there is to be a meaningful cultural understanding of citizenship or nationhood itself.

Those who seek to educate and/or convince judges through legal argument should now speak of the "secular" in a way that suggests it is a realm of faith amongst many other kinds of faith in a pluralistic society. They must show that the assumptions of the public sphere are informed by faith of various kinds and all citizens have every right in all places, by appropriate forms, to inform the public realm of the reasons that give meaning to their faith, and why that understanding is important for pluralism and the ordered freedom that is essential for liberalism.

For some, this will be discussion in religious language, for others it will be philosophical (virtue or principles or, perhaps, both), but for all it will involve matters taken beyond the simple proofs of the empirical.[67] To do so will require skilful expression and a great deal

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[66] James Schall, in a book that would be of tremendous help to students of politics and politicians as well as those interested in the law, notes that all political philosophy must wrestle with three aspects: 1) the problem of evil or coercion; 2) the problem of virtue; and 3) the problem of contemplation of the highest things. See J.V. Schall, *At the Limits of Political Philosophy: From "Brilliant Errors" to Things of Uncommon Importance* (Washington, D.C.: Catholic University of America, 1996) at 2. These are precisely the questions that are rarely debated in contemporary politics and often avoided by the courts. Yet law and morals simply cannot operate in water-tight compartments. For a useful examination of the necessary relationships and the implications of this for law and democracy see R.P. George, *In Defense of Natural Law* (Oxford: Clarendon Press, 1999), especially Chapter 17 "Moralistic Liberalism and Legal Moralism" and Chapter 18 "Law, Democracy and Moral Disagreement."

[67] Some who read this will resort to the defense of "values" subjectivism and decry attempts to teach and inculcate "shared meanings" as "moral imperialism." But if this is so, why should we continue to insist on such metaphysical affirmations as "tolerance" "respect" and the "good" of such things as "diversity," "dignity of the person," *etc*.? We cannot hope seriously to maintain respect for objective *goods* while deriding the very notion of objective *truth*. The person who denies truth in theory

of charity and patience, as well as a significant increase in our collective philosophical and theological understandings.[68]

This is not the first time in human history that faith communities (defined, in this instance, as those who regard themselves as religious) have had to learn to create a language of engagement with unfriendly or uncomprehending groups around them. This time, however, the task of communication has a new twist. Now those who wish to overcome the misunderstandings of contemporary audiences must show them not only the statues that represent faith in the "unknown gods" but the fact, in the first place, that they even *have* faith *and* "unknown gods."[69]

It is ironic that perhaps the dominant understanding of "secular" in our time hides its divinity and faith-claims within a supposedly neutral language. But its fruits are more clearly seen with each passing year. They are fruits that do not bode well for those of religious faith or citizens committed to notions of a common-good that religious and non-religious citizens can inhabit peaceably, however confidently they might claim, as some more optimistic religious people do, that "we do not live in a secularized world."[70]

As noted by President Clinton's former advisor, William Galston, it is possible to reconcile traditionalism and liberalism, and the state of current Western societies demands that this effort occur because:

> In some measure, religion and liberal policies need each other. Religion can undergird key liberal values and practices; liberal politics can protect—and substantially accommodate—the free exercise of religion. But this relationship of mutual support dissolves if the respective proponents lose touch with what unites them. Pushed to the limit, the juridical principles and practices of a liberal society tend inevitably to corrode moralities that rest either on traditional forms of social organization or on the stern requirements of revealed religion….liberal theorists (and activists) who deny the very existence of legitimate public involvement in matters such as family stability, moral education, and religion are unwittingly undermining the values and institutions they seek to support.[71]

The attacks against religion in recent years ought more properly to awake all citizens to the fact that for religious freedom and the meaningful freedom of society itself, reclaiming a proper understanding of the "secular" is an important task. We need, in

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cannot complain when they are denied, for example, tolerance in practice. For what is the demand for "tolerance" but an inarticulate cry for "truth," however diminished the person's sense of what truth entails may be?

[68] Professor Louis Dupré of Yale University has noted that "democratic freedom is perfectly compatible with a positive conception of the common good" and has warned that he sees:

> [N]o chance of regaining even a minimal agreement on what constitutes the common good without some return to a religious-moral view of the human place in cosmos and society. Without the restoration of some sense of transcendance, there remains little hope for a consensus on what must count as good in itself. For such a good must present itself in an objective, *given* order….what I am defending, in plain terms, is a return to virtue on a religious basis as an indispensable condition for any possibility of a genuine conception of, and respect for, the common good.

See L. Dupré, *"The Common Good and the Open Society"* (1993) 55 The Review of Politics 687 at 707-8 [emphasis in original]. It ought to come as no surprise that confidence in the concept of the "common good" has diminished as confidence in morals, metaphysics and truth itself has diminished. If there is no "common good" how can there be meaningful justice? While this paper has suggested that moves towards "liberal virtue" are enhanced by discussions of faith generally, Professor Dupré's conviction that it is only a "return to virtue *on a religious basis* [that is] an indispensable condition for any possibility of a genuine conception of, and respect for, the common good" raises a point that needs to be discussed in greater detail.

[69] The reference here is to St. Paul's use of "unknown gods" in Acts 17:22-25.

[70] P.L. Berger "Secularism in Retreat" (1996) 46 Nat'l Interest 1 at 3.

[71] W. Galston, *supra* note 27 at 279.

short, a re-understanding and redefinition of the secular and a new and broader understanding of faith so that both "religion" and "conscience" can be adequately protected, nurtured, and encouraged in society.[72] Should this not happen, the maintenance of the ordered freedom required for genuine liberalism and democracy seems unlikely.

[72] Given the extraordinary degree to which higher education has lent itself to disciplinary fragmentation over the last century, it is unlikely that anything less than a wholesale reconsideration of contemporary education could produce the effective resources for epistemological re-grounding. A *trans-disciplinary* study is needed to compensate for the radical fragmentation of contemporary specialization and the weakness of inter-disciplinary studies. How else but through a self-consciously integrative approach (between and within disciplines) could law, theology, philosophy, and the social sciences ever be held together so as to provide a intellectual base of integrated ideas that might provide solutions to the massive problems that confront contemporary societies? A return to unified education—to *uni*versity, is required.

Those occupying the key positions of leadership in law, politics, education, and medicine have consistently shown themselves to be unequipped (even if they have the will) to make the necessary investigations in social policy. The need for what some have called *trans-disciplinary* approaches is suggested in some interesting recent work emanating from the area of theological and philosophical studies by the Cambridge University theologian/philosopher Catherine Pickstock. In a review of a book on economic and political theory, the author concludes that "to arrive at the necessity of a teleological critique of commercialism is to arrive, perhaps without knowing it, at the necessity of a theological critique. The only authentic alternative to the sliced loaf, exchanged for cash, is perhaps not some other type of bread as such, but the *compagnia* resulting from the sharing of the bread of sacrifice." C. Pickstock "*Capitalism or Secularism? Search for the Culprit*" (1996) 108 Telos 165 at 168. I thank Dr. Pickstock for bringing this article to my attention.

The manifest *metaphobia* (fear of metaphysics) exhibited in the curricula of most contemporary disciplines, focused as they are on *techniques*, to the exclusion of *purposes*, must sooner or later come to grips with its equally evident *theophobia* (fear of God) and the effect of both on not only the rigour of the disciplines themselves but the lives of those who work within them, not to mention the effects on culture of the wholesale deracination of learning. Post communist societies do not, in general or to the same extent, share our metaphobic and theophobic stances and by dint of long exposure to state-enforced atheism and having witnessed its effects at close hand, have been quite open about the need to encourage "spiritual enlargement" and "moral obligations." See V. Havel, *The Art of The Impossible: Politics and Morality in Practice* (New York: Knopf, 1997) at 129. Need we descend to the same depths before we learn the necessary lessons?

Invocatio Dei and the European Constitution

Joseph Weiler

In progressive liberal circles, the demand that the Preamble to the Constitution of the European Union include a reference to God and/or the "Christian Roots" of Europe has been met with derision, even contempt. Such a reference, it is said, would run afoul of the common European constitutional tradition of state neutrality in matters of religion. It would also offend against Europe's political commitment to a tolerant, multicultural society. But the opposite is true: a reference to God is both constitutionally permissible and politically imperative.

Constitutionally, European nations display characteristic richness. As a matter of positive constitutional law, all members of the EU, under the tutelage of the European Convention on Human Rights, are committed to the principle of the "Agnostic or Impartial State," which guarantees both freedom of religion and freedom from religion. Across Europe, there is a remarkable degree of homogeneity-even if on some borderline issues such as religious headgear in schools or crucifixes, different EU member states balance differently the delicate line between freedom of religion and freedom from religion.

But when it comes to constitutional symbolism and iconography, Europe is remarkably heterogeneous. At one extreme you find countries like France, whose constitution defines the State as secular (laique). At the other extreme are countries like Denmark and the UK, where there is an established state religion.

In the UK, the sovereign is not only head of state but also head of the church. In between are states like Germany, whose constitutional preamble makes an explicit reference to God, or Ireland, where the preamble refers to the Holy Trinity.

All in all, about half the population of the EU lives in states whose constitutions make an explicit reference to God and/or Christianity. What is remarkable about Europe-a value to be cherished-is that even in such states, the principle of freedom of religion and freedom from religion are fully respected. No one could credibly argue that, say, Denmark is less committed to liberal democracy or is less tolerant than, say, France or Italy, despite the fact that Denmark recognizes an official state church and France and Italy are avowedly secular.

In its substantive provisions, the European Constitution reflects the homogeneity of the European constitutional tradition. It is fully committed to the notions of freedom of religion and freedom from religion, as it should be.

But when it comes to the preamble, the EU Constitution should reflect European heterogeneity. It should reflect the European commitment to the noble heritage of the French Revolution, as reflected in, say, the French constitution, but it should reflect in equal measure the symbolism of those constitutions that include an invocatio dei .

The refusal to make a reference to God is based on the false argument that confuses secularism with neutrality or impartiality. The preamble has a binary choice: yes to God, no to God. Why is excluding a reference to God any more neutral than including God? It is favoring one worldview, secularism, over another worldview, religiosity, masquerading as neutrality. How, then, can one respect both traditions?

The new Polish constitution gives an elegant answer: It acknowledge both traditions: " We, the Polish Nation - all citizens of the Republic, both those who believe in God as the source of truth, justice, good and beauty, as well as those not sharing such faith but respecting those universal values as arising from other sources, equal in rights and obligations towards the common good …"

A similar solution should be found for the European Constitution. Europe cannot preach cultural pluralism and practice constitutional imperialism. Indeed, the political imperative is as great as the constitutional one.

Europe, after all, is committed to democracy worldwide. But in the European way of thinking, democracy must be spread pacifically, by persuasion, not by force of arms. One of the greatest obstacles to the spread of democracy is the widely held view that religion and democracy are inimical to each other: to adopt democracy means to banish God and religion from the public sphere and make it strictly a private affair.

Indeed, that is the message that the Franco-American model of constitutional democracy sends to the world. But is the particular relationship between church and state at the time of the French and American Revolutions the model that Europe wishes to propagate in the rest of the world today? Is the European Constitution to proclaim that God is to be chased out of the public space? How long must we be prisoners of that historical experience?

The state has changed, and the church has changed even more. In this area, as in many others, Europe can lead by example and offer an alternative to American (and French) constitutional separationism. It can be a living illustration that religion is no longer afraid of democracy and that democracy is no longer afraid of religion.

The truest pluralism is embodied by states that can, on the one hand, effectively guarantee both religious freedom and freedom from religion, yet acknowledge without fear-even in their constitutions-the living faith of many of their citizens. Only this model has any chance of persuading societies that still view democracy with suspicion and hostility.

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Joseph Weiler, Faith in the Agnostic State

As Europe wrestles with the preamble to its constitution, Joseph Weiler is fighting for an acknowledgement of the continent's Christian past.

INTERVIEW BY SARA IVRY

Many European countries refer to God or Christianity in their constitutions, but the drafters of the 15-member European Union's founding document left out all overt religious references. In A Christian Europe, due out next year, New York University Professor Joseph Weiler argues such thinking is a "Jacobin ambush" that ignores the continent's "Judeo-Christian" heritage without engendering a greater sense of multiculturalism. If an Orthodox Jew can champion recognition of Europe's theological roots, why should anyone else feel threatened?

Your views on religion and European integration come as a surprise—particularly given your own background and beliefs. How did you come to think that the preamble of the European Constitution should mention Christianity?

I have been asked endlessly how come a practicing Jew can advocate that the preamble to the Constitution of Europe should contain a reference to God and to the Christian roots of Europe. I should point out I advocate that the reference be to the Judeo-Christian tradition. My answer is always the same. I am a practicing Jew but I am also a practicing constitutionalist.

The new constitution should try, as far as possible, to respect the traditions of its member states. Excluding God does not. It is a French Jacobin ambush.

What do you mean?

European constitutions respect the principle of the agnostic state. It is a principle of impartiality. It means that individuals have the freedom to practice religion and also to be shielded from religious coercion. But, unlike the American constitution and some European constitutions (like France or Italy), the principle of impartiality of the agnostic state is not tantamount to the principle of separation.

In drafting a constitution for Europe, the draftsmen could have decided to have no preamble at all. But they decided to—very majestic, full of pomp, reflecting the Enlightenment values of the French Revolution and excluding the sensibilities found in the constitutions of states representing more than half the population of Europe.

Do any of the individual constitutions mention God?

Some countries' constitutions make no reference to God. The French constitution defines France as a secular state. That is a perfectly respectable and honorable choice. Preambles of other states are different. The Germans, who drafted theirs after World War II with strong American influence, refer to "our responsibility before God and Man." The Irish constitution refers to the Holy Trinity.

Some fear that including any overt reference inevitably leads to religious coercion. Does that worry you?

Nobody's suggesting that Christianity become the established religion. It's a mere acknowledgement. So that danger is remote. True, it is informed by the historical past. And that explains also the attitude of many Jews. In some countries, like France and Italy, the emancipation of the Jews was part and parcel of the emergence of the secular state. But one cannot forever be looking, like Lot's wife, backwards. One risks her fate. The commitment to the constitutional democratic state is deep. And much has changed in religious thinking and practice. The Christian churches at the beginning of the 21st century, notably the Catholic Church post-Vatican II, are much different from those we saw at the beginning of the 20th Century.

Right now, I fear the opposite—observant Jews like myself being unable to take certain qualifying exams in, say, France because these are held on a Saturday; or the banning of kosher slaughtering in several jurisdictions.

How have Americans reacted to Europe's constitutional question?

Separationism is so ingrained in America that the image that comes to mind is Christian Europe is a fundamentalist thing. But in Europe, there's no country less fundamentalist than Great Britain—and yet with great equanimity there's an established church. There's no state in Europe more liberal than Denmark, and yet with total equanimity they have an established church. It doesn't seem to be in contradiction with a liberal conviction. That's something that, in the United States, would seem anathema. The issue is not whether any religion should be established but whether the strict separation that is practiced is really necessary in order to guarantee the agnostic state. That's the big question.

That's something one can learn in this country: that card-carrying liberal democrats in European countries do not find it in any way contradictory to acknowledge not only a recognition in public space of religious icons, but a fully established church.

What does your position on recognizing the Christian—or Judeo-Christian—roots of Europe mean for Israel?

It's apples and oranges. In Israel, the question of the Jewish state is not just of acknowledgement. The question is whether in the substance of the state its Jewish character will be acknowledged: El Al not flying on Shabbat; no nonkosher foods served in the army—in other words, where Jewish normativity actually becomes part of the

fabric of public life. Whereas nobody in Europe is thinking of actually making Christianity part of the fabric of the European Union. It's acknowledgement of a heritage.

Second, the question of a Jewish state is tied to conditions of citizenship. Every Jew has a right to citizenship. Again nobody in his right mind—not the most fervent supporter of reference to God or Christian roots of Europe—is thinking that in any way, manner, or shape Christianity should be a qualifier of citizenship.

You see bending over backward to avoid insulting religious minorities as naive and oversensitive. But wouldn't European Jews, or the growing population of Muslim immigrants, welcome such a gesture?

Yes, what of the Muslim community? They find themselves in a polity which is fully committed to liberal democracy. It guarantees their religious freedom and makes them full citizens. Two of the most popular countries for Muslim immigration, for example, are the U.K. and Denmark. I have never heard complaints concerning the fact that in both countries there is an established Church, that the British national anthem is God Save the Queen. That is the Denmark and the Britain they want to come to. In neither of those countries would there be any religious coercion nor would they suffer any disability by the fact that they are not Lutheran or Anglican. Why would they feel slighted or diminished if the European constitution acknowledges what is an historical reality: the central place, for good and for bad, that Christianity has played in the evolution of Europe?

You've also said that opting for a kind of 'neutrality' wherein the state avoids religious symbolism is disingenuous. Why?

The refusal to make a reference to God is based on the false argument that confuses secularism with neutrality or impartiality. The preamble has a binary choice: yes to God, no to God. Why, I ask, is excluding a reference to God any more neutral than including God? It is favoring one worldview, secularism, over another world view, religiosity. In a binary situation, no choice is neutral.

What about religious symbols—a crucifix, for example—in public places?

They are all over. Should we tear down cathedrals? Empty the religious art from publicly funded museums? Of course not. Whether a Muslim girl should allowed to wear her headscarf to school or a Jewish boy should be forbidden to wear his kippah is not going to be determined by the inclusion or exclusion of religious symbolism in the European constitution.

But to exclude such symbolism given that it is included in the constitutions of member states—does that strike one as consistent with the very democratic principles which you raise? These issues should be settled by reference to some principles of tolerance rather than the dictates of majorities.

If Christian themes are everywhere—in art, literature, music—why must they be explicitly acknowledged? Isn't the historic role of Christianity so well understood that it doesn't have to be enshrined in the European Constitution?

Maybe. But in this case, the deliberate decision behind the exclusion makes the constitutional silence thunderous.

Sara Ivry is the associate editor of Nextbook.org.

CLASS 12. CLASH OF CIVILIZATIONS OR 'FLAT WORLD'?

THE CLASH OF CIVILIZATIONS
Samuel P. Huntington

Foreign Affairs. Summer 1993, v72, n3, p22 (28)
from the Academic Index (database on UTCAT system)

THE NEXT PATTERN OF CONFLICT

World politics is entering a new phase, and intellectuals have not hesitated to proliferate visions of what it will be--the end of history, the return of traditional rivalries between nation states, and the decline of the nation state from the conflicting pulls of tribalism and globalism, among others. Each of these visions catches aspects of the emerging reality. Yet they all miss a crucial, indeed a central, aspect of what global politics is likely to be in the coming years.

It is my hypothesis that the fundamental source of conflict in this new world will not be primarily ideological or primarily economic. The great divisions among humankind and the dominating source of conflict will be cultural. Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations. The clash of civilizations will dominate global politics. The fault lines between civilizations will be the battle lines of the future.

Conflict between civilizations will be the latest phase in the evolution of conflict in the modern world. For a century and a half after the emergence of the modern international system with the Peace of Westphalia, the conflicts of the Western world were largely among princes--emperors, absolute monarchs and constitutional monarchs attempting to expand their bureaucracies, their armies, their mercantilist economic strength and, most important, the territory they ruled. In the process they created nation states, and beginning with the French Revolution the principal lines of conflict were between nations rather than princes. In 1793, as R. R. Palmer put it, "The wars of kings were over; the wars of peoples had begun." This nineteenth- century pattern lasted until the end of World War 1. Then, as a result of the Russian Revolution and the reaction against it, the conflict of nations yielded to the conflict of ideologies, first among communism, fascism-Nazism and liberal democracy, and then between communism and liberal democracy. During the Cold War, this latter conflict became embodied in the struggle between the two superpowers, neither of which was a nation state in the classical European sense and each of which defined its identity in terms of its ideology.

These conflicts between princes, nation states and ideologies were primarily conflicts within Western civilization, "Western civil wars," as William Lind has labeled them. This was as true of the Cold War as it was of the world wars and the earlier wars of the seventeenth, eighteenth and nineteenth centuries. With the end of the Cold War, international politics moves out of its Western phase, and its center-piece becomes the interaction between the West and non-Western civilizations and among non-Western civilizations. In the politics of civilizations, the peoples and governments of non-Western civilizations no longer remain the objects of history as targets of Western colonialism but join the West as movers and shapers of history.

THE NATURE OF CIVILIZATIONS

During the cold war the world was divided into the First, Second and Third Worlds. Those divisions are no longer relevant. It is far more meaningful now to group countries not in terms of their political or economic systems or in terms of their level of economic development but rather in terms of their culture and civilization.

What do we mean when we talk of a civilization? A civilization is a cultural entity. Villages, regions, ethnic groups, nationalities, religious groups, all have distinct cultures at different levels of cultural heterogeneity. The culture of a village in southern Italy may be different from that of a village in northern Italy, but both will share in a common Italian culture that distinguishes them from German villages. European communities, in turn, will share cultural features that distinguish them from Arab or Chinese communities. Arabs, Chinese and Westerners, however, are not part of any broader cultural entity. They constitute civilizations. A civilization is thus the highest cultural grouping of people and the broadest level of cultural identity people have short of that which distinguishes humans from other species. It is defined both by common objective elements, such as language, history, religion, customs, institutions, and by the subjective self-identification of people. People have levels of identity: a resident of Rome may define himself with varying degrees of intensity as a Roman, an Italian, a Catholic, a Christian, a European, a Westerner. The civilization to which he belongs is the broadest level of identification with which he intensely identifies. People can and do redefine their identities and, as a result, the composition and boundaries of civilizations change.

Civilizations may involve a large number of people, as with China ("a civilization pretending to be a state," as Lucian Pye put it), or a very small number of people, such as the Anglophone Caribbean. A civilization may include several nation states, as is the case with Western, Latin American and Arab civilizations, or only one, as is the case with Japanese civilization. Civilizations obviously blend and overlap, and may include subcivilizations. Western civilization has two major variants, European and North American, and Islam has its Arab, Turkic and Malay subdivisions. Civilizations are nonetheless meaningful entities, and while the lines between them are seldom sharp, they are real. Civilizations are dynamic; they rise and fall; they divide and merge. And, as any student of history knows, civilizations disappear and are buried in the sands of time.

Westerners tend to think of nation states as the principal actors in global affairs. They have been that, however, for only a few centuries. The broader reaches of human history have been the history of civilizations. In A Study of History, Arnold Toynbee identified 21 major civilizations; only six of them exist in the contemporary world.

WHY CIVILIZATIONS WILL CLASH

Civilization identity will be increasingly important in the future, and the world will be shaped in large measure by the interactions among seven or eight major civilizations. These include Western, Confucian, Japanese, Islamic, Hindu, Slavic-Orthodox, Latin American and possibly African civilization. The most important conflicts of the future will occur along the cultural fault lines separating these civilizations from one another.

Why will this be the case?

First, differences among civilizations are not only real; they are basic. Civilizations are differentiated from each other by history, language, culture, tradition and, most important, religion. The people of different civilizations have different views on the relations between God and man, the individual and the group, the citizen and the state, parents and children, husband and wife, as well as differing views of the relative importance of rights and responsibilities, liberty and authority, equality and hierarchy. These differences are the product of centuries. They will not soon disappear. They are far more fundamental than differences among political ideologies and political regimes. Differences do not necessarily mean conflict, and conflict does not necessarily, mean violence. Over the centuries, however, differences among civilizations have generated the most prolonged and the most violent conflicts.

Second, the world is becoming a smaller place. The interactions between peoples of different civilizations are increasing; these increasing interactions intensify civilization consciousness and awareness of differences between civilizations and commonalities within civilizations. North African immigration to France generates hostility among Frenchmen and at the same time increased receptivity to immigration by "good" European Catholic Poles. Americans react far more negatively to Japanese investment than to larger investments from Canada and European countries. Similarly, as Donald Horowitz has pointed out, "An Ibo may be ... an Owerri Ibo or an Onitsha Ibo in what was the Eastern region of Nigeria. In Lagos, he is simply an Ibo. In London, he is a Nigerian. In New York, he is an African." The interactions among peoples of different civilizations enhance the civilization-consciousness of people that, in turn, invigorates differences and animosities stretching or thought to stretch back deep into history.

Third, the processes of economic modernization and social change throughout the world are separating people from longstanding local identities. They also weaken the nation state as a source of identity. In much of the world religion has moved in to fill this gap, often in the form of movements that are labeled "fundamentalist." Such movements are found in Western Christianity, Judaism, Buddhism and Hinduism, as well as in Islam. In most countries and most religions the people active in fundamentalist movements are

young, college-educated, middle- class technicians, professionals and business persons. The "unsecularization of the world," George Weigel has remarked, "is one of the dominant social facts of life in the late twentieth century." The revival of religion, "la revanche de Dieu," as Gilles Kepel labeled it, provides a basis for identity and commitment that transcends national boundaries and unites civilizations.

Fourth, the growth of civilization-consciousness is enhanced by the dual role of the West. On the one hand, the West is at a peak of power. At the same time, however, and perhaps as a result, a return to the roots phenomenon is occurring among non-Western civilizations. Increasingly one hears references to trends toward a turning inward and "Asianization" in Japan, the end of the Nehru legacy and the "Hinduization" of India, the failure of Western ideas of socialism and nationalism and hence "re-Islamization" of the Middle East, and now a debate over Westernization versus Russianization in Boris Yeltsin's country. A West at the peak of its power confronts non-Wests that increasingly have the desire, the will and the resources to shape the world in non-Western ways.

In the past, the elites of non-Western societies were usually the people who were most involved with the West, had been educated at Oxford, the Sorbonne or Sandhurst, and had absorbed Western attitudes and values. At the same time, the populace in non-Western countries often remained deeply imbued with the indigenous culture. Now, however, these relationships are being reversed. A de-Westernization and indigenization of elites is occurring in many non-Western countries at the same time that Western, usually American, cultures, styles and habits become more popular among the mass of the people.

Fifth, cultural characteristics and differences are less mutable and hence less easily compromised and resolved than political and economic ones. In the former Soviet Union, communists can become democrats, the rich can become poor and the poor rich, but Russians cannot become Estonians and Azeris cannot become Armenians. In class and ideological conflicts, the key question was "Which side are you on?" and people could and did choose sides and change sides. In conflicts between civilizations, the question is "What are you?" That is a given that cannot be changed. And as we know, from Bosnia to the Caucasus to the Sudan, the wrong answer to that question can mean a bullet in the head. Even more than ethnicity, religion discriminates sharply and exclusively among people. A person can be half-French and half-Arab and simultaneously even a citizen of two countries. It is more difficult to be half-Catholic and half-Muslim.

Finally, economic regionalism is increasing. The proportions of total trade that were intraregional rose between 1980 and 1989 from 51 percent to 59 percent in Europe, 33 percent to 37 percent in East Asia, and 32 percent to 36 percent in North America. The importance of regional economic blocs is likely to continue to increase in the future. On the one hand, successful economic regionalism will reinforce civilization-consciousness. On the other hand, economic regionalism may succeed only when it is rooted in a common civilization. The European Community rests on the shared foundation of European culture and Western Christianity. The success of the North American Free Trade Area depends on the convergence now underway of Mexican, Canadian and

American cultures. Japan, in contrast, faces difficulties in creating a comparable economic entity in East Asia because Japan is a society and civilization unique to itself. However strong the trade and investment links Japan may develop with other East Asian countries, its cultural differences with those countries inhibit and perhaps preclude its promoting regional economic integration like that in Europe and North America.

Common culture, in contrast, is clearly facilitating the rapid expansion of the economic relations between the People's Republic of China and Hong Kong, Taiwan, Singapore and the overseas Chinese communities in other Asian countries. With the Cold War over, cultural commonalities increasingly overcome ideological differences, and mainland China and Taiwan move closer together. If cultural commonality is a prerequisite for economic integration, the principal East Asian economic bloc of the future is likely to be centered on China. This bloc is, in fact, already coming into existence. As Murray Weidenbaum has observed,

"Despite the current Japanese dominance of the region, the Chinese-based economy of Asia is rapidly emerging as a new epicenter for industry, commerce and finance. This strategic area contains substantial amounts of technology and manufacturing capability (Taiwan), outstanding entrepreneurial, marketing and services acumen (Hong Kong), a fine communications network Singapore), a tremendous pool of financial capital (all three), and very large endowments of land, resources and labor (mainland China).... From Guangzhou to Singapore, from Kuala Lumpur to Manila, this influential network--often based on extensions of the traditional clans--has been described as the backbone of the East Asian economy."(1)

Culture and religion also form the basis of the Economic Cooperation Organization, which brings together ten non-Arab Muslim countries: Iran, Pakistan, Turkey, Azerbaijan, Kazakhstan, Kyrgyzstan, Turkmenistan, Tadjikistan, Uzbekistan and Afghanistan. One impetus to the revival and expansion of this organization, founded originally in the 1960 by Turkey, Pakistan and Iran, is the realization by the leaders of several of these countries that they had no chance of admission to the European Community. Similarly, Caricom, the Central American Common Market and Mercosur rest on common cultural foundations. Efforts to build a broader Caribbean-Central American economic entity bridging the Anglo-Latin divide, however, have to date failed.

As people define their identity in ethnic and religious terms, they are likely to see an "us" versus "them" relation existing between themselves and people of different ethnicity or religion. The end of ideologically defined states in Eastern Europe and the former Soviet Union permits traditional ethnic identities and animosities to come to the fore. Differences in culture and religion create differences over policy issues, ranging from human rights to immigration to trade and commerce to the environment. Geographical propinquity gives rise to conflicting territorial claims from Bosnia to Mindanao. Most important, the efforts of the West to promote its values of democracy and liberalism as universal values, to maintain its military predominance and to advance its economic interests engender countering responses from other civilizations. Decreasingly able to mobilize support and form coalitions on the basis of ideology, governments and groups

will increasingly attempt to mobilize support by appealing to common religion and civilization identity.

The clash of civilizations thus occurs at two levels. At the micro- level, adjacent groups along the fault lines between civilizations struggle, often violently, over the control of territory and each other. At the macro-level, states from different civilizations compete for relative military and economic power, struggle over the control of international institutions and third parties, and competitively promote their particular political and religious values.

THE FAULT LINES BETWEEN CIVILIZATIONS

The fault lines between civilizations are replacing the political and ideological boundaries of the Cold War as the flash points for crisis and bloodshed. The Cold War began when the Iron Curtain divided Europe politically and ideologically. The Cold War ended with the end of the Iron Curtain. As the ideological division of Europe has disappeared, the cultural division of Europe between Western Christianity, on the one hand, and Orthodox Christianity and Islam, on the other, has reemerged. The most significant dividing line in Europe, as William Wallace has suggested, may well be the eastern boundary of Western Christianity in the year 1500. This line runs along what are now the boundaries between Finland and Russia and between the Baltic states and Russia, cuts through Belarus and Ukraine separating the more Catholic western Ukraine from Orthodox eastern Ukraine, swings westward separating Transylvania from the rest of Romania, and then goes through Yugoslavia almost exactly along the line now separating Croatia and Slovenia from the rest of Yugoslavia. In the Balkans this line, of course, coincides with the historic boundary between the Hapsburg and Ottoman empires. The peoples to the north and west of this line are Protestant or Catholic; they shared the common experiences of European history--feudalism, the Renaissance, the Reformation, the Enlightenment, the French Revolution, the Industrial Revolution; they are generally economically better off than the peoples to the east; and they may now look forward to increasing involvement in a common European economy and to the consolidation of democratic political systems. The peoples to the east and south of this line are Orthodox or Muslim; they historically belonged to the Ottoman or Tsarist empires and were only lightly touched by the shaping events in the rest of Europe; they are generally less advanced economically; they seem much less likely to develop stable democratic political systems. The Velvet Curtain of culture has replaced the Iron Curtain of ideology as the most significant dividing line in Europe. As the events in Yugoslavia show, it is not only a line of difference; it is also at times a line of bloody conflict.

Conflict along the fault line between Western and Islamic civilizations has been going on for 1,300 years. After the founding of Islam, the Arab and Moorish surge west and north only ended at Tours in 732. From the eleventh to the thirteenth century the Crusaders attempted with temporary success to bring Christianity and Christian rule to the Holy Land. From the fourteenth to the seventeenth century, the Ottoman Turks reversed the balance, extended their sway over the Middle East and the Balkans, captured Constantinople, and twice laid siege to Vienna. In the nineteenth and early twentieth

centuries as Ottoman power declined Britain, France, and Italy established Western control over most of North Africa and the Middle East.

After World War 11, the West, in turn, began to retreat; the colonial empires disappeared; first Arab nationalism and then Islamic fundamentalism manifested themselves; the West became heavily dependent on the Persian Gulf countries for its energy; the oil-rich Muslim countries became money-rich and, when they wished to, weapons-rich. Several wars occurred between Arabs and Israel (created by the West). France fought a bloody and ruthless war in Algeria for most of the 1950; British and French forces invaded Egypt in 1956; American forces went into Lebanon in 1958; subsequently American forces returned to Lebanon, attacked Libya, and engaged in various military encounters with Iran; Arab and Islamic terrorists, supported by at least three Middle Eastern governments, employed the weapon of the weak and bombed Western planes and installations and seized Western hostages. This warfare between Arabs and the West culminated in 1990, when the United States sent a massive army to the Persian Gulf to defend some Arab countries against aggression by another. In its aftermath NATO planning is increasingly directed to potential threats and instability along its "southern tier."

This centuries-old military interaction between the West and Islam is unlikely to decline. It could become more virulent. The Gulf War left some Arabs feeling proud that Saddam Hussein had attacked Israel and stood up to the West. It also left many feeling humiliated and resentful of the West's military presence in the Persian Gulf, the West's overwhelming military dominance, and their apparent inability to shape their own destiny. Many Arab countries, in addition to the oil exporters, are reaching levels of economic and social development where autocratic forms of government become inappropriate and efforts to introduce democracy become stronger. Some openings in Arab political systems have already occurred. The principal beneficiaries of these openings have been Islamist movements. In the Arab world, in short, Western democracy strengthens anti-Western political forces. This may be a passing phenomenon, but it surely complicates relations between Islamic countries and the West.

Those relations are also complicated by demography. The spectacular population growth in Arab countries, particularly in North Africa, has led to increased migration to Western Europe. The movement within Western Europe toward minimizing internal boundaries has sharpened political sensitivities with respect to this development. In Italy, France and Germany, racism is increasingly open, and political reactions and violence against Arab and Turkish migrants have become more intense and more widespread since 1990.

On both sides the interaction between Islam and the West is seen as a clash of civilizations. The West's "next confrontation," observes M. J. Akbar, an Indian Muslim author, "is definitely going to come from the Muslim world. It is in the sweep of the Islamic nations from the Maghreb to Pakistan that the struggle for a new world order will begin." Bernard Lewis comes to a similar conclusion:

We are facing a mood and a movement far transcending the level of issues and policies and the governments that pursue them. This is no less than a clash of civilizations--the

perhaps irrational but surely historic reaction of an ancient rival against our Judeo-Christian heritage, our secular present, and the worldwide expansion of both.(2)

Historically, the other great antagonistic interaction of Arab Islamic civilization has been with the pagan, animist, and now increasingly Christian black peoples to the south. In the past, this antagonism was epitomized in the image of Arab slave dealers and black slaves. It has been reflected in the on-going civil war in the Sudan between Arabs and blacks, the fighting in Chad between Libyan-supported insurgents and the government, the tensions between Orthodox Christians and Muslims in the Horn of Africa, and the political conflicts, recurring riots and communal violence between Muslims and Christians in Nigeria. The modernization of Africa and the spread of Christianity are likely to enhance the probability of violence along this fault line. Symptomatic of the intensification of this conflict was the Pope John Paul II's speech in Khartoum in February I993 attacking the actions of the Sudan's Islamist government against the Christian minority there.

On the northern border of Islam, conflict has increasingly erupted between Orthodox and Muslim peoples, including the carnage of Bosnia and Sarajevo, the simmering violence between Serb and Albanian, the tenuous relations between Bulgarians and their Turkish minority, the violence between Ossetians and Ingush, the unremitting slaughter of each other by Armenians and Azeris, the tense relations between Russians and Muslims in Central Asia, and the deployment of Russian troops to protect Russian interests in the Caucasus and Central Asia. Religion reinforces the revital of ethnic identities and restimulates Russian fears about the security of their southern borders. This concern is well captured by Archie Roosevelt:

Much of Russian history concerns the struggle between the Slavs and the Turkic peoples on their borders, which dates back to the foundation of the Russian state more than a thousand years ago. In the Slavs' millennium-long confrontation with their eastern neighbors lies the key to an understanding not only of Russian history, but Russian character. To understand Russian realities today one has to have a concept of the great Turkic ethnic group that has preoccupied Russians through the centuries.(3)

The conflict of civilizations is deeply rooted elsewhere in Asia. The historic clash between Muslim and Hindu in the subcontinent manifests itself now not only in the rivalry between Pakistan and India but also in intensifying religious strife within India between increasingly militant Hindu groups and India's substantial Muslim minority. The destruction of the Ayodhya mosque in December 1992 brought to the fore the issue of whether India will remain a secular democratic state or become a Hindu one. In East Asia, China has outstanding territorial disputes with most of its neighbors. It has pursued a ruthless policy toward the Buddhist people of Tibet, and it is pursuing an increasingly ruthless policy toward its Turkic-Muslim minority. With the Cold War over, the underlying differences between China and the United States have reasserted themselves in areas such as human rights, trade and weapons proliferation. These differences are unlikely to moderate. A "new cold war," Deng Xaioping reportedly asserted in 1991, is under way between China and America.

The same phrase has been applied to the increasingly difficult relations between Japan and the United States. Here cultural difference exacerbates economic conflict. People on each side allege racism on the other, but at least on the American side the antipathies are not racial but cultural. The basic values, attitudes, behavioral patterns of the two societies could hardly be more different. The economic issues between the United States and Europe are no less serious than those between the United States and Japan, but they do not have the same political salience and emotional intensity because the differences between American culture and European culture are so much less than those between American civilization and Japanese civilization.

The interactions between civilizations vary greatly in the extent to which they are likely to be characterized by violence. Economic competition clearly predominates between the American and European subcivilizations of the West and between both of them and Japan. On the Eurasian continent, however, the proliferation of ethnic conflict, epitomized at the extreme in "ethnic cleansing," has not been totally random. It has been most frequent and most violent between groups belonging to different civilizations. In Eurasia the great historic fault lines between civilizations are once more aflame. This is particularly true along the boundaries of the crescent-shaped Islamic bloc of nations from the bulge of Africa to central Asia. Violence also occurs between Muslims, on the one hand, and Orthodox Serbs in the Balkans, Jews in Israel, Hindus in India, Buddhists in Burma and Catholics in the Philippines. Islam has bloody borders.

CIVILIZATION RALLYING: THE KIN-COUNTRY SYNDROME

Groups or states belonging to one civilization that become involved in war with people from a different civilization naturally try to rally support from other members of their own civilization. As the post-Cold War world evolves, civilization commonality, what H. D. S. Greenway has termed the "kin-country" syndrome, is replacing political ideology and traditional balance of power considerations as the principal basis for cooperation and coalitions. It can be seen gradually emerging in the post-Cold War conflicts in the Persian Gulf, the Caucasus and Bosnia. None of these was a full-scale war between civilizations, but each involved some elements of civilizational rallying, which seemed to become more important as the conflict continued and which may provide a foretaste of the future.

First, in the Gulf War one Arab state invaded another and then fought a coalition of Arab, Western and other states. While only a few Muslim governments overtly supported Saddam Hussein, many Arab elites privately cheered him on, and he was highly popular among large sections of the Arab publics. Islamic fundamentalist movements universally supported Iraq rather than the Western-backed governments of Kuwait and Saudi Arabia. Forswearing Arab nationalism, Saddam Hussein explicitly invoked an Islamic appeal. He and his supporters attempted to define the war as a war between civilizations. "It is not the world against Iraq," as Safar Al-Hawali, dean of Islamic Studies at the Umm Al-Qura University in Mecca, put it in a widely circulated tape. "It is the West against Islam." Ignoring the rivalry between Iran and Iraq, the chief Iranian religious leader, Ayatollah Ali Khamenei, called for a holy war against the West: "The struggle against American aggression, greed, plans and policies will be counted as a jihad, and anybody who is

killed on that path is a martyr." "This is a war," King Hussein of Jordan argued, "against all Arabs and all Muslims and not against Iraq alone."

The rallying of substantial sections of Arab elites and publics behind Saddam Hussein caused those Arab governments in the anti-Iraq coalition to moderate their activities and temper their public statements. Arab governments opposed or distanced themselves from subsequent Western efforts to apply pressure on Iraq, including enforcement of a no-fly zone in the summer of 1992 and the bombing of Iraq in January I993. The Western-Soviet-Turkish-Arab anti-Iraq coalition of 1990 had by 1993 become a coalition of almost only the West and Kuwait against Iraq.

Muslims contrasted Western actions against Iraq with the West's failure to protect Bosnians against Serbs and to impose sanctions on Israel for violating U.N. resolutions. The West, they alleged, was using a double standard. A world of clashing civilizations, however, is inevitably a world of double standards: people apply one standard to their kin- countries and a different standard to others.

Second, the kin-country syndrome also appeared in conflicts in the former Soviet Union. Armenian military successes in 1992 and I993 stimulated Turkey to become increasingly supportive of its religious, ethnic and linguistic brethren in Azerbaijan. "We have a Turkish nation feeling the same sentiments as the Azerbaijanis," said one Turkish official in 1992. "We are under pressure. Our newspapers are full of the photos of atrocities and are asking us if we are still serious about pursuing our neutral policy. Maybe we should show Armenia that there's a big Turkey in the region." President Turgut Ozal agreed, remarking that Turkey should at least "scare the Armenians a little bit." Turkey, Ozal threatened again in 1993, would "show its fangs." Turkish Air Force jets flew reconnaissance flights along the Armenian border; Turkey suspended food shipments and air flights to Armenia; and Turkey and Iran announced they would not accept dismemberment of Azerbaijan. In the last years of its existence, the Soviet government supported Azerbaijan because its government was dominated by former communists. With the end of the Soviet Union, however, political considerations gave way to religious ones. Russian troops fought on the side of the Armenians, and Azerbaijan accused the "Russian government of turning 180 degrees" toward support for Christian Armenia.

Third, with respect to the fighting in the former Yugoslavia, Western publics manifested sympathy and support for the Bosnian Muslims and the horrors they suffered at the hands of the Serbs. Relatively little concern was expressed, however, over Croatian attacks on Muslims and participation in the dismemberment of Bosnia-Herzegovina. In the early stages of the Yugoslav breakup, Germany, in an unusual display of diplomatic initiative and muscle, induced the other II members of the European Community to follow its lead in recognizing Slovenia and Croatia. As a result of the pope's determination to provide strong backing to the two Catholic countries, the Vatican extended recognition even before the Community did. The United States followed the European lead. Thus the leading actors in Western civilization rallied behind their coreligionists. Subsequently Croatia was reported to be receiving substantial quantities of arms from Central European and other Western countries. Boris Yeltsin's government, on the other hand, attempted to

pursue a middle course that would be sympathetic to the Orthodox Serbs but not alienate Russia from the West. Russian conservative and nationalist groups, however, including many legislators, attacked the government for not being more forthcoming in its support for the Serbs. By early 1993 several hundred Russians apparently were serving with the Serbian forces, and reports circulated of Russian arms being supplied to Serbia.

Islamic governments and groups, on the other hand, castigated the West for not coming to the defense of the Bosnians. Iranian leaders urged Muslims from all countries to provide help to Bosnia; in violation of the U.N. arms embargo, Iran supplied weapons and men for the Bosnians; Iranian-supported Lebanese groups sent guerrillas to train and organize the Bosnian forces. In I993 up to 4,000 Muslims from over two dozen Islamic countries were reported to be fighting in Bosnia. The governments of Saudi Arabia and other countries felt under increasing pressure from fundamentalist groups in their own societies to provide more vigorous support for the Bosnians. By the end of 1992, Saudi Arabia had reportedly supplied substantial funding for weapons and supplies for the Bosnians, which significantly increased their military capabilities vis-a-vis the Serbs.

In the 1930s the Spanish Civil War provoked intervention from countries that politically were fascist, communist and democratic. In the 1990s the Yugoslav conflict is provoking intervention from countries that are Muslim, Orthodox and Western Christian. The parallel has not gone unnoticed. "The war in Bosnia-Herzegovina has become the emotional equivalent of the fight against fascism in the Spanish Civil War," one Saudi editor observed. "Those who died there are regarded as martyrs who tried to save their fellow Muslims."

Conflicts and violence will also occur between states and groups within the same civilization. Such conflicts, however, are likely to be less intense and less likely to expand than conflicts between civilizations. Common membership in a civilization reduces the probability of violence in situations where it might otherwise occur. In 1991 and 1992 many people were alarmed by the possibility of violent conflict between Russia and Ukraine over territory, particularly Crimea, the Black Sea fleet, nuclear weapons and economic issues. If civilization is what counts, however, the likelihood of violence between Ukrainians and Russians should be low. They are two Slavic, primarily Orthodox peoples who have had close relationships with each other for centuries. As of early 1993, despite all the reasons for conflict, the leaders of the two countries were effectively negotiating and defusing the issues between the two countries. While there has been serious fighting between Muslims and Christians elsewhere in the former Soviet Union and much tension and some fighting between Western and Orthodox Christians in the Baltic states, there has been virtually no violence between Russians and Ukrainians.

Civilization rallying to date has been limited, but it has been growing, and it clearly has the potential to spread much further. As the conflicts in the Persian Gulf, the Caucasus and Bosnia continued, the positions of nations and the cleavages between them increasingly were along civilizational lines. Populist politicians, religious leaders and the media have found it a potent means of arousing mass support and of pressuring hesitant governments. In the coming years, the local conflicts most likely to escalate into major

wars will be those, as in Bosnia and the Caucasus, along the fault lines between civilizations. The next world war, if there is one, will be a war between civilizations.

THE WEST VERSUS THE REST

The west in now at an extraordinary peak of power in relation to other civilizations. Its superpower opponent has disappeared from the map. Military conflict among Western states is unthinkable, and Western military power is unrivaled. Apart from Japan, the West faces no economic challenge. It dominates international political and security institutions and with Japan international economic institutions. Global political and security issues are effectively settled by a directorate of the United States, Britain and France, world economic issues by a directorate of the United States, Germany and Japan, all of which maintain extraordinarily close relations with each other to the exclusion of lesser and largely non-Western countries. Decisions made at the U.N. Security Council or in the International Monetary Fund that reflect the interests of the West are presented to the world as reflecting the desires of the world community. The very phrase "the world community" has become the euphemistic collective noun (replacing "the Free World") to give global legitimacy to actions reflecting the interests of the United States and other Western powers.(4) Through the IMF and other international economic institutions, the West promotes its economic interests and imposes on other nations the economic policies it thinks appropriate. In any poll of non-Western peoples, the IMF undoubtedly would win the support of finance ministers and a few others, but get an overwhelmingly unfavorable rating from just about everyone else, who would agree with Georgy Arbatov's characterization of IMF officials as "neo-Bolsheviks who love expropriating other people's money, imposing undemocratic and alien rules of economic and political conduct and stifling economic freedom."

Western domination of the U.N. Security Council and its decisions, tempered only by occasional abstention by China, produced U.N. legitimation of the West's use of force to drive Iraq out of Kuwait and its elimination of Iraq's sophisticated weapons and capacity to produce such weapons. It also produced the quite unprecedented action by the United States, Britain and France in getting the Security Council to demand that Libya hand over the Pan Am 103 bombing suspects and then to impose sanctions when Libya refused. After defeating the largest Arab army, the West did not hesitate to throw its weight around in the Arab world. The West in effect is using international institutions, military power and economic resources to run the world in ways that will maintain Western predominance, protect Western interests and promote Western political and economic values.

That at least is the way in which non-Westerners see the new world, and there is a significant element of truth in their view. Differences in power and struggles for military, economic and institutional power are thus one source of conflict between the West and other civilizations. Differences in culture, that is basic values and beliefs, are a second source of conflict. V. S. Naipaul has argued that Western civilization is the "universal civilization" that "fits all men." At a superficial level much of Western culture has indeed permeated the rest of the world. At a more basic level, however, Western concepts differ

fundamentally from those prevalent in other civilizations. Western ideas of individualism, liberalism, constitutionalism, human rights, equality, liberty, the rule of law, democracy, free markets, the separation of church and state, often have little resonance in Islamic, Confucian, Japanese, Hindu, Buddhist or Orthodox cultures. Western efforts to propagate such ideas produce instead a reaction against "human rights imperialism" and a reaffirmation of indigenous values, as can be seen in the support for religious fundamentalism by the younger generation in non-Western cultures. The very notion that there could be a "universal civilization" is a Western idea, directly at odds with the particularism of most Asian societies and their emphasis on what distinguishes one people from another. Indeed, the author of a review of 100 comparative studies of values in different societies concluded that "the values that are most important in the West are least important worldwide."(5) In the political realm, of course, these differences are most manifest in the efforts of the United States and other Western powers to induce other peoples to adopt Western ideas concerning democracy and human rights. Modern democratic government originated in the West. When it has developed in non-Western societies it has usually been the product of Western colonialism or imposition.

The central axis of world politics in the future is likely to be, in Kishore Mahbubani's phrase, the conflict between "the West and the Rest" and the responses of non-Western civilizations to Western power and values.(6) Those responses generally take one or a combination of three forms. At one extreme, non-Western states can, like Burma and North Korea, attempt to pursue a course of isolation, to insulate their societies from penetration or "corruption" by the West, and, in effect, to opt out of participation in the Western-dominated global community. The costs of this course, however, are high, and few states have pursued it exclusively. A second alternative, the equivalent of "band-wagoning" in international relations theory, is to attempt to join the West and accept its values and institutions. The third alternative is to attempt to "balance" the West by developing economic and military power and cooperating with other non-Western societies against the West, while preserving indigenous values and institutions; in short, to modernize but not to Westernize.

THE TORN COUNTRIES

In the future, as people differentiate themselves by civilization, countries with large numbers of peoples of different civilizations, such as the Soviet Union and Yugoslavia, are candidates for dismemberment. Some other countries have a fair degree of cultural homogeneity but are divided over whether their society belongs to one civilization or another. These are torn countries. Their leaders typically wish to pursue a band-wagonning strategy and to make their countries members of the West, but the history, culture and traditions of their countries are non-Western. The most obvious and prototypical torn country is Turkey. The late twentieth-century leaders of Turkey have followed in the Attaturk tradition and defined Turkey as a modern, secular, Western nation state. They allied Turkey with the West in NATO and in the Gulf War; they applied for membership in the European Community. At the same time, however, elements in Turkish society have supported an Islamic revival and have argued that Turkey is basically a Middle Eastern Muslim society. In addition, while the elite of

Turkey has defined Turkey as a Western society, the elite of the West refuses to accept Turkey as such. Turkey will not become a member of the European Community, and the real reason, as President Ozal said, "is that we are Muslim and they are Christian and they don't say that." Having rejected Mecca, and then being rejected by Brussels, where does Turkey look? Tashkent may be the answer. The end of the Soviet Union gives Turkey the opportunity to become the leader of a revived Turkic civilization involving seven countries from the borders of Greece to those of China. Encouraged by the West, Turkey is making strenuous efforts to carve out this new identity for itself.

During the past decade Mexico has assumed a position somewhat similar to that of Turkey. Just as Turkey abandoned its historic opposition to Europe and attempted to join Europe, Mexico has stopped defining itself by its opposition to the United States and is instead attempting to imitate the United States and to join it in the North American Free Trade Area. Mexican leaders are engaged in the great task of redefining Mexican identity and have introduced fundamental economic reforms that eventually will lead to fundamental political change. In 1991 a top adviser to President Carlos Salinas de Gortari described at length to me all the changes the Salinas government was making. When he finished, I remarked: "That's most impressive. It seems to me that basically you want to change Mexico from a Latin American country into a North American country." He looked at me with surprise and exclaimed: "Exactly! That's precisely what we are trying to do, but of course we could never say so publicly." As his remark indicates, in Mexico as in Turkey, significant elements in society resist the redefinition of their country's identity. In Turkey, European-oriented leaders have to make gestures to Islam (Ozal's pilgrimage to Mecca); so also Mexico's North American-oriented leaders have to make gestures to those who hold Mexico to be a Latin American country (Salinas' Ibero-American Guadalajara summit).

Historically Turkey has been the most profoundly torn country. For the United States, Mexico is the most immediate torn country. Globally the most important torn country is Russia. The question of whether Russia is part of the West or the leader of a distinct Slavic-Orthodox civilization has been a recurring one in Russian history. That issue was obscured by the communist victory in Russia, which imported a Western ideology, adapted it to Russian conditions and then challenged the West in the name of that ideology. The dominance of communism shut off the historic debate over Westernization versus Russification. With communism discredited Russians once again face that question.

President Yeltsin is adopting Western principles and goals and seeking to make Russia a "normal" country and a part of the West. Yet both the Russian elite and the Russian public are divided on this issue. Among the more moderate dissenters, Sergei Stankevich argues that Russia should reject the "Atlanticist" course, which would lead it "to become European, to become a part of the world economy in rapid and organized fashion, to become the eighth member of the Seven, and to put particular emphasis on Germany and the United States as the two dominant members of the Atlantic alliance." While also rejecting an exclusively Eurasian policy, Stankevich nonetheless argues that Russia should give priority to the protection of Russians in other countries, emphasize its Turkic

and Muslim connections, and promote "an appreciable redistribution of our resources, our options, our ties, and our interests in favor of Asia, of the eastern direction." People of this persuasion criticize Yeltsin for subordinating Russia's interests to those of the West, for reducing Russian military strength, for failing to support traditional friends such as Serbia, and for pushing economic and political reform in ways injurious to the Russian people. Indicative of this trend is the new popularity of the ideas of Petr Savitsky, who in the 1920s argued that Russia was a unique Eurasian civilization.(7) More extreme dissidents voice much more blatantly nationalist, anti-Western and anti-Semitic views, and urge Russia to redevelop its military strength and to establish closer ties with China and Muslim countries. The people of Russia are as divided as the elite. An opinion survey in European Russia in the spring of 1992 revealed that 40 percent of the public had positive attitudes toward the West and 36 percent had negative attitudes. As it has been for much of its history, Russia in the early 1990s is truly a torn country.

To redefine its civilization identity, a torn country must meet three requirements. First, its political and economic elite has to be generally supportive of and enthusiastic about this move. Second, its public has to be willing to acquiesce in the redefinition. Third, the dominant groups in the recipient civilization have to be willing to embrace the convert. All three requirements in large part exist with respect to Mexico. The first two in large part exist with respect to Turkey. It is not clear that any of them exist with respect to Russia's joining the West. The conflict between liberal democracy and Marxism-Leninism was between ideologies which, despite their major differences, ostensibly shared ultimate goals of freedom, equality and prosperity. A traditional, authoritarian, nationalist Russia could have quite different goals. A Western democrat could carry on an intellectual debate with a Soviet Marxist. It would be virtually impossible for him to do that with a Russian traditionalist. If, as the Russians stop behaving like Marxists, they reject liberal democracy and begin behaving like Russians but not like Westerners, the relations between Russia and the West could again become distant and conflictual.(8)

THE CONFUCIAN-ISLAMIC CONNECTION

The obstacles to non-Western countries joining the West vary considerably. They are least for Latin American and East European countries. They are greater for the Orthodox countries of the former Soviet Union. They are still greater for Muslim, Confucian, Hindu and Buddhist societies. Japan has established a unique position for itself as an associate member of the West: it is in the West in some respects but clearly not of the West in important dimensions. Those countries that for reason of culture and power do not wish to, or cannot, join the West compete with the West by developing their own economic, military and political power. They do this by promoting their internal development and by cooperating with other non-Western countries. The most prominent form of this cooperation is the Confucian-Islamic connection that has emerged to challenge Western interests, values and power.

Almost without exception, Western countries are reducing their military power; under Yeltsin's leadership so also is Russia. China, North Korea and several Middle Eastern states, however, are significantly expanding their military capabilities. They are doing

this by the import of arms from Western and non-Western sources and by the development of indigenous arms industries. One result is the emergence of what Charles Krauthammer has called "Weapon States," and the Weapon States are not Western states. Another result is the redefinition of arms control, which is a Western concept and a Western goal. During the Cold War the primary purpose of arms control was to establish a stable military balance between the United States and its allies and the Soviet Union and its allies. In the post-Cold War world the primary objective of arms control is to prevent the development by non-Western societies of military capabilities that could threaten Western interests. The West attempts to do this through international agreements, economic pressure and controls on the transfer of arms and weapons technologies.

The conflict between the West and the Confucian-Islamic states focuses largely, although not exclusively, on nuclear, chemical and biological weapons, ballistic missiles and other sophisticated means for delivering them, and the guidance, intelligence and other electronic capabilities for achieving that goal. The West promotes nonproliferation as a universal norm and nonproliferation treaties and inspections as means of realizing that norm. It also threatens a variety of sanctions against those who promote the spread of sophisticated weapons and proposes some benefits for those who do not. The attention of the West focuses, naturally, on nations that are actually or potentially hostile to the West.

The non-Western nations, on the other hand, assert their right to acquire and to deploy whatever weapons they think necessary for their security. They also have absorbed, to the full, the truth of the response of the Indian defense minister when asked what lesson he learned from the Gulf War: "Don't fight the United States unless you have nuclear weapons." Nuclear weapons, chemical weapons and missiles are viewed, probably erroneously, as the potential equalizer of superior Western conventional power. China, of course, already has nuclear weapons; Pakistan and India have the capability to deploy them. North Korea, Iran, Iraq, Libya and Algeria appear to be attempting to acquire them. A top Iranian official has declared that all Muslim states should acquire nuclear weapons, and in 1988 the president of Iran reportedly issued a directive calling for development of "offensive and defensive chemical, biological and radiological weapons."

Centrally important to the development of counter-West military capabilities is the sustained expansion of China's military power and its means to create military power. Buoyed by spectacular economic development, China is rapidly increasing its military spending and vigorously moving forward with the modernization of its armed forces. It is purchasing weapons from the former Soviet states; it is developing long-range missiles; in 1992 it tested a one-megaton nuclear device. It is developing power-projection capabilities, acquiring aerial refueling technology, and trying to purchase an aircraft carrier. Its military buildup and assertion of sovereignty over the South China Sea are provoking a multilateral regional arms race in East Asia. China is also a major exporter of arms and weapons technology. It has exported materials to Libya and Iraq that could be used to manufacture nuclear weapons and nerve gas. It has helped Algeria build a reactor suitable for nuclear weapons research and production. China has sold to Iran nuclear technology that American officials believe could only be used to create weapons and

apparently has shipped components of 300-mile-range missiles to Pakistan. North Korea has had a nuclear weapons program under way for some while and has sold advanced missiles and missile technology to Syria and Iran. The flow of weapons and weapons technology is generally from East Asia to the Middle East. There is, however, some movement in the reverse direction; China has received Stinger missiles from Pakistan.

A Confucian-Islamic military connection has thus come into being, designed to promote acquisition by its members of the weapons and weapons technologies needed to counter the military power of the West. It may or may not last. At present, however, it is, as Dave McCurdy has said, "a renegades' mutual support pact, run by the proliferators and their backers." A new form of arms competition is thus occurring between Islamic-Confucian states and the West. In an old-fashioned arms race, each side developed its own arms to balance or to achieve superiority against the other side. In this new form of arms competition, one side is developing its arms and the other side is attempting not to balance but to limit and prevent that arms build-up while at the same time reducing its own military capabilities.

IMPLICATIONS FOR THE WEST

This article does not argue that civilization identities will replace all other identities, that nation states will disappear, that each civilization will become a single coherent political entity, that groups within a civilization will not conflict with and even fight each other. This paper does set forth the hypotheses that differences between civilizations are real and important; civilization- consciousness is increasing; conflict between civilizations will supplant ideological and other forms of conflict as the dominant global form of conflict; international relations, historically a game played out within Western civilization, will increasingly be de-Westernized and become a game in which non-Western civilizations are actors and not simply objects; successful political, security and economic international institutions are more likely to develop within civilizations than across civilizations; conflicts between groups in different civilizations will be more frequent, more sustained and more violent than conflicts between groups in the same civilization; violent conflicts between groups in different civilizations are the most likely and most dangerous source of escalation that could lead to global wars; the paramount axis of world politics will be the relations between "the West and the Rest"; the elites in some torn non-Western countries will try to make their countries part of the West, but in most cases face major obstacles to accomplishing this; a central focus of conflict for the immediate future will be between the West and several Islamic- Confucian states.

This is not to advocate the desirability of conflicts between civilizations. It is to set forth descriptive hypotheses as to what the future may be like. If these are plausible hypotheses, however, it is necessary to consider their implications for Western policy. These implications should be divided between short-term advantage and long- term accommodation. In the short term it is clearly in the interest of the West to promote greater cooperation and unity within its own civilization, particularly between its European and North American components; to incorporate into the West societies in Eastern Europe and Latin America whose cultures are close to those of the West; to

promote and maintain cooperative relations with Russia and Japan; to prevent escalation of local inter-civilization conflicts into major inter-civilization wars; to limit the expansion of the military strength of Confucian and Islamic states; to moderate the reduction of Western military capabilities and maintain military superiority in East and Southwest Asia; to exploit differences and conflicts among Confucian and Islamic states; to support in other civilizations groups sympathetic to Western values and interests; to strengthen international institutions that reflect and legitimate Western interests and values and to promote the involvement of non-Western states in those institutions.

In the longer term other measures would be called for. Western civilization is both Western and modern. Non-Western civilizations have attempted to become modern without becoming Western. To date only Japan has fully succeeded in this quest. Non-Western civilizations will continue to attempt to acquire the wealth, technology, skills, machines and weapons that are part of being modern. They will also attempt to reconcile this modernity with their traditional culture and values. Their economic and military strength relative to the West will increase. Hence the West will increasingly have to accommodate these non-Western modern civilizations whose power approaches that of the West but whose values and interests differ significantly from those of the West. This will require the West to maintain the economic and military power necessary to protect its interests in relation to these civilizations. It will also, however, require the West to develop a more profound understanding of the basic religious and philosophical assumptions underlying other civilizations and the ways in which people in those civilizations see their interests. It will require an effort to identify elements of commonality between Western and other civilizations. For the relevant future, there will be no universal civilization, but instead a world of different civilizations, each of which will have to learn to coexist with the others.

(1) Murray Weidenbaum, Greater China: The Next Economic Superpower?, St. Louis: Washington University Center for the Study of American Business, Contemporary Issues, Series 57, February 1993, pp. 2-3.

(2) Bernard Lewis, "The Roots of Muslim Rage," The Atlantic Monthly, vol. 266, September 1990, p. 6o; Time, June 15, 1992, pp. 24-28.

(3) Archie Roosevelt, For Lust of Knowing, Boston: Little, Brown, i988, PP 332-333.

(4) Almost invariably Western leaders claim they are acting on behalf of "the world community." One minor lapse occurred during the run-up to the Gulf War. In an interview on "Good Morning America," Dec. 21, 1990, British Prime Minister John Major referred to the actions "the West" was taking against Saddam Hussein. He quickly corrected himself and subsequently referred to "the world community." He was, however, right when he erred.

(5) Harry C. Triandis, The New York Times, Dec. 2S, 1990, p. 41, and "Cross-Cultural Studies of Individualism and Collectivism," Nebraska Symposium on Motivation, vol. 37, 1989, pp. 41-133.

(6) Kishore Mahbubani, "The West and the Rest," The National Interest, Summer 1992, pp. 3-13.

(7) Sergei Stankevich, "Russia in Search of Itself," The National Interest, Summer 1992, pp. 47-51; Daniel Schneider, "A Russian Movement Rejects Western Tilt," Christian Science Monitor, Feb. 5, 1993, pp. 5-7.

(8) Owen Harries has pointed out that Australia is trying (unwisely in his view) to become a torn country in reverse. Although it has been a full member not only of the West but also of the ABCA military and intelligence core of the West, its current leaders are in effect proposing that it defect from the West, redefine itself as an Asian country and cultivate dose ties with its neighbors. Australia's future, they argue, is with the dynamic economies of East Asia. But, as I have suggested, close economic cooperation normally requires a common cultural base. In addition, none of the three conditions necessary for a torn country to join another civilization is likely to exist in Australia's case.

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Three Stages in the Program of De-Hellenization
Pope Benedict XVI

APOSTOLIC JOURNEY OF HIS HOLINESS BENEDICT XVI
TO MÜNCHEN, ALTÖTTING AND REGENSBURG
(SEPTEMBER 9-14, 2006)
MEETING WITH THE REPRESENTATIVES OF SCIENCE
LECTURE OF THE HOLY FATHER
Aula Magna of the University of Regensburg
Tuesday, 12 September 2006

Faith, Reason and the University
Memories and Reflections

Your Eminences, Your Magnificences, Your Excellencies,
Distinguished Ladies and Gentlemen,

It is a moving experience for me to be back again in the university and to be able once again to give a lecture at this podium. I think back to those years when, after a pleasant period at the Freisinger Hochschule, I began teaching at the University of Bonn. That was in 1959, in the days of the old university made up of ordinary professors. The various chairs had neither assistants nor secretaries, but in recompense there was much direct contact with students and in particular among the professors themselves. We would meet before and after lessons in the rooms of the teaching staff. There was a lively exchange with historians, philosophers, philologists and, naturally, between the two theological faculties. Once a semester there was a dies academicus, when professors from every faculty appeared before the students of the entire university, making possible a genuine experience of universitas - something that you too, Magnificent Rector, just mentioned - the experience, in other words, of the fact that despite our specializations which at times make it difficult to communicate with each other, we made up a whole, working in everything on the basis of a single rationality with its various aspects and sharing responsibility for the right use of reason - this reality became a lived experience. The university was also very proud of its two theological faculties. It was clear that, by inquiring about the reasonableness of faith, they too carried out a work which is necessarily part of the "whole" of the universitas scientiarum, even if not everyone could share the faith which theologians seek to correlate with reason as a whole. This profound sense of coherence within the universe of reason was not troubled, even when it was once reported that a colleague had said there was something odd about our university: it had two faculties devoted to something that did not exist: God. That even in the face of such radical scepticism it is still necessary and reasonable to raise the question of God through the use of reason, and to do so in the context of the tradition of the Christian faith: this, within the university as a whole, was accepted without question.

I was reminded of all this recently, when I read the edition by Professor Theodore Khoury (Münster) of part of the dialogue carried on - perhaps in 1391 in the winter barracks near Ankara - by the erudite Byzantine emperor Manuel II Paleologus and an

educated Persian on the subject of Christianity and Islam, and the truth of both.[1] It was presumably the emperor himself who set down this dialogue, during the siege of Constantinople between 1394 and 1402; and this would explain why his arguments are given in greater detail than those of his Persian interlocutor.[2] The dialogue ranges widely over the structures of faith contained in the Bible and in the Qur'an, and deals especially with the image of God and of man, while necessarily returning repeatedly to the relationship between - as they were called - three "Laws" or "rules of life": the Old Testament, the New Testament and the Qur'an. It is not my intention to discuss this question in the present lecture; here I would like to discuss only one point - itself rather marginal to the dialogue as a whole - which, in the context of the issue of "faith and reason", I found interesting and which can serve as the starting-point for my reflections on this issue.

In the seventh conversation (διάλεξις - controversy) edited by Professor Khoury, the emperor touches on the theme of the holy war. The emperor must have known that surah 2, 256 reads: "There is no compulsion in religion". According to some of the experts, this is probably one of the suras of the early period, when Mohammed was still powerless and under threat. But naturally the emperor also knew the instructions, developed later and recorded in the Qur'an, concerning holy war. Without descending to details, such as the difference in treatment accorded to those who have the "Book" and the "infidels", he addresses his interlocutor with a startling brusqueness, a brusqueness that we find unacceptable, on the central question about the relationship between religion and violence in general, saying: "Show me just what Mohammed brought that was new, and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached."[3] The emperor, after having expressed himself so forcefully, goes on to explain in detail the reasons why spreading the faith through violence is something unreasonable. Violence is incompatible with the nature of God and the nature of the soul. "God", he says, "is not pleased by blood - and not acting reasonably (σὺν λόγω) is contrary to God's nature. Faith is born of the soul, not the body. Whoever would lead someone to faith needs the ability to speak well and to reason properly, without violence and threats... To convince a reasonable soul, one does not need a strong arm, or weapons of any kind, or any other means of threatening a person with death...". [4]

The decisive statement in this argument against violent conversion is this: not to act in accordance with reason is contrary to God's nature. [5] The editor, Theodore Khoury, observes: For the emperor, as a Byzantine shaped by Greek philosophy, this statement is self-evident. But for Muslim teaching, God is absolutely transcendent. His will is not bound up with any of our categories, even that of rationality. [6] Here Khoury quotes a work of the noted French Islamist R. Arnaldez, who points out that Ibn Hazm went so far as to state that God is not bound even by his own word, and that nothing would oblige him to reveal the truth to us. Were it God's will, we would even have to practise idolatry. [7]

At this point, as far as understanding of God and thus the concrete practice of religion is concerned, we are faced with an unavoidable dilemma. Is the conviction that acting unreasonably contradicts God's nature merely a Greek idea, or is it always and

intrinsically true? I believe that here we can see the profound harmony between what is Greek in the best sense of the word and the biblical understanding of faith in God. Modifying the first verse of the Book of Genesis, the first verse of the whole Bible, John began the prologue of his Gospel with the words: "In the beginning was the λόγος". This is the very word used by the emperor: God acts, σὺν λόγω, with logos. Logos means both reason and word - a reason which is creative and capable of self-communication, precisely as reason. John thus spoke the final word on the biblical concept of God, and in this word all the often toilsome and tortuous threads of biblical faith find their culmination and synthesis. In the beginning was the logos, and the logos is God, says the Evangelist. The encounter between the Biblical message and Greek thought did not happen by chance. The vision of Saint Paul, who saw the roads to Asia barred and in a dream saw a Macedonian man plead with him: "Come over to Macedonia and help us!" (cf. Acts 16:6-10) - this vision can be interpreted as a "distillation" of the intrinsic necessity of a rapprochement between Biblical faith and Greek inquiry.

In point of fact, this rapprochement had been going on for some time. The mysterious name of God, revealed from the burning bush, a name which separates this God from all other divinities with their many names and simply asserts being, "I am", already presents a challenge to the notion of myth, to which Socrates' attempt to vanquish and transcend myth stands in close analogy.[8] Within the Old Testament, the process which started at the burning bush came to new maturity at the time of the Exile, when the God of Israel, an Israel now deprived of its land and worship, was proclaimed as the God of heaven and earth and described in a simple formula which echoes the words uttered at the burning bush: "I am". This new understanding of God is accompanied by a kind of enlightenment, which finds stark expression in the mockery of gods who are merely the work of human hands (cf. Ps 115). Thus, despite the bitter conflict with those Hellenistic rulers who sought to accommodate it forcibly to the customs and idolatrous cult of the Greeks, biblical faith, in the Hellenistic period, encountered the best of Greek thought at a deep level, resulting in a mutual enrichment evident especially in the later wisdom literature. Today we know that the Greek translation of the Old Testament produced at Alexandria - the Septuagint - is more than a simple (and in that sense really less than satisfactory) translation of the Hebrew text: it is an independent textual witness and a distinct and important step in the history of revelation, one which brought about this encounter in a way that was decisive for the birth and spread of Christianity.[9] A profound encounter of faith and reason is taking place here, an encounter between genuine enlightenment and religion. From the very heart of Christian faith and, at the same time, the heart of Greek thought now joined to faith, Manuel II was able to say: Not to act "with logos" is contrary to God's nature.

In all honesty, one must observe that in the late Middle Ages we find trends in theology which would sunder this synthesis between the Greek spirit and the Christian spirit. In contrast with the so-called intellectualism of Augustine and Thomas, there arose with Duns Scotus a voluntarism which, in its later developments, led to the claim that we can only know God's voluntas ordinata. Beyond this is the realm of God's freedom, in virtue of which he could have done the opposite of everything he has actually done. This gives rise to positions which clearly approach those of Ibn Hazm and might even lead to the

image of a capricious God, who is not even bound to truth and goodness. God's transcendence and otherness are so exalted that our reason, our sense of the true and good, are no longer an authentic mirror of God, whose deepest possibilities remain eternally unattainable and hidden behind his actual decisions. As opposed to this, the faith of the Church has always insisted that between God and us, between his eternal Creator Spirit and our created reason there exists a real analogy, in which - as the Fourth Lateran Council in 1215 stated - unlikeness remains infinitely greater than likeness, yet not to the point of abolishing analogy and its language. God does not become more divine when we push him away from us in a sheer, impenetrable voluntarism; rather, the truly divine God is the God who has revealed himself as logos and, as logos, has acted and continues to act lovingly on our behalf. Certainly, love, as Saint Paul says, "transcends" knowledge and is thereby capable of perceiving more than thought alone (cf. Eph 3:19); nonetheless it continues to be love of the God who is Logos. Consequently, Christian worship is, again to quote Paul - "λογικη λατρεία", worship in harmony with the eternal Word and with our reason (cf. Rom 12:1). [10]

This inner rapprochement between Biblical faith and Greek philosophical inquiry was an event of decisive importance not only from the standpoint of the history of religions, but also from that of world history - it is an event which concerns us even today. Given this convergence, it is not surprising that Christianity, despite its origins and some significant developments in the East, finally took on its historically decisive character in Europe. We can also express this the other way around: this convergence, with the subsequent addition of the Roman heritage, created Europe and remains the foundation of what can rightly be called Europe.

The thesis that the critically purified Greek heritage forms an integral part of Christian faith has been countered by the call for a de-hellenization of Christianity - a call which has more and more dominated theological discussions since the beginning of the modern age. Viewed more closely, three stages can be observed in the programme of de-hellenization: although interconnected, they are clearly distinct from one another in their motivations and objectives. [11]

De-hellenization first emerges in connection with the postulates of the Reformation in the sixteenth century. Looking at the tradition of scholastic theology, the Reformers thought they were confronted with a faith system totally conditioned by philosophy, that is to say an articulation of the faith based on an alien system of thought. As a result, faith no longer appeared as a living historical Word but as one element of an overarching philosophical system. The principle of sola scriptura, on the other hand, sought faith in its pure, primordial form, as originally found in the biblical Word. Metaphysics appeared as a premise derived from another source, from which faith had to be liberated in order to become once more fully itself. When Kant stated that he needed to set thinking aside in order to make room for faith, he carried this programme forward with a radicalism that the Reformers could never have foreseen. He thus anchored faith exclusively in practical reason, denying it access to reality as a whole.

The liberal theology of the nineteenth and twentieth centuries ushered in a second stage in the process of de-hellenization, with Adolf von Harnack as its outstanding representative. When I was a student, and in the early years of my teaching, this programme was highly influential in Catholic theology too. It took as its point of departure Pascal's distinction between the God of the philosophers and the God of Abraham, Isaac and Jacob. In my inaugural lecture at Bonn in 1959, I tried to address the issue, [12] and I do not intend to repeat here what I said on that occasion, but I would like to describe at least briefly what was new about this second stage of de-hellenization. Harnack's central idea was to return simply to the man Jesus and to his simple message, underneath the accretions of theology and indeed of hellenization: this simple message was seen as the culmination of the religious development of humanity. Jesus was said to have put an end to worship in favour of morality. In the end he was presented as the father of a humanitarian moral message. Fundamentally, Harnack's goal was to bring Christianity back into harmony with modern reason, liberating it, that is to say, from seemingly philosophical and theological elements, such as faith in Christ's divinity and the triune God. In this sense, historical-critical exegesis of the New Testament, as he saw it, restored to theology its place within the university: theology, for Harnack, is something essentially historical and therefore strictly scientific. What it is able to say critically about Jesus is, so to speak, an expression of practical reason and consequently it can take its rightful place within the university. Behind this thinking lies the modern self-limitation of reason, classically expressed in Kant's "Critiques", but in the meantime further radicalized by the impact of the natural sciences. This modern concept of reason is based, to put it briefly, on a synthesis between Platonism (Cartesianism) and empiricism, a synthesis confirmed by the success of technology. On the one hand it presupposes the mathematical structure of matter, its intrinsic rationality, which makes it possible to understand how matter works and use it efficiently: this basic premise is, so to speak, the Platonic element in the modern understanding of nature. On the other hand, there is nature's capacity to be exploited for our purposes, and here only the possibility of verification or falsification through experimentation can yield decisive certainty. The weight between the two poles can, depending on the circumstances, shift from one side to the other. As strongly positivistic a thinker as J. Monod has declared himself a convinced Platonist/Cartesian.

This gives rise to two principles which are crucial for the issue we have raised. First, only the kind of certainty resulting from the interplay of mathematical and empirical elements can be considered scientific. Anything that would claim to be science must be measured against this criterion. Hence the human sciences, such as history, psychology, sociology and philosophy, attempt to conform themselves to this canon of scientificity. A second point, which is important for our reflections, is that by its very nature this method excludes the question of God, making it appear an unscientific or pre-scientific question. Consequently, we are faced with a reduction of the radius of science and reason, one which needs to be questioned.

I will return to this problem later. In the meantime, it must be observed that from this standpoint any attempt to maintain theology's claim to be "scientific" would end up reducing Christianity to a mere fragment of its former self. But we must say more: if

science as a whole is this and this alone, then it is man himself who ends up being reduced, for the specifically human questions about our origin and destiny, the questions raised by religion and ethics, then have no place within the purview of collective reason as defined by "science", so understood, and must thus be relegated to the realm of the subjective. The subject then decides, on the basis of his experiences, what he considers tenable in matters of religion, and the subjective "conscience" becomes the sole arbiter of what is ethical. In this way, though, ethics and religion lose their power to create a community and become a completely personal matter. This is a dangerous state of affairs for humanity, as we see from the disturbing pathologies of religion and reason which necessarily erupt when reason is so reduced that questions of religion and ethics no longer concern it. Attempts to construct an ethic from the rules of evolution or from psychology and sociology, end up being simply inadequate.

Before I draw the conclusions to which all this has been leading, I must briefly refer to the third stage of de-hellenization, which is now in progress. In the light of our experience with cultural pluralism, it is often said nowadays that the synthesis with Hellenism achieved in the early Church was an initial inculturation which ought not to be binding on other cultures. The latter are said to have the right to return to the simple message of the New Testament prior to that inculturation, in order to inculturate it anew in their own particular milieux. This thesis is not simply false, but it is coarse and lacking in precision. The New Testament was written in Greek and bears the imprint of the Greek spirit, which had already come to maturity as the Old Testament developed. True, there are elements in the evolution of the early Church which do not have to be integrated into all cultures. Nonetheless, the fundamental decisions made about the relationship between faith and the use of human reason are part of the faith itself; they are developments consonant with the nature of faith itself.

And so I come to my conclusion. This attempt, painted with broad strokes, at a critique of modern reason from within has nothing to do with putting the clock back to the time before the Enlightenment and rejecting the insights of the modern age. The positive aspects of modernity are to be acknowledged unreservedly: we are all grateful for the marvellous possibilities that it has opened up for mankind and for the progress in humanity that has been granted to us. The scientific ethos, moreover, is - as you yourself mentioned, Magnificent Rector - the will to be obedient to the truth, and, as such, it embodies an attitude which belongs to the essential decisions of the Christian spirit. The intention here is not one of retrenchment or negative criticism, but of broadening our concept of reason and its application. While we rejoice in the new possibilities open to humanity, we also see the dangers arising from these possibilities and we must ask ourselves how we can overcome them. We will succeed in doing so only if reason and faith come together in a new way, if we overcome the self-imposed limitation of reason to the empirically falsifiable, and if we once more disclose its vast horizons. In this sense theology rightly belongs in the university and within the wide-ranging dialogue of sciences, not merely as a historical discipline and one of the human sciences, but precisely as theology, as inquiry into the rationality of faith.

Only thus do we become capable of that genuine dialogue of cultures and religions so urgently needed today. In the Western world it is widely held that only positivistic reason and the forms of philosophy based on it are universally valid. Yet the world's profoundly religious cultures see this exclusion of the divine from the universality of reason as an attack on their most profound convictions. A reason which is deaf to the divine and which relegates religion into the realm of subcultures is incapable of entering into the dialogue of cultures. At the same time, as I have attempted to show, modern scientific reason with its intrinsically Platonic element bears within itself a question which points beyond itself and beyond the possibilities of its methodology. Modern scientific reason quite simply has to accept the rational structure of matter and the correspondence between our spirit and the prevailing rational structures of nature as a given, on which its methodology has to be based. Yet the question why this has to be so is a real question, and one which has to be remanded by the natural sciences to other modes and planes of thought - to philosophy and theology. For philosophy and, albeit in a different way, for theology, listening to the great experiences and insights of the religious traditions of humanity, and those of the Christian faith in particular, is a source of knowledge, and to ignore it would be an unacceptable restriction of our listening and responding. Here I am reminded of something Socrates said to Phaedo. In their earlier conversations, many false philosophical opinions had been raised, and so Socrates says: "It would be easily understandable if someone became so annoyed at all these false notions that for the rest of his life he despised and mocked all talk about being - but in this way he would be deprived of the truth of existence and would suffer a great loss".[13] The West has long been endangered by this aversion to the questions which underlie its rationality, and can only suffer great harm thereby. The courage to engage the whole breadth of reason, and not the denial of its grandeur - this is the programme with which a theology grounded in Biblical faith enters into the debates of our time. "Not to act reasonably, not to act with logos, is contrary to the nature of God", said Manuel II, according to his Christian understanding of God, in response to his Persian interlocutor. It is to this great logos, to this breadth of reason, that we invite our partners in the dialogue of cultures. To rediscover it constantly is the great task of the university.

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[1] Of the total number of 26 conversations (διάλεξις – Khoury translates this as "controversy") in the dialogue ("Entretien"), T. Khoury published the 7th "controversy" with footnotes and an extensive introduction on the origin of the text, on the manuscript tradition and on the structure of the dialogue, together with brief summaries of the "controversies" not included in the edition; the Greek text is accompanied by a French translation: "Manuel II Paléologue, Entretiens avec un Musulman. 7e Controverse", Sources Chrétiennes n. 115, Paris 1966. In the meantime, Karl Förstel published in Corpus Islamico-Christianum (Series Graeca ed. A. T. Khoury and R. Glei) an edition of the text in Greek and German with commentary: "Manuel II. Palaiologus, Dialoge mit einem Muslim", 3 vols., Würzburg-Altenberge 1993-1996. As early as 1966, E. Trapp had published the Greek text with an introduction as vol. II of Wiener byzantinische Studien. I shall be quoting from Khoury's edition.

[2] On the origin and redaction of the dialogue, cf. Khoury, pp. 22-29; extensive comments in this regard can also be found in the editions of Förstel and Trapp.

[3] Controversy VII, 2 c: Khoury, pp. 142-143; Förstel, vol. I, VII. Dialog 1.5, pp. 240-241. In the Muslim world, this quotation has unfortunately been taken as an expression of my personal position, thus arousing understandable indignation. I hope that the reader of my text can see immediately that this sentence does not express my personal view of the Qur'an, for which I have the respect due to the holy book of a great religion. In quoting the text of the Emperor Manuel II, I intended solely to draw out the essential relationship between faith and reason. On this point I am in agreement with Manuel II, but without endorsing his polemic.

[4] Controversy VII, 3 b–c: Khoury, pp. 144-145; Förstel vol. I, VII. Dialog 1.6, pp. 240-243.

[5] It was purely for the sake of this statement that I quoted the dialogue between Manuel and his Persian interlocutor. In this statement the theme of my subsequent reflections emerges.

[6] Cf. Khoury, p. 144, n. 1.

[7] R. Arnaldez, Grammaire et théologie chez Ibn Hazm de Cordoue, Paris 1956, p. 13; cf. Khoury, p. 144. The fact that comparable positions exist in the theology of the late Middle Ages will appear later in my discourse.

[8] Regarding the widely discussed interpretation of the episode of the burning bush, I refer to my book Introduction to Christianity, London 1969, pp. 77-93 (originally published in German as Einführung in das Christentum, Munich 1968; N.B. the pages quoted refer to the entire chapter entitled "The Biblical Belief in God"). I think that my statements in that book, despite later developments in the discussion, remain valid today.

[9] Cf. A. Schenker, "L'Écriture sainte subsiste en plusieurs formes canoniques simultanées", in L'Interpretazione della Bibbia nella Chiesa. Atti del Simposio promosso dalla Congregazione per la Dottrina della Fede, Vatican City 2001, pp. 178-186.

[10] On this matter I expressed myself in greater detail in my book The Spirit of the Liturgy, San Francisco 2000, pp. 44-50.

[11] Of the vast literature on the theme of de-hellenization, I would like to mention above all: A. Grillmeier, "Hellenisierung-Judaisierung des Christentums als Deuteprinzipien der Geschichte des kirchlichen Dogmas", in idem, Mit ihm und in ihm. Christologische Forschungen und Perspektiven, Freiburg 1975, pp. 423-488.

[12] Newly published with commentary by Heino Sonnemans (ed.): Joseph Ratzinger-Benedikt XVI, Der Gott des Glaubens und der Gott der Philosophen. Ein Beitrag zum Problem der theologia naturalis, Johannes-Verlag Leutesdorf, 2nd revised edition, 2005.

[13] Cf. 90 c-d. For this text, cf. also R. Guardini, Der Tod des Sokrates, 5th edition, Mainz-Paderborn 1987, pp. 218-221.

COURSE EVALUATION

To help us to continually improve the North American Leadership Institute (NALI), we would very much appreciate your answers to the following questions:

Readings

1. How valuable were the course readings?

Extremely Good ☐	Very Good ☐	Good ☐	Borderline ☐	Poor ☐

2. How well did the readings for the classes match the goals for those classes?

Extremely Well ☐	Very Well ☐	Well ☐	Borderline ☐	Poorly ☐

Instructor

3. How well prepared was the instructor for the philosophy course?

Extremely Well ☐	Very Well ☐	Well ☐	Borderline ☐	Poorly ☐

4. How successful was this instructor at explaining course materials?

Extremely Good ☐	Very Good ☐	Good ☐	Borderline ☐	Poor ☐

5. How effective was this instructor in answering students' questions?

Extremely Good ☐	Very Good ☐	Good ☐	Borderline ☐	Poor ☐

Class Experience

6. How effective was this instructor in steering and guiding discussions?

Extremely Good ☐	Very Good ☐	Good ☐	Borderline ☐	Poor ☐

7. How useful were the comments of your fellow students for understanding the philosophy material?

Extremely Good ☐	Very Good ☐	Good ☐	Borderline ☐	Poor ☐

Course

8. How well did the design of the philosophy course match the goals of the course?

Extremely Well ☐	Very Well ☐	Well ☐	Borderline ☐	Poorly ☐

9. In your view, how well did the philosophy course achieve its goals?

Extremely Well ☐	Very Well ☐	Well ☐	Borderline ☐	Poorly ☐

10. How well did the materials in the philosophy course complement the other components of your NALI experience?

Extremely Well ☐	Very Well ☐	Well ☐	Borderline ☐	Poorly ☐

COURSE EVALUATION ESSAY:
Please compose a short course evaluation essay of *at least* 150 words answering the following question, "Did the North American Leadership Institute (NALI) help you to become a better leader in the struggle to defend human dignity? If so, please relate how."

Please sign this consent request:

Consent for NAEIF to use my journal writing, photos from activities, course evaluation and essay for promotional purposes, including on the Internet.

Signature: _____ **Date:** _____