

Modern Catholic Social Teaching

Commentaries and Interpretations

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project never caused them to doubt its worth, and it is a pleasure to have this volume published by such a distinguished university press.

INTERNET RESOURCE

Many collections of the documents of Catholic social teaching are available in published works. There is also online access to various sites that contain the documents studied in this volume.

The editor has established a web page that will provide easy access to the documents of modern Catholic social teaching in both English and Latin versions. Access to the paintings discussed by Michael Schuck in his exposition of pre-Leonine social thought is also available through the web page. To see the documents and artwork, go to <http://www2.bc.edu/~khimes/publications/mcst/>.

ABBREVIATIONS

AAS	<i>Acta apostolicis sedis</i>	JSOT	<i>Journal for the Study of the Old Testament</i>
ACCO	Association of Catholic Conscientious Objectors	LE	<i>Laborem exercens</i>
ACLI	Associazioni Cristiane Lavoratori Italiani	LG	<i>Lumen gentium</i>
CA	<i>Centesimus annus</i>	LXX	Septuagint
CAIP	Catholic Association for International Peace	MM	<i>Mater et magistra</i>
CDF	Congregation for the Doctrine of the Faith	NAB	New American Bible
CELAM	Consejo Episcopal Latinoamericano	NCWC	National Catholic Welfare Conference
CHD	Campaign for Human Development	NFP	Natural Family Planning
CP	<i>The Challenge of Peace</i>	NRSV	New Revised Standard Version
CPC	Central Preparatory Committee (Vatican II)	OA	<i>Octogesima adveniens</i>
CS	<i>Caritatis studium</i>	OCCO	Oeuvre des cercles catholiques d'ouvriers
CSD	Catholic social doctrine	OR	Commission for Oriental Churches (Vatican II)
DH	<i>Dignitatis humanae</i>	PP	<i>Populorum progressio</i>
DR	<i>Divini redemptoris</i>	PT	<i>Pacem in terris</i>
EJA	<i>Economic Justice for All</i>	QA	<i>Quadragesimo anno</i>
FC	<i>Familiaris consortio</i>	RH	<i>Redemptor hominis</i>
GS	<i>Gaudium et spes</i>	RN	<i>Rerum novarum</i>
HV	<i>Humanae vitae</i>	SAD	Social Action Department (of the NCWC)
JM	<i>Justitia in mundo</i>	SCU	Secretariat for Christian Unity (Vatican II)

SNTSMS	Society for New Testament Monograph Series	USCCB	U.S. Conference of Catholic Bishops
SRS	<i>Sollicitudo rei socialis</i>	WCC	World Council of Churches
ST	<i>Summa theologiae</i>		
TC	Theological Commission (of Vatican II)		
USCC	U.S. Catholic Conference		

INTRODUCTION

KENNETH R. HIMES, O.F.M.

This is a large book, the work of many hands and minds. It is the end result of a process of extensive scholarly collaboration that took place over three years. The project and process began with the assembly of a board of associate editors that discussed the selection of authors and topics for an anthology that would serve as a standard reference work for the major documents of Catholic social teaching.

The editors and authors involved in this project attended two springtime meetings that were rewarding exercises in intellectual exchange. Prior to the initial meeting, authors submitted the first drafts of their manuscripts, which were read and commented upon by others in the group. At this meeting, detailed suggestions for revision of each manuscript were offered by the editors and fellow authors. One year later the entire group met again after submitting second drafts in advance of the meeting. Once more, reactions and comments were given that provided each author with guidance for additional revision.

Then in the autumn following the second meeting, the final version of each author's text was submitted to an editorial board member who reviewed the work to ensure that the author's text reflected the insights of the collaborative process. Following that review the

entire manuscript was then closely edited and put into proper format for the production process. As a result this volume is truly a joint effort by twenty scholars who have worked to produce a book that distills their collective insights into a series of commentaries and essays on modern Catholic social teaching.

DESIGN OF THE BOOK

This volume is intended as a reference work for anyone interested in studying the key documents of Catholic social teaching. It is presumed that readers will not go through this book cover to cover but will dip into the material at various points to gain insight about some aspect of the Church's social teaching. That presumption has shaped the way the editors planned the present volume.

There are fourteen commentaries and seven essays included in this volume. Four essays comprise part I of the volume; each can be read profitably by both scholar and student alike. The first two essays (Donahue and Pope) provide assistance in understanding the biblical and philosophical underpinnings for Catholic social teaching. The third essay (Gaillardetz) addresses the ecclesiological issues that arise in discussion of the Church's social teaching.

Although this volume is focused on modern documents of the tradition, commonly dated as starting in 1891 with publication of Leo XIII's *Rerum novarum*, there is a rich vein of writing that precedes that landmark papal encyclical. The fourth essay (Schuck) offers a study of the social thought that preceded Leo's writing.

In part II of the book the reader will find fourteen commentaries on major documents of Catholic social teaching. The commentaries follow a similar format¹:

- **Introduction**—briefly notes the document's significance and key points
- **Outline of the Document**—provides an overview of the entire document with short descriptions of subsections
- **Ecclesial and Social Context of the Document**—assists readers in understanding the historical setting of the document and what the climate was like in the Church and the world at the time it was written
- **Process of Formulation and Authorship**—describes who contributed to the writing of the document and what stages it went through prior to completion
- **Essay**—is the heart of the commentary, which develops the major themes, methodology, arguments, and conclusions of the text, explaining how it stands in relation to the broad tradition of Catholic social teaching
- **Excursus**—examines in detail some aspect(s) of the text that calls for more extensive analysis
- **Reactions to the Document**—details reactions of critics and supporters
- **Selected Bibliography**—is annotated to assist further research
- **Notes**—provides additional bibliographic information

Since each commentary is meant to be self-contained, there is a certain amount of repetition as one moves from commentary to commentary. For example, discussion of the context for a document written in early 1971 (*Octogesima adveniens*) will not differ all that

greatly from the context for a document written later that same year (*Justitia in mundo*). The editor believes the risk of some repetitiveness is outweighed by the benefit of each commentary being able to stand alone as a comprehensive treatment of a document.

Part III of the volume contains three essays. Two of these essays (Curran and Whitmore) review how Catholic social teaching has been received in the United States. They also discuss how various Catholic leaders in the United States have articulated the social tradition for their particular time and place. One of the criticisms made of the social teaching expressed in papal writings is that it does not build upon and learn from the experience of local churches. Certainly, there are few references to documents issued by national and regional assemblies of bishops. Yet, the efforts of local church leaders to interpret and apply Catholic social teaching to a particular locale are a noteworthy aspect of the development of the tradition. The essays on the U.S. experience serve to highlight one local church experience.

The final essay (Coleman) in the volume looks to the future. It takes an informed look at needed developments and unresolved questions for the future of the tradition. One end of a tradition reaches back into the past, providing roots for a stable foundation, but the other end must be the "growing edge" whereby the tradition is retrieved and developed so that it continues to inform people living in new eras with new issues. The authors in this book believe that the tradition of Catholic social teaching remains a worthwhile object of study precisely because its rootedness in the past does not diminish but enhances its ability to provide insight and lessons for the future.

THE SUBJECT MATTER OF THE BOOK

The title of this volume, *Modern Catholic Social Teaching: Commentaries and Interpretations*, accurately portrays what the reader will find inside the cover. But the title deserves additional explanation. The designation of *modern*

teaching is a customary way of dating those teachings that begin with the promulgation of *Rerum novarum* in 1891 by Leo XIII. As Michael Schuck, one of our contributors, has maintained here and elsewhere,² this dating is misleading if it gives the impression that prior to 1891 the papacy ignored social topics. Indeed, Leo himself issued a number of papal letters, called encyclicals, on political matters that predate *Rerum novarum*.

Without doubt, however, it was the 1891 encyclical that inspired a deeper and broader commitment by church members to the social questions of the time. It is for that reason—its impact on the wider Church as well as its subsequent commemoration by later popes—that an informal designation of *Rerum novarum* as the initial text of modern Catholic social teaching has arisen. While the essays of part I cover a wide range of materials prior to 1891, the commentaries of part II begin with *Rerum novarum* and follow the customary practice of using Leo's encyclical as a marker for the onset of *modern* social teaching.

The second word of this volume's title is *Catholic*, as in Roman Catholic. There are other branches of Catholicism but it is Roman Catholicism, the largest of the Catholic churches, that has produced a substantial body of literature on social questions. It is members of the hierarchy, either singly or collectively, who have issued the documents under study in this volume.

For the most part, the literature of Catholic social teaching has been written by a small group of people. Officially the authors are popes or bishops, but church leaders have relied upon a small band of ghostwriters, advisors, consultants, and pastoral ministers in the formulation of these documents. Usually, the circle of people involved in the production of a document has been composed mainly of European clerics.

To what extent the documents give voice to the actual sentiments and ideals of the wider Catholic population is difficult to assess. At times, some Catholics, in both the past and present, have expressed deep disagreement with one or another aspect of the teachings. Other

Catholics, a committed but minority population, have used the writings as inspiration and guidance for social engagement. It is safe to say that the majority of Catholics have never read these documents in their entirety or even read any one of them from beginning to end. However, the importance of the material cannot be measured by the size of the readership. Its influence comes from how the texts have been "translated" into sermons, lectures, public programs, social movements, acts of charity, just deeds, and peacemaking.

What is certain is that the documents under review in this volume are the accepted expression of a social outlook that the Catholic tradition generates. There is a normative vision found in the writings that articulate the official position of the Catholic Church as promulgated by its hierarchical leadership. In this sense it is *Catholic* teaching.

A final clarification of the volume's title is the use of social *teaching* as distinct from social thought. As one might expect from such a sizable and diverse segment of humanity, Catholic men and women have contributed insightful and even brilliant ideas to the history of political, economic, and cultural thought. There is much to be learned from the historical tradition of Catholic social thought—from Tertullian's "Military Chaplet" to Clement of Alexandria's "Can a Rich Man Be Saved?"; from Marsilius of Padua's "Defender of Peace" to Thomas More's *Utopia*; from Aquinas's "Treatise on Law" in Ia IIae of the *Summa Theologica* to Francisco Suarez's *Laws and God the Lawgiver*. In more recent times Jacques Maritain's *Integral Humanism* and Dorothy Day's editorials in the *Catholic Worker* exemplify Catholic thinkers who address social questions of their time from the perspective of faith. All of this and more falls under the heading of Catholic social thought.

Catholic *teaching* refers more narrowly to the texts issued by those who hold an official teaching position within the Church by virtue of membership within the episcopal college. Contemporary Catholicism designates this official teaching office as the magisterium. Better appreciation and understanding of the authority

and nature of this official teaching issued by the hierarchy of the Church is provided by Richard Gaillardetz's chapter in this volume.

There is also at present a disagreement about whether the material under study in this book is more appropriately described as social doctrine rather than social teaching. Several decades ago a French Dominican theologian, Marie-Dominique Chenu, wrote a book in which he used the term *doctrine* in a pejorative sense.³ For Chenu, social doctrine was an ideology, an abstract theory to be universally applied that ignored inductive methods and empirical evidence that did not confirm the theory. He believed that elements of such an ideology infected the approach of pre-Vatican II social teaching. Chenu went on to endorse changes in Catholic social teaching that moved toward greater reliance upon an inductive reading of the signs of the times and use of the social sciences. For him Catholic social doctrine was a negative term and its demise was to be welcomed.

During the papacy of John Paul II there were instances where the term *social doctrine* was used, seemingly as a direct rebuttal to the Chenu thesis. To make his case, Chenu had to emphasize the discontinuity between pre- and postconciliar social teaching. In his writing John Paul II frequently stressed the continuity of the tradition and did not shy away from use of the word *doctrine* because he was unwilling to grant Chenu's premise of significant discontinuity within the tradition. Thus, one finds the expressions *social teaching*, *social doctrine*, and another expression, *social magisterium*, used virtually synonymously in the work of John Paul II. Since *social teaching* is used by both those who favor and those who challenge the Chenu thesis, it is an apt term for the title of this volume.

Properly understood, social teaching is not social ethics. Ethical discourse entails critical reflection aimed at achieving a systematic and especially methodological investigation. The papal and episcopal teaching under consideration in this volume exhibits a different intent—to enlighten, inspire, and guide moral reform on social matters.

It is the ambition of the authors in this volume to provide ethical reflection upon the hierarchical teaching, in both the commentaries and essays that are included. Catholic *social teaching*, as explained above, is much less broad than social thought or social ethics.

THE SELECTION OF TEXTS

There are fourteen commentaries in this volume. The editors had to decide which documents to include as subject matter for this volume since there is no established canon of Catholic social teaching. (As already noted, the use of *Rerum novarum* in 1891 as a starting date is customary but not indisputable.) There are a number of texts, such as John XXIII's *Pacem in terris* or Paul VI's *Populorum progressio*, that would be on any list of modern Catholic social teaching. Much of the material chosen as subject matter for commentary invited no disagreement. But other writings were a topic of debate among the editors.

Certain documents of papal social teaching have been important at the time but the intervening years have made them less significant for today. Pius XI issued an encyclical, *Divini redemptoris*, which condemned atheistic communism and stirred strong Catholic opposition to Stalinism and the political program of the Soviet Union. His letter to the bishops of Germany, *Mit Brennender Sorge*, opposed the ideology of Nazism and was a stern rebuke to Hitler's regime. While historically notable, neither of these writings appears to merit extended commentary in the present age.

Marriage and family life are key social institutions and they have been understood as being foundational to the Catholic vision of human society. Two papal encyclicals came to mind as a result. Paul VI's *Humanae vitae*, issued in 1968, was certainly of historical importance. The encyclical offered a very positive expression of a Christian view of human sexuality and marriage as well as occasioned a vigorous debate over artificial contraception. Much has changed since 1968 regarding family, marriage, and women's social roles. A more recent text

than *Humanae vitae* that addresses these topics is John Paul II's *Familiaris consortio*. Including a commentary on that apostolic exhortation provides an opportunity to examine the importance of the "domestic church" in the Catholic vision of social life.

Another text issued by Paul VI, *Evangelii nuntiandi*, reflects upon the relationship between evangelization and the social agenda of human liberation. Explicating the relationship of the church's central religious mission and its social mission is an important theological concern but it is an issue that various documents of social teaching either implicitly or explicitly address. Furthermore, while *Evangelii nuntiandi* contains important ideas, it is not mainly devoted to Catholic social teaching. Because several of the other commentaries included in this volume examine the theological foundations of the Church's social mission, it was decided not to include one on *Evangelii nuntiandi*.

For whatever reason, the text of *Dignitatis humanae* is often not studied in treatments of Catholic social teaching. Why that is the case is surprising since the *Declaration on Religious Liberty* issued by Vatican II is a remarkable document. Not only does it squarely address the main issue of religious liberty, it is also fraught with implications for Catholic teaching on democracy, the nature of the state, civil law, and human rights in general. It is also the conciliar text most directly influenced by the thought and experience of Catholics in the United States. Members of the editorial board all agreed that a commentary on it should be included in this volume.

Ultimately, the editors decided that the fourteen commentaries included in this book should not only cover the major documents of Catholic social teaching, but also reflect a list of the popes who have been significant for modern Catholic social teaching. (Including the addresses of Pius XII was one way of incorporating the pope who has been the subject of much controversy with regard to his activities during the years of World War II and after.) There was also a concern that no one papal voice dominate the presentation of the entire

modern tradition. This explains the decision not to include a fifteenth commentary on John Paul II's *Evangelium vitae* since four of his other writings are examined.

Of course, other scholars and church leaders might have their own list of suggested texts for modern Catholic social teaching. The editors believe that our list is a good and reasonably complete one, even if not beyond dispute.

THE GENRE OF CATHOLIC SOCIAL TEACHING

The writings under study are examples of the universal teaching authority of the Church. As such, they are attempts to speak to the broad audience of worldwide Catholicism and, even beyond the confines of the Catholic community, the global audience of "all people of good will." Consequently, one finds in this teaching few specifics and many broad general statements. The teaching does not delve into the specifics of proposed solutions but functions more at the level of values and perspectives by which to frame discussion of a problem and understand what is at stake. These are not documents that will satisfy all the requirements of social ethics or public policy analysis; nor are they meant to do so. There is more religious-moral content than methodological precision and programmatic detail in the Church's teaching.

Another facet of the genre is the confidence that church leaders exhibit that they can indeed fashion teaching that is universal. Due in large part to reliance upon the methodology and presuppositions of the natural law tradition, the Catholic Church has maintained it is possible to formulate teaching that really does speak to all people in all settings. This emphasis on the universal has on occasion blinded the proponents of Catholic social teaching to the partiality of the tradition. In various ways the claims of universality are too easily made in Catholic social teaching.

It is also the case that within the tradition certain themes receive a great deal of attention and other topics have been slighted. Labor, just wages, duties of the state, poverty, and human

rights are examples of recurring topics. Racism, nationalism, anti-Semitism, and feminism are illustrations of topics that get insufficient attention. Another topic that is not adequately addressed is institutional self-criticism and how the Church's institutional self-interest may shape its teaching on social questions.

Readers will find that the various essayists and commentators quite properly point out the weaknesses as well as strengths of the social teaching.

AN AMERICAN CATHOLIC READING OF THE TRADITION

A final word must be said about the authors and editors of this volume. All of us are Roman Catholics living in the United States. Every author is a distinguished scholar who has studied Catholic social teaching as part of his or her academic career. This volume is self-consciously a work that reflects the perspective of American Catholicism.

Certainly, there are scholars from other countries who could have contributed to this book and there are advantages to having a book that represents the divergent experiences of Catholics from around the world as well as from different theological viewpoints. Nonetheless, there are also advantages to having a volume that reflects upon the tradition from a particular perspective. The authors in this book are part of the broad spectrum of progressive Catholicism that is committed to the ongoing renewal of the Church in the spirit of Vatican II. When other strands of the Catholic tradition are treated throughout the volume, an effort has been made to do so with respect and fairness.

The scholars involved in producing this book are aware that the U.S. Catholic Church

is a complex reality and that it is only one region of a universal Church. The editors and authors do not imagine that they have said the final word on any of the topics they address. We do believe that we have produced an intellectually responsible and theologically faithful exposition and analysis of Catholic social teaching. Readers who utilize this volume can judge for themselves the accuracy of that claim, but the editors and authors sincerely hope that is the case. If our work serves to advance our readers' appreciation and understanding of the Catholic social tradition we will be satisfied.

All royalties from the sale of this volume will be donated to the Catholic Campaign for Human Development, a program sponsored by the bishops of the United States that assists the poor to help themselves.

NOTES

1. The one exception to the standard format is that of John Langan's commentary on the writings of Pius XII. Because this pope wrote no major social encyclical, he is often downplayed or omitted in studies dealing with Catholic social teaching. However, his lengthy papacy was a time of significant turmoil in the world and developments in the Church that ought not be overlooked. To find his social teaching one must explore not a single document but a series of addresses he delivered over Vatican radio. Langan's commentary, as a consequence, is not focused on a single text.

2. Michael Schuck, *That They Be One: The Social Teaching of the Papal Encyclicals 1740–1989* (Washington, D.C.: Georgetown University Press, 1991).

3. Marie Dominique Chenu, *La "doctrine sociale" de l'Église comme idéologie* (Paris: Cerf, 1979).

PART

I

Foundations

CHAPTER

I

The Bible and Catholic Social Teaching: Will This Engagement Lead to Marriage?

JOHN R. DONAHUE, S.J.

INTRODUCTION

Over the last century the Catholic Church has responded to the changing social and economic challenges of the modern world with a wide variety of official teaching, beginning with the encyclical letter of Pope Leo XIII, *On the Condition of Labor* (*Rerum novarum*, 1891) and continuing through the pontificate of Pope John Paul II (1978 to 2005).¹ The same period that witnessed the rise of Catholic social teaching was also the century during which the magisterium cautiously accepted the methods and conclusions of modern biblical scholarship.² The social teaching was based almost exclusively on the Catholic natural law tradition mediated primarily through Scholastic philosophy and theology, though later enhanced by dialogue with contemporary social ethics. During the evolution of Catholic social teaching and the development of Catholic biblical studies, these two great streams of renewal flowed side by side rather than together.

Yet there were tentative beginnings of the use of scripture in the early social encyclicals, which often evoked biblical texts and themes that had a long history in the patristic tradition. *Rerum novarum* highlights the need to use worldly goods for the benefit of others and the obligation to give alms (citing Luke 11:41 and

Acts 4:34, RN 19, 24) and the equal dignity of all human beings (citing Rom. 10:12, RN 37). *Quadragesimo anno*, while making comparatively little use of scripture, did invoke Matthew 11:28, “Come to me, all you who are weary and carrying heavy burdens,” to call back those “who have deserted the camp of the Church and passed over to the ranks of socialism” (QA 123), and later used the Pauline image of the body (Rom. 12:5; 1 Cor. 12:24–25) to stress the importance of the common good (QA 137).³

A major change in the use of scripture was inaugurated by Vatican II, held twenty years after Pope Pius XII’s encyclical, *Divino afflante Spiritu*, often called the “Magna Carta” of biblical studies.⁴ Following in the footsteps of Pope Leo XIII, Vatican II mandated that scripture be the soul of sacred theology, and stressed that “special care should be given to the perfecting of moral theology, . . . whereby its scientific presentation should draw more fully on the teaching of Holy Scripture.”⁵ In the post-Vatican II period the social teaching of the magisterium, while never abandoning its debt to philosophical analysis, began to be more explicitly theological and scriptural. The documents did not engage in exegetical discussions but drew on the fruits of exegesis, especially by giving a more Christological thrust to moral teaching. J. Bryan Hehir has observed, “After

the appearance of *Gaudium et spes*, however, the pressure for more biblically and theologically based social ethic came from within the ranks of Catholic theologians and advocates of social justice.⁶

Select writings of Pope John Paul II indicate ways in which scripture has been used for social justice. In his letter dealing with human work, *Laborem exercens* (September 19, 1981), John Paul II speaks of human dignity and human destiny in the first two chapters of Genesis and comments: “An analysis of these texts makes us aware that they express—sometimes in an archaic way of manifesting thought—the fundamental truths about humanity.”⁷ John Paul’s most sustained use of the Bible occurs in his encyclical, *Sollicitudo rei socialis* (*On Social Concerns*; December 30, 1987), in commemoration of Pope Paul VI’s encyclical, *Populorum progressio* (1967). Again the pope turns to Genesis 1 and 2 to stress that men and women are created in the image of God, and he further notes: “The story of the human race described by Sacred Scripture is, even after the fall into sin, a story of constant achievements which, although always called into question and threatened by sin, are nonetheless repeated, increased and extended in response to the divine vocation given from the beginning to man and woman (Gen. 1:26–28) and inscribed in the image they received” (SRS, 29).

The parable of the rich man and Lazarus (Luke 16:19–31) is one of the texts most often cited in modern social teaching. Vatican II cites the parable to show that “everyone must consider his [or her] neighbor without exception as another self,” so as not to imitate the rich man who had no concern for the poor Lazarus (GS 27). In *Populorum progressio*, Pope Paul VI expressed a hope for “a world where freedom is not an empty word, and where the poor man Lazarus can sit down at the same table with the rich man” (47). In his world travels, Pope John Paul II has used the parable frequently, most notably in his address in Yankee Stadium on October 2, 1979, where he noted that the rich man was condemned because “he failed to take notice” of Lazarus who sat at his door. The

pope further stated that this parable “must always be in our memory” and “form our conscience,” and that Christ demands openness “from the rich, the affluent, the economically advantaged to the poor, the underdeveloped and the disadvantaged.” He sees this as both an individual and national challenge.⁸ The key words in the papal statement are “always be in our memory” and “form our conscience.” The biblical material does not give direct precepts, but it is necessary to inform the Christian imagination and moral dispositions.⁹

Pope John Paul returns to this parable in *Sollicitudo rei socialis* (1987), stating, “it is essential to recognize each person’s equal right to be seated at the common banquet instead of lying outside the door like Lazarus” (SRS 33). Though this use of the parable verges on the allegorical, I would argue that intertextually its use is legitimate and that it touches human imagination today in a way that can evoke a response to the parable analogous to that expected of Luke’s original readers.

Other texts most frequently used are a number of references to Genesis 1–2, especially to Genesis 1:26, the creation of man and woman in the image of God, as a basis of human rights and human dignity, and, as one might expect, to the allegory of the sheep and the goats in Matthew 25:31–46, but interpreted in the universalistic sense that all the thirsty, the hungry, and people otherwise marginalized are brothers and sisters of Jesus.

In his *Centesimus annus* the pope makes sparing use of scripture, again invoking Genesis to undergird human dignity and the destination of the goods of the earth for common use. He also cites Matthew 25:31–46 (sheep and goats) and the parable of the good Samaritan (Luke 10:30–35) to stress that everyone is responsible for the well-being of his or her brother or sister (CA 51). More important than citation of specific texts is that the pope sees the whole Christian tradition as affirming “the option or love of preference for the poor” (CA 42), and says that it is because of “her *evangelical duty* [emphasis mine] that the Church feels called to take her stand beside the poor, to discern the justice of their requests” (CA 39).

The most sustained use of the Bible in any church document on social justice was in the 1986 pastoral letter of the U.S. bishops, *Economic Justice for All*.¹⁰ Here the bishops recognize the difficulty of bringing the Bible to bear on complex economic and social issues, and call attention to “the Bible’s deeper vision of God, of the purpose of creation, and of the dignity of human life in society” (EJA 29). While offering no sustained biblical argument, the bishops select six themes from the Bible that are judged especially pertinent to social issues today: (1) creation of all men and women in God’s image, which stamps them with an inalienable dignity; (2) God’s formation of a covenant community that lives in justice and mutual concern; (3) the proclamation of God’s reign by Jesus, (4) along with his formation of a community of disciples that is (5) to be manifest in a special concern for the poor and marginal, and (6) that bequeaths to history a legacy of hope and courage even amid failure and suffering. Despite the cursory and selective nature of the biblical treatment and the criticism in some circles that the use of the Bible by the bishops softens the prophetic critique of injustice, the themes selected provide a foundation for further theological reflection. Also, as Benedictine Archbishop Rembert Weakland, the chair of the committee that drafted the economics pastoral, stressed, no matter how difficult the problems of interpretation and application of the biblical material, “if the document was to influence preaching and daily church life, there should be a scriptural section that would put people in touch with the major texts and social themes of the Bible.”¹¹ Whatever the intellectual power and depth of papal teaching, the encyclicals rarely touch the lives of everyday Catholics. If Catholic social teaching is to form people’s consciences, inspire their imaginations, and shape their lives, it must weave biblical theology into its presentations.

Though often the charge is made that church teaching simply uses the scripture for proof texting, this is not completely accurate. Catholic moral theologians have tended to base their teaching on a modified natural law theology as interpreted by a magisterial and theo-

logical tradition. Scripture is often used as “a moral reminder” or a way of motivating people to moral activity that is based on diverse sources.¹² Second, a distinction must be made between the use of scripture as intertextual reference and proof texting, strictly speaking.¹³ Contemporary studies of intertextuality show that often texts evoke earlier texts and a whole history of associations in a community.¹⁴ Much of the use of scripture in official documents is of this nature, and is in this sense quite legitimate. Neither usage is the same as crass proof texting, where there is neither a chain of traditional association nor little intrinsic connection between the scriptural reference and the doctrine to be “proved.”

While this volume offers careful studies of the mainly magisterial documents that produced a coherent body of social doctrine, the biblical renewal is much less focused and comprises a myriad of methods, originally historical criticism, now supplemented by varieties of “criticisms,” for example, redaction criticism, social science criticism, and literary criticism, all of which are enveloped by different hermeneutical approaches, for example, liberation and feminist hermeneutics, and a proliferation of “posts,” postmodern readings, postfeminist readings, and postcolonial readings. Nor among biblical scholars themselves is there one consistent position on what makes a particular biblical text or theme authoritative or how they concretely influence church life and practice. An adequate presentation of the relation and relevance of biblical thought to Catholic social teaching would itself involve a multivolume work.

APPROACHING THE TEXTS: THE OLD TESTAMENT FOUNDATION

The Bible is not one book, but rather a collection of texts that themselves incorporate traditions ranging over a millennium. In contrast to the careful language of Catholic social teaching, couched mainly in the encyclical genre, the Bible is a *mélange* of different literary genres, historical and legendary narratives,

epic tales, prophetic oracles, varied collections of wisdom sayings, religious poetry praising God and lamenting his absence, and apocalyptic visions. Until recently the Bible represented unexplored terrain for many Catholics and, even with the transformation of the Church after Vatican II into a Bible-reading and Bible-praying community, the relevance of these ancient texts to today's complex social world seems questionable.

In debt to the writings of Paul Ricoeur, as mediated primarily through Sandra Schneiders and Dorothy Lee, I propose an admittedly oversimplified approach to the biblical material.¹⁵ Ricoeur argues that, "as readers, we begin to read a text naively, opening ourselves to its dynamic in the same way that children listen to stories; this first movement is a 'naive grasping of the meaning of the text as a whole.'¹⁶ For reflections on the biblical meaning of justice, this means that often, especially for Catholics not nurtured on the biblical tradition, simple exposure to biblical texts is a prerequisite to any significant use of these texts. Subsequent explanation and exegesis may simultaneously challenge and enrich this initial engagement, but always as a preparation for an appropriation that leads to individual and social transformation.

The next movement involves explanation of the text: "the reader steps back from the text and engages in the kind of research necessary for a deeper comprehension at a number of levels. Here the historical-critical method and related tools of biblical study play their part."¹⁷ This movement also involves "distanciation," that is, the reader moves beyond preliminary and naive interpretations that arise from an initial engagement with the text, and then experiences a "second naiveté" that enables an informed explanation of the text.¹⁸

Ricoeur's insights also lead to the concept of the semantic autonomy of a text whereby its meaning is not *limited* to the "intention" of an original author. This autonomy, he stresses, does not imply that "authorial meaning has lost all significance." There will always be a dialectical relationship between authorial intention and subsequent meaning.¹⁹ His insights on the "semantic autonomy" of texts, that texts are

open to interpretations beyond their original context, are consistent with observations of biblical scholars about the development of traditions.²⁰ Texts engender traditions of interpretation that often involve genres and settings quite different from the originating discourse. For example, the exodus is celebrated, perhaps originally by the hymns at the sea (Exod. 15:1–18, 20–21), in psalms (Pss. 78, 105), and in the sagas of the "taking of the land" in Joshua and Judges (Josh. 3:14–17). The return from exile in Isaiah is seen as a second exodus from oppression to liberation,²¹ and the exodus motif shapes much of New Testament theology.²² The "effective history" (*Wirkungsgeschichte*) of texts and traditions continues beyond the canonical scriptures and influences subsequent interpretations and appropriations of the originating narratives.

The Bible is both historical document and canonical, sacred text for a believing community. It is proclaimed in liturgy and is "the soul of sacred theology."²³ Though virtually no one feels that the Bible offers concrete directives or solutions to today's complex social problems, the Bible is the foundation of a Judeo-Christian vision of life. It discloses *the kind of God* we love and worship. This God is interested in the world, in human history, and in the manner in which humans live in community. This theme is pervasive throughout both Testaments. In one sense, the "faith that does justice" is simply an application of the great command to love God with one's whole heart, mind, and soul, and the neighbor as one's self. What the Bible relentlessly affirms from the law of Moses to the Pauline summons "to bear another's burdens and in this way you will fulfill the law of Christ" (Gal. 6:2) is that the love of neighbor is manifest especially in care for the weak and the powerless. When such a pervasive motif is found in multiple biblical literary genres (law, prophets, wisdom teaching) that are handed on and reinterpreted over a millennium, it can be seen as central to biblical revelation.

An indispensable task is increased knowledge and close reading of pertinent biblical texts in their historical and literary context, but read with a concern for issues of social jus-

tice.²⁴ Feminist scholars have long called attention to the blindness of established interpreters regarding texts and motifs that challenge an androcentric reading of the Bible. Allied to this challenge is a "hermeneutics of suspicion" about interpretations that support individualized piety. Philip Esler states, for example, that Luke's writings are read through a layer of *embourgeoisment* to foster middle-class values.²⁵

Equally important as the engagement with the meaning of the text is how the text forms the interpreter. James Gustafson, a leader in theological ethics over the past generation, has commented that the Bible does not offer revealed morality but revealed reality and tells us *the kinds of people we are to become* if we are to hear its message faithfully.²⁶ This approach leads to the present concern for virtue ethics, where the biblical narratives can form character and dispositions.

Some principle of analogy is helpful for application of the biblical texts to subsequent periods. Though the social and cultural situation of biblical texts is very different from our modern, postindustrial society, there are profound analogies, especially at the level of human behavior. The use of analogy also involves an appropriation of Gadamer's fusion of horizons, but in a sense in which the horizons are first seen in parallel structure.²⁷ For example, Amos's criticism of the ostentatiously rich (2:6–7; 4:1; 6:4–7), the plight of the poor man in Psalm 10, and the blindness of the wealthy to the needy at their gates (Luke 16:19–31) are hauntingly familiar to our own day, but do not provide clear moral guidelines. Paul's concern for the poorer churches of Palestine and even his collection strategy have relevance to a church in the United States increasingly divided along socioeconomic lines. Paul Tillich once defined the task of theology as one of correlation of the symbols of the faith (where symbol is understood as sacred text and sacred tradition) with the existential question of a given age.²⁸ David Tracy has extended this insight by arguing for a "critical correlation" whereby the theologian not only engages the existential questions but subjects their bases and formulation to critical appraisal,

while engaged in self-critical reflection on the tradition in which he or she stands.²⁹ In our age, socioeconomic questions are the most pressing, and conversion, study, and imagination are necessary to achieve the task of critical correlation.

In approaching the biblical material initially I describe the diverse ways in which the term *justice* is used in the Bible, often in contrast to the more circumscribed and careful use in social ethics. Then I highlight those biblical themes that have not only de facto been part of the emerging dialogue between the Bible and social ethics, but also those that have been constantly invoked and reinterpreted in the Bible itself, as illustrated above by the continuing reappropriation of the exodus event. The surplus of meaning and potential for new appropriations arise *within the Bible itself*. The notes, often more bibliographical than discursive, offer resources for continued explanation and adaptation of the material by different readers in different settings.³⁰ I conclude with some reflections on the need for continued and critical reappropriation of the biblical material by the ecclesial community.

The Biblical Vocabulary of Justice

Biblical justice is similar to, but very different from, the necessary and precise understandings of justice that emerge from the philosophical tradition dating back to Aristotle and modified in Thomistic thought. Even though justice is at once a transcendental term and an analogous one that is applied differently in specific situations, some major understandings and distinctions are almost universally accepted. A fundamental difficulty is translation of the appropriate terms.

The Bible has a rich vocabulary of justice, and injustice, that does not yield to a one-to-one correspondence in English.³¹ The two principal biblical terms are variations of the root *šdq* (used 523 times) and *mišpāt* (422 times), which are often used virtually interchangeably. Space does not allow adequate exploration of the labyrinth of other terms used for justice and their translations into

Greek, Latin, and contemporary versions, so the emphasis will be put on the above terms and a major translation problem. In most contemporary English versions, *ṣēdāqāb* is translated “righteousness” and *mišpāṭ* “justice or judgment” which, as we will see, causes major problems.

Biblical terms do not have the precision of concepts based on philosophical analysis, so distinctions between “justice” and “charity,” or “justice” and “holiness,” are much murkier in the Bible. A classic instance of the larger semantic fields embraced by these terms is the famous covenant renewal text of Hosea 2:21–22 (in NAB; NRSV, 2:19–20).

I will espouse you to me forever;
I will espouse you in right and justice [*bē ṣedeq*
wē bē mišpāṭ]
in love [*bē ḥesed*] and in mercy [*bē raḥmīm*]
I will espouse you in fidelity [*bē ’emūnāb*],
and you shall know the Lord.
(Trans. NAB, 1970. See also Jer. 22:15–16,
where the doing of justice is equated with
knowledge of the Lord)

Another important example would be Isaiah 32:16–17:

Right [*mišpāṭ*] will dwell in the desert
and justice [*ṣēdāqāb*] abide in the orchard
Justice will bring about peace [*šālôm*]
right will produce calm and security.

A major problem arises in English from the connotations of the terms *righteous* and *righteousness* (generally used to translate the *ṣdq* word group). The *Oxford English Dictionary* defines righteousness as “justice, uprightness, rectitude, conformity of life to the requirements of the divine moral law, virtue, and integrity.” The term was first introduced into English biblical translations under the influence of Cloverdale (1535). The problem is that in most people’s minds *righteousness* evokes primarily personal rectitude or personal virtue, and the social dimension of the original Hebrew is lost. This has resulted in a virtual “biblical dialect” in which righteousness is relegated to the sphere of religion and personal

piety, while justice is more associated with the realm of public, secular discourse. Imagine, for instance, people’s reaction if we had a national “department of righteousness” or we talked about “social righteousness.”

The centrality as well as the richness of the biblical statements on justice is the very reason it is difficult to give a “biblical definition” of justice which, in the Bible, is a protean and many-faceted term. Justice is used in the legal codes to describe ordinances that regulate communal life (e.g., Exod. 21:1–23:10) and that prescribe restitution for injury done to person and property as well as for cultic regulations. The Hebrew terms for justice are applied to a wide variety of things. Scales or weights are called just when they give a fair measure, and paths are called just when they do what a path or way should do—lead to a goal. Laws are just, not because they conform to an external norm or constitution, but because they create harmony within the community. Acting justly consists in avoiding violence and fraud and other actions that destroy communal life and in pursuing that which sustains the life of the community. Yahweh is just not only as lawgiver and Lord of the covenant; his saving deeds are called “just deeds” because they restore the community when it has been threatened. The justice of Yahweh is not in contrast to other covenant qualities, such as steadfast love, mercy, or faithfulness, but, in many texts, is virtually equated with them.

In general terms the biblical idea of justice can be described as *fidelity to the demands of a relationship*.³² God is just when he acts as a God should, defending or vindicating his people or punishing violations of the covenant. People are just when they are in right relationship to God and to other humans. In contrast to modern individualism the Israelite is in a world where “to live” is to be united with others in a social context either by bonds of family or by covenant relationships. This web of relationships—king with people, judge with complainants, family with tribe and kinfolk, the community with the resident aliens suffering in their midst, and all with the covenant God—constitutes the world in which life is played

out. The demands of the differing relationships cannot be specified a priori but must be seen in the different settings of Israel’s history.³³

Recent commentators have also stressed the social dimension of *ṣedeq* and *mišpāṭ*. For example, Walter Brueggemann, arguably the premier Old Testament theologian today, describes *ṣdq* as “equitable, generative social relations.”³⁴ In commenting on Amos 5:24, Barbara Johnson, author of two foundational studies of these terms, writes, “Here *ṣedeq* is understood as the normative principle and *mišpāṭ* as the principle of conduct which must conform to *ṣedeq* (cf. Ps. 119:160).”³⁵ Very significant, especially in Isaiah, is the conjunction of *ṣēdāqāb* and *mišpāṭ* by hendiadys (two terms used to convey a single meaning) that many recent scholars interpret as “social justice” (e.g., Pss. 72:2; 89:14; Is. 1:27; 5:16; 9:7; 32:16; 56:1).³⁶

A major implication of the wider semantic field of biblical understanding of justice is that “biblical justice” is not as clearly distinguished from “charity” or caritative activity as in contemporary social ethics. Actions such as confronting the oppressive power of the wealthy and alleviating the sufferings of the poor are ultimately ways of “doing right” and seeking right relationships between God and humanity, and among humans themselves. On the other hand, today the traditional works of mercy (e.g., feeding the hungry, caring for the imprisoned, welcoming strangers) are equated with “social justice ministry,” often at both the parish and national levels. While such actions are certainly a hallmark of church life, a biblical concern for justice has three elements that supplement such actions: (1) biblical justice is embedded in those very narratives that form a people’s self-identity; (2) actions that manifest concern for the weak and vulnerable become mandated in law and are not, as often thought today, supererogatory; and (3) biblical justice always has a “prophetic dimension,” by virtue of entering into conflict with oppressive structures of injustice.

Though application of biblical teaching to theology and ethics has become a virtual sub-discipline within biblical studies, I would like to suggest, somewhat eclectically, that certain

biblical themes can offer helpful but not exclusive resources for the appropriation of biblical material for concerns of social justice.

Central Biblical Themes and Their Significance

While the biblical literature evolved over centuries from diverse oral traditions to blocks of literature, its canonical shape was fixed rather late. Genesis 1–11 (creation and primeval history), though narrated “in the beginning” (Gen. 1:1) was appended to the national history (Exodus–Deuteronomy) only after the exile (586–536 B.C.), and the Torah receives its final shape only between 300 and 200 B.C.

The older positions of Gerhard Von Rad and Martin Noth still offer an excellent way to survey the Old Testament.³⁷ Von Rad argued that the Pentateuchal traditions developed from creedal formulas such as Deuteronomy 6:20–25, 26:1–12, and Joshua 24:2–13, which provided the fundamental themes of Israel’s faith, where a “theme” is understood as a basic act of God by which the people are constituted. I offer some reflection and bibliography on certain themes that are part of Israel’s faith and appear throughout the Bible, beginning with the creation story, which is an important overture to the salvation history of Genesis through Joshua.

A generation of Catholics was nurtured on two perspectives that are no longer helpful for understanding creation in the Bible. The first was that Genesis 1–3 (culminating in the fall and the expulsion of Adam and Eve from the garden) could be read as an independent block of material. This was undergirded by the use of these chapters primarily for the doctrine of original sin. The second was that the biblical creation narratives dealt with cosmology. This latter view was supported by debates over evolution. As Claus Westermann has strongly argued, the whole primeval history (Gen. 1–11) must be read as a unity, culminating in the tower of Babel. Theologically, creation is not concerned with the origin of the world and the universe, but rather with the situation in which later readers found themselves.³⁸ Technically,

these narratives are “etiological”; they describe the causes of the yearning for God, the gap between God and humanity, and the divisions within humanity itself.

It is customary to see two major perspectives in the creation account. The preamble, or first account (1:1–2:4a), is attributed to the priestly tradition (P) and is the later of the two accounts. The second account, which narrates the creation of the man and the woman, their offspring, and the spread of civilization (2:4b–4:26), is attributed to J (the Yahwist).

Contemporary reflection on social justice often turns to these accounts to ground human dignity in the creation in God’s image, to argue for the common claim of all humanity to the world’s resources, and more frequently, for reflection on ecological issues. I now simply indicate elements in the text that are important.

The first account describes a primitive cosmology in rhythmic cadences marked off by a division into “days” with the frequent refrain that “it was good” (Gen. 1:4, 10, 12, 18, 21, 25), culminating in the final day when God views all creation as “very good” (v. 31). Claus Westermann, whose extensive writings on creation are the best resource for a proper biblical theology of creation, notes that these narratives reveal the Priestly stress that all events have their origin in God’s commanding word. They prepare us for the revelation on Sinai when God’s word forms the somewhat chaotic throng into a people.³⁹ He also notes that the author, by placing the separation of night and day through the creation of “light” before the creation of “space,” stresses that human life is temporal and historical.

The goodness of creation is not something that men and women affirm but is a divine proclamation. By locating the creation story as a preamble to the whole sacred history, the Priestly writer proclaims the goodness of all creation even though the narrative that unfolds depicts the catastrophic results of sin on both nature and human history.⁴⁰ The proper response to creation is praise and thanksgiving even amid suffering and catastrophe, since God has affirmed that nature and its power are “good.” Two obvious implications arise from

Genesis 1:1–2:4a: first, the proper response to creation is reverence and praise, not exploitation, and second, humanity shares solidarity with both the inanimate and animate worlds in owing its existence to the Word of God.

The creation narrative of P reaches its summit in Genesis 1:26, “Let us make humankind in our image, according to our likeness and let them have dominion. . . .” This is then followed by the blessing of man and woman, the command to be fruitful and multiply, and God’s resting on the seventh day. Man and woman created in the image of God is one of the most frequently cited texts to undergird human dignity and human rights. Created “in the image of God” in its original context does not mean some human quality (intellect or free will) or the possession of “sanctifying grace.” Two interpretations enjoy some exegetical support today. One view is that just as ancient Near Eastern kings erected images of themselves in subject territory, so humans are God’s representatives, to be given the same honor due God. Claus Westermann argues that the phrase means that humans were created to be God’s counterparts, creatures analogous to God with whom God can speak and who will hear God’s Word.⁴¹ In either of these interpretations all men and women prior to identification by race, social status, religion, or sex are worthy of respect and reverence.

The term *have dominion* (see Gen. 2:15, “to till and to keep”) has often been criticized by ecologists as the warrant for a utilitarian view of creation or as justification for the exploitation of creation for human convenience. In other places, the Hebrew term is used in reference to royal care that characterizes a king as God’s vice regent (Pss. 72:8; 110:2; cf. 8:5–9). Like ancient kings, men and women are to be the mediators of prosperity and well-being.⁴² In neither creation account is the human being given dominion over another human being. This is not part of the human constitution. Reverential care for God’s creation rather than exploitation is the mandate given humanity in this section of Genesis.

The second and older creation story (2:4b–3:24) is more anthropomorphic and dramatic

It may be composed of two originally different stories. One deals with the origin of the sexes. The original human one (*bā’ādām*, “from the clay of the earth”) is now differentiated into *’iš* (man) and a complementary partner (*’iššā*). In her ground-breaking discussion of this section, Phyllis Trible has stressed that this narrative, while stressing differentiation among humans, does not imply derivation or subordination of woman to man, but both “owe the origin to divine mystery.”⁴³ The other major theme, as Westermann stresses, which runs through Genesis 1–11 is the spread of sin (see also 4:1–6; 6:1–4, 6–9; 11:1–10). The former motif has dominated the history of exegesis of the creation account.

Two elements of the creation of “man” and “woman” are important for contemporary reflection. First, as a story of mythic beginnings (akin to other ancient myths of androgyny) the narrative stresses the complementarity of male and female. The “human” is male and female united as “one flesh” (2:24)—not understood simply as a description of marriage, but as a basic fact of prototypical human existence. On the anthropological level this calls for recognition of the presence of “male” and “female” in every human. On the social level it means that the human condition can never be defined or named in terms of the dominant characteristics or activity of one sex.⁴⁴

Proper understanding of the fall or sin of the first parents also has implications for a theological grounding of social justice. Taking this narrative on its own terms requires a bracketing of its Pauline and post-Pauline interpretation (Rom. 5:12–20; 2 Cor. 11:3; 1 Tim. 2:13–15) and of the Augustinian doctrine of original sin as well. The narrative remains, however, a rich source for understanding human evil and alienation from God.

It explains the human potentiality for evil, no matter how gifted one may be. The human person, according to Genesis 2:4b–3:24, is created for life and knowledge. The ultimate test or temptation in this narrative is to “be like God” (3:5), knowing good and evil, which is “knowledge in a wide sense, inasmuch as it relates to the mastery of human existence.”⁴⁵

The temptation is always to an autonomy that seeks this apart from the limits of being human, or divorced from life in community. Sin is overstepping the limits of the human condition by aspiring to divine power. It can take place through action (the woman) or through complicity (the man). Their desire to be like God sadly separates them from God.

After the fall the narrative relates the trial and the punishment (3:8–24). The expected punishment of 3:3 (“you shall die”) does not occur. Instead, the harmony of their earlier status is destroyed. Desire for human autonomy leads to alienation and breakdown of community with nature and between man and woman. It is important to note that the subordinate position of woman (3:16–17), which reflects the de facto situation of women in ancient society, is not something that was to be part of the original blessing of creation but arises from human sinfulness. Alienation between the earth and humans (3:17–19) is likewise a result of sin. While the “work” of cultivating and caring for the earth is intrinsic to the human condition prior to sin, “toil” is its consequence.

The narratives of Genesis 4–11 capture the ambivalence of the human condition. As civilization grows through the multiplication of occupations (farmers and shepherds) and through the invention of elements of culture (4:19–22), sin is depicted as “crouched at the door” (4:7) and humans continually overstep their limits. This culminates in the tower of Babel, where humans attempt to invade the realm of God. Though a reprise of the attempt to be like God, the narrative has political ramifications. Though set in “primeval time,” it receives its final form after the Babylonian exile. The fate of Babylon with its pretensions of world rule and its idolatrous self-exaltation, only to be split apart by the onslaught of Cyrus, is reflected in the tower of Babel. The spread of sin culminates in the idolatrous pretensions and ultimate destruction of national power.

The primeval history of Genesis 1–11 thus provides a rich resource for reflection on issues crucial to faith and justice. Men and women are God’s representatives and conversation partners in the world, with a fundamental dignity that

must be respected and fostered. They are to exist in interdependence and mutual support, and are to care for the world with respect, as for a gift received from God. Yet the human condition is flawed by a drive to overstep the limits of the human situation and to claim autonomous power. The result of this drive is violence (Cain and Abel) and idolatry (the tower of Babel). The Genesis narrative functions as both a normative description of the human condition before God and a critical principle against any power that distorts or usurps the dignity of humanity or God's claim over men and women.

Exodus: The Leading Out from Egypt

The primeval history is followed by the patriarchal history in Genesis 12–50 that begins with God's call and covenant with Abraham and Sarah (12:1–9; 15:1–21; 17:1–27) and constitutes the foundation narrative for the emergence of Israel as a people. The subsequent stories of the children of Abraham describe how God's promise is maintained through adversity. Though these narratives are foundational, it is the narratives of exodus and Sinai that constitute Israel's identity. I offer some reflections on the exodus and discuss covenant in the context of the Sinai covenant.

The exodus from Egypt (Exod. 1:1–15:21) has emerged as one of the most dominant biblical events for a biblical theology of liberation from evil and from unjust social structures.⁴⁶ There are two dangers here: the first, that a too generalized statement of its meaning absolves people from close attention to the rich theological dimensions of the text; the second, that the exodus is considered in isolation from other biblical themes. While liberation from oppression is a fundamental aspect of the exodus narrative, it is not simply *freedom from* that is important but *freedom for* the formation of a community that lives under the covenant. As Michael Walzer says, the journey of Israel is to a “bonded freedom.”⁴⁷ Exodus and covenant, liberation and commitment, must be taken together as part of one process.

The description of Israel's bondage has become paradigmatic of oppression. In fulfill-

ment of the promise to Abraham and through no action of their own, other than fulfilling God's command to be fruitful and multiply, the people grow numerous and become a threat to a dominant power. The initial response is one of massive forced labor. Maimonides (A.D. 1135–1204) described this as service without limits of time or purpose.⁴⁸ The second major threat, the killing of the male children, is in effect genocide. The people's identity will be slowly but surely destroyed. Theologically it is a challenge to the fidelity of God manifest in the promises to Abraham.

Though it is customary to mark the beginning of the liberation from the birth of Moses (Exod. 2:1–20), the “revolt of the midwives” (1:15–22) is an important paradigm of resistance to oppression.⁴⁹ It is described briefly “But the midwives feared God; they did not do as the king of Egypt commanded them, but they let the boys live” (1:17). These women daughters of Eve, the mother of all the living commissioned to bring forth life in the world reject the murderous command of Pharaoh. They do this in light of a higher law (“fearing God,” 1:17, 21). Therefore, “God dealt well with the midwives, and the people multiplied and became very strong.” On the narrative level they allow the promise to continue and also prepare for the rescue of Moses from death (2:1–10).

The process of liberation continues with the “liberation” of the liberator. The agent of liberation must suffer the same fate as that of the people (threat of death; life as an alien in an alien land, 2:15; 3:22). At the same time, the liberator must be equipped to meet the threat (3:1–11) and be the agent of a higher power (4:10–11). Liberation is a power struggle between humans and their oppressors, but more fundamentally between God and the power opposed to God.

The theophany at the burning bush and the call of Moses proclaim that liberation is fundamentally an act of God. God's action begins in 2:24 (“God heard their groaning and remembered his covenant”) and is detailed in 3:7–11, which is a virtual summary of the identity of Yahweh as the compassionate God who enters human history. Immediately after the revel-

tion of his name, Yahweh says, “I have *observed* the misery of the people; I have *heard* their cry; indeed I *know* their sufferings; I have *come down to deliver them*” (3:7–8, emphasis added; cf. Luke 1:78, “by the tender mercy [compassion] of our God the dawn from on high will break upon us”).

The liberation itself unfolds through the sequence of ten plagues divided into three triads and culminates in the killing of the Egyptian firstborn and the “passing over” of the firstborn of Israel. Nature itself turns against the Egyptians in the plagues, almost in revulsion for their oppression of God's people. As the plagues escalate, the issue again becomes the nature of God and the usurpation of divine power. In Exodus 9:16–17, God speaks through Moses to Pharaoh: “This is why I let you live: to show you my power, and to make my name resound through all the earth. You are still exalting yourself against my people.”⁵⁰

In the final plague, the Passover (11:1–13:16); the P source, 12:1–38 becomes prominent, which shows that the narrative had become “the cult legend” for the later celebration of Passover. Here the exodus receives the character of anamnesis, something to be represented and celebrated annually. Thus it continues to shape the identity of the people and reveal the nature of God.

I offer a few observations on the exodus as a paradigm of liberation, a power struggle in which the issues of oppression are progressively highlighted. Pharaoh begins with concern about the growth of an alien population, but the real issue is whether he will be their “god” or whether they will be free to worship the one who called their ancestors. Oppression and idolatry are never far apart. Liberation does not come from the most oppressed members of the community. Moses is nurtured at the center of Egypt's power and is equipped to enter its world. Through his own “conversion” and preparation by God he becomes a prophet, one who speaks for God and for a people without a voice (see Deut. 34:10, “never since has there arisen a prophet like Moses”). Yet, as I note below, “liberation” is but one aspect of a true concept of freedom. Israel's journey is “from

liberation to freedom,” which is the ultimate theme of the wilderness wandering and the covenant at Sinai.

Covenant, Law, and Justice

In contrast to a philosophical foundation for justice, biblical justice is mediated by God's self-disclosure and human response. Paradigmatic for this dynamic is the covenant between God and the people. When Israel is freed from the slavery of Egypt, this freedom, as Walzer has noted, is a bonded freedom, not simply freedom from external oppression but freedom expressed in commitments to God and others.

The distinctive understandings of justice are revealed in the law codes of Israel and especially in their concern for the powerless in the community. Though full examination of the history and scope of the law codes is beyond the purpose of this chapter, I mention a few things that are important for a biblical foundation of social justice today.⁵¹

The codes themselves comprise: (1) “Covenant Code” (Exod. 20:22–23:33), parts of which date from northern Israel in the ninth century B.C. and which reflect premonarchic rural life, though, like the rest of the Pentateuch, it receives its final shape after the exile; (2) the Decalogue, found in two versions (Exod. 20:1–17 and Deut. 5:6–21) that represent early covenant law; (3) the Deuteronomic code (Deut. 12–26), which embodies traditions from the seventh century B.C. and perhaps from Josiah's reform, but which was incorporated into the full-blown “Deuteronomic history” only after the exile; (4) the “Holiness Code” (Lev. 17–26), put together after the exile and often attributed to priestly circles.

Comments on the legal texts are confined to those sections that deal with the powerless (often made concrete as the “poor, the widow, the orphan, and the stranger in the land”). Norbert Lohfink, whom I follow extensively here, has cautioned against viewing concern for the poor as unique to Israel's faith. A survey of a number of Mesopotamian texts (such as the code of Hammurabi) and Egyptian wisdom texts shows a similar concern for *personae*

miseræ, with the exception of care for “the stranger in the land,” which is distinctive to Israel.⁵² While the content of concern is similar, the foundation and motivation are different. Care for such persons in Israel is part of the “contrast society” that is created through the exodus. In Israel this concern functions more as a critical principle against the misuse of power, while in some of the surrounding cultures it is a way in which those in power dampen down revolutionary tendencies of the people and thus maintain a divinely sanctioned hierarchy of power.⁵³ As Paul Hanson notes, in Israel responsibility for the well-being of such people devolves on the covenant community as a whole and not simply on the king.⁵⁴

Concern for the powerless emerges first as part of the “Covenant Code” (see above). For our purposes the first important section is Exodus 22:21–27. Here God says, “You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt” (v. 21; note the motivation of a contrast society). The following verse proscribes abuse of the widow and the orphan, with the promise that God will heed their cry and “kill with the sword” their oppressors, and the section concludes with prohibiting the lending to the poor at interest and encouraging the restoring of a neighbor’s coat taken in surety for a loan. Here also the motivation is God in his role as the protector of the poor: “And if your neighbor cries out to me, I will listen, for I am compassionate” (22:27). The next section contains a series of laws on the proper administration of justice. One of the first states: “You shall not side with the majority so as to pervert justice, nor shall you be partial to the poor in a lawsuit” (23:2). The prohibition of “partiality” to the poor in the specific context of a lawsuit does not contradict the concern for the marginal, since 23:6 immediately says that “you shall not pervert the justice due to the poor in their lawsuits” (there is no corresponding statement on the rich or powerful), and 23:9 repeats the protection of the resident alien. In verses 10–11, in a more cultic setting, the code mandates a Sabbath year of leaving land fallow “so that the poor may eat.”

In discussing the Deuteronomic legislation of Deuteronomy 12–26, Norbert Lohfink points out that the ideal in the “Covenant Code” of a contrast society without oppression and poverty was in fact not realized, and locates Deuteronomy in this context.⁵⁵ While retaining an ideal that “there will be no one in need among you, because the LORD is sure to bless you” (15:4; cf. Acts 4:34), Deuteronomy realistically states: “there will never cease to be some in need on the earth,” and commands, “open your hand to the poor and needy neighbor in the land” (15:11). More strongly than the other codes, Deuteronomy commands justice and compassion for the powerless (15:1–18; 24:10–15; 26:11–12). The historical significance of Deuteronomy is as evidence for a continuing concern in Israel’s law for the *personae miseræ* that attempts to institutionalize the covenant ideal through law and practice. The significance of Deuteronomy in its present canonical location is that it is cast in the form of farewell speeches from Moses to the people on the brink of the Promised Land. The land is God’s gift on condition of fidelity to the covenant: “These are the statutes and ordinances that you must diligently observe in the land of the LORD, the God of your ancestors has given you to occupy” (12:1). When read *after the exile*, it can be seen as a warning against an infidelity that allows the kind of society to develop which is in opposition to the exodus event and the Sinai covenant.⁵⁶

The “Holiness Code” (Lev. 17–26) contains provisions similar to Deuteronomy. In 19:9–10 and 23:22, gleanings from the harvest are to be left for “the poor and the alien,” though as Lohfink points out, specific mention is not made of “the widow and the orphan,” who now seem to be subsumed under “the poor.” The “Holiness Code” has other provisions that spell out in detail provisions for the poor, very often those who have come suddenly upon hard times (25:35–42, 47–52). Leviticus is also more concerned with the details of repayment of debts and cultic offerings made by the poor (12:8; see Luke 2:24). The significance of Leviticus is twofold. First, though it is primarily a cultic code concerned with the holiness of

the people and the means to assure that holiness, it manifests a practical concern for the poor in the land. As John Gammie has shown in his excellent study, there is no tension between Israel’s concern to be a holy people consecrated to God and a people concerned about justice.⁵⁷ Second, and perhaps less positively, Leviticus seems to represent a relaxation of some of the earlier provisions for the poor. Lohfink argues that the stipulations of the Jubilee (25:8–17, 23–25; 27:16–25), where debts are canceled every fiftieth year, would hardly benefit the majority of people who lived in poverty and represent a step back from the Sabbath year legislation of Deuteronomy. The “Holiness Code” may also reflect the radically changed postexilic political situation, when the monarchy was extinct and people had limited ability to enshrine the ideals of the covenant in law. This period also represents the beginning of apocalyptic thought, when many groups projected the hope of God’s justice and a society free of oppression and poverty to a new heaven and new earth that would be ushered in by cosmic cataclysm.

The events of salvation history, especially the leading out from Egypt and the covenant at Sinai, are thus the foundations in Israel of a society that seeks justice and manifests concern for the marginal. This concern is incorporated in law and custom that take different shapes in different historical circumstances stretching over five centuries. As founding documents not only of the historical people of Israel but of the Christian church, they offer a vision of life in society before God that is to inform religious belief and social practice. The laws of Israel have two great values. First, they show that religious belief must be translated into law and custom that guide life in community and protect the vulnerable. Paul Hanson states this well in describing Torah as “faith coming to expression in communal forms and structures.”⁵⁸ In our contemporary pluralistic society, the Church and its episcopal and lay leadership rightly strive to infuse the legislative process with a vision of social justice.

Second, although these traditions do not offer concrete directives for our complex

socioeconomic world, they offer a vision of a “contrast society,” not ruled by power and greed but where the treatment of the marginal becomes the touchstone of “right relationship” to God. As Christians we today must ask soberly how our lives provide a contrast society, and whether, when we think of our “right relationship” to God, the concerns of the marginal in our own time have been really made concrete in our attitudes and style of life.

Biblical Justice, the Poor, and the Prophetic Critique of Wealth

If there is one pervasive biblical motif in both Testaments it is concern for the poor and marginal, which has been the subject of an increasing number of important studies. The question of the poor raises many problems, from their identity (e.g., economically poor or spiritually poor) to the social location of statements concerning them to different evaluations of a response.⁵⁹ Since the biblical vocabulary for the poor is much richer than ours, at the risk of seeming overly technical I indicate some of these. There are five principal Hebrew terms for the poor: (1) *‘āni* (plural *‘āniyyim*), meaning “bent down” or “afflicted,” which the Greek Old Testament most often translates as *ptōchos* (beggar or destitute person) and which is the prime New Testament term for “the poor”; (2) *‘ānāw* (plural *‘ānāwim*), derived from the same root as *‘āni* and often confused by copyists, which is most often translated *tapeinos* and *prais* (humble and lowly); (3) *‘ebyōn* (the term *Ebionites* derives from this), from the root meaning “lack or need” or “wretched, miserable,” used sixty-one times in the Old Testament, especially in the Psalms (twenty-three times); (4) *dal*, from the root that means “be bent over,” “bend down,” “miserable”; (5) *rās*, poor in a derogatory sense with overtones of a lazy person responsible for his or her own poverty, found only in the Wisdom literature (e.g., Prov. 10:4; 13:23; 14:20; 19:7; 28:3).

The importance of the terminology is twofold. First, it shows that “poverty” was not itself a value. Even etymologically the poor are bent down, wretched, and beggars. While the

Bible has great concern for “the poor,” poverty itself is an evil. Second, the terminology (as well as actual use) is a caution against misuse of the phrase *spiritually poor*. Though later literature (the Psalms and Dead Sea Scrolls) often equates the poor with the humble or meek, and though the poor are those people open to God in contrast to idolatrous or blind rich people, the prime analogue of the term is an economic condition. When the “poor in spirit” are praised as in Matthew 5:3, it is because in addition to their material poverty they are open to God’s presence and love. Certain contemporary usages of “spiritual poverty,” which allow it to be used of extremely wealthy people who are unhappy even amid prosperity, are not faithful to the biblical tradition. Nor is an idea of “spiritual poverty” as indifference to riches amid wealth faithful to the Bible. The “poor” in the Bible are almost without exception *powerless* people who experience economic and social deprivation. In both Isaiah and the Psalms the poor are often victims of the injustice of the rich and powerful. Isaiah tells us that the elders and princes “devour” the poor and grind their faces in the dust (3:14–15); they turn aside the needy from injustice to rob the poor of their rights (10:2); wicked people “ruin” the poor with lying words (32:7). In the Psalms the poor, often called “the downtrodden,” are contrasted not simply to the rich but to the wicked and the powerful (10:2–10; 72:4, 12–14). Today, poverty is most often not simply an economic issue but arises when one group can exploit or oppress another.

The Prophets and the Call for Justice

When a people forgets its origins or loses sight of its ideals, figures arise who often speak a strident message to summon them to return to God. In Israel’s history the prophetic movement represents such a phenomenon. The prophet, as the Greek etymology *prophēmi* suggests, speaks on behalf of another. This has a dual sense. The prophet speaks on behalf of God; he or she is a “forth teller,” not simply a foreteller who also speaks on behalf of those

who have no one to speak for them, specifically the powerless and poor in the land.⁶⁰ From the original social gospel movement to the present time, those concerned for social justice among Catholics, Protestants, and Jews have continually drawn on the powerful language of the great prophets of Israel, who castigate the abuse of justice by the powerful and give a voice to the voiceless poor. A few guidelines for reading the prophets as well as some “snapshots” of this preaching can lead hopefully to a deeper engagement.

First, the prophets are generally “conservative” in the best sense of the word. They hearken back to the originating experiences of Israel to counter corrupting influences of urbanization and centralized power that developed under the monarchy, especially after the split between the northern kingdom (Israel) and the southern kingdom (Judea) after the death of Solomon (922 B.C.). Their works are also a collection of traditions, some going back to the originally named prophets, others additions by disciples and later editors. Much recent research has attempted to describe these levels of tradition.

Second, in assessing the prophetic texts on justice and concern for the marginal, careful attention must be given to the literary context of a given text, but more important to its historical context. Amos, for example, prophesied at the northern court shortly before the fall of Samaria to the Assyrians (721 B.C.). During this time, however, the northern kingdom experienced material prosperity. Under the reign of Solomon a more prosperous upper class had emerged. This created a class with a vested interest in the accumulation of land and goods as capital. The old emphasis on the land as the inheritance of every Israelite disappeared (see 1 Kings 21, story of Naboth’s vineyard). James L. Mays describes this as “the shift of the primary social good, land, from the function of support to that of capital; the reorientation of social goals from personal values to personal profit; to subordination of judicial process to the interests of the entrepreneur.”⁶¹ Amos’s harsh words against the prosperous:

must be set in this context. He laments the sins of Israel: “You who turn justice into bitterness and cast righteousness to the ground” (5:7), which is manifest when “they trample the head of the poor into the dust of the earth” (2:7) and through deceptive business practices “buy the poor for silver and the needy for a pair of sandals” (8:5–6). For Amos the root cause of these sins is the lavish lifestyle of the upper classes of the northern kingdom (3:15–4:3; 6:4–7).

A generation later, Isaiah of Jerusalem, himself from the upper classes, has easy access to the king and utters some of the harshest criticisms of injustice, calling the city once known for its justice and righteousness a “harlot” (1:21) and castigating the leaders because God looked for justice but found bloodshed, and for righteousness but heard rather a cry (5:7). In capsule form Isaiah captures the cause of the city’s infidelity: because they “deprive the poor of their rights and withhold justice from the oppressed of my people, making widows their prey and robbing the fatherless” (10:2). As Amos also observed, the desire for ostentatious wealth drives the oppression of the poor by the rich (1:23; 5:8).

A century after Isaiah, beginning during the reign of the reforming king Josiah, Jeremiah, using vivid imagery, repeats the attack on the self-satisfied wealthy: “Like a basket full of birds, their houses are full of treachery; therefore they have become great and rich, they have grown fat and sleek. They know no bounds in deeds of wickedness; they judge not with justice the cause of the fatherless, to make it prosper, and they do not defend the rights of the needy” (5:27–29). More strongly than his predecessors, Jeremiah grounds the quest for justice in the very nature of God: “I am the LORD, who exercises kindness, justice and righteousness on earth, for in these I delight,” declares the LORD” (9:24). And in a phrase that had great influence on the 1971 Synod, Jeremiah describes the good king Josiah: “He judged the cause of the poor and needy; then it was well. Is not this to know me? says the LORD” (22:16). Though the context of the prophetic preaching changes, there is a continuity of

defending the poor and powerless and attacking the unjust practices of the powerful and wealthy.

Third, the prophets are not opposed to cultic worship per se but to its corruption. Jeremiah was the son of a priest; Isaiah used cultic imagery associated with the Jerusalem temple; and Ezekiel was steeped in the cult. Recent research on Amos, often popularly portrayed as a “righteous peasant,” has suggested some contact with the Jerusalem temple. Though Isaiah is eloquent on the demand for justice, the motivation is different from Amos or Hosea. The controlling principle of much of Isaiah’s teaching was his conviction of the holiness and royal power of God. Oppression of the weaker members of the community offended Yahweh’s holiness, so Isaiah vehemently criticizes injustice and distorted cultic worship.

Fourth, though the prophets criticize the misuse of power by those in authority, their message is reformist rather than revolutionary. They do not envision a community without a king or without laws and statutes. During the bulk of the postexilic period (especially after the codification of the law under Ezra and Nehemiah) when the people lack their own kings and live under the successive rule of the Persians, the successors of Alexander, and finally the Romans, prophecy as a movement with Judaism virtually ceases. Biblical prophecy required a shared heritage of values by the rulers and the ruled, even when those in power did not live up to these values. When a people have no control over their destiny and are subject to brutal power, prophecy can take the form only of protest, not of a call to reform. After the exile, prophetic protest leading to hope for reform is gradually supplanted by apocalyptic hopes for a new heaven and a new earth.

Israel after the Exile: A New Situation

Above I alluded to significant changes in Israelite life after the Babylonian exile (deportation of upper classes to Babylon in 597 B.C.; other deportations in 587 and 582; return under Cyrus in 539). The subsequent period is

generally divided into the Persian period (539–332), the Hellenistic period (332–175), followed by a brief period of independence under the Hasmonean kings (175–63), which yielded to Roman rule under either client kings (Herod and his sons) or Roman prefects (in Judea). This period also witnesses the rise of a large corpus of “intertestamental writings” (apocrypha and pseudepigrapha), which are important for the history of ideas and as a background to the New Testament, even though most are not part of the Jewish and Christian canon.⁶²

With conscious oversimplification I would like to highlight three considerations in regard to concern for the poor at the time. First, the sense of individual responsibility develops (Ezek. 18:1–32; 33:1–20) with the consequent focus on justice as the right relation of the individual to God. Second, there is the expansion of apocalyptic literature. Here the hope for God’s saving justice is removed from history and reserved for the end of history when the wicked will be punished and the just rewarded. Allied to this are attacks on the wealthy with increasing invective and vehemence (e.g., 1 Enoch 92–105). The third consideration is the expansion of Wisdom literature (e.g., the Wisdom of Solomon; Ben Sirach [Ecclesiasticus]), couched in the form of maxims or sayings, many of which describe how to survive and succeed in everyday life. This literature shows a much stronger influence of Hellenism than the apocalyptic literature and may have originated among the growing number of city dwellers engaged in commerce and in the governmental bureaucracy. Only in the late Wisdom literature are certain poor blamed for their own condition (Prov. 10:4; 13:23), yet, as Alexander DiLella notes, social justice remained one of the prime concerns of Ben Sirach, who wrote at the beginning of the second century B.C.⁶³

Again, risking the charge of oversimplification, I would like to propose some summary statements on rich and poor in the Bible.

First, the “poor” are primarily the sociologically poor. They are the economically destitute and the socially outcast, typified by the char-

acteristic biblical figures of exploited powerlessness, “the widow, the orphan and the refugee.”⁶⁴ In contemporary parlance the poor would better be described as “the powerless.”

Second, the poor have a special claim on the community and its leaders; they are “just” because they do not follow the evil ways of the rich and powerful. Both the king and the whole people are obliged to seek justice, which involves being on the side of the poor and the powerless. This perspective informs all of Israel’s traditions and at all stages in its history.

Third, riches are both a danger and an evil. Often they are associated with idolatry and oppression (see esp. Ps. 10). They present a temptation to secure one’s life apart from God (see Luke 12:13–21) or cause blindness when faced with the needy neighbor (Luke 16:19–31)

SOCIAL JUSTICE AND THE NEW TESTAMENT: SOME DIRECTIONS

The canonical New Testament books emerge in less than a century and in social, political and cultural contexts far less diverse than in the Old Testament and intertestamental literature. Yet many Christians today are somewhat like the second-century heretic Marcion, who rejected the Old Testament; they often want to ground their ethics in the New Testament to the neglect of the Hebrew Scriptures. I select several areas of consideration where there have been significant discussions of issues that lend themselves to questions of social justice. This means that the Gospel and letters of John are overlooked. Though there are significant sections, especially 1 John 3:11–18, which bear directly on issues of social justice, the Johannine writings thus far have not been the subject of intense discussion by those interested in New Testament social ethics. The areas I deal with are: aspects of the teaching and ministry of Jesus; Jewish Christianity as manifest in the Gospel of Matthew and in the letter of James; the Gospel of Luke and the Acts of the Apostles; and the letters of Paul.

The Teaching and Ministry of Jesus

It has become axiomatic to say that Jesus was not a social reformer; nonetheless, his teachings and actions had strong social implications during his lifetime and continue to shape the consciences of his followers today. A key to his life is his proclamation of the imminence of God’s reign or kingdom through direct proclamation or in parable.⁶⁵ He also brings about the kingdom through acts of power (healings and exorcisms) and by his association with and offer of God’s love to “the marginal” of his day, especially tax collectors and sinners.

Many scholars today locate Jesus’ teaching in the wider context of different “restorationist” movements alive in Palestine. Jesus is seen as summoning people to a renewed dedication to the primacy of God in their lives and to a deepened concern for their neighbor (the dual command of love). This command of love is made perfect in love and forgiveness of enemies (Matt. 5:43–48). The God disclosed by Jesus makes his sun shine on the good and the bad. Jesus’ teaching breaks down the proclivity people have for dividing the world into clearly identifiable friends and enemies, outsiders and insiders.

Like many of his contemporaries Jesus hoped for the intervention of God in history in the near future (imminent eschatology), yet he proclaimed that the reign of God has already begun in his teaching and action, and people are to live in response to it (eschatology in the process of realization). The eschatological thrust of Jesus’ teaching (and later of Paul’s) should not be invoked to undermine its effective impact (as if the nearness of the end makes ethical behavior superfluous), but is rather “a view from the future” of what life should be in the present. The fact that God’s definitive reign is still in the future does not excuse us from living according to its norms and values in our everyday lives.

Jesus’ teaching is a summons to conversion that is to affect the way people live in the world. In the Lord’s Prayer (in the Matthean version, 6:9–10) Jesus prays that God’s will be done and God’s kingdom come *on earth*. In the Beati-

tudes, which are also in the Q source, with high claims of authenticity, Jesus calls the poor and the oppressed “blessed,” not because their actual condition is such, but because the kingdom that he proclaims and enacts will confront those values and conditions that have made them marginal. This was the great value of the massive studies of Jacques Dupont on the Beatitudes, which are summarized in the essay mentioned above.⁶⁶ In all levels of this teaching from the early Q source through the Lukan writings, response to the kingdom demands complete reliance on God rather than on power or wealth.

The kingdom as proclaimed by Jesus challenged deep-seated expectations of his hearers. This is especially true in his parables, which contain frequent reversals: those who worked only one hour received the same wage as those who had worked all day; Jesus says that one should invite not friends but unknown strangers gathered from the highways to a banquet; the hated outsider, a Samaritan, teaches the true meaning of love of neighbor; the prodigal is accepted as readily as the dutiful. These reversals challenge deeply held values and invite people to enter imaginatively into a different world, providing a paradigm for the manner in which a new vision of social justice can be presented to people today.⁶⁷ Jesus’ acceptance of marginal groups counters the evaluation of people by class and social status that was characteristic of first-century society. Also, by associating with those seen as ritually unclean and by his willingness to break the law on their behalf, Jesus alienates the religious establishment of his day in such a way that he is both a political and religious threat. By taking the side of these scorned people, Jesus, like the Old Testament prophets, gives a voice to the voiceless. Ultimately Jesus dies by a mode of execution reserved for those who were threats to the “public order” due to collusion between the Jerusalem temple authorities (whose power rested on proper subservience to Rome) and the Roman prefect, Pontius Pilate. Jesus’ life is a paradigm of the cost of discipleship for those who take the side of the poor and the marginal.

The Gospel of Matthew and Jewish Christianity Represented by James

My reason for joining these two works together is that they reflect a similar background. Matthew, the most “Jewish” of the Gospels in its content, was written perhaps in opposition to Jewish movements at the end of the first century for a community composed of a great number of recent converts from Judaism. Similarly, James is directed at a Jewish Christian community with a theology heavily influenced by the Old Testament. They are also similar in that both stress that belief and discipleship should be translated into action on behalf of powerless and poor people.⁶⁸

In Matthew this concern emerges in two ways. The long recognized similarities between Jesus and Moses in Matthew would suggest that Sinai and the formation of a covenant community of responsible care for each other are a concern of Matthew. Matthew’s Jesus is also concerned about faith translated into action. At the end of the Sermon on the Mount, Jesus warns against people who simply say “Lord, Lord” or who prophesy and cast out demons but do not “bear fruit.” The true disciple is the one “who listens to these words of mine and acts upon them” (7:24). In the scathing denunciations of the Pharisees, who may also be “Christian Pharisees” in Matthew’s own community, Jesus contrasts external trappings of prestige and power with the service required of his disciples (23:1–11). The Pharisees are further castigated for stressing external observance or minutiae while neglecting the weightier things of the law, “justice, mercy and faith” (23:23; see Hos. 2:19, where three of these are qualities of the covenant).⁶⁹

The section of Matthew most often invoked in a discussion of faith and justice by a wide spectrum of Christians and non-Christians is the “parable” of the sheep and the goats (25:31–46). Structurally this contains the final words of Jesus before his Passion and reaches backward in an arch to the very beginning of the Sermon on the Mount, where suffering and persecuted people are pronounced blessed by Jesus. The narrative is familiar. In a scene of

apocalyptic judgment when the Son of man will return as king and summon all the nation of the world, they will be separated like sheep and goats, the former for eternal joy, the latter for eternal punishment. The criterion for judgment will be how they treated the king (Son of man) when he was hungry, thirsty, a stranger, naked, sick, or in prison. When both the elect and the condemned question when or how the came to the aid of the king in these circumstances he answers, “As often as you did this to the least of my brothers and sisters you did it to me” (my translation).

The story seems simple on first reading. Jesus is identified with suffering men and women, cares for them, with or without explicit Christological motivation, and brings their salvation. Yet in recent years a major debate has arisen between this “universalistic” reading and a “discipleship” reading proposed by a number of scholars and adopted by Daniel Harrington in his commentary on Matthew.⁷⁰ Based principally on the argument that the “little ones” in Matthew are Christian disciples and that “brother or sister” is similarly used, the parable is interpreted as a judgment on pagan nations that reject the proclamation of the mission to disciples who are to announce the teaching of Jesus “to all the nations” (28:16–20).⁷¹ At present there are very competent scholars on both sides, with John Meier, among others, representing the “universalistic” view.⁷² In both the universalistic and discipleship readings the important issue is that those who minister to the “least of the brothers and sisters of Jesus are called “just” (Greek *dikaioi*). Actions that alleviate things such as hunger, thirst, or imprisonment are ways of manifesting “justice to the world.”⁷³

The Jewish Christian letter of James presents a severe and pragmatic spirituality.⁷⁴ One of its early exhortations is “Be doers of the word and not hearers only, deluding yourselves (1:22), which is followed by the definition of true religion as “to care for orphans and widows in their affliction and to keep oneself unstained by the world” (1:27). James exhorts his community to avoid partiality and in biting language mocks the deference shown to the rich and

powerful, even though they are oppressing the community (2:1–7). He criticizes them for dishonoring a poor person, even though God chose the poor to become heirs of the kingdom. In line with being doers as well as hearers of the word, James says faith without works is dead and specifies one of the works as clothing and feeding a poor brother or sister (2:14–17). Near the end of the letter is one of the most violent denunciations of the rich found in the New Testament: “Come now, you rich, weep and wail over your impending miseries” (5:1). In addition to amassing gold and silver jewelry, the rich have withheld the wages of their harvesters and lived on earth in luxury and pleasure; thus “you have fattened your hearts for the day of slaughter” (5:2–6). Behind the words of James can be heard Amos of Tekoa, almost seven centuries earlier.

The Gospel of Luke and the Acts of the Apostles

The Lukan writings comprise about one-quarter of the whole New Testament. These writings, with the exception of James, contain the most explicit statements on wealth, poverty, and the use of resources.⁷⁵ Luke’s special concern is manifest from his editing of the Markan tradition, and most important by the incorporation of L material (material found only in Luke), which is itself a combination of tradition and Lukan composition. Luke-Acts has also been that New Testament work most often invoked on issues of social justice and concern for the marginal.

The Lukan infancy narratives show a special concern for the *‘anāwim*, people without money and power. In her *Magnificat* Mary praises a God who puts down the mighty from their thrones, fills the hungry with good things, and sends the rich away empty (Luke 1:52–53). The first proclamation of Jesus’ birth is to people on the margin of society (“shepherds,” 2:8–14); the sacrifice offered at the presentation is that determined by law for poor people (2:24); Simeon and Anna (a widow) represent faithful and just people (2:25–38). Luke begins the public ministry of Jesus not with the

proclamation of the imminence of the kingdom (cf. Mark 1:15; Matt. 4:17), but with Jesus citing Isaiah 61:1–2, “the good news to the poor” (Luke 4:17–19; cf. 7:22).

Material found *only in Luke* shows concern for the poor and for the danger of wealth. In Luke it is simply “the poor” who are blessed and Luke adds woes against the rich and powerful. (6:20, 24–26). Luke presents Jesus in the form of an Old Testament prophet who takes the side of the widow (7:11–17; 18:1–8), the stranger in the land (10:25–37; 17:16), and those on the margins of society (14:12–13, 21). At the same time Luke articulates some of the harshest warnings about wealth found in the New Testament: the parables of the rich fool (12:13–21), of the unjust steward (16:1–8) and of the rich man and Lazarus (16:19–31). Though often called the “Gospel of the poor,” Luke really contains far more warnings against the rich and the danger of wealth. There is no glorification or spiritualization of poverty. The good news to the poor is that wealth does not bring divine blessing, and that the fortunes of rich and poor will be reversed in the life to come. The Gospel might better be called “sad news for the wealthy.”⁷⁶

The Acts of the Apostles offers a somewhat different perspective. The early community is one that shares its goods in common and where there is no needy person (2:41–47; 4:32–37). Shared possession rather than dispossession is the goal, and almsgiving is stressed (10:2, 4, 31; 24:17). Lydia, “the seller of purple,” who was a worshipper of God, shows Paul hospitality, an example of good use of resources (16:11–15), while upper-class women and men accept the gospel (17:12). In biblical terms almsgiving is not an exercise in optional charity, but an obligation in justice so much so that in later biblical thought justice is translated as “almsgiving.”⁷⁷

From this sketchy overview it is clear that the Lukan writings present a dilemma. In the Gospel, riches are evil when they become such a preoccupation that they dominate a person’s whole life or when a person attempts to secure the future through them, as in the case of the rich fool (12:16–21). They are also evil, as in the parable of Dives and Lazarus (16:19–31), when they blind people to the suffering neighbor at

their doorstep. Discipleship demands renunciation of one's goods and adoption of the itinerant lifestyle of Jesus. Acts does not develop the more radical statements of the Gospel. Here proper use of possessions through mutual sharing and almsgiving is commended rather than total dispossession. If hospitality to the missionary was such an important aspect of Acts (and Paul), there must have been a great number of Christians who retained their homes and resources. If almsgiving is praised, the community could not have been composed of the wandering dispossessed.

Many solutions have been proposed for this dilemma, ranging from the older view of a two-level morality, one for the committed disciple and one for the ordinary Christian, to views that Luke accurately portrays the difference between the teaching of the earthly Jesus and its accommodation in the ongoing life of a first-century church.⁷⁸ In the latter case the teaching of Jesus is only of historical interest and possesses no lasting value as a model or ideal for subsequent Christians.

I would suggest (somewhat tentatively) that attention to the social setting of the final composition of Luke-Acts offers guidelines for interpretation. Luke-Acts was put together most likely in a Hellenistic city between A.D. 85 and 95. At the time more and more people of relative means and higher social status were entering the church. As I noted earlier, economic difference in antiquity was accompanied by social discrimination and often scorn for "the lower classes." By stressing the radical poverty of Jesus and his first followers and by emphasizing their origins among people of low status, Luke reminds his community of their "roots." Though Jesus can be acclaimed as "Lord and Savior," titles normally reserved for the Roman emperor, he himself was of low status and died a criminal's death. His followers lived as a community without status and class division. At the same time in the Jewish tradition of almsgiving (Tobit 4:10: "For almsgiving delivers from death and keeps you from entering the darkness"), Luke exhorts his community to a proper use of wealth by putting it at the service of others. The old Deuteronomic ideal of a community where

there are no needy persons has been resurrected by Luke (Deut. 15:4; Acts 4:34).

In surveying the biblical material, we have noted a consistent biblical concern for the poor and powerless, the traditional "works of mercy" (e.g., direct aid to the poor; sheltering the homeless, welcoming the stranger [immigrant]; see Matt. 25:31-46). These have undoubtedly been a part of the Church's life from its infancy, although they do not exhaust the Church's ministry of social justice. Surveying the early centuries the distinguished early church historian Peter Brown has written:

The Christian community suddenly came to appeal to men who felt deserted. At a time of inflation the Christians invested large sums of liquid capital in people; at a time of universal brutality the courage of Christian martyr was impressive; during public emergency such as plague or rioting, the Christian clergy were shown to be the only united group in the town, able to look after the burial of the dead and to organize food supplies.⁷⁹

Today both nationally and internationally the Church is summoned to be a "light to the nations" in its direct response to the tattered cloak of suffering worn by such a mass of humanity.

At the same time the biblical context of statements on the poor most often involves criticism of the abuses of the wealthy, frequent in vivid terms. The more difficult task is to appropriate the prophetic critique of wealth and injustice. The Church in the United States is an established and respected institution within modern (or even postmodern) complex economic structure. The Church also depends on the resources and generosity of people of power and wealth. One of the most demanding ministries of church leaders today, is, like the author of Luke-Acts, to address people of means, helping them to recall their "roots" as a church in guiding them in proper use of resources. Church leaders can raise the consciousness of people about those very kinds of issues that have distinguished church teaching over the last centuries and are called on to speak out as forcefully

issues of injustice as strongly as they have on protection of human life. This is certainly done by papal teaching and by the agencies of the U.S. Conference of Catholic Bishops, but often this teaching, because of its volume and complexity, is not appropriated or communicated to local churches. It is also inevitable that, as the Church really adopts the "option for the poor" and the powerless, it will alienate certain powerful groups and carry the cross of rejection. Throughout the world we continually see Catholics murdered because of their exposing of injustice and advocacy for the poor.

Pauline Theology and Concerns for Faith and Justice

A certain paradox confronts us when we approach Paul. On the one hand, no New Testament author uses the Greek term *dikaioσynē* (justice) more than Paul, nor does any other author link it so explicitly with issues of faith. Yet the contemporary concern for social justice has been most often based on Old Testament considerations (the exodus, the prophetic concern for the poor) or on the teaching of Jesus. Three principal reasons explain the neglect of Paul. First, the traditional theological debate over "faith and works" and justification by faith has given a radical individualistic bent to presentations of Pauline theology, often phrased in terms of how the individual sinner finds acceptance by God. Second, since Paul is the most "theological" of the New Testament writers, it is those portions of his letters that receive prime attention. The latter sections of most letters where Paul deals with practical problems facing the communities are rushed through, nor is their relation to the theological sections developed. Third, since Albert Schweitzer, Paul has been accused of teaching only an "interim ethic." Evidence for this would be in his exhortation to people not to change their marital or social status because "the time is short." Paul's eschatological view that the shape of the world is passing away and his own personal hope to be with the Lord has made some interpreters doubt whether Paul's ethics offer any help for Christians settling in for the long haul of his-

tory. I would like to offer some suggestions on how both Paul's theology and his pastoral engagement in the lives of his communities provide resources for the faith that does justice.

Central to Paul's thought is the proclamation of the Christ event, which Joseph A. Fitzmyer has described as "the meaning that the person and lordship of Jesus of Nazareth had and still has for human history and existence."⁸⁰ It is equivalent to "objective redemption" and comprises "the complex of decisive moments of the earthly and risen life of Jesus Christ," specifically, his Passion, death, and resurrection along with his burial, exaltation, and heavenly intercession. This Christ event as proclaimed and lived by Paul has a number of implications for issues of social justice.⁸¹

The Christ Event as the Foundation of Christian Faith Demands Responsibility for the World

Christian faith in the death and resurrection is not simply faith in the promise of eternal life, but faith in the *victory over death* achieved in Jesus. Through baptism Christians participate *already* in this victory: "We were buried therefore with him by baptism into death, so that as Christ was raised from the dead by the glory of the Father, we too might *walk in the newness of life*" (Rom. 6:4). Here in Romans, Paul does *not say*, as does the author of Colossians (3:1), that Christians "were raised with Christ." The resurrection has an ethical counterpart: "walking in the newness of life." Also in Paul, the Christian contrast is *not* between earth and heaven or between material and spiritual reality but between the "old age" and "the new" (see esp. Rom. 8; 2 Cor. 5:16-21). Fundamental to new life in Christ is the experience of "power": "With great power the Apostles gave testimony to the resurrection of the Lord Jesus" (Acts 4:32-37; cf. 1 Cor. 1:18-31; Phil. 3:10). The Christian is to be a *witness in mission* of the victory over death and the transforming power of the resurrection. To pursue the quest for justice in faith means that the Christian walks in confidence that evil is not Lord of life and that even death for the sake of others cannot separate a person from the love of God (Rom. 8:28-39).

Justification of the Sinner by God's Grace through Faith Results in a Personal and Communal Liberation That Enables People to Live for Others Rather Than for Self

Theologically, Paul states that the Christ event frees the Christian from sin, law, and death. Equally important as this "freedom from" is the Pauline notion of "freedom for." Paul states this succinctly: "For freedom Christ has set us free" (Gal. 5:1a). Freedom for Paul is liberation from the self-serving and self-destructive aspects of "striving" and "boasting" in human achievements in order to direct one's attention to the needs of others. In Galatians, which, along with Romans is his major theological statement on justification, after somewhat polemically rejecting those opponents who want to reimpose Jewish practices on Gentile Christians, Paul says: "For you were called for freedom, brothers and sisters. But do not use this freedom as an opportunity for self-indulgence ['flesh'], but through love become servants of one another" (5:13). Paul then goes on to describe "walking according to the spirit" and "walking according to the flesh" (5:16–21). The virtues and vices listed here for the most part either foster or destroy life in community. Paul then concludes this whole section with the statement: "Bear one another's burdens, and so you will fulfill the law of Christ" (6:2). Therefore, the justified and graced Christian is a person who seeks a community not of isolated individuals, but one in which concern for the weak and suffering is the touchstone of living according to the law of Christ.

Pauline Eschatology Does Not Warrant an "Interim Ethic," But Rather Summons Christians to Responsibility for Life in the World

Since Albert Schweitzer's challenge that Paul provided only an "interim ethic," significant research has been done on the social context and meaning of Paul's eschatology.⁸² For Paul, the Christian lives between the "already" and the "not yet." Through Christ the evil powers have been subdued (Phil. 2:10–11) and Chris-

tians live in the new age (1 Cor. 10:11; 2 Cor. 5:17). Yet Paul has an eschatological reservation. All creation is groaning (Rom. 8:23), and Christians are to look forward to the final victory over death when the risen Christ hands over the kingdom to his Father (1 Cor. 15:51–54). Between the "already" and the "not yet," Christians are to walk in the newness of life and not let sin reign in their mortal bodies (Rom. 6:12). They should yield themselves to God so that they might become instruments and servants of justice (6:13, 18). Eschatology thus provides a *view from the end*, a vision of a restored creation and of the kind of community that should exist in the world, and summons Christians to implement this vision, however incomplete, in their individual and social lives.

Pastoral Practice

As he addresses issues that arise in his communities, Paul translates his theological vision into practice. Throughout his missionary career, he organized collections for the poor churches of Judea (1 Cor. 16:1–4; 2 Cor. 8–9).⁸³ Peter Brown stresses that Paul (unlike the tradition of Jesus) did not advocate renunciation of property but "was convinced that the secret of the unity of believers lay in a steady circulation of goods among 'the brethren.'"⁸⁴ The collection is not simply an act of charity, but a way to affirm solidarity between the Greek churches and the Jerusalem mother church.

A second major issue was the dispute over the celebration of the Lord's Supper.⁸⁵ At Corinth the Eucharist was celebrated in the context of an ordinary meal, when Christians gathered in the evening at the end of an ordinary working day. The only place with enough space for a community gathering would normally have been the home of one of the more prosperous members of the community.

Paul states the problem starkly: "I heard that when you meet as a community [as a church] there are divisions among you." Then he gives his initial judgment on the situation: "When you meet in one place, then, *it is not to eat the Lord's supper*" (emphasis mine), for "in eating

each one goes ahead with their own supper and one goes hungry, while another gets drunk" (1 Cor. 11:22–23, NAB).

This community quarrel had social and ethical dimensions. Apparently the more prosperous members of the community simply became hungry and tired waiting for the small artisans and day laborers to arrive after a working day that stretched from dawn to dusk. They began the celebration of the Lord's Supper and also ate special food and drink that they had prepared for themselves rather than sharing it with others. Paul reacts strongly to this practice ("Do you not have houses in which you can eat or drink?" 11:22) and highlights the evil effect of this practice ("Do you show contempt for the church of God, and humiliate those who have nothing?" [the Greek here is literally "the have nots"]). Paul is, in effect, saying that those social distinctions between upper-class and lower-class people that are part of the fabric of the Hellenistic world have no place in the Christian assembly. One might recall here Paul's early statement to the Galatians that in Christ there is neither Jew nor Greek, slave nor free, male and female (3:26).

Paul then quotes the words of institution that make present again the self-offering of Christ: "my body for you." The "you" are all the Christians equally. As Paul has noted in other places, the death of Jesus is an example of one who did not choose his own benefit but that of others, and Christ died for the weak or marginal Christian brother or sister as well as for the powerful (see esp. Rom. 14:9; 1 Cor. 8:11–13). The practices of the Corinthians are a direct affront to the example of Christ. By preferring their own good and shaming other members of the community of lower social and economic status, they are making a mockery of the Eucharist. This explains Paul's harsh judgment that, in effect, the community is not really celebrating the Lord's Supper.

Paul's directives here show that issues of justice and concern for the more vulnerable members of the community enter into the most central act of Christian community, the celebration of the Lord's Supper. They also show Paul's constant concern for the weaker members

of the community and for the creation of a community in which economic and social divisions do not invalidate the faith that the community as a whole professes. Contemporary Christians are faced with the challenge to join together worship and social action, to live in such a fashion that there is no gap between the faith they celebrate on Sunday and the way they live the other six days of the week.⁸⁶

TOWARD APPROPRIATION OF THE BIBLICAL WITNESS

The purpose of this chapter thus far has been twofold: to call attention to those principal biblical texts that would inform the Christian conscience on issues of social and economic justice (Ricoeur's "first naivete") and to present some explanation and interpretation of these texts, along with bibliographical resources for further study. Now I would like, again in debt to Ricoeur, to propose some suggestions for the continuing appropriation of the biblical tradition.

In a seminal essay Ricoeur states that "interpretation concerns essentially the power of the work to disclose a world"⁸⁷ and that interpretation "overcomes distanciation" and "actualizes the meaning of the text for the present reader."⁸⁸ He then notes that "appropriation is the concept which is suitable for the actualization of meaning as addressed to someone" and "as appropriation, interpretation becomes an event."⁸⁹ Ricoeur understands "appropriation" in the terms of the German *Aneignen*, which conveys the sense of making one's own what was initially "alien."⁹⁰ The English neologism *owning-ship* might well capture Ricoeur's understanding. Appropriation involves both dispossession and a new possession. It involves moving beyond both sedimented meanings of texts as well as the myth of subjectivity where the person "subjects" meaning to intention. Appropriation follows the "arrow of meaning" in a text and engenders a new self-understanding.⁹¹ The cryptic phrase *arrow of meaning* is important since, throughout his works on biblical interpretation, Ricoeur speaks of the "surplus of meaning" of biblical

texts and of following the direction of the text itself rather than literal reproduction. In areas of social justice the direction to which the text points opens ways to new applications and new appropriations.

Sandra Schneiders, who has herself appropriated carefully the methods of Paul Ricoeur and Hans Gadamer, describes the process of appropriation as primarily the “fusion of horizons,” whereby “the world horizon of the reader fuses with the horizon of the world projected by the text.”⁹² She then states: “Appropriation of the meaning of a text, the transformative achievement of interpretation, is neither mastery of the text by the reader (an extraction of its meaning by the application of method) nor mastery of a reader by the text (a blind submission to what the text says) but an ongoing dialogue with the text about its subject matter.”⁹³ If appropriation (making one’s own) is to continue as part of the ecclesial praxis of the church, I would like to propose some elements that will foster ongoing appropriation.

First, if the Bible is to remain a dialogue partner with issues of social justice, a continuing task will be to maintain the power of the biblical renewal so that the people of God, pastoral ministers, and church leaders will continue to be enriched and challenged by biblical texts. There is constant need “to renew the renewal.”⁹⁴ Yet, as Francis Moloney, the Katherine Drexel Professor of Religious Studies at The Catholic University of America and former member of the Vatican Theological Commission, has written recently: “There is every indication that the golden era of biblical enthusiasm in the Catholic Church is on the wane. There is a return to a new dogmatism.”⁹⁵ This new dogmatism is shown in the tendency to prefer the *Catechism of the Catholic Church* over biblical teaching and to ground theology and ethics almost exclusively in magisterial statements.⁹⁶

Such new dogmatism will stifle the continued exploration of the relation of the Bible to issues of justice, wider than those selected in this chapter. In this volume, following the magisterial tradition since Pope Leo XIII, “social justice” has been understood mainly in

relation to socioeconomic issues, and the biblical themes chosen have followed this lead. Yet biblical justice, that is, forging right relationships between God and humanity and within the human family, must today confront a range of issues often more fundamental than socioeconomic ones. Issues of gender and of war and peace are glaring omissions from the present chapter, mainly because they have not been the central focus of the corpus of social teaching covered in this volume. Future concerns would bring the Bible to bear on the reconciliation of differences between groups that demonize each other, often over long suppressed hatreds, and the propensity toward lethal violence that often invokes the Bible itself as a warrant.⁹⁷ In these areas and others that will emerge, the biblical renewal must be continually renewed.

At the same time Catholic tradition and practice is not “biblicist,” and the Bible will always be in dialogue with other sources. In a programmatic essay James Gustafson argued that “comprehensive and coherent theological ethics must be adequate with reference to the four following sources”: (1) the Bible and Christian tradition; (2) philosophical methods insights, and principles; (3) scientific information and methods that are relevant; and (4) human experience, broadly conceived.⁹⁸ Since each of these “reference points” has its own methods and challenges, dialogue between them must involve communities of interpretation that engage in multiple conversations between the disciplines themselves, as well as between sacred texts, traditions, and possible applications.⁹⁹ Today’s application could easily become tomorrow’s horror, as history sadly confirms.

Communities of interpretation must also be communities of faithful witness. A significant obstacle to the engagement of the Bible and issues of social justice is often the absence of integrity between proclamation and practice. Both the Old and New Testaments summon religious leaders and people of faith to an integrity of belief and practice (see esp. Isa 9:1–6; Jer. 29:13–14, cited in Mark 7:6; Matt 7:21–28; James 1:22). The social doctrine of the Church often seems produced for external consumption rather than internal appropria-

tion. Though selection of the hierarchy is cloaked in secrecy, the average Catholic would be hard pressed to say that concern for social justice has been a major criterion in the appointment of bishops. There have been many instances where bishops, noted for their commitment to the poor and to their confrontation with powerful forces, are succeeded by those opposed to those very commitments.¹⁰⁰ Theologians are often stronger in articulating a prophetic vision than living it. The Church has been consistently one of the strongest world advocates for human rights and just treatment of all people, yet one can only wonder if these same concerns guide church authorities when dealing with internal issues.¹⁰¹

In conclusion, the engagement of biblical studies with Catholic social teaching, though relatively recent, offers much promise, especially in shaping the Catholic conscience and imagination, and also in forming communities of concern. One can only hope that this engagement will lead to a long and fruitful marriage.

NOTES

1. For helpful surveys, see John A. Coleman, ed., *One Hundred Years of Catholic Social Thought: Celebration and Challenge* (Maryknoll, N.Y.: Orbis, 1991); Charles E. Curran, *Catholic Social Teaching 1891–Present: A Historical, Theological and Ethical Analysis* (Washington, D.C.: Georgetown University Press, 2002); Michael J. Schuck, *That They Be One: The Social Teaching of the Papal Encyclicals, 1740–1989* (Washington, D.C.: Georgetown University Press, 1991); for Pope John Paul II, Gerard Biegel, *Faith and Social Justice in the Teaching of Pope John Paul II* (New York: Peter Lang, 1997); John Conley and Joseph Koterski, eds., *Prophecy and Diplomacy: The Moral Doctrine of John Paul II* (Bronx, N.Y.: Fordham University Press, 1999); and the essays in Charles E. Curran and Richard A. McCormick, eds., *John Paul II and Moral Theology* (Mahwah, N.J.: Paulist, 1998), 237–375.

2. Helpful surveys are Raymond F. Collins, *Introduction to the New Testament* (New York: Doubleday,

1983), 272–386; and Raymond E. Brown, “Church Pronouncements,” in *The New Jerome Biblical Commentary*, ed. R. E. Brown, J. A. Fitzmyer, and R. E. Murphy (Englewood Cliffs, N.J.: Prentice Hall, 1990), 1166–75.

3. Unless otherwise noted all translations are from the New Revised Standard Version (New York: Oxford University Press, 1989) with occasional use of the New American Bible (New York: Catholic Book Publishing Co., 1970, 1986).

4. In Dean Bechard, ed. and trans., *The Scripture Documents: An Anthology of Official Catholic Teachings* (Collegeville, Minn.: Liturgical, 2002), 115–39.

5. *Dogmatic Constitution on Divine Revelation (Dei verbum)*, number 24, and the *Decree on the Training of Priests (Optatum totius)*, number 16, cites also Leo XIII, *Providentissimus Deus*, number 33, in *Scripture Documents*, number 50, and Benedict XV, *Spiritus Paraclitus*, number 14. All of these documents in *ibid.*, 100.

6. “Forum,” *Religion and American Culture* 10 (winter 2000): 25.

7. LE 4. See the important study of the use of scripture in LE by David Hollenbach, “Human Word and the Story of Creation: Theology and Ethics in *Laborem Exercens*,” in *Catholic Social Thought and the New World Order*, ed. Oliver F. Williams and John W. Houck (Notre Dame, Ind.: University of Notre Dame Press, 1993), 59–77. While appreciative of the encyclical’s use of scripture, Hollenbach notes certain defects, mainly the absence of a nuanced discussion of Genesis 1–11.

8. Pope John Paul II, “Special Sensitivity to Those in Distress,” in *Justice in the Marketplace: Collected Statements of the Vatican and the U.S. Catholic Bishops on Economic Policy, 1891–1984*, ed. David M. Byers (Washington, D.C.: U.S. Catholic Conference, 1985), 351. The pope himself comments that he has used this parable “on various occasions.”

9. See esp. James M. Gustafson, “The Changing Use of the Bible in Christian Ethics” and “The Place of Scripture in Christian Ethics: A Methodological Study,” in *Readings in Moral Theology No. 4: The Use of Scripture in Moral Theology*, ed. C. Curran and R. McCormick (New York: Paulist, 1984), 133–78.

10. *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy* (Washington, D.C.: National Conference of Catholic

Bishops, 1986). Also in David J. O'Brien and Thomas A. Shannon, eds., *Catholic Social Teaching: The Documentary Heritage* (Maryknoll, N.Y.: Orbis, 1998), 572–680.

11. Oral communication from Archbishop Rembert Weakland to the committee.

12. On scripture as a “moral reminder,” esp. in the works of Josef Fuchs and Karl Rahner, see William C. Spohn, “Scripture as Moral Reminder,” chap. 2 in *What Are They Saying About Scripture and Ethics?* 2d ed. (New York: Paulist, 1995).

13. Proof texting has its modern origin in the period of post-Reformation Lutheran orthodoxy, when collections of biblical texts (*dicta probantia*) were used to buttress theological positions.

14. Intertextuality, a concept appropriated from the work of the French literary theorist Julia Kristeva, “suggests that each text is situated for each reader in an ever-changing web composed of innumerable texts.” Cited from E. Castelli et al., *The Postmodern Bible* (New Haven, Conn.: Yale University Press, 1995), 130.

15. Dorothy Lee, *Flesh and Glory: Symbol, Gender and Theology in the Gospel of John* (New York: Crossroad, 2002), 4–7; Sandra M. Schneiders, *The Revelatory Text: Interpreting the New Testament as Sacred Scripture*, 2d ed. (Collegeville, Minn.: Liturgical, 1999), esp. 132–56.

16. Paul Ricoeur, *Interpretation Theory: Discourse and the Surplus of Meaning* (Fort Worth: Texas Christian University Press, 1976), 24, as cited in Lee, *Flesh and Glory*, 6.

17. Lee, *Flesh and Glory*, 6.

18. Schneiders describes “criticism” as “the process of distancing the text, which results in a second naïveté.” This involves a double distancing, first of the text itself so that its independence and intrinsic power can be recognized, and second, a distancing from the worldview of the authors. See *Revelatory Text*, 169–70.

19. Ricoeur, *Interpretation Theory*, 30.

20. On semantic autonomy, see Schneiders, *Revelatory Text*, 142–44; on developing traditions, see Michael Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford University Press, 1985).

21. Carroll Stuhlmueller calls the exodus the “controlling theme” of Second Isaiah. See “Deutero-Isaiah and Trito-Isaiah,” *New Jerome Biblical Commentary*, 329–48.

22. Willard M. Swartley, *Israel's Scripture Traditions and the Synoptic Gospels: Story Shaping Story* (Peabody, Mass.: Hendrickson, 1994).

23. *Dei verbum*, number 24.

24. Though monographs on the Bible and social justice are relatively few, the following give fine overviews: Bruce C. Birch, *Let Justice Roll: The Old Testament, Ethics, and the Christian Life* (Louisville, Ky.: Westminster/John Knox, 1991) and *What Does The Lord Require? The Old Testament Call to Social Witness* (Philadelphia: Westminster, 1985); Anthony B. Ceresko, *Introduction to the Old Testament: A Liberation Perspective* (Maryknoll, N.Y.: Orbis, 1992); Stephen C. Mott, *Biblical Ethics and Social Change* (New York: Oxford University Press, 1982); J. David Pleins, *The Social Visions of the Hebrew Bible: A Theological Introduction* (Louisville, Ky.: Westminster/John Knox, 2001).

25. Philip Esler, *Community and Gospel in Luke-Acts: The Social and Political Motivation of Lucan Theology*, SNTSMS, no. 57 (Cambridge: Cambridge University Press, 1987), 53.

26. James F. Gustafson, *Can Ethics Be Christian?* (Chicago: University of Chicago Press, 1975), 48–81.

27. On Hans Gadamer, see Schneiders, *Revelatory Text*, esp. 42–43, 140–42, 172–76.

28. Paul Tillich, *Systematic Theology* (Chicago: University of Chicago Press, 1967), 1:59–66.

29. David Tracy, *The Analogical Imagination: Christian Theology and the Culture of Pluralism* (New York: Crossroad, 1981), 24–27, 60–61, 405–45.

30. For more extensive bibliography, see John R. Donahue, *What Does the Lord Require? A Bibliographical Essay on the Bible and Social Justice* (St. Louis, Mo.: Institute of Jesuit Sources, 2000).

31. The major studies are Eliezer Berkovits, “The Biblical Meaning of Justice,” *Judaism* 18 (1969): 188–209; Pietro Bovati, *Re-establishing Justice: Legal Terms, Concepts and Procedures in the Hebrew Bible*, trans. M. J. Smith, *Journal for the Study of the Old Testament*, Supplement 105 (Sheffield, England: JSOT, 1994); Léon Epsztein, *Social Justice in the Ancient Near East and the People of the Bible* (London: SCM, 1986); Barbara Johnson, “*mišpāt*,” in *Theological Dictionary of the Old Testament*, ed. G. Johannes Botterweck, H. Ringgren, and H.-J. Fabry (Grand Rapids, Mich.: Eerdmans, 2003), 9:86–98, and “*šēdāqāh*,” *ibid.*, 12:239–64; G. Reventlow and Y. Hoffman, eds., *Justice and Righteousness: Biblical Themes and*

Their Influence, JSOT, Supplement, no. 137 (Sheffield, England: JSOT, 1992); J. Pedersen, *Israel: Its Life and Culture* (London: Oxford University Press, 1926), I–II 337–40; K. H.-J. Fahlgren, *Sedākā, nabestehende und entgegengesetzte Begriffe im Alten Testament* (Uppsala: Almqvist und Wiksells, 1932), 81. Fahlgren describes justice as *Gemeinschaftstreue*, that is, fidelity in communal life; Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis: Fortress; Jerusalem: Magnes, 1995).

32. I proposed this definition in “Biblical Perspectives on Justice,” in *The Faith That Does Justice*, ed. John Haughey (New York: Paulist, 1977), 69. It is similar to the perspectives now described by Johnson, “*šēdāqāh*,” esp. 246–47. See also Joseph A. Fitzmyer, “What Do the Scriptures Say About Injustice?” in *Jesuit Education 21: Conference Proceedings on the Future of Jesuit Higher Education*, ed. Martin Tripole (Philadelphia: St. Joseph's University and Press, 2000), 99–112. Fitzmyer offers a careful philological discussion of the biblical terms for justice. In their responses Richard Clifford (*ibid.*, 113–16) and Mark Smith (*ibid.*, 119–22) extend the implications of Fitzmyer's remarks. See esp. Smith: “Accordingly Social Justice is embedded in the larger context of relations with God. Social Justice advances right relations with both the human and the divine” (122).

33. See also the important study of James M. Walsh, *The Mighty from Their Thrones* (Philadelphia: Fortress, 1987). Walsh describes *šēdeq* as a “consensus which shapes God's people.” He also studies the related concept of *nāqām*, “vengeance,” which is not simply punishment but the restoration of justice.

34. Walter Brueggemann, *Isaiah 1–39, Westminster Bible Companion* (Louisville, Ky.: Westminster/John Knox, 1998), 48.

35. Johnson, “*mišpāt*,” 93.

36. See esp. Thomas Leclerc, “*mišpat*, Justice in the Book of Isaiah” (Ph.D. diss., Harvard University, 1998).

37. Martin Noth, “The Major Themes of the Tradition in the Pentateuch and Their Origin,” in *A History of the Pentateuchal Traditions*, trans. B. Anderson (Englewood Cliffs, N.J.: Prentice Hall, 1972), 46–62; Gerhard Von Rad, *The Problem of the Hexateuch and Other Essays* (New York: McGraw Hill, 1966).

38. The presentation of creation here follows Claus Westermann, *Creation* (Philadelphia: Fortress, 1974); *idem*, *Genesis: A Practical Commentary* (Grand Rapids, Mich.: Eerdmans, 1987). Along with *Creation*, this offers a fine digest of Westermann's exegesis. See also Bernhard Anderson, ed., *Creation in the Old Testament* (Philadelphia: Fortress; London: SPCK, 1984), a collection of classic essays on creation.

39. Westermann, *Creation*, 42.

40. Westermann, *Genesis 1–11: A Commentary*, trans. J. Scullion (Minneapolis: Augsburg, 1984), 60–64.

41. Westermann, *Creation*, 10.

42. Westermann, *Genesis 1–11*, 51–53.

43. Phyllis Tribble, *God and the Rhetoric of Sexuality* (Philadelphia: Fortress, 1978), 101–2.

44. *Ibid.*, esp. 12–23, 72–105.

45. Westermann, *Creation*, 92–93.

46. Terence E. Fretheim, *Exodus, Interpretation: A Bible for Teaching and Preaching* (Louisville, Ky.: John Knox, 1991). Excellent commentary, esp. on Exod. 1–15, with sensitivity to issues of liberation and justice.

47. Michael Walzer, *Exodus and Revolution* (New York: Basic, 1985), 53, 73–90.

48. *Ibid.*, 27.

49. Cheryl J. Exum, “‘You Shall Let Every Daughter Live’: A Study of Exodus 1:18–2:10,” *Semeia* 28 (1983): 63–82; Tikva Frymer Kensky, *Reading the Women of the Bible* (New York: Schocken, 2002), 24–26.

50. See Terence Fretheim, “The Plagues as Ecological Signs of Historical Disaster,” *Journal of Biblical Literature* 110 (fall 1991): 385–96. Fretheim argues that the plagues are signs that nature itself revolts against the moral injustice of Pharaoh's reign.

51. See the excellent treatments in Walter Harrelson, *The Ten Commandments and Human Rights* (Philadelphia: Fortress, 1980; reprint, Macon, Ga.: Mercer University Press, 1997); Pleins, *The Social Visions of the Hebrew Bible*, 41–91; and Norbert Lohfink, “Poverty in the Laws of the Ancient Near East and the Bible,” *Theological Studies* 52 (1991): 34–50.

52. Norbert Lohfink, *Option for the Poor: The Basic Principle of Liberation Theology in Light of the Bible* (Berkeley, Calif.: Bibal, 1988).

53. In a recent study, *Injustice Made Legal: Deuteronomic Law and the Plight of Widows, Stangers,*

and Orphans in Ancient Israel (Grand Rapids, Mich.: Eerdmans, 2003), Harold V. Bennett employs a "critical theory" of law to argue that all law ultimately benefits those in power and applies this theory to Israelite laws concerning the disadvantaged. His argument ultimately rests on a select contemporary theory of law.

54. Paul D. Hanson, *The People Called: The Growth of Community in the Bible* (San Francisco: Harper and Row, 1986).

55. See Lohfink, "Poverty in the Laws."

56. On the social importance of covenant, see esp. Walter Brueggemann, *A Social Reading of the Old Testament*, ed. Patrick D. Miller (Minneapolis: Fortress, 1994), 43–69.

57. John G. Gammie, *Holiness in Israel* (Minneapolis: Fortress, 1989).

58. Hanson, *The People Called*, 47.

59. The literature on the poor in the Bible is immense. See esp. the articles in *The Theological Dictionary of the Old Testament*, ed. G. J. Botterwick and H. Ringgren (Grand Rapids, Mich.: Eerdmans, 1977–), "ebyón," 1:27–41; "dal," vol. 3:208–30; and in *The Theological Dictionary of the New Testament*, "ptōchos," 6:885–915; J. David Pleins, "Poor, Poverty (Old Testament)," in *The Anchor Bible Dictionary*, ed. David N. Freedman (New York: Doubleday, 1992), 5:403–14; F. C. Fensham, "Widow, Orphan and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *Journal of Near Eastern Studies* 21 (1962): 129–39; A. George, ed., *Gospel Poverty: Essays in Biblical Theology* (Chicago: Franciscan Herald, 1977), a very important collection of essays by leading French biblical scholars. The essays by George on the Old Testament and Dupont on the New Testament are especially good; Robert Gnuse, *You Shall Not Steal: Community and Property in the Biblical Tradition* (Maryknoll, N.Y.: Orbis, 1985).

60. Helpful overviews of the prophets are found in Paul J. Achtemeier and James L. Mays, eds., *Interpreting the Prophets* (Philadelphia: Fortress, 1987), a series of articles originally published in *Interpretation*. They treat mainly literary and historical problems with the essays on Jeremiah by Brueggemann and Holladay especially helpful, as is the "Resources for Studying the Prophets" by J. Limburg; Walter Brueggemann, *The Prophetic Imagination* (Philadelphia: Fortress, 1978); Joseph Blenkinsopp, *A History of Prophecy in Israel*, rev. ed.

(Louisville, Ky.: Westminster/John Knox, 1996) excellent standard introductions to all aspects of the prophets; Carol J. Dempsey, *The Prophets: A Liberation-Critical Reading* (Minneapolis: Fortress, 2000); Hemchand Gossai, *Justice, Righteousness, and the Social Critique of the Eighth-Century Prophets*, American University Studies, Series VII, Theology and Religion (New York: Peter Lang, 1993); James Limburg, *The Prophets and the Powerless* (Atlanta: John Knox, 1977); James L. Mays, "Justice: Perspective from the Prophetic Tradition," in *Prophecy in Israel: Search for an Identity*, ed. David L. Peterson (Philadelphia: Fortress, 1987), 144–58; also in *Interpretation* 37 (1983): 5–17.

61. Mays, "Justice," 9.

62. The rise of apocalyptic literature and thought dates from the postexilic period. It involved significant transformation of Israel's thought and religion and its implications for issues of social justice would require another chapter. Two characteristics are, however, noteworthy: first, the decline of prophecy and second, the hope for a "new heaven and a new earth" rather than for a transformed society. Excellent studies are John J. Collins, *The Apocalyptic Imagination: An Introduction to Jewish Apocalyptic* (Grand Rapids, Mich.: Eerdmans, 1998); and Paul D. Hanson, *The Dawn of Apocalyptic* (Philadelphia: Fortress, 1975).

63. Alexander A. DiLella and Patrick Skehan, *The Wisdom of Ben Sira*, Anchor Bible, 39 (New York: Doubleday, 1987), 88–90.

64. Strongly emphasized by the Indian biblical scholar, the late George Soares-Prabhu; see "Class in the Bible: The Biblical Poor, A Social Class?" *Vidyajoti* 49 (1985): 322–46.

65. The literature on Jesus and the kingdom is encyclopedic. Some helpful studies are Bruce Chilton and J. H. McDonald, *Jesus and the Ethics of the Kingdom* (Grand Rapids, Mich.: Eerdmans, 1987); William R. Herzog II, *Jesus, Justice and the Reign of God: A Ministry of Liberation* (Louisville, Ky.: Westminster/John Knox, 1999); John Meier, *A Marginal Jew: Rethinking the Historical Jesus: Mentor, Message and Miracles* (Garden City, N.Y.: Doubleday, 1994), which treats extensively Jesus' relation to John, his kingdom proclamation, and miracles; S. C. Mott, *Jesus and Social Ethics*, Grove Booklets on Ethics, 55 (Malden, Mass.: Institute for Christian Renewal, 1984), also published in *Journal of Religious Ethics* 15, no. 2 (1987): 225–66; E. P. Sanders, *Jesus*

and Judaism (Philadelphia: Fortress, 1985), 123–245 (on kingdom) and *The Historical Figure of Jesus* (New York: Penguin, 1993), 169–204; N. T. Wright, *Jesus and the Victory of God* (Minneapolis: Fortress, 1996), 198–474. Some helpful articles are Ernst Käsemann, "The Eschatological Royal Reign of God," in *Your Kingdom Come: Mission Perspectives*, Commission on World Mission and Evangelism (Geneva: World Council of Churches, 1981); Norbert Lohfink, "The Kingdom of God and the Economy in the Bible," *Communio* 13 (1986): 216–31.

66. George, ed., *Gospel Poverty*.

67. See esp. Michael Cook, *Jesus' Parables and the Faith That Does Justice, Studies in the Spirituality of the Jesuits* 24, no. 5 (St. Louis, Mo.: Institute of Jesuit Sources, 1992); William R. Herzog II, *Parables as Subversive Speech: Jesus as Pedagogue of the Oppressed* (Louisville, Ky.: Westminster/John Knox, 1994).

68. Until recently studies of Matthew have not focused on the implications of the gospel for issues of social justice. Some helpful studies are David Balch, ed., *Social History of the Matthean Community: Cross Disciplinary Approaches* (Minneapolis: Fortress, 1991); Warren Carter, *Matthew and the Margins: A Sociopolitical and Religious Reading* (Maryknoll, N.Y.: Orbis, 2000) and idem, *Matthew and Empire: Initial Explorations* (Harrisburg, Pa.: Trinity Press International, 2001). Matthew's ethics, especially in concern for the poor, are very much part of his Jewish identity. See Anthony J. Saldarini, *Matthew's Christian-Jewish Community* (Chicago: University of Chicago Press, 1994). A very important study on social concerns in Judaism is Gildas Hamel, *Poverty and Charity in Roman Palestine, First Three Centuries C.E.* (Berkeley: University of California Press, 1990). An important scholarly study that will influence future research on the question of "rich and poor" in first-century Judaism is Catherine M. Murphy, *Wealth in the Dead Sea Scrolls and the Qumran Community* (Leiden: E. J. Brill, 2000).

69. See David Garland, *The Intention of Matthew 23*, *Novum Testamentum Supplements*, 52 (Leiden: E. J. Brill, 1979).

70. Daniel Harrington, *The Gospel of Matthew, Sacra Pagina*, 1 (Collegeville, Minn.: Liturgical, 1991), 355–60.

71. Lamar Cope, "Matthew XXV: 31–46, 'The Sheep and the Goats' Reinterpreted," *Novum Testamentum* 11 (1969): 32–44.

72. John Meier, *Matthew*, *New Testament Message* 3 (Wilmington, Del.: Michael Glazier, 1980), 301–6.

73. For the "discipleship" interpretation, see John R. Donahue, "The 'Parable' of the Sheep and the Goats: A Challenge to Christian Ethics," *Theological Studies* 47 (1986): 3–31; *The Gospel in Parable: Metaphor, Narrative and Theology in the Synoptic Gospels* (Philadelphia: Fortress, 1988), 109–25.

74. See esp. Pedrito U. Maynard-Reid, *Poverty and Wealth in James* (Maryknoll, N.Y.: Orbis, 1987); Greg Forster, *The Ethics of the Letter of James* (Cambridge: Grove, 2002).

75. The writings on Luke and economic questions are extensive. See esp. John R. Donahue, "Two Decades of Research on the Rich and the Poor in Luke-Acts," in *Justice and the Holy: Essays in Honor of Walter Harrelson*, ed. D. A. Knight and J. Paris (Atlanta: Scholars, 1989), 129–44; *The Gospel in Parable*, 162–80, on Luke's parables that deal with the danger of wealth and concern for the poor; Jacques Dupont, *Les béatitudes*, 3 vols. (Paris: Gabalda, 1969, 1973), esp. 2:19–142; 3:41–64, 151–206, 389–471, a classic study that revolutionized the study of the Beatitudes; "Community of Goods in the Early Church," in *The Salvation of the Gentiles: Studies in the Acts of the Apostles* (New York: Paulist, 1979), 85–102; "The Poor and Poverty in the Gospels," in *Gospel Poverty*, ed. A. George (Chicago: Franciscan Herald, 1971), 25–52; John Gillman, *Possessions and the Life of Faith: A Reading of Luke-Acts*, *Zaccheus Studies* (Collegeville, Minn.: Liturgical, 1991); Joel B. Green, "Good News to Whom? Jesus and the 'Poor' in the Gospel of Luke," in *Jesus of Nazareth: Lord and Christ*, ed. Joel B. Green and Max Turner (Grand Rapids, Mich.: Eerdmans, 1994), 59–74; Luke Johnson, *Sharing Possessions: Mandate and Symbol of Faith* (Philadelphia: Fortress, 1981); Walter E. Pilgrim, *Good News to the Poor: Wealth and Poverty in Luke-Acts* (Minneapolis: Augsburg, 1981), excellent overview; W. Stegemann, "The Following of Christ as Solidarity between Rich, Respected Christians and Poor, Despised Christians (Gospel of Luke)," in *Jesus and the Hope of the Poor*, ed. L. Schottroff and W. Stegemann (Maryknoll, N.Y.: Orbis, 1986), 67–120; W. Stegemann, *The Gospel and the Poor* (Philadelphia: Fortress, 1984), good for use in a pastoral setting.

76. See esp. Stegemann, "The Following of Christ."

77. Compare Prov. 10:2, "righteousness [sēdāqāh] delivers from death," with Tobit 12:9 (LXX), "alms-giving [eleēmosynē] delivers from death."

78. Surveyed in Donahue, "Two Decades."

79. Peter Brown, *The World of Late Antiquity from Marcus Aurelius to Muhammed* (London: Thames and Hudson, 1971), 67. See also his important study, *Poverty and Leadership in the Late Roman Empire* (Hanover, N.H.: New England University Press, 2002).

80. Joseph A. Fitzmyer, "Pauline Theology," in *New Jerome Biblical Commentary*, 1389.

81. Select studies that integrate Paul's theology and issues of social justice are Elsa Tamez, *The Amnesty of Grace: Justification by Faith from a Latin American Perspective* (Nashville, Tenn.: Abingdon, 1993); Neil Elliott, *Liberating Paul: The Justice of God and the Politics of the Apostle* (Maryknoll, N.Y.: Orbis, 1994); and the essays in Richard A. Horsley, ed., *Paul and Empire: Religion and Power in Imperial Society* (Harrisburg, Pa.: Trinity Press International, 1997).

82. On Schweitzer's "interim ethics," see Victor Furnish, *Theology and Ethics in Paul* (Nashville, Tenn.: Abingdon, 1968), 258–59.

83. Dieter Georgi, *Remembering the Poor: The History of Paul's Collection for Jerusalem* (Nashville, Tenn.: Abingdon, 1992).

84. Brown, *Poverty and Leadership*, 18.

85. Gerd Theissen, *The Social Setting of Pauline Christianity: Essays on Corinth* (Philadelphia: Fortress, 1982), esp. chap. 4, "Social Integration and Sacramental Activity: An Analysis of 1 Corinthians 11:17–34."

86. Some helpful resources for integrating preaching, liturgy, and social justice are John F. Baldwin, "The Liturgical Year: Calendar for a Just Community," in *Liturgy and Spirituality in Context*, ed. E. Bernstein (Collegeville, Minn.: Liturgical, 1990), 98–114; Walter J. Burghardt, *Preaching the Just Word* (New Haven, Conn.: Yale University Press, 1996); James L. Empeur and Christopher Kiesling, *The Liturgy That Does Justice*, A Michael Glazier Book (Collegeville, Minn.: Liturgical, 1990); Anne Y. Koester, ed., *Liturgy and Justice: To Worship God in Spirit and Truth* (Collegeville, Minn.: Liturgical, 2002).

87. P. Ricoeur, *Hermeneutics and the Human Sciences: Essays on Language, Action and Interpretation*, ed. and trans. John S. Thompson (Cambridge: Cambridge University Press; Paris: Éditions de la Maison des Sciences de l'Homme, 1981), 182.

88. *Ibid.*, 185.

89. *Ibid.* He further notes here that in texts "'revelation or disclosure' takes the place of ostensive reference in the dialogical situation."

90. *Ibid.*

91. *Ibid.*, 192–93.

92. Schneiders, *The Revelatory Text*, 172.

93. *Ibid.*, 177.

94. In an interview Cardinal Carlo M. Martini recently retired archbishop of Milan who personally has used the study of the Bible to revitalize the Church, especially among young people in his diocese, remarked that there is still resistance to biblical renewal and suggests that a synod of bishops be called to consider how the Church has responded to *Dei verbum*. Gerald O'Connell, "A Pastor's Vision, *The Tablet* 247 (July 10, 1993): 876–78 at 877.

95. Francis Moloney, "Whither Catholic Biblical Studies?" *Australian Catholic Record* 66 (1989) 84.

96. In reviewing the *Catechism of the Catholic Church*, a leading Catholic exegete Luke Johnson observes "how completely this catechism ignores the results of biblical scholarship. The code for reading the Gospels is the same used by Augustine and Aquinas." See, "The Catechism: Four Responses. *Commonweal* 120 (May 7, 1993): 16–18 at 17. The *Catechism* treats social justice under the seventh commandment, thus giving the concept a limited and negative focus. Nor does the *Catechism* reference those prophetic texts that have so influenced issues of social justice, and while urging charity toward the poor and warning against greed, the phrase *option for the poor* never appears in the *Catechism*.

97. In a recent essay, when discussing justice toward others (philosophically understood) and love P. Ricoeur writes, "Love presses justice to enlarge the circle of mutual recognition," and gives as example "Gandhi, Martin Luther King, Jr., and others." See André LaCocque and Paul Ricoeur, *Thinking Biblically: Exegetical and Hermeneutical Studies* (Chicago: University of Chicago Press, 1998), 130. The understanding of biblical justice proposed in this chapter includes such love.

98. James Gustafson, *Protestant and Roman Catholic Ethics: Prospects for Rapprochement* (Chicago: University of Chicago Press, 1978), 142. Lisa Sowle Cahill has developed these in *Foundations for a Christian Ethics of Sexuality* (Philadelphia: Fortress; New York: Paulist, 1985), esp. 1–13. People have noted that these reference points have their origin in the Methodist "quadrilateral" of scripture, tradition, reason, and experience.

99. Ricoeur speaks of "a community of reading and of interpretation" and states, "It is in interpreting the Scriptures in question, that the community interprets itself." *Thinking Biblically*, xvi. A different model of communities of interpretation has been proposed by the South African theologian Gerald O. West: "The Bible must be read from the perspective of the poor and marginalized, that the Bible must be read together with the poor and marginalized, that Bible reading is related to social transformation, and, significantly, that the Bible must be read critically." *The Academy of the Poor: Towards a Dialogic Reading of the Bible* (Sheffield, England: Sheffield Academic, 1999), 106.

100. The most dramatic examples of this practice have been the appointment of the archconservative José Cardoso Sobrinho to the see of Recife, Brazil, after the resignation of Dom Helder Câmara in 1985, and of the Opus Dei Archbishop Fernando Sáenz Lacalle to the archdiocese of San Salvador after the death of Salesian Archbishop Arturo Rivera Damas in 1994, who himself followed the assassinated Archbishop Oscar Romero (d. March 24, 1980).

101. Most sobering is the late Bernhard Häring's painful recollection that he stood before Hitler's military court four times on life-and-death issues, and would have preferred that again in the manner in which he was treated by the members of the Congregation for the Doctrine of the Faith. Rather sadly, he notes, one major difference was that the Nazi accusations were true—he was not submissive to that regime—while the curial accusations were false. See Bernhard Häring, *My Witness for the Church*, ed. and trans. Leonard Swidler (New York: Paulist, 1992), 132–33. See also Cherie Booth, Q.C. (the wife of the British prime minister and herself a Catholic), "A Catholic Perspective on Human Rights," *The Tablet* (June 21, 2003): 4–7. While quite laudatory of the Church's influence on the

international dialogue about human rights, Booth points out that "the Church sees its duty to speak out on human rights where it has considerable influence but has not direct power to effect change," but then she asks, "What about respect for human rights within the Church itself, where the Church has actual authority to make a difference?" (7).

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CHAPTER

2

Natural Law in Catholic Social Teachings

STEPHEN J. POPE

INTRODUCTION

This chapter examines the meaning and uses of natural law within Catholic social teachings. It intends to provide a brief overview of natural law in Catholic social teachings and to inform readers of the issues with which natural law theologians typically grapple. It is organized into three major sections: the historical development of natural law reflection, its evolution in Catholic social teachings, and major challenges it faces in the twenty-first century.

HISTORICAL CONTEXT

We begin with a sketch of the historical origins and development of natural law ethics in order to understand the major influences and sources at work in this feature of Catholic social teachings.

Ancient and Medieval Origins

The remote origins of natural law ethics lie in Greek and Roman philosophy and law. Aristotle spoke of doing the right or the just act. He contrasted what is “just by nature” from what is “just by convention.”¹ In the early second century before the common era, the Romans began to make a critically important distinction

between the civil law (*ius civile*) that pertained to citizens of Rome and the law common to all nations (*ius gentium*) used to govern the peoples of Italy and the Roman provinces. Up until this time, the laws of the Roman state, like that of other ancient laws, applied only to its own citizens. This legal development resonated with a current Hellenistic philosophical and rhetorical distinction between the positive laws governing particular political communities and the natural law that exists everywhere prior to its official enactment by any particular state. The Stoics maintained that moral law is rooted in nature (*physis*) rather than only constructed by convention (*nomos*), and that moral virtues can be identified by reason reflecting on nature. Cicero (106–43 B.C.) understood true law as “right reason in agreement with nature” (*recta ratio naturae congruens*)² and to be universally binding for all places and times.

The Roman jurist Gaius (fl. A.D. 130–180) identified the natural law with the “law of nations” (*ius gentium*).³ The influential legal theorist Ulpian (c. 170–228), however, defined natural law quite differently—as “that which nature teaches all animals” (*id quod natura omnia animalia docet*).⁴ Thus he regarded the natural law not as something only common to all human beings but rather an ordering shared by humans and all other animals, for example,

out of natural law comes marriage and the procreation and rearing of children.⁵ Ambiguity and disagreement among the major legal authorities regarding the relation between the “natural law” and the “law of nations” would be passed on to medieval natural law and from there into Catholic social teachings.

The first Christians saw creation as the reflection of the Creator’s wise governance. Scripture teaches that wisdom “reaches mightily from one end of the earth to the other and she orders all things well” (Wisdom 8:1, NRSV). Early Christian thinkers like the apologist Athenagoras (177) and Justin Martyr (165) found congenial the Stoic notion of a natural moral order grasped by reason and binding on all human beings.⁶ Justin argued in his famous *Dialogue with Trypho* that God instructs every race about the content of justice and that this is why everyone grasps the evil of homicide, adultery, and other sins.⁷

The Church turned to natural law for two principal reasons. First, the central normative document of the faith, the sacred scripture, speaks in many different voices about moral and social issues. It provides neither a moral philosophy nor an extensive body of law with which to govern political communities. The distinguished historian Henry Chadwick actually considered it of “providential importance” that the writers of the New Testament did not attempt to “philosophize.”⁸ The fact that the gospel was not tied to any first-century speculative system, Chadwick pointed out, leaves it free alternatively to criticize and to draw from classical philosophies as needed. Some early Christians hated “the world,” but others sought intellectual resources or “mediating languages” to help them think in a systematic way about the implications of faith for social, economic, and political matters. Natural law provided such a resource, particularly as Christians came to assimilate Roman culture and civil law.⁹

Second, Christians in the Roman Empire, not entirely unlike Christians today, faced the problem of communicating their convictions to citizens who did not necessarily share their religious convictions. Indeed, some were outwardly hostile to them. Natural law provided a

conceptual vehicle for preserving, explaining, and reflecting on the moral requirements embedded in human nature and for expressing these claims to wider audiences. Early Christians drew from St. Paul’s recognition that the Gentiles are able to know divine attributes from what God has made in the creation (Rom. 1:19–21). In what became the scriptural *locus classicus* for the natural law tradition, and a key text for the social encyclicals (e.g., PT 5), Paul observed that when Gentiles observe by nature the prescriptions of the law, they show that “the demands of the law are written in their hearts” (Rom. 2:14–15). Arguing against those who assume that possession of the covenantal law is sufficient, Paul argued that the conscience of the good pagan bears witness to the natural roots of the moral law. On this Pauline basis the great Alexandrian theologian Origen (185–254) could explain how reasonable pagans grasp the binding force of natural equity and the Golden Rule. Even a person who does not believe in Christ, he wrote, “may yet do good works, may keep justice and love mercy, preserve chastity and continence, keep modesty and gentleness, and do every good work.”¹⁰

St. Augustine (354–430), engaged in a protracted anti-Manichean polemic, contrasted the changeable and flawed “temporal law” with the immutable “eternal law” through which God governs all of creation. God orders the material world through the eternal law, which in turn provides the ultimate basis for temporal law. From this root grew the principle used in twentieth-century civil disobedience movements that an unjust law is not binding. Augustine’s tract *Contra Faustum* argued that the eternal law commands human beings to respect the natural order.¹¹ Just as God commanded the fleeing Hebrews to despoil the Egyptians, Augustine argued, so Christians ought to use the riches of pagan philosophy more effectively to preach the gospel.¹²

In the sixth century the first Byzantine emperor Justinian I (483–565) ordered the drafting of the massive *Corpus iuris civilis* to provide legal structures for the empire on the basis of ancient Roman law.¹³ This work became the

most influential treatment of Western law until the nineteenth century. The *Corpus* included the *Codex*, a collection and codification of earlier imperial statutes; the *Institutes*, an introductory textbook of law; and the *Digest*, a compilation of important legal opinions of Roman jurists. Justinian sponsored the assimilation of Ulpian’s famous definition of natural law as what nature teaches all animals but, in contradiction to him, identified the law of nations with the natural law.¹⁴ Justinian was more responsible than any other figure of the time for the handing down of natural law doctrine into the medieval period.

In the twelfth century the eminent legal scholar Gratian wrote the *Decretum* (completed by c. 1140), which became one of the most important texts on ecclesiastical law up until the promulgation of the Code of Canon Law in 1917. Gratian wanted to bring greater intelligibility and harmony to ecclesiastical law and to communicate it effectively to others. He defined natural law as what is contained in the “Law and the Gospels.” The *Decretum* incorporated Isidore of Seville’s doctrine of natural right as the law common to all peoples,¹⁵ and taught that any provisions of human law that contradict natural law are “null and void.”¹⁶

Natural law doctrine was gradually expanded to accommodate a new recognition of what have come to be called “subjective rights.” Medieval canon lawyers began to speak of right (*ius*) as a “liberty,” “power,” or “faculty” possessed by an individual. A person, for example, has a “right” to marry under the law. Distinguishing natural law from customary law, Gratian thought of “right” primarily as objective law, but his later-twelfth-century followers Huguccio (c. 1180) and Rufinus (c. 1160) expanded the term to include a new notion of “subjective rights,” for example, regarding self-defense, marriage, and property (including the right of the poor to sustenance).¹⁷ This usage was a precursor to the development of modern subjective “natural rights,” but at the time it was subordinate to duties and considered secondary in importance to the natural law.¹⁸

St. Thomas Aquinas (1225–74) produced the most famous exposition of natural law ethics. He gave law its classical definition as “an

ordinance of reason for the common good, promulgated by him who has care of the community.”¹⁹ Thomas regarded law—the “rule and measure of acts”²⁰—as essentially the product of reason rather than the will. He underscored the inherent reasonableness of law rather than its enforcement by means of coercion.

Thomas developed a more systematic treatment of the distinction between different types of law than had any of his predecessors. He used the notion of law analogously to encompass physical, human, and divine affairs. He distinguished (1) the “eternal law” governing everything in the universe, (2) the “divine law” revealed first in the Old Law of the Hebrew Bible and then in the New Law, (3) the “natural law” that sets the fundamental moral standards for human conduct, and (4) the “human law” created by civil authorities who have care for the social order. Because the simple promptings of nature do not suffice to meet the typically very complex needs of human beings, reason is required to penetrate and extend the normative implications of natural law. Natural law requires acts to which nature does not spontaneously incline but which reason identifies as good.²¹

Thomas’s synthetic theory of natural law was made possible by his adoption of the newly reintroduced Aristotelian philosophy of nature. Aristotle’s *Physics* defined nature as “an intrinsic principle of motion and rest,”²² that is, as *acting for an end* rather than randomly. A being’s intrinsic “end” or “nature” is simply “what each thing is when fully developed”²³ and its extrinsic end concerns its proper place within the natural world. Human beings ought to live “according to nature” (*kata physin*),²⁴ that is, in such a way as to fulfill the intrinsic functions or purposes built into the structure of human nature. The intrinsic finality of human nature *inclines*, of course, but by no means *determines*, the will of a free human being to his or her proper end, namely, the human good.

Thomas associated the habit of *synderesis* with the Pauline law “written on the heart” (Rom. 2:15). Practical reason naturally orients each person to the good and away from evil, and so the first principle of practical reason is that we ought to seek good and avoid evil. The

principal injunction “do good and avoid evil” receives concrete specification from natural human inclinations.²⁵ We share with other natural objects the inclination to preserve our existence; we share with other animals biological inclinations to food, water, sex, and the like; and we share within one another rational inclinations to know the truth about God and to live in political community.²⁶ In this way, Thomas coordinated Cicero’s “right reason in agreement with nature” (*recta ratio naturae congruens*)²⁷ with Ulpian’s “what nature teaches to all animals.”²⁸ These levels move from the more elemental to the more distinctively human, with the former taken up and ordered by the latter. This framework later supports John XXIII’s affirmation that “the common good touches the whole man, the need both of his body and his soul” (PT 57). In this way, natural law avoids the two opposite extremes of reductive materialism and otherworldly idealism.

This broad context enables one to make sense of Thomas’s most famous description of the natural law as the “rational creature’s participation in the eternal law.”²⁹ The natural law is what governs beings who are rational, free, and spiritual and at the same time material and organic. Thomas understood the philosophical framework for ethics in primarily Aristotelian terms, but its theological framework in primarily Augustinian terms. Thomas concurred with Augustine’s view of the cosmos as a perfectly ordered whole within which the lower parts are subordinated to the higher.³⁰ Augustine regarded the eternal ideas in the mind of God as constituting an immutable order or “eternal law” to which all that exists is subject. Human beings are subject to this order in a rational way, by means of our intelligence and freedom. Indeed, human beings take part in providence by providing for themselves and others and in this way partake in the eternal law in ways unavailable to other animals.

The cardinal virtues empower the person to act naturally and thereby to attain some degree of happiness in this life, but the theological virtues, animated by grace, order the person to the ultimate human end, the beatific vision. The ancient admonishment to “follow nature,”

then, did not prescribe imitating animal behavior but rather required acting in accord with the inner demands of one’s own deepest desire for the good. Because human nature is rational Thomas pointed out, it is *natural* for each person to take pleasure in the contemplation of truth and in the exercise of virtue.³¹

Later Catholic social teachings also build upon another fundamental element in Thomas’s anthropology: its acknowledgment of the person as naturally social and political.³² We exist by nature as parts of larger social wholes or which we depend for our existence and functioning, and these provide instrumental reasons for participating in political community.³³ Yet political community is also intrinsically valuable as the only context in which we can satisfy our natural inclination to mutual love and friendship. The person cannot be completely subordinated to the group, like the worker bee to the hive, since the person is not ordered to any particular temporal community as the highest end.³⁴ This is not because the person is an isolated monad, but because he or she is a member of a much larger and more important body, the universal community of all creation.³⁵ As ontologically prior, the person is ultimately served by the state rather than vice versa. Natural law thus sets the framework for the rejection of two extremes later opposed by Catholic social teachings: individualism, which values the part at the expense of the whole, and collectivism, which values the whole at the expense of the part.

Thomas interpreted justice in terms of natural ends. Right (*ius*) obtains when purposes are respected and fulfilled, for example, when parents care for their children. He thus understood “right” in human relations, objectively, as “the object of justice” and “the just thing itself,” and not as a claim made by one individual over and against others (right as a moral faculty, the notion of “subjective right”).³⁶ Thus the wrongfulness of the vice of usury, the unjust taking of interest, lies in its violation of the purpose of money,³⁷ and lying because “false signification” violates the natural purpose of human speech.³⁸ More positively, Thomas affirmed the inherent goodness of sexual intercourse when it fulfilled

its natural purposes. Against the dualists of his day, he held that nothing genuinely natural can be innately sinful.³⁹

Natural law learns about natural purposes from a variety of sources, including philosophy and science. Thomas used available scientific analyses of the order of nature to support normative claims regarding the human body,⁴⁰ the creation of women,⁴¹ the nature of the passions,⁴² and the like. Modern moralists criticize this reliance on Ulpian’s “physicalism” on the grounds that it gives excessive priority to biological structures at the expense of distinctively rational capacities,⁴³ but at least it made clear that human nature should not be reduced to consciousness, rationality, and will.

Thomas believed the most basic moral standards could be, and in fact were, known by almost everyone. These include, in capsule form, the Golden Rule and, in somewhat more amplified form, the second table of the Decalogue. Yet he thought that revealed divine law was necessary, among other things, to make up for the deficiency of human judgment, to provide certain moral knowledge, especially in concrete matters,⁴⁴ and to give finite human beings knowledge of the highest good, the beatific vision. Reason is competent to grasp the precepts that promote imperfect happiness in this life, both the individual life of virtue and the more encompassing common good of the wider community. It suffers from obvious limitations but it nevertheless has broad competence to grasp the goods proper to human nature and to identify the virtues by which they are attained. Thomas even claimed that there would be no need for divine law if human beings were ordered only to their natural end rather than to a supernatural end.⁴⁵

The Rise of Modern Natural Law

Historians trace the origins of the new modern theory of natural law to a number of major influences too complex to do more than simply acknowledge here. Four factors will be mentioned: nominalism, “second Scholasticism,” international law, and the liberal rights theory of Hobbes and his intellectual heirs.

The emergence of nominalism inaugurated a movement away from the Thomistic attempt to base ethics on universal characteristics of human nature. Its shift of attention away from the general to the particular thereby inaugurated a new focus of attention on the individual and his or her subjective rights. The complementary development of voluntarism gave primacy to the will rather than the intellect and to the good, as distinct from the true.⁴⁶

The English Franciscan William of Ockham (c. 1266–1349) replaced the will’s finality to the good with a radical freedom to choose between opposites (the so-called freedom of indifference). This led to a new focus on obligation and law and to the displacement of virtue from the center of the moral life.⁴⁷ If God functions with divine “freedom of indifference,” then moral obligations are products of the divine will rather than the divine understanding of the human good.⁴⁸ Since God’s will is utterly free, God could have decreed, for example, adultery to be morally obligatory. Ockham subtly changed natural law theory by interpreting it in a way that gave new force to the subjective notion of right. He did so in part for practical reasons, both to support Franciscans who wanted to renounce their natural right to property, as well as to defend those who sought moral limits to the power of the pope. Ockham, however, continued to regard subjective right as subordinate to natural law.⁴⁹

The rise of “second Scholasticism” in the Renaissance constituted another factor influencing the development of modern natural law theory. The Spanish Dominican Francisco de Vitoria (1483–1546) developed an account of universal human dignity in the course of mounting arguments to refute philosophical justifications offered for the European exploitation of the native peoples of the Americas. His *De Indis* argued from the basic humanity of the natives to their natural right of control and action (*dominium*) over their own bodies and possessions, the right to self-governance,⁵⁰ and the right to self-defense.⁵¹

The Spanish Jesuit Francisco Suárez (1548–1617), author of the massive *De legibus et legislatore Deo*, contributed significantly to the slow

accretion of voluntaristic presuppositions into the natural law. Suárez understood morality primarily as conformity to law. Since law and moral obligation can only be produced by a will, human nature in itself can only be said to carry natural inclinations to the good but no morally obligatory force. On one level, Suárez concurred with Thomas's judgment that reason can discover the content of the human good, but unlike his famous forbear he held that its morally *binding force* comes only from the will of God.⁵² Suárez moved from this moral voluntarism to develop an account of subjective right as a moral faculty in every individual. He assumed without argument the full compatibility of Thomistic natural law with the newer notion of subjective rights.⁵³

The practical need to obtain greater stability in relations among the newly established European nation-states provided a third major stimulus for the development of modern natural law theory. The viciousness and length of the wars of religion in the sixteenth and seventeenth centuries underscored the need for a theory of law and political organization able to transcend confessional boundaries.

Dutch Protestant jurist Hugo Grotius (1585–1645), known as the “Father of International Law,” constructed a version of rights-based natural law in order to provide a framework for ethics in his intensely combative and religiously divided age. Grotius's early work was occasioned by the seizure of a ship at sea in territory lying outside the boundaries controlled by law. His major work, *De iure belli et pacis* (1625), offered the first systematic attempt to regulate international conflict by means of just war criteria; many of its provisions were incorporated into later Geneva conventions.

Grotius understood natural law largely in terms of rights. In this way he anticipated developments in the twentieth century. Following the Spanish Scholastics, he understood rights to be qualities possessed by all human beings as such rather than as members of this or that particular political community. He held that the norms of natural law are established by reason and are universal: they bind morally even if, though impossible (*etiamsi daremus*),

there were no God—a claim found neither in the earlier moral theology of Thomas Aquinas nor in later Catholic social teachings. Protection of these norms is morally necessary for any just social order. From this theoretical principle he could derive the practical conclusion that even parties at war are obligated to respect the rights of their enemies.

Natural law theories evolved in directions Grotius never intended. They came to regard the human predicament as essentially conflicted, apolitical, and even antisocial. The Peace of Westphalia (1648) established the modern system of international politics centered on the sovereign nation-state, the context for the political reflections of later Catholic social teachings in documents like *Pacem in terris* and *Dignitati humanae*. Though Grotius was a sincere Christian with no desire to secularize natural law theory, he believed for the sake of agreement that it was necessary to abandon speculation on the highest good, the ideal regime, or anything more elevated than a minimal version of Christian belief. This period generated the first proposals to approach morality from a purely empirical perspective in order to establish a “science of morals.” From this point on, the major theoreticians of natural law were lawyers and philosophers rather than theologians. Through the influence of Grotius, natural law was established as the dominant mode of moral reflection in the seventeenth and eighteenth centuries.

A fourth and definitively modern interpretation of natural law was developed by Thomas Hobbes (1588–1679) and his followers. Hobbes produced the first fully modern theory of rights-based natural law. His originality lay in part in the way he attempted to begin his analysis of human nature from the “new science” and to break completely with the classical Aristotelian teleological philosophy of nature that had permeated the writings of the “schoolmen.” Modern science from the time of Bacon conceived of nature as a machine that can be analyzed sufficiently by reducing it to wholes to simple parts and then investigating how they function via efficient and material causality.⁵⁴ Following Galileo, Hobbes held that all matter was in motion and would con-

tinue in motion unless resisted by other forces. He strove to apply the rules of Euclidean geometry and physics to human behavior for the joint purposes of explanation and control. Modern science was concerned with uniformity of operations or “natural necessity,” which stood in sharp contrast to the classical notion of nature composed of Aristotelian finalities that act only “for the most part.” “Only in a universe empty of *telos*,” explains Michael Sandel, “is it possible to conceive a subject apart from and prior to its purposes and ends. Only a world ungoverned by a purposive order leaves principles of justice open to human construction and conceptions of the good to individual choice.”⁵⁵ The coupling of the new mechanistic philosophy of nature with a voluntaristic philosophy of law led to a radical recasting of the meaning of natural law.

Politics and ethics, like science, seek to conquer and control nature. Hobbes held that each individual is first and foremost self-seeking, not naturally inclined to “do good and avoid evil.” We are not naturally parts of larger social wholes, but rather artificially connected to them by choices based on calculating self-interest. He abandoned the classical admonition to “follow nature” and to cultivate the virtues appropriate to it. There are accordingly no natural duties to other people that correspond to natural rights. The “right of nature” is prior to the institution of morality. The “Right of Nature” (*ius naturale*) is “the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgment, and Reason, hee shall conceive to be the aptest means thereunto.”⁵⁶ In stark contrast to Thomas Aquinas, Hobbes separated right (*ius*) from law (*lex*): “right, consisteth in liberty to do, or forbear; whereas Law, determineth, and bindeth to one them; so that Law, and Right, differ as much, as Obligation, and Liberty.”⁵⁷ By nature individuals possess liberty without duty or intrinsic moral limits. Nothing could be further from Hobbes's view of humanity than the presumption of early Catholic social teachings that each person is, as Leo

XIII put it, “the steward of God's providence, [and expected] to act for the benefit of others” (RN 22).

Hobbes derived a set of nineteen “natural laws” from the foundation of self-preservation: to seek peace, form a social contract, keep covenants, and so on. Only the will of the sovereign can impose political order on individuals who are naturally in a state of war with one another. Law is, and ought to be, nothing but the expression of the will of the sovereign. There is no higher moral law outside of positive law and the social contract, hence Hobbes's rather chilling inference that “no law can be unjust.”⁵⁸

Lutheran Samuel von Pufendorf (1632–94) is sometimes known as the “German Hobbes.” *De iure naturae et gentium* (1672) followed the Hobbesian logic that individuals enter into society to obtain the security and order necessary for individual survival. Pufendorf believed nature to be fundamentally egoistic and therefore only made to serve higher purposes by the force of external compulsion. If the natural order is utterly amoral, God's will determines what is good and what is evil and then imposes it on humanity by divine command. We are commanded by God to be sociable and to obey out of fear of punishment. (Natural law would collapse, Pufendorf believed, if theism were undermined.) Morality here is thus anything but living “according to nature”—on the contrary, natural law ethics combats the utter amorality of nature. Pufendorf, like Grotius, sought to provide international norms on the basis of natural law moral principles that are universally valid and acceptable whatever one's religious confession. It led the way to later attempts to construct a purely secular natural law moral theory.

John Locke (1632–1704), especially in his *Essays on the Law of Nature* (1676) and *Second Treatise on Civil Government* (1690), followed his predecessors' interest in limiting quarrels by establishing laws independent of both sectarian religious beliefs and controversial metaphysical claims about the highest good. Locke agreed with Hobbes that natural right exists in the presocial state of nature. Human beings abandon the anarchic state of nature and enter into

the social contract for the sake of greater security. The purpose of government is then to protect “Lives, Liberties, and Estates.”⁵⁹ When it fails to do so, the people have a right to seek a better regime. Lockean natural law functioned as the “foundation” of positive laws, the first of which is that “all mankind” is to be preserved,⁶⁰ and positive laws draw their binding power from this foundation.⁶¹

Modern natural lawyers came to agree on the individualistic basis of natural rights and their priority to natural law. Lockean natural right grounds religious toleration, a position only acceptable to Catholic social teachings (though on different grounds) with the promulgation of *Dignitatis humanae* in 1965. Since moral goodness was increasingly regarded as a private matter—what is good for one person might be bad for another—society could be expected only to protect the right of individuals to make up their own minds about the good life. The gradual dominance of modern ethics by legal language, and the eclipse of appeals to virtue, had an enormous influence on early Catholic social teachings.⁶²

Lockean natural law had a profound influence on Rousseau, Hume, Jefferson, Kant, Montesquieu, and other influential modern social thinkers, but leading philosophers came in turn to subject modern natural law to a variety of significant criticisms. Immanuel Kant (1724–1805), to mention one important figure, regarded traditional natural law theory as fatally flawed in its understanding of both “nature” and “law.” He judged Aristotelian philosophy of nature and ethics to be completely inadequate: if “nature” is “the sum of the objects of experience” that can be perceived through the senses and subject to experimentation by the natural sciences,⁶³ then it cannot generate moral obligations. If “ethics” is concerned about good will, then it cannot be built upon the foundation of human happiness or flourishing.

Kant regarded classical natural law as suffering from the fatal flaw of “heteronomy,” that is, of leaving moral decisions to authority rather than requiring individuals to function as autonomous moral agents.⁶⁴ Kant held that

since the will alone has moral worth, its rightness depends on the conformity of the agent’s will to reason rather than on the practical consequences of his or her acts or their ability to produce happiness. An animal conforms to nature because it has no choice but to act from instinct, but the rational agent acts from the dictates of reason as determined by the “categorical imperative.” Kant’s understanding of the rational agent provided a powerful basis for an ethic based on “respect for persons,” a doctrine of individual rights, and an affirmation of the dignity of the human person. Strains of Kant’s ethics, mediated through both the negative and the positive ways in which it shaped phenomenology and personalism, came to influence the ethic of John Paul II. One does not find in the writings of John Paul II an agreement with Kant’s belief in the sufficiency of reason, of course, but there is a recurrent emphasis on the dignity of the person, on the right of each person to “respect,” and on the absolute centrality of human rights within any just social order.

In the nineteenth century, natural law was superseded by the utilitarianism of Jeremy Bentham (1748–1832) and John Stuart Mill (1806–73). Bentham attempted to base ethics on an account of nature—“nature has placed mankind under the governance of two sovereign masters, pain and pleasure”⁶⁵—but he was adamantly opposed to natural law and dismissed natural rights as “fictions” that present obstacles to social reform. The primary opposition to natural law in the past two centuries has come from various forms of positivism that regarded morality as an attempt to codify and justify conventional social norms.

CATHOLIC SOCIAL TEACHINGS

Catholic social teachings from Leo XII through John Paul II have been influenced in various ways, either by way of agreement or by way of disagreement, by these natural law traditions. They have selectively incorporated sometimes to the consternation of purists, both modern natural rights theories as well as the older views of medieval jurists and Scholastic

theologians. For purposes of convenience, Catholic social teachings are often divided into two main periods: one preceding *Gaudium et spes* and the second following from it. Literature from the former period was primarily philosophical and its theological claims generally drew from the doctrine of creation. It employed natural law argumentation in an explicit, direct, and fairly consistent manner; its philosophical framework was neoscholastic. Literature from the more recent period has been explicitly biblical and its claims are drawn more often from the doctrine of Christ; it presumes the existence of the natural law but uses it in a more restricted, indirect, and selective fashion. Its philosophical matrix has attempted to combine neoscholasticism with continental philosophy, and particularly existentialism, personalism, and phenomenology.

The term *neoscholasticism* refers to a philosophical movement in the nineteenth and early twentieth centuries to return to the medieval Scholastics and their commentators (particularly Jesuit and Dominican) in order to provide a comprehensive philosophical system that could counter regnant secular philosophies.

Leo XIII

The first encyclical of Leo XIII (1878–1903), *Aeterni patris* (August 4, 1879), called on the Church “to restore the golden wisdom of St. Thomas.”⁶⁶ Leo was concerned from early in his papacy about the danger posed to civil society from socialism and communism. Adherents of these ideologies, he thought, refuse to obey higher powers, proclaim the absolute equality of all individuals, debase the natural union of man and wife, and assail the right to private property.

Leo XIII’s 1885 encyclical *Immortale dei* (*On the Christian Constitution of States*) justified government as a natural institution against those extreme liberals who regarded it as a necessary evil.⁶⁷ Natural law gives the state certain moral obligations. Arguing against both the Catholic monarchists opposed to the French Republic and the disciples of the excommunicated egalitarian French journalist Robert Felicité de

Lamennais (1782–1854), Leo insisted that natural law does not dictate one special form of government. Each society must determine its own political structures to meet its own needs and particular circumstances as long as they “bear in mind that God is the paramount ruler of the world, and must set Him before themselves as their exemplar and law in the administration of the State.”⁶⁸ Against militant secular liberalism, Leo regarded atheism as a crime and support for the one true religion a moral requirement imposed on the state by natural law. True freedom is “freedom from error” and the modern freedoms of speech, conscience, and worship must be carefully interpreted. The Church is concerned with the salvation of souls, and the state with the political order, but both must work for the true common good.

Leo’s 1888 encyclical *Libertas praestantissimum* (*The Nature of Human Liberty*) lamented forgetfulness of the natural law as a cause of massive moral disorder.⁶⁹ It singled out for particular criticism all forms of liberalism in politics and economics that would replace law with unregulated liberty on the basis of the principle that “every man is the law to himself.”⁷⁰ Proper understanding of freedom and respect for law begin with recognition of God as the supreme legislator. Free will must be regulated by law, “a fixed rule of teaching what is to be done and what is to be left undone.”⁷¹ Reason “prescribes to the will what it should seek after or shun, in order to the eventual attainment of man’s last end, for the sake of which all his actions ought to be performed.”⁷² The natural law is “engraved in the mind of every man” in the command to do right and avoid evil; each person will be rewarded or punished by God according to his or her conformity to the law.⁷³

Leo applied these principles to the “social question” in *Rerum novarum* (1891). The destruction of the guilds in the modern period left members of the working class vulnerable to exploitation and predatory capitalism. The answer to this injustice, Leo held, included both a return to religion and respect for rights—private property, association (trade unions), a living wage, reasonable hours, sabbath rest, education, family life—all of which

are rooted in natural law. Leo countered socialism, his major *bête noire*, with a threefold defense of private property. First, the argument from dominion (RN 6) echoes some of the language of the *Summa theologiae*, though without Thomas's emphasis on "use" rather than "ownership."⁷⁴ The second argument is based on the worker leaving "an impress of his personality" (RN 9) and resembles that found in Locke's *The Second Treatise of Government*.⁷⁵ The third and final argument bases private property on natural familial duties (RN 13); it is taken from Aristotle.⁷⁶

The basic welfare of the working class is not a matter of almsgiving but of distributive justice, the virtue by which the "ruler" properly assigns the benefits and burdens to the various sectors of society (RN 33). Justice demands that workers proportionately share in the goods that they have helped to create (RN 14). The Leonine model of the orderly society was taken from what he took to be the order of nature—a position that had been abandoned by modern natural lawyers. Assuming a neoscholastic rather than Darwinian view of the natural world, Leo held that nature itself has ordained social inequalities. He denounced as foolish the utopian belief in social leveling, that is, nature is hierarchical and "all striving against nature is in vain" (RN 14). In response to the class antagonisms of the dialectical model of society, Leo offered an organic model of society, inspired by an image of medieval unity, within which classes live in mutually interdependent order and harmony. "Each needs the other: capital cannot do without labor, nor labor without capital" (RN 19; cf. LE 12). Observation of the precepts of justice would be sufficient to control social strife, Leo argued, but Christianity goes further in its claim that rich and poor should be bound to each other in friendship.

Natural law gives responsibilities to, but imposes limits on, the state. The state has "a special responsibility to protect the common good" and "to promote to the utmost the interests of the poor." The end of society is "to make men better," so the state has a duty to promote religion and morality (RN 32). Since the family is prior to the community and the

state (RN 13), the latter have no sovereign control over the former. Anticipating Pius XI "principle of subsidiarity" (QA 79–80), Leo taught that the state must intervene whenever the common good (including the good of an single class) is threatened with harm and no other solution is forthcoming (RN 36).

Pius XI

Pius XI (1922–39) wrote a number of encyclicals calling for a return to the proper principle of social order. In 1931, the "Fortieth Year after *Rerum novarum*," he issued *Quadragesimo anno*, usually given the English title, *On Reconstructing the Social Order*. Pius XI used natural law to back a set of rights that were violated by fascism, Nazism, and communism. Rights were also invoked to underscore the moral limits of the power of the state. The right to private property, for example, comes directly from the Creator so that individuals can provide for themselves and their families and so that the goods of creation can be distributed throughout the entire human family. State appropriation of private property in violation of this right, even if authorized by positive law, contradicts the natural law and therefore is morally illegitimate.

Natural law includes the critically important "principle of subsidiarity." Based on the Latin *subsidium*, "support" or "assistance," subsidiarity holds that "one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry" (QA 79).⁷⁷ Subsidiarity has a twofold function: negatively, it holds that high level institutions should not usurp all social power and responsibility, and positively, maintains that higher-level institutions need support and encourage lower-level institutions. More "natural" social arrangements are built around the primary relations of marriage, a family, and intermediate associations like neighborhoods, small businesses, and local communities. These primary and intermediate associations must help themselves and contribute to the common good. What parades industrial progress can in fact destroy the social

fabric. When it accords with the natural law, public authority works to ensure that the true requirements of the common good are being met. Natural law challenges radical individualism as well as socialism. While the state may not unjustly deprive citizens of their private property, it ought to bring private ownership into harmony with the needs of the common good. Nature strives to harmonize part and whole for the good of both.

Pius XI's *Casti connubii* (December 31, 1930), usually translated *On Christian Marriage*,⁷⁸ made more explicit appeals to natural law than did *Quadragesimo anno*. Natural law in this document gives precise ethical judgments about specific classes of acts such as sterilization, artificial birth control, and abortion. Pius XI condemned artificial contraception on the grounds that it is "intrinsically against nature." The "conjugal act" is designed by God for procreation, and the deliberate attempt to thwart this purpose is "intrinsically vicious."⁷⁹ Violation of this natural ordering is an insult to nature and a self-destructive attempt to thwart the will of the Creator. Individuals "are not free to destroy or mutilate their members, or in any other way render themselves unfit for their natural functions, except when no other provision can be made for the good of the whole body."⁸⁰ Because human beings have a social nature, marriage relations are not simply private contracts that can be dissolved at will.⁸¹ Divorce cannot be permitted by civil law because of its harmful effects on both individual children and the entire social order.⁸²

While not usually considered "social teaching," *Casti connubii* had powerful social and political implications. During Pius XI's pontificate the Nazis passed the "Law for the Protection of Hereditary Health" (July 14, 1933), calling for those determined to have one of eight categories of hereditary illness (ranging from schizophrenia to alcoholism) to undergo compulsory sterilization; a law authorizing the castration of "habitual offenders against public morals" (including the charge of "racial pollution"); and the Nuremberg Laws, including the "Law for the Protection of German Blood and German Honor" (1935). Between 1934 and

1939 about 400,000 people were victims of forced sterilization. At the time, natural law faced its most compelling opponent in racist naturalism.⁸³ Advocates of these laws justified them through a social Darwinian reading of nature: individuals and groups compete against one another and have variable worth. Only the strongest ought to survive, reproduce, and achieve cultural dominance. Hitler's brutal view of nature reinforced his equally brutal view of humanity: "He who wants to live should fight, therefore, and he who does not want to battle in this world of eternal struggle does not deserve to be alive!"⁸⁴

Pius XI condemned as a violation of natural right both the practice of forced sterilization⁸⁵ and the policy of state prohibition of marriage to those at risk for bearing genetically defective children. Those who do have a high likelihood of giving birth to genetically defective children ought to be persuaded not to marry, argued the pope, but the state has no moral authority to restrict the natural right to marry.⁸⁶ He invoked Thomas's prohibition of the maiming of innocent people to support a right to bodily integrity that cannot be violated by the state for any utilitarian purposes, including the desire to avoid future social evils.⁸⁷

Pius XII

Pius XII (1930–58) continued his predecessor's criticism of fascism and totalitarianism on the twofold ground that they attack the dignity of the person and overextend the power of the state. He was the first pope to extend Catholic social teaching beyond the nation-state and into a broader, more international context. His first encyclical, *Summi pontificatus* (October 27, 1939), attacked Nazi aggression in Poland.⁸⁸ Before becoming pope, Pacelli had a hand in formulating Pius XI's 1937 denunciation of Nazism, *Mit Brennender Sorge*.⁸⁹ This encyclical invoked the standard argument that positive law must be judged according to the standards of the natural law to which every rational person has access.⁹⁰ *Summi pontificatus* attacked Nazi racism for "forgetfulness of that law of human solidarity and charity which is dictated

and imposed by our common origin, and by the equality of rational nature in all men, to whatever people they belong, and by the redeeming Sacrifice offered by Jesus Christ on the Altar of the Cross.”⁹¹ Human dignity comes not from blood or soil but, Pius XII argued, from our common human nature made in the image of God. The state must be ordered to the divine will and not treated as an end in itself. It must protect the person and the family, the first cell of society.

Pius XII had initially continued Pius XI’s suspicion of liberalism and commitment to the ideal of a distinctive Catholic social order grounded in natural law, but he was more concerned about the dangers of communism than those of fascism and Nazism. The devastation of the war, however, gradually led him to an increased appreciation for the moral value of liberal democracy. His Christmas addresses called for an entirely new social order based on justice and peace. His 1944 Christmas address in particular acknowledged the apparent reasonableness of democracy as the political system best suited to protect the dignity of the person.⁹² This step toward representative democracy, held at arm’s length by previous popes, marked the beginning of a new way of interpreting natural law. It signaled a shift away from his immediate predecessor’s organicist vision of the natural law with its corporatist model for the rightly ordered society. Since democracy has to allow for the free play of ideas and arguments, even this modest recognition of the moral superiority of democracy would soon lead the church to abandon policies of censorship in *Pacem in terris* (1963) and established religion in *Dignitatis humanae* (1965).

John XXIII

Pope John XXIII (1958–63) employed natural law in his attempt to address the compelling international issues of his day. *Mater et magistra*, his encyclical concerned with social and economic justice, repeated the fundamental teachings of his predecessors regarding the social nature of the person, society as oriented to civic friendship, and the state’s obligation to promote

the common good, but he did so by creatively wedding rights language with natural law.

Like his predecessor, John XXIII offered philosophical analysis of the moral purpose that ought to govern human affairs, from interpersonal to international relations. He spoke of the “person” not as a unified Aristotelian substance composed of matter and substantial form with faculties of knowing and willing, but as a bearer of rights as well as duties. The *imago Dei* grounds a set of universal and inviolable rights and a profound call to moral responsibility for self and others. Whereas Leo XIII adopted the notion of rights within a neo-scholastic vision that gave primacy to the natural law, John XXIII meshed the two languages in a much more extensive way and accorded much more centrality to the notion of human rights.⁹³

Individual rights must be harmonized with the common good, “the sum total of those conditions of social living whereby men are enabled more fully and readily to achieve their own perfection” (MM 65; also PT 58). This implies support for wider democratic participation in decision making throughout society, positive encouragement of “socialization” (M 59), and a new level of appreciation for intermediary associations (PT 24). These emphases from the natural law tradition provide an important corrective to the exaggerated individualism of liberal rights theories. Interdependence is more pronounced in John than in his predecessors. Moral interdependence is not only to characterize relations within particular communities, but also the relations of states to one another (see PT 83). International relations, especially to resolve these conflicts, must be conducted with a desire to build on the common nature that all people share.

John XXIII’s most famous encyclical, *Pacem in terris*, developed an extensive natural law framework for human rights as a response to issues raised in the Cuban missile crisis. It developed rights-based criteria for assessing the moral status of public policies. He applied them to particular questions regarding the foreign policies of states engaged in the cold war and specifically to the work of international

agencies, arms control and disarmament, and, of course, positive human rights legislation. The key principle of *Pacem in terris* is that “any human society, if it to be well ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person, that is, his nature is endowed with intelligence and free will. Indeed, precisely because he is a person he has rights and obligations flowing directly and simultaneously from his very nature. And as these rights are universal and inviolable so they cannot in any way be surrendered” (PT 9).

Like Grotius, John XXIII believed that natural law provides a universal moral charter that transcends particular religious confessions. He also believed with Thomas Aquinas and Leo XIII that the human conscience readily identifies the order imprinted by God the Creator into each human being. John XXIII was in general more positively inclined to the culture of his day than were Leo XIII and Pius XI to theirs, yet all affirmed that reason can identify the dignity proper to the person and acknowledge the rights that flow from it. Protestant ethicists lamented John’s high level of confidence in moral reason, optimism about historical developments, and tendency not fully to face conflicting values and interests.⁹⁴

John XXIII was the first pope to interpret natural law in the context of genuine social and political pluralism and to treat human rights as the standard against which every social order is evaluated. His doctrine of human rights proposed what David Hollenbach calls “a normative framework for a pluralistic world.”⁹⁵ It represented a significant shift away from a natural law ethic promoting a specific model of society to one acknowledging the validity of multiple valid ways of structuring society provided they pass the test of human rights.⁹⁶ This expansion set the stage not only for distinguishing one culture from another but also for distinguishing one culture from human nature as such. *Pacem in terris* signaled a dawning recognition of the need for a moral framework that does not simply impose one particular and culturally specific interpretation of human nature onto all cultures.

John XXIII’s position resonated with that developed by John Courtney Murray, for whom natural law functioned both to set the moral criteria for public policy debate and to provide principles for the development of an informed conscience. What Murray called the “tradition of reason” maintained that human reason can establish a minimum moral framework for public life that can provide criteria for assessing the justice of particular social practices and civil laws.

The development of the just war theory provides a helpful example of how this approach to natural law functions. It provides criteria for interpreting and analyzing the morality of aggression, noncombatant immunity, treatment of prisoners of war, targeting policies, and the like. Though the origin of the just war theory lay in antiquity and medieval theology, its principles were further developed by international law in the seventeenth and eighteenth centuries, and refined by lawyers, secular moral philosophers, and political theorists in the twentieth century. It continues to be subject to further examination and application in light of evolving concerns about humanitarian intervention, preemptive strikes against terrorists, and uses of weapons of mass destruction. The danger that it will be used to rationalize decisions made on nonmoral grounds is as real today as it was in the eighteenth century, but the “tradition of reason” at least offers some rational criteria for engaging in public debate over where to draw the ethical line between what is ethically permissible and what is not.

Vatican II: *Gaudium et spes*

John XXIII’s attempt to “read the signs of the times”⁹⁷ was adopted by Vatican II (1962–65). *Gaudium et spes* began by declaring its intent to read “the signs of the times” in light of the gospel. These simple words signaled a very fundamental transformation of the character of Catholic social teachings that took place at the time. We can mention briefly four of its important features: a new openness to the modern world, a heightened attentiveness to historical context and development, a return to scripture

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and Christology, and a special emphasis on the dignity of the person.

First, the Council's openness to the modern world contrasted with the distance and sometimes strong suspicions of popes earlier in the century. It recognized "the proper autonomy of the creature," that "by the very nature of creation, all things are endowed with their own solidity, truth, and goodness, their own laws and logic" (GS 36). This fundamental affirmation of "created autonomy" expressed both the Council's reaffirmation of the substance of the classical natural law tradition and its ability to distinguish the core of the vital tradition from its naïve and outmoded particular expressions.⁹⁸ This principle led to the admission that "the church herself knows how richly she has profited by the history and development of humanity" (GS 44).

Second, the Council's use of the language of "times" signaled a profound attentiveness to history.⁹⁹ This focus was accompanied by a new sensitivity to possibilities for change, pluralism of values and philosophies, and willingness to acknowledge the deep social and economic roots of social divisions (see GS 63). The natural law theory employed by Catholic social teachings up to the Council had been crafted under the influence of ahistorical continental rationalism. The kind of method employed by Leo XIII and Pius XI developed a modern "morality of obligation" having its roots in the Council of Trent and the subsequent four centuries of moral manuals.¹⁰⁰ Whereas Leo tended to attribute philosophical and religious disagreements to ignorance, fear, faulty reasoning, and prejudice, the authors of *Gaudium et spes* were more attuned to the fact that not all human beings possess a univocal faculty called "reason" that leads to identical moral conclusions.

Third, a new awareness of historicity necessarily encouraged a deeper appreciation of the biblical and Christological identity of the Church and Christian life. Openness to engage in dialogue with the modern world (*aggiornamento*) was complemented by a "return to the sources" (*ressourcement*), especially the Word of God. The new biblical emphasis was reflected in the profoundly theological understanding of

human nature developed by *Gaudium et spes*, or, more precisely, a "Christologically centered humanism."¹⁰¹ Neoscholastic natural law tended to rely on the theology of creation but the Council taught that the inner meaning of humanity is revealed in Christ: "The truth," they wrote, "is that only in the mystery of the incarnate Word does the mystery of man take on light. . . . 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. . . ." (GS 22 see also GS 10, 38, and 45): *Gaudium et spes* thus focused on relating the gospel, rather than applying "social doctrine," to contemporary situations.¹⁰²

The new emphasis on the scriptures led to significant departure from the usual neoscholastic philosophical framework of Catholic social teaching. The moral significance of scripture was found not in its legal directives as "divine law" but in its depiction of the call of every Christian to be united with Christ and active to participate in the social mission of the Church. The Council's "turn to history" encouraged a more existential understanding of the concrete dynamics of grace, nature, and sin in daily life, and away from the abstract neoscholastic tendency to place nature and grace "side by side."¹⁰³ Philosophical argumentation was to be balanced by a more theologically focused imagination, policy analysis with prophetic witness, and deductive logic with appeals to the concrete struggles of the Church.

Fourth, the council fathers continued John XXIII's focus on the dignity of the person which they understood not only in terms of the *imago Dei* of Genesis but also, as we have seen in light of Jesus Christ. The doctrine of the incarnation generates a powerful sense of the worth of each person. The Christian moral life is not simply directed by "right reason" but also by conformity to the paschal mystery. Instead of drawing on "divine law" to confirm conclusions drawn from natural law reasoning (as RN 11), the Word of God provides the starting point for discernment, the moral core of ethical wisdom, and the ultimate court of appeal in Christian ethical judgment.

Focus on the dignity of the person was naturally accompanied by greater attention to conscience as a source of moral insight. Placed in the context of sacred history, human experience reinforces the claim that we are caught in a "dramatic struggle between good and evil." Acknowledging the dignity of the individual conscience encouraged the Church to endorse a more inductive style of moral discernment than was typically found in the methodology of neoscholastic natural law.¹⁰⁴ It accorded the laity greater responsibility for their own spiritual development and encouraged greater moral maturity on their part. In virtue of their baptism, all Christians are called to holiness. The laity was thus no longer simply expected to implement directives issued by the hierarchy. On the contrary, "the task of the *entire* People of God [is] to hear, distinguish and interpret the many voices of our age, and to judge them in light of the divine word" (GS 44, emphasis added; see also MM 233–60). Out of this soil grew the new theology of liberation in Latin America.

The council fathers did not reject natural law, but they did subsume it within a more explicitly Christological understanding of human nature. Standard natural law themes were retained. "In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience" (GS 16). Every human being is obliged to conform to "the objective norms of morality" (GS 16). Human behavior must strive for "full conformity with human nature" (GS 75). All people, even those completely ignorant of scripture and the Church, can come to some knowledge of the good in virtue of their humanity. "All this holds good not only for Christians, but for all men of good will in whose hearts grace works in an unseen way" (GS 22).

The council fathers placed great emphasis on the dignity of the person, but like John XXIII they understood dignity to be protected by human rights, and human rights to be rooted in the natural law. As Jacques Maritain wrote: "The dignity of the human person? The expression means nothing if it does not signify

that, by virtue of the natural law, the human person has the right to be respected, is the subject of rights, possesses rights."¹⁰⁵ Dignity also issues in duties and the duties of citizenship are exercised and interpreted under the influence of the Christian conscience.

The biblical tone and framework of *Gaudium et spes* displayed an understanding of natural law rooted in Christology as well as in the theology of creation. The council fathers gave more credit to reason and the intelligibility of the good than Protestant critics like Barth would ever concede,¹⁰⁶ but they also indicated that natural law could not be accurately understood as a self-sufficient moral theory based on the presumed superiority of reason to revelation. Just as faith and intelligence are distinct but complementary powers, so scripture and natural law are distinct but harmonious components of Christian ethics. The acknowledgment of the authority of scripture helped to build ecumenical bridges in Christian ethics.

The council fathers knew that practical reasoning about particular policy matters need not always appeal explicitly to Christ. Yet they also held that Christ provides the most powerful basis for moral choices. Catholic citizens *qua* citizens, for example, can make the public argument that capital punishment is immoral because it fails to act as a deterrent, leads to the execution of innocent people, and legitimates the use of lethal force by the state against human beings. Yet Catholic citizens *qua* citizens will also understand capital punishment more profoundly in light of Good Friday.

The influence of *Gaudium et spes* was reflected several decades later in the two most well-known U.S. bishops' pastorals, *The Challenge of Peace* (1983) and *Economic Justice for All* (1986). The process of drafting these pastoral letters involved widespread consultation with lay and non-Catholic experts on various aspects of the questions they wanted to address. The drafting procedure of the pastoral letters made it clear that the general principles of natural law regarding justice and peace carry more authority for Catholics than do their particular applications to specific contexts. It had of

course been apparent from the time of Leo XIII that it is one thing to affirm that workers are entitled to a just wage as a general principle and another to determine specifically what that wage ought to be in a given society at a particular time in its history. The pastorals added to this realization both much wider and public consultation, a clearer delineation of grades of teaching authority, and an invitation to ordinary Christians to engage in their own moral deliberation on these critically important social issues. The peace pastoral made clear the difference between the principle of proportionality in the abstract and its specific application to nuclear weapons systems, and both of these from questions of their use in retaliation to a first strike. It also made it clear that each Christian has the duty of forming his or her own conscience as a mature adult. Indeed, the bishops inaugurated a level of appreciation for Christian moral pluralism when they conceded not only the moral legitimacy of universal conscientious pacifism but also of selective conscientious objection. They allowed believers to reject a venerable moral tradition that had been the major framework for the tradition's moral analysis of war for centuries. Some Catholics welcomed this general differentiation of authority because it encouraged the laity to assume responsibility for their own moral formation and decision making, but others worried that it would call into question the teaching authority of the magisterium and foment dissent. The bishops subsequently attempted, though unsuccessfully, to apply this consultative methodology to the question of women in the Church.¹⁰⁷

Paul VI

Paul VI (1963–78) presented both the neoscholastic and historically minded streams of Catholic social teachings. Influenced by his friend Jacques Maritain, Paul VI taught that Church and society ought to promote “integral human development”¹⁰⁸—the whole good of every human person. Paul VI understood human nature in terms of powers to be actualized for the flourishing of self and others. This more dynamic and hopeful anthropology

placed him at a great distance from Leo XIII's warning to utopians and socialists that “humanity must remain as it is” and that to “suffer and to endure, therefore, is the lot of humanity” (RN 14). Paul's anthropology was personalist: each human being has not only rights and duties but also a vocation (PP 15). Thus *Populorum progressio* (1967) was concerned not only that each wage earner achieve physical sustenance (in the manner of *Rerum novarum*) but also that each person be given the opportunity to use his or her talents to grow into integral human fulfillment in both this world and the next (PP 16). Since this “transcendent humanism” focuses on “being rather than “having,” its greatest enemies are materialism and avarice (PP 18–19).

Paul VI understood that since the context of integral development varies across time and from one culture to the next, social questions have to be considered in light of the findings of the social sciences as well as through the more traditional philosophical and theological analysis. The Church is “situated in the midst of men,” and therefore has the duty of studying the “signs of the times and of interpreting them in light of the Gospel.” In addressing the “signs of the times,” the Church cannot supply detailed answers to economic or social problems. She offers “what she alone possesses, that is, a view of man and of human affairs in their totality” (PP 13, from GS 4). Paul knew that the magisterium could not produce clear, definitive, and detailed solutions to all social and economic problems.

This virtue is particularly evident in Paul VI's apostolic letter *Octogesima adveniens* (1971). This letter was written to Cardinal Maurice Roy, president of the Council of the Laity and of the Pontifical Commission for Justice and Peace, with the intent of discussing Christian responses to “the new social problems” (OA 8) of postindustrial society. The problems included urbanization, the role of women, racial discrimination, mass communication, and environmental degradation. Paul's apostolic letter called every Christian to take proper responsibility for acting against injustice. As in *Populorum progressio*, it did not pre-

sume that natural law could be applied by the magisterium to provide answers to every specific question generated by particular communities. In the face of widely varying circumstances, Paul wrote, “it is difficult for us to utter a unified message and to put forward a solution which has universal validity” (OA 4). Instead, it is “up to the Christian communities to analyze with objectivity the situation which is proper to their own country, to shed on it the light of the Gospel's unalterable words and to draw principles of reflection, norms of judgment and directives for action from the social teaching of the Church” (OA 4). Whereas Leo expected the principles of natural law to yield clear solutions, Paul leaves it to local communities to take it upon themselves to apply the gospel to their own situations. Natural law functions differently in a global rather than simply European setting. Instead of pronouncing from “above” the world, now the Church “accompanies humankind in its search.” The Church does “not intervene to authenticate a given structure or to propose a ready-made model” to all social problems. Instead of simply reminding the faithful of general principles, it “develops through reflection applied to the changing situations of this world, under the driving force of the Gospel” (OA 42).

It bears repeating that Paul VI's social teachings did not abandon, let alone explicitly repudiate, the natural law. He employed natural law most explicitly in his famous treatment of sex and reproduction, *Humanae vitae* (1967). This encyclical essentially repeated, in somewhat different language, the moral prohibitions given a half century earlier by Pius XI in *Casti connubii* (1930). Paul VI presumed this not to be a distinctively Catholic position—“our contemporaries are particularly capable of seeing that this teaching is in harmony with human reason”¹⁰⁹—but the ensuing debate did not produce arguments convincing to the “right reason” of all reasonable interlocutors.

Humanae vitae repeated the teleological claim that life has inherent purposes and each person must conform to them. Every human being has a moral obligation to conform to this natural order. In sexual ethics, this view of

nature generates specific moral prohibitions based on respect for the body's “natural functions,”¹¹⁰ obstruction of which is “intrinsically evil.” The key principle is clear and allows for no compromise: “each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life.”¹¹¹ Neither good motives nor consequences (e.g., humanitarian concern to limit escalating overpopulation) can justify the deliberate violation of the divinely given natural order governing the unitive and procreative purposes of sexual activity, by either individuals or public authorities.

Critics argued that Paul VI's “physicalist” interpretation of natural law failed to appreciate sufficiently the complexities of particular circumstances, the primacy of personal mutuality and intimacy in marriage, and the difference between valuing the gift of life in general and requiring its specific expression in openness to conception in each and every act of intercourse.¹¹² Another important criticism laments the encyclical's priority with the rightness of sexual acts to the negligence of issues pertaining to wider human concerns. James M. Gustafson observes that in *Humanae vitae* “considerations for the social well-being of even the family, not to mention various nation-states and the human species, are not sufficient to justify artificial means of birth control.”¹¹³

“Revisionists” like Joseph Fuchs, Peter Knauer, and Richard McCormick argued that natural law is best conceived as promoting the concrete human good available in particular circumstances rather than in terms of an abstract rule applied to all people in every circumstance.¹¹⁴ They pointed to a significant discrepancy between the methodology of *Octogesima adveniens* and that of *Humanae vitae*.¹¹⁵

John Paul II

John Paul II (1978–2005) interpreted the natural law from two points of view: the personalism and phenomenology he studied at the Jangiellonian University in Poland and the neoscholasticism he learned as a graduate student at the Angelicum in Rome.¹¹⁶ The pope's moral teachings and his description of current

events made significant use of natural law categories within a more explicitly biblical and theological framework. One of the central themes of his preaching reminds the world that faith and revelation offer the deepest and most reliable understanding of human nature, its greatest purpose and highest calling. Christian faith provides the most accurate perspective from which to understand the depth of human evil and the healing promise of saving grace.

Echoing the integral humanism of Paul VI, John Paul asked in his first encyclical, *Redemptor hominis*, whether the reigning notion of human progress “which has man for its author and promoter, makes life on earth more human in every aspect of that life. Does it make a more worthy man?”¹¹⁷ The ascendancy of technology and science calls for a proportionate development of morals and ethics. Despite so many signs of progress, the pope noted, we are forced to face the question of what is most essential: “whether in the context of this progress man, as man, is becoming truly better, that is to say more mature spiritually, more aware of the dignity of his humanity, more responsible, more open to others, especially the neediest and the weakest, and readier to give and to aid all.”¹¹⁸ The answer to these questions can only be reached through a proper understanding of the person. Purely scientific knowledge of human nature is not sufficient. One must be existentially engaged in the reality of the person, and particularly as the person is understood in light of Jesus Christ. John Paul’s Christological reading of human nature is inspired by *Gaudium et spes*: “only in the mystery of the incarnate Word does the mystery of man take on light” (GS 22).

John Paul II’s social teachings rarely explicitly mention the natural law. In fact, the phrase is not even used once in *Laborem exercens* (1981), *Sollicitudo rei socialis* (1987), or *Centesimus annus* (1991). The moral argument of these documents focuses on rights that promote the dignity of the person; it simply takes for granted the existence of the natural law. John Paul II’s social teachings invoke scripture much more frequently, and in a more sustained, meditative fashion, than did that of any of his

predecessors. He emphasizes Christian discipleship and the special obligations incumbent on Christians living in a non-Christian and even anti-Christian world. He gives humanity a central place in his moral theology, but construes flourishing more in light of grace than nature. The pope’s social teachings express his commitment to evangelize the world. Even reflection on the economy comes first and foremost from the point of view of the gospel. Whereas *Rerum novarum* was addressed to the bishops of the world and to its point of departure from “man’s nature” (RN 6) and “nature’s law” (RN 7), *Centesimus annus* is addressed to “all men and women of good will” and appeals “above all to the social message of the Gospel” (CA 57).

John Paul II’s most extensive discussion of natural law occurs not in his social encyclical but in *Veritatis splendor* (1993), the encyclical devoted to affirming the existence of objective morality. The document sounds familiar themes. Natural law is inscribed in the heart of every person, is grounded in the human good and gives clear directives regarding right and wrong acts that can never be legitimately violated. John Paul reiterates Paul VI’s rejection of ethical consequentialism and “situation ethics”: “Circumstances or intentions can never transform an act intrinsically evil by nature of object [the kind of act willed] into an act ‘subjectively’ good or defensible as a choice.”¹¹⁹ It also targets erroneous notions of autonomy: true freedom is ordered to the good and ethically legitimate choices conform to it.¹²¹

John Paul II’s emphasis on obedience to the will of God and on the necessity of revelation for Christian ethics leads some observers to suspect that he presumes a divine command ethic. Yet the pope’s ethic continues to combine standard principles of natural law theory. First, he believed that the normative structure of ethics is grounded in a descriptive account of human nature and, second, he insisted that knowledge of this structure is disclosed in relation and explicated through its proper authoritative interpretation by the hierarchical magisterium. Since awareness of the natural law has been blurred in the “modern c

science,” the pope argued, the world needs the Church, and particularly the voice of the magisterium, to clarify the specific practical requirements of the natural law. Using Murray’s vocabulary, one might say that the pope believed that the magisterium plays the role of the “wise” to the “many” that is the world. As an “expert in humanity,” the Church has the most profound grasp of the principles of the natural law and also the best vantage point from which to understand their secondary and tertiary (if not also the most remote) principles.¹²²

The pope, however, continued to hold to the ancient tradition that moral norms are inherently intelligible. People of all cultures now acknowledge the binding authority of human rights. Natural law *qua* human rights provides the basis for the infusion of ethical principles into the political arena of pluralistic democracies. It also provides criteria for holding accountable criminal states or transnational actors that violate human dignity by engaging, for example, in “genocide, abortion . . . deportation, slavery, prostitution . . . degrading conditions of work which treat laborers as mere instruments of profit.”¹²³

John Paul II applied the notion of rights protecting dignity to the ethics of life in *Evangelium vitae* (1995). Faith and reason both testify to the inherent purpose of life and ground a universal obligation to respect the dignity of every human being, including the handicapped, the elderly, the unborn, and the otherwise vulnerable. “Intrinsically evil acts” cannot be legitimated for any reasons, whether individual or collective. The moral framework of society is not given by fickle popular opinion or majority vote but rather by the “objective moral law . . . the ‘natural law’ written in the human heart.”¹²⁴ States as well as couples, no matter what difficulties and hardships they face, “must abide by the divine plan for responsible procreation.” Sounding a theme from Pius XI and Paul VI, the pope warns his listeners that “the moral law obliges them in every case to control the impulse of instinct and passion, and to respect the biological laws inscribed in their person.”¹²⁵ He employs natural law not only to oppose abortion, infanticide, and euthanasia

but also newer biomedical procedures regarding experimentation with human embryos. The pope’s claim that “a law which violates an innocent person’s natural right to life is unjust and, as such, is not valid as a law” suggests to some in the United States that *Roe v. Wade* is an unjust law and therefore properly subject to acts of civil disobedience. It also implies resistance to international programs that attempt to limit population expansion through distributing means of artificial birth control.

Natural law provides criteria for the moral assessment of economic and political systems. The Church has a social ministry but no direct relation to political agenda as such. The Church’s social doctrine is not a form of political ideology but an exercise of her evangelizing mission (SRS 41). It never ought to be used to support capitalism or any other economic ideology: “For the Church does not propose economic political systems or programs, nor does she show preference for one or the other, provided that human dignity is properly respected and promoted.” It does not draw from natural law any one correct model of an economic or political system, but it does require that any given economic or political order affirm human dignity, promote human rights, foster the unity of the human family, and support meaningful human activity in every sphere of social life (SRS 41; CA 43).

John Paul II’s interpretation of natural law has been subject to various criticisms. First, critics charge that it stresses law, and particularly divine law, at the expense of reason and nature. As the Dominican Thomist Herbert McCabe observed of *Veritatis splendor*, “despite its frequent references to St. Thomas, it is still trapped in a post-Renaissance morality, in terms of law and conscience and free will.”¹²⁶ Second, the pope has been criticized for an inconsistent eclecticism that does not coherently relate biblical, natural law, and rights-oriented language in a synthetic vision. Third, he has been charged with a highly selective and ahistorical understanding of natural law. Thus what he describes as “unchanging” precepts prohibiting intrinsic evil have at times been subject to change, for example, the case of slavery. As John Noonan

puts it, in the long history of Catholic ethics one finds that “what was forbidden became lawful (the cases of usury and marriage); what was permissible became unlawful (the case of slavery); and what was required became forbidden (the persecution of heretics).”¹²⁷ Critics argue that John Paul II has retreated from Paul VI’s attempt to appropriate historical consciousness and therefore consistently slights the contingency, variability, and ambiguities of historical particularity.¹²⁸ This approach to natural law also leads feminists to accuse the pope of failing sufficiently to attend to the oppression of women in the history of Christianity and to downplay the need for appropriately radical change in the structures of the Church.¹²⁹

RECENT INNOVATIONS

The opponents of natural law ethics have from time to time pronounced the theory dead. Its advocates, however, respond by pointing to its adaptability, flexibility, and persistence. As the distinguished natural law commentator Heinrich Rommen put it, “The natural law always buries its undertakers.”¹³⁰ The resilience of the natural law tradition resides in its assimilative capacity. More broadly the Catholic social tradition from its start in antiquity has been eclectic, that is, a mixture of themes, arguments, convictions, and ideas taken from different strains within Western thought, both Christian and non-Christian. The medieval tradition assimilated components of Roman law, patristic moral wisdom, and Greek philosophy. It was subjected to radical philosophical criticism in the modern period but defenders of the tradition inevitably arose either to consolidate and defend it against its detractors or to develop its intellectual potentialities through the critical appropriation of conceptualities employed by modern and contemporary philosophy. Catholic social teaching has engaged in both a retrieval of the natural law ethics of Aquinas and an assimilation of some central insights of Locke and Kant regarding human rights and the dignity of the person. Scholars have argued over whether this assimilative pattern exhibits a

talent for creative synthesis or the fatal flaw of incoherent eclecticism.

Philosophers and theologians have for the past several decades made numerous attempts to bring some degree of greater consistency and clarity to the use of natural law in Catholic ethics. Here we will mention three such attempts: the new natural law theory, revisionism, and narrative natural law theory.

The new natural law theory of Germain Grisez, John Finnis, and their collaborators offers a thoughtful account of the “first principles of practical reason” to provide rational order to moral choices. Even opponents of the new natural law theory admire its philosophical acuity in avoiding the “naturalistic fallacy” that attempts illicitly to deduce normative claim from descriptive claims, or “ought” language from “is” language.¹³¹ Practical reason identifies several basic goods that are intrinsically valuable and universally recognized as such: life, knowledge, aesthetic appreciation, play, friendship, practical reasonableness, and religion.¹³² It *always* wrong to intend to destroy an instantiation of a basic good.¹³³ Life is a basic good, for example, and so murder is always wrong. The position does not rely on faith in any explicit way. Its advocates would agree with John Courtney Murray that the “doctrine of natural law has no Roman Catholic presuppositions.”¹³⁴ Despite some ambiguities, this position presents a formidable anticonsequentialist ethical theory in terms that are intelligible to contemporary philosophers.

The new natural law theory has been subjected to significant criticisms, however. First, lists of basic goods are notoriously ambiguous, for example, is religion always an instantiation of basic value? Second, it holds that basic goods are incommensurable and cannot be subject to weighing, but it is not clear that one can reasonably weigh, say, religion as a more important good than play. This theory takes as self-evident that basic goods cannot be attacked. Yet this claim seems to ignore Niebuhr’s warning that human experience is its very nature susceptible not only to significant conflict among competing goods but even to moral tragedy in which one good cannot

be obtained without the destruction of another. Third, the new natural law theory is criticized for isolating its philosophical interpretation of human nature from other descriptive accounts of the same and for operating without much attention to empirical evidence for its conclusions. For example, Finnis opines, without any empirical evidence, that same-sex relations of every kind fail to offer intelligible goods of their own but only “bodily and emotional satisfaction, pleasurable experience, unhinged from basic human reasons for action and posing as its own rationale.”¹³⁵ Critics ask: To what extent is such a sweeping generalization confirmed by the evidence of real human lives rather than simply derived from certain a priori philosophical principles?

A second interpretation of the natural law comes from those who are often broadly classified as “revisionists.” They engage in a selective retrieval of themes of the natural law tradition in terms of the concrete or “ontic” or “pre-moral” values and “dis-values” confronted in daily life. The crucial issue for the moral assessment of any pattern of human conduct, they argue, is not its “naturalness” or “unnaturalness” but its relation to the flourishing of particular human beings. The most distinctive feature of the revisionist approach to natural law, particularly when contrasted with the new natural law theory, is the relatively greater weight it gives to ordinary lived human experience as evidence for assessing opportunities for human flourishing.¹³⁶ It holds that moral insights are best attained “by way of experience,”¹³⁷ that “right reason” requires sufficient sensitivity to the salient characteristics of particular cases, and that moral theology needs to retrieve the ancient Aristotelian virtue of *epicheia*, or equity, the capacity to apply the law intelligently in accord with the concrete common good.¹³⁸ This ethical realism, as moral theologian John Mahoney puts it, “scrutinizes above all what is the purpose of any law and to what extent the application of any particular law in a given situation is conducive to the attainment of that purpose, the common good of the society in question.”¹³⁹ Revisionists thus want to revise some moral teachings of the Church so that

they can be pastorally more appropriate and contribute more effectively to the good of the community.

Revisionists are convinced that there is a significant difference between the personal and loving will of God and the determinate and impersonal structures of nature. They do not believe that a proper understanding of natural law requires every person to conform to given “biological laws.” Indeed, some revisionists believe that natural law theory must be abandoned because it is irredeemably wedded to moral absolutism based on “physicalism.” They choose instead to develop an “ethic of responsibility” or an “ethic of virtue.” Other revisionists, however, remain committed to the ancient language of natural law while working to develop a historically conscious and morally sensitive interpretation of it. Applied to sexual ethics, for example, they argue that the “procreative purpose” of sexual intercourse is a good in general but not necessarily a good in each and every concrete situation or even in each particular monogamous bond. They argue that some uses of artificial birth control are morally legitimate and need to be distinguished from those that are not. On this ground they defend the use of artificial birth control as one factor to be considered in the micro-deliberation of marriage and family and in the macro-context of social ethics.

Critics raise several objections to the revisionist approach to natural law. First is the notorious difficulty of evaluating arguments from experience, which can suffer from vagueness, overgeneralization, and self-serving bias. Second, revisionist appeals to human flourishing are at times insufficiently precise and inadequately substantive. Third, critics complain that revisionists in effect abandon natural law in favor of an ethical consequentialism based in an exaggerated notion of autonomy.¹⁴⁰

A third and final contemporary “narrativist” formulation of natural law theory takes as its starting point the centrality of stories, community, and tradition to personal and communal identity. Alasdair MacIntyre has done the most to show that reason, and by extension reason’s interpretation of the natural law, is “tradition-dependent.”¹⁴¹ Christians are formed in the

Church by the gospel story, so their understanding of the human good will never be entirely “neutral.” Moral claims are completely unintelligible when removed from their connection to the doctrine of Christ and the Church, but neither can the moral identity of discipleship be translated without remainder into the neutral mediating language of natural law.

Narrativists agree with the “new natural lawyers” that we are naturally oriented to a plethora of goods—from friendship and sex to music and religion—but they attend more seriously to concrete human experiences as the context within which people come to determine how (or, in some cases, even whether) these goods take specific shape in their lives. Narrativists, like the revisionists, hold that it is in and through concrete experience that people discover, appropriate, and deepen their understanding of what constitutes true human flourishing. But they also attend more carefully both to the experience, not as atomistic and existentially sporadic but as sequential, and to the ways in which the interpretations of these experiences are influenced by membership in particular communities shaped by particular stories. Discovery of the natural law, Pamela Hall notes, “takes place within a life, within the narrative context of experiences that engage a person’s intellect and will in the making of concrete choices.”¹⁴²

All ethical theories are tradition-dependent, and therefore natural law theory will acknowledge its own particular heritage and not claim to have a “view from nowhere.”¹⁴³ Scripture, and notably the Golden Rule and its elaboration in the Decalogue, provided the tradition with criteria for judging which aspects of human nature are normatively significant and ought to be encouraged and promoted, and, conversely, which aspects of human nature ought to be discouraged and inhibited.

This turn to narrativity need not entail a turn away from nature. The human good includes the good of the body. Jean Porter argues that ethics must take into account the considerable prerational, biological roots of human nature and critically appropriate contemporary scientific insights into the animal

dimensions of our humanity.¹⁴⁴ Just as Aquinas employed Aristotle’s notion of nature to explicate his account of the human good, so contemporary natural law ethicists need to incorporate evolutionary accounts of human origins and human behavior in order to understand the human good.

Nor does appropriating narrativity require withdrawal from the public domain. “Narrative natural law” *qua* natural law still understands the justification for basic moral norms in terms of their promotion of the good that is proper to human beings considered comprehensively. It can advance public arguments about the human good but it does not consider itself compelled to avoid all religiously based language in the manner of John A. Ryan¹⁴⁵ or John Courtney Murray.¹⁴⁶ Unlike older approaches to the common good, it will “accept a radically plural, non-hierarchical and not easily harmonizable notion of the good.”¹⁴⁷ Its claims are intelligible to people who are not Christian, but intelligible does not always lead to universal assent. It therefore acknowledges that Christian theology does not advance its claims on the supposition that it is the only conceivable way of interpreting the moral significance of human nature. Since morality is “under-determined” by nature “there is no one moral system that can plausibly be presented as the morality that best accords with human nature.”¹⁴⁸

Critics lodge several objections to narrative natural law theory. First, they worry that give excessive weight to stories and tradition diminishes attentiveness to the structures of human nature and thereby slides into moral relativism. What is needed instead, one critic argues, is a more powerful sense of the metaphysical foundation for the normativity of nature.¹⁴⁹ Narrativists like revisionists, acknowledge the need to beware of the danger of swinging from the extreme of abstract universalism and “oppressive generalizations” to the other extreme of “bottomless particularity.”¹⁵⁰ Second, they worry that narrative ethics will be unable to generate a clear and fixed set of ethical standards, ideals, and virtues. Stories pertaining to particular lives in particular contexts, and moralities shift with changes in their histo-

ries. Moral norms emerging from narratives alone are inherently unstable and subject to a constant process of moral drift. Narrativists can respond by arguing that these two criticisms apply to radically historicist interpretations of narrative ethics but not to narrative natural law theory.

THE ROLE OF NATURAL LAW IN CATHOLIC SOCIAL TEACHING IN THE FUTURE

Natural law has been an essential component of Catholic ethics for centuries and it will continue to play a central role in the Church’s reflection on social ethics. It consistently bases its view of the moral life and public policies, in other words, on the human good. Its understanding of the human good will be rooted in theological and Christological convictions. The Church’s future use of natural law will have to face four major challenges pertaining to the relation between four pairs of concerns: the individual and society, religion and public life, history and nature, and science and ethics.

First, natural law will need to sustain its reflection on the relation between the individual and society. It will have to remain steady in its attempt to correct radical individualism, an exaggerated assertion of the sovereignty and priority of the individual over and against the community. “Utilitarian individualism” regards the person as an individual agent functioning to maximize self-interest in the market system and “expressive individualism” construes the person as a private individual seeking egoistic self-expression and therapeutic liberation from socially and psychologically imposed constraints.¹⁵¹ The former regards the market as opportunistic, ruthless, and amoral, and leaves each individual to struggle for economic success or to accept the consequences of failure. The latter seeks personal happiness in the private sphere where feelings can be expressed and private relationships cultivated. What Charles Taylor calls the “dark side of individualism” so centers on the self that it “both flattens and nar-

rows our lives, makes them poorer in meaning, and less concerned with others or society.”¹⁵²

Natural law theory in Catholic social teaching responds to radical individualism in several ways. First and foremost, it offers a theologically based account of the worth of each person as made in the image of God. Second, it continues to regard the human person as naturally social and political and as flourishing within friendships and families, intermediary groups, and larger communities. The human person is always both intrinsically worthwhile and naturally called to participate in community.

Two other central features of natural law provide resources with which to meet the challenge of radical individualism. One is the ethic of the common good that counters the presupposition of utilitarian individualism that markets are inherently amoral and bound to inflexible economic laws not subject to human intervention on the basis of moral values. Catholic social teaching holds that the state has obligations that extend beyond the “night watchman” function of protecting social order. It has the primary (but by no means exclusive) obligation to promote the common good, especially in terms of public order, public peace, basic standards of justice, and minimum levels of public morality.

A second contribution from natural law to the problem of radical individualism lies in solidarity. The virtue of solidarity offers an alternative to the assumption of therapeutic individualism that happiness resides simply in self-gratification, liberation from guilt, and relationships within one’s “lifestyle enclave.”¹⁵³ If the person is inherently social, genuine flourishing resides in living for others rather than only for oneself, in contributing to the wider community and not only to one’s small circle of reciprocal concern. The right to participate in the life of one’s own community should not be eclipsed by the “right to be left alone.”¹⁵⁴

A second major challenge to Catholic social teachings comes from the relation between religion and public life in pluralistic societies. Popular culture increasingly regards religion as a private matter that has no place in the public sphere. If radical individualism sets the context

for the discussion of the public role of religion, there will be none. Catholic social teachings offer a synthetic alternative to the privatization of faith and the marginalization of religion as a form of public moral discourse. Catholic faith from its inception has been based in a theological vision that is profoundly corporate, communal, and collective. The gospel cannot be reduced to private emotions shared between like-minded individuals.

Catholic social teachings also strive to hold together both distinctive and universally human dimensions of ethics. There are times and places for distinctively Christian and universally human forms of reflection and dialogue, respectively. In broad public contexts within pluralistic societies, Catholic social teachings must appeal to “human values” (sometimes called “public philosophy”).¹⁵⁵ The value of this kind of moral discourse has been seen in the Nuremberg Trials after World War II, the UN Declaration on Human Rights, and Martin Luther King Jr.’s “Letter from a Birmingham Jail.” In more explicitly religious contexts, it will lodge claims on the basis of Christian commitments, beliefs, or symbols (now called “public theology”).¹⁵⁶ Discussions at bishops’ conferences or parish halls can appeal to arguments that would not be persuasive if offered as public testimony before judicial or legislative bodies. Catholic social teachings are not reducible to natural law, but they can employ natural law arguments to communicate essential moral insights to those who do not accept explicitly Christian arguments. The theologically based approach to human rights found in Catholic social teachings strives to guide Christians, but they can also appeal across religious and philosophical boundaries to embrace all those who affirm, on whatever grounds, the dignity of the person. As taught by *Gaudium et spes*, there must be “a clear distinction between the tasks which Christians undertake, individually or as a group, on their own responsibility as citizens guided by the dictates of a Christian conscience, and the activities which, in union with their pastors, they carry out in the name of the Church” (GS 76).

A third major challenge facing Catholic social teaching concerns the relation of nature and history. The intense debates over *Human vitae* pointed to the most fundamental issue concerning the legitimacy of speaking about the “natural law” in an age aware of history. Yet it is clear that history cannot simply replace nature in ethics. Since the center of natural law concerns the human good, the “is” and the “ought” of Catholic social teachings are inextricably intertwined. Personal, interpersonal, and social ethics are understood in terms of what is good for human beings and what makes human beings good. It holds that human beings everywhere have, in virtue of their humanity, certain physical, psychological, moral, social, and religious needs and desires. Relatively stable and well-ordered communities make it possible for their members to meet these needs and fulfill these desires, and relatively more socially disordered and damaged communities do not.

This having been said, natural law reflection can no longer be based on a naïve view of the moral significance of “nature.” Knowledge of human nature by itself does not suffice as a source of evidence for coming to understand the human good. Catholic social teaching must be alert to the perils of the “naturalistic fallacy”—the assumption that because something is natural, it is ipso facto morally good—committed by those, like Herbert Spencer and the social Darwinians, who naively attempted to discover ethical principles embedded within the evolutionary process itself.

As already indicated above, natural law reflection always runs the risk of confusing the expression of a particular culture with what is true of human beings at all times and places. Reinhold Niebuhr, for example, complained that Thomas’s ethics turned “the peculiarities and the contingent factors of a feudal-agrarian economy into a system of fixed socio-economic principles.”¹⁵⁷ The same kind of accusation has been leveled against modern natural law theories. It is increasingly taken for granted that people are so diverse in culture and personal experience, personal identities so malleable and plastic, and cultures so prone to historical variation, that any generalizations made about the

will be simply too broad and vague to be ethically illuminating. Though it will never embrace postmodernism, Catholic social teaching will need to be more informed by sensitivity to historical particularity than it has been in the past. The discipline of theological ethics, unlike Catholic social teachings, has moved so far from naïve essentialism that it tends to regard human behavior as almost entirely the product of choices shaped by culture rather than rooted in nature. Yet since human beings are biological as well as cultural beings, it is more reasonable to attend to the interaction of culture and nature than to focus on one to the exclusion of the other. If “physicalism” is the triumph of nature over history, relativism is the triumph of history over nature. Neither extreme ought to find a home in Catholic social teachings, which will have to discover a way to balance and integrate these two dimensions of human experience in its normative perspective.

A fourth challenge that must be faced by Catholic social teaching concerns the relation between ethics and science. The Church has in the past resisted the identification of “reason” with “natural science.” It has typically acknowledged the intellectual power of scientific discovery without regarding this source of knowledge as the key to moral wisdom. The relation of ethics and science presents two broad challenges, one positive and the other negative. The positive agenda requires the Church to interpret natural law in a way that is compatible with the best information and insights of modern science. Natural law must be formulated in a way that does not rely on archaic cosmological and scientific assumptions about the universe, the place of human beings within it, or the interaction of human beings with one another. Any tacit notion of God as “intelligent designer” must be abandoned and replaced with a more dynamic contemporary understanding of creation and providence. Catholic social teachings need to understand natural law in ways that are consistent with evolutionary biology (though not necessarily neo-Darwinism). John Paul II’s recent assessment of evolution avoided a repetition of the Galileo disaster and clearly affirmed the legiti-

mate autonomy of scientific inquiry. On October 22, 1996, he acknowledged that evolution, properly understood, is not intrinsically incompatible with Catholic doctrine.¹⁵⁸ He taught that the evolutionary account of the origin of animal life, including the human body, is more than a mere hypothesis. He acknowledged the factual basis of evolution but criticized its illegitimate use to support evolutionary ideologies that demean the human person.

Negatively, Catholic social teaching must offer a serious critique of the reductionistic tendency of naturalism to identify all reliable forms of knowing to scientific investigation. “Scientific naturalism” can be described (if simplistically) as an ideology that advances three related kinds of claims: that science provides the only reliable form of knowledge (“scientism”), that only the material world examined by science is real (“materialism”), and that moral claims are therefore illusory, entirely subjective, fanciful, merely aesthetic, only matters of individual opinion, or otherwise suspect (“subjectivism”). This position assumes that human intelligence employs reason only in instrumental and procedural ways, but that it cannot be employed to understand what Thomas Aquinas called the “human end” or John Paul II the “objective human good.” The moral realism implicit in the natural law presuppositions of Catholic social thought needs to be developed and presented to provide an alternative to this increasingly widespread premise of popular as well as academic culture.

In responding to the challenge of scientific naturalism, the Church must continue to acknowledge the competence of science in its own domain, the universal human need for moral wisdom in matters of science and technology, the inability of science as such to offer normative guidance in ethical matters, and the rich moral wisdom made available by the natural law tradition. The persuasiveness of the natural law claims made by Catholic social teachings resides in the clarity and cogency of the Church’s arguments, its ability to promote public dialogue through appealing to persuasive accounts of the human good, and its willingness to shape the public consensus on

important issues. Its persuasiveness also depends on the integrity, justice, and compassion with which natural law principles are applied to its own practices, structures, and day-to-day communal life; natural law claims will be more credible when they are seen more fully to govern the Church's own institutions.

NOTES

1. Aristotle, *Nicomachean Ethics* 5.7, 1134b18, trans. Martin Ostwald (Indianapolis, Ind.: Bobbs Merrill, 1962), 131.
2. Cicero, *De re publica* 3.22.
3. *Institutes* I,1. *The Institutes of Gaius*, Part 1, ed. and trans. Francis De Zulueta (Oxford: Clarendon, 1946), 4.
4. Alan Watson, ed., *The Digest of Justinian*, 2 vols. (Philadelphia: University of Pennsylvania Press, 1998), bk. I, 13 (no pagination). Justinian's *Digest*, bk. I, 1, attributes this view to Ulpian.
5. Justinian, *Digest* I, 1.
6. See Athenagoras, "A Plea for Christians," chaps. 25 and 35 in *The Writings of Justin Martyr and Athenagoras*, ed. and trans. Marcus Dods, George Reith, and B. P. Pratten (Edinburgh: Clark, 1870), 408ff. and 419ff., respectively.
7. See "Dialogue with Trypho the Jew," chap. 93, in *ibid.*, 217. On patterns of early Christian response to pagan ethical thought, see Henry Chadwick, *Early Christian Thought and the Classical Tradition: Studies in Justin, Clement, and Origen* (Oxford: Clarendon, 1966), and Michel Spanneut, *Le Stoïcisme des Pères de l'Église: De Clément de Rome à Clément d'Alexandrie* (Paris: Éditions du Seuil, 1957). Tertullian provided a more disparaging view of the significance of "Athens" for "Jerusalem."
8. Chadwick, *Early Christian Thought*, 4–5.
9. For an influential modern treatment, see Ernst Troeltsch, "The Ideas of Natural Law and Humanity in World Politics," in *Natural Law and the Theory of Society: 1500–1800*, ed. Otto Gierke, trans. Ernest Barker (Boston: Beacon, 1960). A helpful correction of Troeltsch is provided by Ludger Honnefelder, "Rationalization and Natural Law: Max Weber's and Ernst Troeltsch's Interpretation of the Medieval Doctrine of Natural Law," *Review of Metaphysics* 49 (1995): 275–94. On Rom. 2:14–16, see John W.

Martens, "Romans 2:14–16: A Stoic Reading," *New Testament Studies* 40 (1994): 55–67, and Rudolf Schnackenburg, *The Moral Teaching of the New Testament* (New York: Seabury, 1979). Schnackenburg comments on Rom. 2:14–15: "St. Paul's 'by nature' cannot simply be equated with the moral *lex naturalis*, nor can this reference be seen as straight-forward adoption of Stoic teaching" (291).

10. From Origen, "Commentary on Romans," cited in *The Early Christian Fathers*, ed. and trans. Henry Bettenson (New York and Oxford: Oxford University Press, 1956), 199, 200.

11. *Against Faustus the Manichean* XXII. 73–79 in *Augustine: Political Writings*, ed. Ernest L. Fortin and Douglas Kries, trans. Michael W. Tkacz and Douglas Kries (Indianapolis, Ind.: Hackett, 1994) 226; *Patrologia Latina* (Migne) 42, 418.

12. See Augustine, *De Doctrina Christiana* 2, 40 PL 34, 63.

13. See Alan Watson, ed., *The Digest of Justinian with Latin text*, ed. T. Mommsen and P. Krüger, vols. (Philadelphia: University of Pennsylvania Press, 1985); A. Watson, ed., *The Digest of Justinian* 2 vols., rev. English-language ed. (Philadelphia: University of Pennsylvania Press, 1998).

14. See note 5, above; *Institutes* 2.1.11. See al Thomas Aquinas's adoption of the threefold distinction: natural law (common to all animals), the law nations (common to all human beings), and civil law (common to all citizens of a particular political community). ST II-II 57, 3. This distinction plays important role in later reflection on the variability the natural law and on the moral status of the right to private property in Catholic social teachings (e. RN 8).

15. *Decretum*, Part 1, distinction 1, prologue; *Treatise on Laws (Decretum DD. 1–20) with the Ordinary Gloss*, trans. Augustine Thompson and Jar Gordley, *Studies in Medieval and Early Modern Canon Law*, vol. 2 (Washington, D.C.: Catholic University of America Press, 1993), 3.

16. *Ibid.*, Part 1, distinction 8; in *Treatise on Laws*, 25.

17. See Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150–1625* (Atlanta: Scholars Press, 1997).

18. See Ernest L. Fortin, "On the Presumed Medieval Origin of Individual Rights," *Comm* 26 (1999): 55–79.

19. ST I-II, 90, 4. See Clifford G. Kossel, "Natural Law and Human Law (la Ilae, qq. 90–97)," in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, D.C.: Georgetown University Press, 2002), 169–93.

20. ST I-II, 90, 1.

21. *Ibid.*, I-II, 94, 3.

22. See *Phys.* II.1, 193a28–29.

23. *Pol.* 1252b32.

24. *Ibid.* 1.2.1253a; see also Plato, *Republic* 428e–429a.

25. ST I-II, 94, 2.

26. See *ibid.* I-II, 94, 2. See also Cicero, *De officiis*, I, 4; Lottin, *Le droit naturel chez Thomas d'Aquin et ses prédécesseurs*, rev. ed. (Bruges: Beyaert, 1931), 78–81.

27. *Laws*, I.xii, 33; emphasis added.

28. ST I-II, 94, 2. See also Cicero, *De officiis*, I, 4.

29. ST I-II, 94, 2.

30. *De Lib. Arbit.* I,15; PL 32, 1229; for Thomas, ST I, 22, 1–2; I-II, 91, 1; 91, 2.

31. ST I-II, 31, 7; emphasis added.

32. See *ibid.* I, 96, 4; I-II, 72, 4; II-II, 109, 3 ad 1; 114, 2, ad 1; 129, 6, ad 1; also *De Regno*, I, 1; *In Ethic.*, IX, lect. 10, no. 1891; *In Polit.*, I, lect. I, no. 36–37.

33. See ST I, 60, 5; I-II, 21, 3–4; 90, 2; 92, 1, ad 3; 96, 4; II-II, 58, 5; 61, 1; 64, 5; 65, 1; see also Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald (Notre Dame, Ind.: University of Notre Dame Press, 1946).

34. See ST I-II, 21, 4, ad 3.

35. See *ibid.* I-II, 109, 3; also I-II, 21, 4; II-II, 26, 3.

36. ST II-II, 57, 1. See Lottin, *Droit Naturel*, 97; also see *idem*, *Moral Fondamentale* (Tournai: Desclée, 1954), 173–76.

37. See ST II-II, 78, 1.

38. *Ibid.* II-II, 110, 3.

39. *Ibid.* II-II, 153, 2. See *ibid.* II-II, 154, 11.

40. *Ibid.* I, 119.

41. *Ibid.* I, 92, 1.

42. *Ibid.* I-II, 23.

43. See Michael Bertram Crowe, *The Changing Profile of the Natural Law* (The Hague: Martinus Nijhoff, 1977).

44. See ST I-II, 91, 4.

45. *Ibid.* I-II, 91, 4.

46. See Yves Simon, *The Tradition of Natural Law* (New York: Fordham University Press, 1952),

61, and Servais Pinckaers, chap. 10 in *The Sources of Christian Ethics*, trans. Mary Thomas Noble (Washington, D.C.: Catholic University of America Press, 1995).

47. See Pinckaers, *Sources*, 240–53, who relies in part on Vereecke, *De Guillaume d'Ockbam à saint Alphonse de Ligouri*. See also Étienne Gilson, *History of Christian Philosophy in the Middle Ages* (New York: Random House, 1955), 489–519. Michel Villey's *Questions de saint Thomas sur le droit et la politique* regards Ockham as the first philosopher to break with the premodern understanding of *ius* as objective right and to put in its place a subjective faculty or power possessed naturally by every individual human being. Richard Tuck's *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge University Press, 1979) traces the origin of subjective rights to Jean Gerson's identification of *ius* and liberty to use something as one pleases without regard to any duty. Tierney shows that the origins of the language of subjective rights are rooted in the medieval canonists rather than invented by Ockham. See Tierney, *The Idea of Natural Rights*.

48. See Simon, *Tradition of Natural Law*, 61.

49. See B. Tierney, who is supported by Charles J. Reid Jr., "The Canonistic Contribution to the Western Rights Tradition: An Historical Inquiry," *Boston College Law Review* 33 (1991): 37–92, and Annabel S. Brett, *Liberty, Right, and Nature: Individual Rights in Later Scholastic Thought* (Cambridge and New York: Cambridge University Press, 1997).

50. See, for instance, *On Civil Power*, ques. 3, art. 4, in *Vitoria: Political Writings*, ed. Anthony Pagden and Jeremy Lawrence (Cambridge: Cambridge University Press, 1991), 40. Also Ramón Hernández, *Derechos Humanos en Francisco de Vitoria* (Salamanca: Editorial San Esteban, 1984), 185.

51. On *dominium*, see chap. 2 in Tuck, *Natural Rights Theories*. Further study of this topic would have to include an examination of the important contributions of two of Vitoria's students, Domingo de Soto and Fernando Vázquez de Menchaca. See Bartolomé de las Casas, *In Defense of the Indians*, trans. Stafford Poole (DeKalb: North Illinois University Press, 1992).

52. See John Mahoney, *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (Oxford: Clarendon, 1987), 224–31.

53. See Ernest L. Fortin, "The New Rights Theory and the Natural Law," *Review of Politics* 44, no. 4 (1982): 602.
54. See Thomas Hobbes, chap. 6 in *De corpore*.
55. Michael Sandel, *Liberalism and the Limits of Justice* (New York: Cambridge University Press, 1998), 175. An alternative to Sandel is provided by the defense of modern natural law by David Braybrooke, *Natural Law Modernized* (Toronto: University of Toronto, 2001).
56. Thomas Hobbes, *Leviathan*, ed. C. B. MacPherson (New York: Penguin), I.14, 189.
57. *Ibid.*
58. *Ibid.*
59. John Locke, chap. 9 in *The Second Treatise of Government*, ed. Peter Laslett (New York and Scarborough, Ont.: New American Library, 1960), esp. 395.
60. Chap. 11 in *ibid.*, 314; chap. 16 in *ibid.*, 319.
61. Chap. 131, in *ibid.*, 398.
62. See Alasdair MacIntyre, *After Virtue* (Notre Dame, Ind.: University of Notre Dame Press, 1981, rev. ed., 1984).
63. Immanuel Kant, *Critique of Pure Reason* (1781), trans. Norman Kemp Smith (New York: St. Martin's, 1965), 23.
64. See I. Kant, *Foundations of the Metaphysics of Morals*, 1787, Second Section.
65. Jeremy Bentham, *The Principles of Morals and Legislation* (New York: Hafner, 1948), 1.
66. Leo XIII, *Aeterni patris* 31, in *The Church Speaks to the Modern World: The Social Teachings of Leo XIII*, ed. Étienne Gilson (Garden City, N.Y.: Doubleday, 1954), 50.
67. Leo XIII, *Immortale dei* (On the Christian Constitution of States), in *ibid.*, 157–87.
68. *Ibid.*, 163, number 4.
69. Leo XIII, *Libertas praestantissimum* (The Nature of Human Liberty), in *ibid.*, 57–85, number 15.
70. *Ibid.*, 66, number 15.
71. *Ibid.*, 61, number 7.
72. *Ibid.*
73. *Ibid.*, 76, number 32.
74. See ST II-II, 66, 1.
75. J. Locke, Bk. II, chap. 27. Leo was influenced in this matter by Jesuit theologian Luigi Taparelli d'Azeglio (1793–1862). See Richard L. Camp, *The Papal Ideology of Social Reform: A Study in Historical Development, 1878–1967* (Leiden: E. J. Brill, 1969), 55, 56; see also Normand Joseph Paulhus, *The Theo-*

logical and Political Ideals of the Fribourg University (Ph.D. diss., Boston College–Andover Newton Theological Seminary, 1983).

76. See *Pol.* 1261b33.

77. See RN 52 against improper "absorption" at CA 48 on "coordination" for the common good; also EJA 124 and *Catechism of the Catholic Church* 188. Pius's subsidiarity also provided inspiration for the "distributism" or "distributivism" of Chesterton, Be loc, and Dorothy Day.

78. In *The Church and the Reconstruction of the Modern World: The Social Encyclicals of Pius XI*, ed. Terence P. McLaughlin (Garden City, N.Y.: Image, 1957), 115–70.

79. *Casti connubii*, in *ibid.*, 136, number 54.

80. *Ibid.*, 141, number 71.

81. See *ibid.*, 148, number 86.

82. See *ibid.*, 149–50, numbers 89–91.

83. It is important to note that eugenics policies were not the invention of Nazi Germany. Widespread forced sterilization of those deemed "criminally insane," "feebleminded," or otherwise "mentally defective"—often residing in public mental institutions—was practiced in the United States well before the Nazification of the German legal system. In 1926 Justice Oliver Wendell Holmes justified sterilization policies by arguing that "it is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who manifestly unfit from continuing their kind." Roman Catholic bishops provided the strongest opposition to the eugenics movement in the United States. See Edward J. Larson, *Sex, Race, and Science: Eugenics in the Deep South* (Baltimore: Johns Hopkins University Press, 1996).

84. Adolf Hilter, *Mein Kampf*, in *Social and Political Philosophy: Readings from Plato and Gandhi*, John Somerville and Ronald E. Santoni (Garden City, N.Y.: Doubleday, 1963), 445.

85. *Casti connubii*, in *Social Encyclicals of Pius XI*, ed. T. P. McLaughlin, 140, number 68.

86. *Ibid.*, 140, number 69.

87. *Ibid.*, 141, number 70, citing ST II-II, 10: ad 2.

88. *Summi pontificatus* (October 27, 1939) (On the Function of the State in the Modern World), in *Social Teachings of the Church*, ed. Anne Fremantle (New York: New American Library, 1963), 130–

89. *Mit brennender Sorge* (On the Present Position of the Catholic Church in the German Empire), in *ibid.*, 89–94.

90. See *ibid.*, 91–92.

91. *Summi pontificatus*, in *ibid.*, 131, number 35.

92. See Pius XII, "Christmas Message 1944," in *Pius XII and Democracy* (New York: Paulist, 1945), 301. See also the article in this volume by John P. Langan, "Catholic Social Teaching in a Time of Extreme Crisis: The Christmas Messages of Pius XII (1939–1945)."

93. See Drew Christiansen's Commentary on *Pacem in terris* in this volume.

94. See Reinhold Niebuhr, "Pacem in Terris: Two Views," *Christianity in Crisis* 23 (1963): 81–83; Paul Ramsey, "Pacem in Terris," *Religion in Life* 33 (winter 1963–64): 116–35; Paul Tillich, "Pacem in Terris," *Criterion* 4 (spring 1965): 15–18, and *idem*, "On 'Peace on Earth,'" *Theology of Peace*, ed. Ronald H. Stone (Louisville, Ky.: Westminster/John Knox, 1990). More favorable reviews of natural law in general have emerged recently, as in James M. Gustafson, *Ethics from a Theocentric Perspective*, 2 vols. (Chicago: University of Chicago Press, 1981 and 1983), Michael Cromartie, ed., *A Preserving Grace: Protestants, Catholics and Natural Law* (Washington, D.C.: Ethics and Public Policy Center/Grand Rapids, Mich.: Eerdmans, 1997), and Oliver O'Donovan, *Resurrection and Moral Order: An Outline for Evangelical Ethics*, rev. ed. (Grand Rapids, Mich.: Eerdmans, 1994).

95. David Hollenbach, *Justice, Peace and Human Rights: American Catholic Social Ethics in a Pluralistic World* (New York: Crossroad, 1988, 1990), 90.

96. *Ibid.*, 90.

97. PT 30–43, 57–59, 75–79, 126–29, 142–45, based on Matt. 16:1–4, where Jesus rebukes the Pharisees and Sadducees for their blindness before the "signs."

98. See Johan Verstraeten, "Re-Thinking Catholic Social Thought as Tradition," in *Catholic Social Thought: Twilight or Renaissance?* ed. J. S. Boswell, F. P. McHugh, and J. Verstraeten, *Bibliotheca Ephemeridum Theologicarum Lovaneisium*, vol. 157 (Leuven, Belgium: Leuven University Press, 2000).

99. See John O'Malley, "Reform, Historical Consciousness, and Vatican II's *Aggiornamento*," *Theological Studies* 32 (1971): 573–601.

100. See Pinckaers, *Sources*, Part 2.

101. Joseph Komonchak, "The Encounter between Catholicism and Liberalism," in *Catholicism and Liberalism: Contributions to American Public Philosophy*, ed. R. Bruce Douglass and David Hollenbach (New York: Cambridge University Press, 1994), 82.

102. See M. D. Chenu, *La doctrine sociale de l'église comme idéologie* (Paris: Cerf, 1979).

103. Jean-Yves Calvez and Jacques Perrin, *The Church and Social Justice: The Social Teaching of the Popes from Leo XIII to Pius XII, 1878–1958*, trans. J. R. Kirwan (Chicago: H. Regnery, 1961), 39.

104. See in this volume chapters by C. Curran, R. Gaillardetz, and M. Mich. Mich attributes the development of an inductive methodology to MM.

105. Jacques Maritain, *The Rights of Man and Natural Law*, trans. Doris Anson (New York: Charles Scribner's Sons, 1943), 65.

106. See Karl Barth, "The Command of God the Creator," chap. 12 in *Church Dogmatics*, vol. 3, no. 4, trans. A. T. Mackay et al. (Edinburgh: T. & T. Clark, 1961), 3–31. See also the debate over the "orders of creation" in Emil Brunner and Karl Barth, *Natural Theology*, trans. P. Fraenkel (London: Geoffrey Bles, Centenary, 1946).

107. See Charles E. Curran, "The Reception of Catholic Social Teaching in the United States," in this volume.

108. See Jacques Maritain, *Integral Humanism*, trans. Joseph W. Evans (Notre Dame, Ind.: University of Notre Dame Press, [1936] 1973).

109. *Humanae vitae*, number 12, in *The Papal Encyclicals 1958–1981*, ed. Claudia Carlen (Raleigh, N.C.: Pierian, 1981), 226.

110. HV, number 17, in *ibid.*, 228.

111. HV, number 11, in *ibid.*

112. See Charles Curran, *Transitions and Traditions in Moral Theology* (Notre Dame, Ind.: University of Notre Dame Press, 1979).

113. James M. Gustafson, *Ethics from a Theocentric Perspective*, vol. 2 (Chicago and London: University of Chicago Press, 1984), 59.

114. Representative essays can be found in Charles E. Curran and Richard A. McCormick, eds., *Readings in Moral Theology No. 1: Moral Norms and Catholic Tradition* (Mahwah, N.J.: Paulist, 1979).

115. See Charles E. Curran, "Official Social and Sexual Teaching: A Methodological Comparison,"

in *Tensions in Moral Theology* (Notre Dame, Ind.: University of Notre Dame Press, 1988), 87–109.

116. See John M. McDermott, ed., *The Thought of John Paul II* (Rome: Editrice Pontificia Università Gregoriana, 1993). One should note that personalism has been used by progressive as well as traditionalist interpretations of Catholic ethics. A revisionist form of personalism is found in Louis Janssens's classic article, "Artificial Insemination: Ethical Considerations," *Louvain Studies* 5 (1980): 3–29.

117. *Redemptor hominis*, number 15, in *Papal Encyclicals 1958–1981*, ed. C. Carlen, 256.

118. *Ibid.*, 256–57.

119. *Veritatis splendor*, number 81, in *The Splendor of Truth: Veritatis Splendor* (Washington, D.C.: U.S. Catholic Conference, 1993), 124–25.

120. Contrast Josef Fuchs, *Personal Responsibility: Christian Morality* (Washington, D.C.: Georgetown University Press, 1983) with Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbary (New York: Fordham University Press, 2000).

121. *Veritatis splendor*, number 72, in *Splendor of Truth*, 109–10.

122. See notes 95–97 above.

123. *Veritatis splendor*, number 80, in *Splendor of Truth*, 123, citing GS 27.

124. *The Gospel of Life, Evangelium Vitae: On the Value and Inviolability of Human Life* (Washington, D.C.: U.S. Catholic Conference, 1995), 70, 128.

125. *Ibid.*, 172, number 97.

126. Herbert McCabe, "Manuals and Rule Books," in *Considering Veritatis Splendor*, ed. John Wilkins (Cleveland, Ohio: Pilgrim, 1994), 67. See also William C. Spohn, "Morality on the Way of Discipleship: The Use of Scripture in *Veritatis Splendor*," in *Veritatis Splendor: American Responses*, ed. Michael E. Allsopp and John J. O'Keefe (Kansas City, Mo.: Sheed and Ward, 1995), 83–105.

127. John T. Noonan Jr., "Development in Moral Doctrine," in *The Context of Casuistry*, ed. James F. Keenan and Thomas A. Shannon (Washington, D.C.: Georgetown University Press, 1995), 194.

128. See Charles E. Curran, *Catholic Social Teaching 1891–Present: A Historical, Theological, and Ethical Analysis* (Washington, D.C.: Georgetown University Press, 2002), 61–66.

129. See Lisa Sowle Cahill, "Accent on the Masculine," in *John Paul II and Moral Theology: Readings in Moral Theology*, No. 10, ed. Charles E. Curran; Richard A. McCormick (New York: Paulist, 1993), 85–91.

130. Heinrich A. Rommen, *The Natural Law Study in Legal and Social History and Philosophy*, trans. Thomas R. Hanley (St. Louis, Mo.: Her 1947), 267.

131. On the "is-ought" issue, see Gern Grisez, "The First Principle of Practical Reason: Commentary on the *Summa Theologiae*, 1–2, Question 94, Article 2," *Natural Law Forum* 10 (19 168–201).

132. John Finnis, *Natural Law and Natural Rights* (New York: Oxford University Press, 19 86–90).

133. *Ibid.*, 118–23.

134. John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed and Ward, 1960), 109.

135. *Aquinas: Moral, Political, and Legal Treatises* (Oxford: Oxford University Press, 1998), 153. For the major critique of this position, see Robert Hittinger, *A Critique of the New Natural Law Theory* (Notre Dame: University of Notre Dame Press, 1987).

136. See, for example, Margaret Farley, "The Role of Experience in Moral Discernment: Christian Ethics: Problems and Prospects," ed. Lisa Sowle Cahill and James F. Childress (Cleveland, Ohio: Pilgrim, 1996). Whereas John Paul II identifies the normatively human with what is given in scriptures and tradition and taught by the magisterium, the revisionist relies, in addition to these many sources, on reasonable interpretation: judgments of what actually constitutes genuine human flourishing in lived human experience. Human flourishing is conceived much more strictly in affective and interpersonal terms than in strictly natural terms. One must acknowledge the qualification in addition to scripture and tradition to the impression that this position favors experience over revelation or ecclesially established norms. Revisionist regards experience as one basis for actively modifying and revising an ongoing moral tradition, not as its replacement.

137. ST II-II, 47, 15.

138. See *Nicomachean Ethics* 1137a31–1138a3, and ST II-II, 120.

139. See Mahoney, *Making of Moral Theology*, 242.

140. See Rhonheimer, *Natural Law and Practical Reason*.

141. See Alasdair MacIntyre, *After Virtue*, rev. ed. (Notre Dame, Ind.: University of Notre Dame Press, 1984); Pamela Hall, *Narrative and the Natural Law* (Notre Dame, Ind.: University of Notre Dame Press); Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids, Mich.: Eerdmans/Ottawa, Ont.: Novalis, 1999).

142. Hall, *Narrative and Natural Law*, 37. Human learning takes time. Natural law is "discovered progressively over time and through a process of reasoning engaged with the material of experience. Such reasoning is carried on by individuals and has a history within the life of communities. We learn the natural law, not by deduction, but by reflection upon our own and our predecessors' desires, choices, mistakes, and successes." *Ibid.*, 94.

143. Thomas Nagel, *The View from Nowhere* (New York: Oxford University Press, 1986).

144. See Porter, chap. 1 in *Natural and Divine Law*.

145. See John A. Ryan, *A Living Wage: Its Ethical and Economic Aspects* (New York: Macmillan, 1906).

146. See Murray, *We Hold These Truths*.

147. See John A. Coleman, "The Future of Catholic Social Thought," in this volume.

148. Porter, *Natural and Divine Law*, 141.

149. Lawrence Dean, "Jean Porter on Natural Law: Thomistic Notes," *Thomist* 66, no. 2 (2002): 275–309.

150. Cahill, "Accent on the Masculine," 86.

151. See Robert Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life* (San Francisco: Harper and Row, 1985).

152. Charles Taylor, *The Ethics of Authenticity* (Cambridge, Mass.: Harvard University Press, 1991), 4.

153. Bellah et al., *Habits*, 71–75.

154. Samuel Warren and Louis Brandeis, "The Right to Privacy," *Harvard Law Review* 4 (1890): 193.

155. See J. Bryan Hehir, "The Discipline and Dynamic of a Public Church," *Origins* 14 (May 31, 1984): 40–43.

156. See Michael J. Himes and Kenneth R. Himes, chap. 1 in *Fullness of Faith: The Public Significance of Theology* (New York: Paulist, 1993).

157. Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation*, 2 vols. (New York: Scribners, 1964), 1:281.

158. See John Paul II, "Message to the Pontifical Academy of Sciences," *L'Osservatore Romano*, October 30, 1996, reprinted with responses in *Quarterly Review of Biology* 72, no. 4 (1997): 381–406. See also John Paul II, "Lessons of the Galileo Case," *Origins* 22 (November 12, 1992): 370–75.

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