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VATICAN II: THE IMPACT ON AMERICAN SOCIETY — THE PAS DE DEUX BETWEEN RIGHTS AND RESPONSIBILITIES

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I. INTRODUCTION

One of the commonly held beliefs within Christianity is that the Second Vatican Council (1963-1965) dramatically altered the understanding of the role of the Catholic Church. The purpose of my investigation is to begin an examination of the impact that the Council has had on the American Church and the secular society in which it exists. Related to this examination is a reflection on what the Church can, ought, and is permitted to do in the United States to live out its function as a witness to Christ's teachings.

Although twenty-five years have passed since the Council ended, both the assessment of its impact, as well as the impact itself, continue. As John O'Malley has recently suggested,

Some twenty years after the close of Vatican II, Roman Catholics still find themselves being exhorted from all sides to its implementation. Widely divergent interpretations of the Council, however, especially concerning Church order, pastoral practice, and the exercise of theology manifest themselves ever more insistently and find echo even on the front pages of our daily newspapers. It is difficult to implement something whose directives are disputed.¹

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¹ John W. O'Malley, S.J., *Vatican II: Historical Perspectives On Its Uniqueness and Inter-*

The Council, through the promulgation of the *Pastoral Constitution On The Church In The Modern World (Gaudium et Spes)*² continued the tradition of the social teachings of the Church, starting especially with those advanced by Pope Leo XIII in his encyclical *Rerum Novarum*. The Second Vatican Council, in writing and publishing *Gaudium et Spes*, elevated the consciousness of the hierarchy, faithful, and anyone else who might read the document concerning how one ought to live his or her life in community with others particularly in a world facing so many problems that can be minimized or eliminated by human endeavors.

The focal question I raise here is this: what does *Gaudium et Spes* mean today in the context of the contemporary American political, economic, social, and legal culture? When they promulgated this constitution, the Council wished "to explain to everyone how it conceives of the *presence and activity* of the Church in the world of [1965]."³ Being aware of the sad and difficult plight of many people in the world, the Council recognized that, "The human person deserves to be preserved; human society deserves to be renewed. Hence, the pivotal point of our total presentation will be man himself, whole and entire, body and soul, heart and conscience, mind and will."⁴ When promulgated, the Council hoped that this constitution would help awaken the consciences of individuals to evaluate how they live with their fellow human beings.⁵ Does the document provide us with advice helpful in addressing questions surrounding the situation of people in the world today? I, along with others,⁶ believe that it does. But, to get some general understanding of the relevance of *Gaudium et Spes* to the United States in the 1990s, it would be useful to

pretation, in VATICAN II: THE UNFINISHED AGENDA, 32 (Richard ed., 1987) [hereinafter THE UNFINISHED AGENDA].

² References to *Gaudium et Spes* will be to the text appearing in THE DOCUMENTS OF VATICAN II, edited by Walter M. Abbot, S.J., 1966.

³ *Id.* at ¶ 2 (emphasis added).

⁴ *Id.* at ¶ 3.

⁵ In a footnote to the constitution, the Council stated that

[t]he constitution is called "pastoral" because, while resting on doctrinal principles, it seeks to express the relation of the Church to the world and modern mankind In the first part, the Church develops her teaching on man, on the world which is the enveloping context of man's existence, and on man's relations to his fellow men. In part two, the Church gives closer consideration to various aspects of modern life and human society; special consideration is given to those questions and problems which, in this general area, seem to have greater urgency in our day.

As Fr. O'Malley has suggested, the Pastoral Constitution is unique in the Church's conciliar history for two reasons. First of all, it transcended dogmatic and disciplinary issues by addressing "a broad range of social issues." Second, the constitution also was addressed to "all persons of good will" in addition to Roman Catholics. See O'Malley, *supra* note 1, at 23.

⁶ *Id.* at 29-30; see Lucien Richard, *Vatican II And The Mission Of The Church: A Contemporary Agenda*, in VATICAN II: THE UNFINISHED AGENDA 61 (Richard ed. 1987).

first outline briefly the subjects it addresses.

The constitution is divided into two parts. These principal parts are preceded by an introduction which is addressed to all humanity and paints a picture of the status of humankind in the "modern world."⁷ Part One addresses the Church and the human person's calling. This part is subdivided into four chapters: (1) The Dignity of the Human Person;⁸ (2) the Community of Mankind;⁹ (3) Man's Activity Throughout the World;¹⁰ and, (4) The Role of the Church in the Modern World.¹¹ Part Two concentrates its attention on "Some Problems of Special Urgency." This second part conducts an investigation that spans five chapters: (1) Fostering the Nobility of Marriage and the Family;¹² (2) The Proper Development of Culture;¹³ (3) Socio-Economic Life;¹⁴ (4) The Life of the Political Community;¹⁵ and, (5) The Fostering of Peace and the Promotion of a Community of Nations.¹⁶

But what, if any, relevance does this document and the substance of its contents have over a quarter of a century after it was drafted and published? At the outset, I suggest that many of the conditions and human issues which the Council addressed in 1965 and which demanded attention then are still with us today. For example, the Council at its conclusion pointed out that the human family continues to suffer "mutual distrust, enmities, conflicts, and hardships."¹⁷ These conditions still proliferate today. Does that mean that the noble experiment prompted by the Council and "all people of good will" has failed? No, not necessarily.

Then, what does it mean? For one thing, it means that the fashion in which the hierarchy, the laity, and "all people of good will" might have to reexamine the fashion in which they proceed individually and collectively to reduce if not eradicate the human plight which *Gaudium et Spes* addresses in some detail. At another level, the Pastoral Constitution raises the question of how members of these three groups of people go about implementing action in their every-day lives, which addresses and can correct (or at least attempt to correct) the conditions which dehumanize people by stripping them of their dignity. In particular, to what extent can the hierarchy, the faithful, and all people of good will implement the

⁷ See *Gaudium et Spes* at ¶¶ 2, 3, 4, 5, 9, 10.

⁸ *Id.* at ¶¶ 12-22.

⁹ *Id.* at ¶¶ 23-32.

¹⁰ *Id.* at ¶¶ 33-39.

¹¹ *Id.* at ¶¶ 40-45.

¹² See *Gaudium et Spes* at ¶¶ 47-52.

¹³ *Id.* at ¶¶ 53-62.

¹⁴ *Id.* at ¶¶ 63-72.

¹⁵ *Id.* at ¶¶ 73-76.

¹⁶ *Id.* at ¶¶ 77-93.

¹⁷ See *Gaudium et Spes* at ¶ 8.

recommendations made in *Gaudium et Spes* in the secular, civil culture of the United States?

I hope to give the reader an assessment of what has been done to date in implementing the Constitution, and second, a personal view of how the precepts of *Gaudium et Spes* can be invoked in the future. An important facet of this discussion consists of an initial examination of the extent to which the points of the Council concerning the betterment of humankind conflict with the secular culture of the United States, especially in view of the constitutional prohibition against the establishment of religion.¹⁸

It is my view that the First Amendment prohibition against the establishment of religion does not prevent those to whom *Gaudium et Spes* is addressed from taking action within the body politic to correct those political, economic, and social ills which plague our national and global communities. These ills rob hundreds of millions of people of the dignity which is their due. This is not to suggest that no action taken by the clergy, the faithful, or others inspired by the Pastoral Constitution may be challenged as action which may be prohibited by the First Amendment; however, in addressing this challenge in a responsible way, one must determine if this action establishes religion by imposing the worship of God (or a form of the worship of God) on people against their will or if it improves through the social and other teachings of the Church the condition of members of the different communities to which we belong by restoring, fully or at least partially, the dignity to which they are entitled but which they do not enjoy.

I suggest at this point that a good deal of public action taken by members of religious organizations (whose activity is inspired by moral and ethical values derived from their religious views) is not *per se* a violation of the establishment clause. This should become more clear when an Establishment Clause challenge uncovers evidence that the action demonstrates care and concern for the physical well-being of individuals and groups in our national and global society who have been denied, for example, adequate nutrition, shelter, suitable employment opportunities, access to education, peaceful coexistence with other nations, freedom from a polluted environment, the right to a future, etc.—things which many of us Americans take for granted as our *inalienable rights*. When we place ourselves in the position of those who do not share in or benefit from these same things which we can easily take for granted, our use of moral teachings based on religious beliefs—here, the social teachings of the Church as urged by *Gaudium et Spes*—to correct some of society's

¹⁸ See U. S. CONST. amend. I. The First Amendment reads in part, "Congress shall make no law respecting an establishment of religion." *Id.*

shortcomings makes common sense. Action designed to help the neighbor in trouble (the person whom we may not even think of as our neighbor, but who, like us, shares common needs and who experiences similar desires) emerges from the Catholic social tradition articulated by a document such as the Pastoral Constitution should not be prevented because someone can show that this action originates from a particular religious tradition.

Evidence exists demonstrating that social action taken by people who have *and share* moral values that emerge out of different religious traditions can make a meaningful, substantive, and much-needed contribution to the betterment of society *without* imposing their religious tradition on others without their consent.

In particular, *Gaudium et Spes* is the type of document which, while arising from the social teachings of the Catholic Church, when implemented in society at large, does not establish the Catholic religion by imposing its spiritual beliefs on the unwilling. Its broadly based language serves as one credible and creditable plan for bettering the condition of so many individuals who are in need of better food, clothing, shelter, medical care, educational and employment opportunities, etc. which we Americans demand for ourselves—because we “are endowed by [our] Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.”¹⁹

I further suggest that it is our strong American orientation toward obtaining and protecting individual rights which offers a basis to understand the Pastoral Constitution and the social contributions it can provide to the betterment of American and global society. It is also our national orientation toward rights that contributes to the problems to which Christian social teachings (such as those espoused by *Gaudium et Spes*) can respond. At this point, my discussion will take two paths. The first will address the steps which the hierarchy, faithful, and others have taken which, directly or indirectly, implement the substantive elements of the Pastoral Constitution. The second will assess certain components of our American political, social, and economic culture which have intensified rather than reduced, some of the sources that cause and perpetuate conditions that rob citizens of the American and international communities of their human dignity.

II. DEVELOPMENTS SINCE 1960

In commemorating the seventieth anniversary of Pope Leo XIII's encyclical *Rerum Novarum* in May of 1961, Pope John XXIII issued his now-famous encyclical *Mater et Magistra* (*Christianity and Social Pro-*

¹⁹ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

gress).²⁰ Shortly before the Second Vatican Council was summoned by John XXIII, he saw a need to re-examine the social issues which confronted his earlier predecessor Leo XIII. John XXIII identified "new aspects of the social question" which had not improved the conditions of countless human beings since Leo XIII had issued his encyclical on the social teachings of the Church.²¹ In particular, Pope John was concerned with the suffering due to problems from the "productive sector" (e.g., agriculture, requirements for public services, the need to overhaul particular economic systems, the desirability of social security and insurance plans, improving the conditions of rural workers, prompting more developed parts of the world to render assistance to less developed areas, facilitating justice between nations in conflict by promoting international cooperation, and devising appropriate ways of dealing with the subsistence of growing populations).²²

Pope John also identified a compelling need to reconstruct existing social relationships encountered in the diversity of world cultures.²³ This reconstruction was not to be limited to an explanation of the state of the world, according to the pope; it was to consist of applications designed to improve human conditions as well. John XXIII recognized that the laity would be instrumental in the implementation of the principles outlined in his encyclical.²⁴ The pope envisioned that this implementation would occur in three stages: first, by elevating human consciousness through observing accurately the real conditions in the world; second, by judging whether these conditions should be encouraged, tolerated, modified, or eradicated; and, third, by taking the necessary action supported by the first two stages.²⁵

Not only did John XXIII set the stage for the Second Council, he also provided much of the foundation for the Pastoral Constitution. As the Council stated in its introductory statement, while human power has been extended in virtually every direction and worldly enterprise, it "does not always succeed in subjecting it to [human] welfare."²⁶ With this gloomy backdrop, the Council was nonetheless optimistic about the hope for change when it concluded that "for the first time in human history all people are convinced that the benefits of culture ought to be and can be extended to everyone."²⁷ Still, the enthusiasm and optimism of the mem-

²⁰ This encyclical was subtitled "ON RECENT DEVELOPMENTS OF THE SOCIAL QUESTION IN LIGHT OF CHRISTIAN TEACHING."

²¹ *Mater et Magistra* at ¶¶ 122-206.

²² *Id.*

²³ *Id.* at ¶¶ 212-262.

²⁴ *Id.* at ¶¶ 233-241.

²⁵ *Id.* at ¶ 236.

²⁶ *Gaudium et Spes* at ¶ 4.

²⁷ *Id.* at ¶ 9.

bers of the Council were tempered with the realization that more human effort was still needed in order for these benefits to be enjoyed by the entire human family. As they said, "the council wishes to speak to all [people] in order to illuminate the mystery of man and to cooperate in finding the solution to the outstanding problems of our time."²⁸

It is noteworthy that the Council, while rejecting "root and branch" the atheism of contemporary times, acknowledged that "all [people], believers and unbelievers alike, ought to work for the rightful betterment of this world in which all alike live; such an ideal cannot be realized, however, apart from sincere and prudent dialogue."²⁹ Within the dialogue among all people, the Council hoped that all individuals would see that they form one community of humankind. Going beyond hope, the Council also sowed the seeds for potential cooperation among diverse peoples who might come to the assistance of those in need. The need to realize the common link between and mutuality among all people was based on the "growing interdependence of [people] one on the other" largely prompted by the advancement of modern technology.³⁰ While acknowledging the practical differences among people, the Council was adamant that physical distinctions could not be sources of discrimination that blind one person or one people from taking "account of the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family."³¹

The social commentary of the Council continued by assessing and defining the role of the Church in the contemporary world. As if it were allaying the fears of modern critics distrustful of the Church's presence in a secular world, the Council acknowledged that the Church has "no proper mission in the political, economic, or social order."³² Still, by being present in this very world, the Church, according to the Council, "can contribute greatly toward making the family of [people] and its history more human" through its members and through any and all attentive people of good will.³³

In 1965, the Council identified some problems of "special urgency" facing the human race across the world. The issues of particular interest to the Council focused on "marriage and the family, human culture, life in its economic, social, and political dimensions, the bonds between the

²⁸ *Id.* at ¶ 10.

²⁹ *Id.* at ¶ 21. It is this "prudent dialogue" which is largely absent from the discourse about the problems within American civil, political, social, legal, and economic culture today. I shall address this issue in greater detail in part III of this paper.

³⁰ *Id.* at ¶ 23.

³¹ See *Gaudium et Spes* at ¶ 26.

³² *Id.* at ¶ 42.

³³ *Id.* at ¶ 40.

family of nations, and peace."³⁴

Although the Council did not locate any of these "problems of special urgency" within any particular political or economic system, its discussion of grave issues certainly applies to the United States of the 1990s as well as the world of the 1960s. In assessing concerns about economic and social life, the Council recognized that imbalances within economic and social life can be found within "different parts of one and the same country."³⁵ For example, while the Council saw that an increase in production from the technological, agricultural, and industrial sectors of a society were generally desirable, the concentration of decision-making within a small group of people was ill-advised.³⁶ Within a U.S. context, one need only reflect on the "merger-mania" of the 1980s which concentrated economic and industrial power in fewer hands but did nothing to help and much to hinder the consumer and the worker.³⁷

Another urgent issue confronting the Church and the World in 1965 was the tension between the superpowers and the ensuing arms race. The Council declared that real peace "is not merely the absence of war; nor can it be reduced solely to the maintenance of a balance of power between enemies; nor is it brought about by dictatorship."³⁸ True peace among all people and all nations is a state in which justice prevails between persons and parties with actual or potential conflicting views of world-order.³⁹ Within the 1990s, the tensions between the superpowers (if indeed they exist today) have subsided. The arms race which the Council identified as "an utterly treacherous trap for humanity . . . which injures the poor to an intolerable degree"⁴⁰ has fortunately disappeared, at least for the time being, in the relationships between and among the industrialized powers of the world. Unfortunately, what has surfaced is a new military struggle within smaller, less developed countries.⁴¹ In short, the problems of special urgency which confronted the Council have not disap-

³⁴ *Id.* at ¶ 46.

³⁵ *Id.* at ¶ 63.

³⁶ See *Gaudium et Spes* at ¶¶ 64-65.

³⁷ See, e.g., D. Fanning, *The Executive Life: An Ethos for the '90's*, N.Y. TIMES, Jan. 13, 1991, at § 3, p. 23; S. Shepard, *Books and Business: Board Room Buccaneers*, N.Y. TIMES, Oct. 25, 1987, § 7, p. 28; K. Cricthon, *Business Forum: Galbraith on the Boesky Scandal: A Classic Case of "Euphoric Insanity,"* N.Y. TIMES, Nov. 23, 1986, § 3, p. 3.

³⁸ *Gaudium et Spes* at ¶ 78.

³⁹ *Id.* Integral to world peace is the need to safeguard personal well-being among all people.

⁴⁰ *Id.* at ¶ 81.

⁴¹ The daily news is filled with examples such as Burma, Cambodia, El Salvador, Haiti, Yugoslavia, etc. See e.g., T. Golden, *Salvador— Talks Fall Short of Goal*, N.Y. TIMES, Dec. 11, 1991, A12; P. Lewis, *U.N. Rebukes Burman Military for Refusing to Yield Power*, N.Y. TIMES, Nov. 30, 1991, § 1, p. 1; H. French, *The World: Between Haiti and the U.S. Lies a Quandary*, N.Y. TIMES, Nov. 24, 1991, § 4, p. 4; and, P. Lewis, *U.N. Peacekeepers Seen for Croatia*, N.Y. TIMES, Dec. 13, 1991, A6.

peared; rather, they have emerged in new arenas that were not identified or identifiable in 1965.

In 1967, Pope Paul VI reiterated the concerns about social, political, and economic issues forecasted earlier by John XXIII and detailed by the Council when he issued his own encyclical *Populorum Progressio* (*On The Development of Peoples*).⁴² As Paul VI stated,

[t]he principal fact that we must all recognize is that the social question has become world-wide. John XXIII stated this in unambiguous terms and the Council echoed him in its Pastoral Constitution on *The Church In The Modern World*. This teaching is important and its application urgent. Today the peoples in hunger are making a dramatic appeal to the peoples blessed with abundance. The Church shudders at this cry of anguish and calls each one to give a loving response of charity to this brother's cry for help.⁴³

Pope Paul continued the notion advanced by his predecessors and the Council that while the Church may not be *of* this world it is *in* this world. While he avoided the appearance of interference with the politics of governments and states, he nevertheless urged that the Church and its members must "scrutinize the signs of the times and interpret them in the light of the Gospel."⁴⁴ Being a man of his times, Paul VI broke a longstanding tradition by being the first pope in centuries to leave the Vatican on official business. He took the initiative to meet with world leaders when he travelled to New York and the United Nations in 1965. A year earlier, he travelled to Jerusalem, Jordan, Lebanon, and India to proclaim the Good News.

With the benefit of his own examination of the "signs of the times," Paul VI bluntly concluded that "[t]he world is sick."⁴⁵ The illness of global society, while traceable to the contributions made by the "monopolization of resources by a small number of [people]," was more attributable to the absence of fraternity among individuals and nations than to the systematic plan by some to deprive others.⁴⁶ In moving language that he hoped would clearly articulate his view, the pope said,

[t]he present situation must be faced with courage and the injustices linked with it must be fought against and overcome. Development demands bold transformations, innovations that go deep. Urgent reforms should be undertaken without delay. *It is for each one to take his share in them with generosity, particularly those whose education,*

⁴² *Populorum Progressio* at ¶ 3.

⁴³ *Id.*

⁴⁴ *Id.* at ¶ 13 (quoting from *Gaudium et Spes* at ¶ 4).

⁴⁵ *Id.* at ¶ 66.

⁴⁶ *Id.*

position and opportunities afford them wide scope for action.⁴⁷

In the final part of this encyclical, Paul VI made an appeal to Catholics to recognize and acknowledge their respective roles in "renewing the temporal order."⁴⁸ But these remarks were not restricted to the members of the Catholic faith: they were also extended to other Christians and to "all [people] of good will" who could "expand their common cooperative effort in order to help [humanity] vanquish selfishness, pride and rivalries, to overcome ambitions and injustices, to open up all the road to a more human life, where each [person] will be loved and helped as [kin] and as . . . neighbor."⁴⁹ But Paul VI was more than a man of words; he also labored on the issues of regional and world peace and social justice, particularly in troubled areas such as Central America, Africa, the Middle East, and Vietnam.

A few years after Paul VI issued *Populorum Progressio*, he convened the Synod of Bishops in 1971. At this synod, the bishops continued to give more clear definition to the role of the faithful and people of good will in the realm of temporal affairs. The bishops focused this discussion through the lens of justice:

Actions on behalf of justice and participation in the transformation of the whole world fully appear to us as a constitutive dimension of the preaching of the Gospel, or, in other words, of the Church's mission for the redemption of the human race and its liberation from every oppressive situation.⁵⁰

This tradition continued in some new ways with the accession of John Paul II to the papacy. In his encyclical *Laborem Exercens (On Human Work)* issued on September 14, 1981, the current pope acknowledged his debt to the Council in his discussions of "Man's Activity Throughout the World" and the urgent problems examined in "Socio-Economic Life."⁵¹ As his outlook on contemporary social issues crystallized, John Paul II issued the encyclical *Sollicitudo Rei Socialis (On Social*

⁴⁷ *Populorum Progressio* at ¶ 32 (emphasis added).

⁴⁸ *Id.* at ¶ 81.

⁴⁹ *Id.* at ¶¶ 82-83. In his book, *THE MAKING OF MORAL THEOLOGY: A STUDY OF THE ROMAN CATHOLIC TRADITION*, Oxford, 1987, [hereinafter *THE MAKING OF MORAL THEOLOGY*] John Mahoney, S.J. states that the bishops at the Council were attempting to express the mission of the Church through the lens of diversity. As he says,

[i]t may at first appear that totality and diversity cannot be compatible, since one appears to refer to unity and the other to differences. The point to be made, however, is that diversity in this context does not have to do with viewing the several parts of the whole, but refers to viewing the whole, or the totality, in a diversity of different ways.

Id. at 321.

⁵⁰ Synod of Bishops, *Justice In The World*, 1972, USCC edition, at 34.

⁵¹ See *supra* notes 23, 27, and *infra* notes 79, 87, 90, and 91 in *Laborem Exercens*.

Concern) in December of 1987. In this exhortation, he first paid homage to Leo's *Rerum Novarum* and Paul VI's *Populorum Progressio*; he also "reaffirm[ed] the continuity of the [Church's] social doctrine as well as its constant renewal."⁵²

John Paul identified the effort of Paul VI as both a response to and an application of the Council's Pastoral Constitution.⁵³ In his tracking of the issues raised by the Council, John Paul focused his attention on those addressing the "specific problem of the development and underdevelopment of peoples."⁵⁴ While not departing from the concerns identified by his predecessor and the Council, John Paul gave special attention to issues having particular relevance to the 1980s, i.e., human rights, world debt, discrimination, homelessness, terrorism, the ecology, abortion, and euthanasia.⁵⁵

As with his predecessors in the papacy and with the Council, John Paul did not offer specific solutions within the context of the reform of political, social, and economic institutions.⁵⁶ Rather, he followed the tradition that the Church has the mission to awaken the consciences of Catholic and Christian, Jew and Moslem, and all other people of good will to "expend their efforts in the search of the always relative happiness which is possible in this world."⁵⁷

The most recent contribution of John Paul II to the debate on the role of the Church in addressing the issues of contemporary society is his encyclical *Centesimus Annus* (On The Hundredth Anniversary Of *Rerum Novarum*).⁵⁸ The text of this encyclical acknowledges the pope's debt to the Pastoral Constitution and Paul VI's *Populorum Progressio*.⁵⁹

I characterize John Paul's social message in this encyclical as moving the consciousness of the person from the "rights of me alone" to the "well-being of the ecology of the community of individuals." Within the community of human beings, John Paul raises several issues which, if pursued, would make the world a better environment for human beings. Initially, he talks about peace between and among people as an attempt by individuals and communities to reconcile their differences.⁶⁰ While this notion certainly applies to the relations between nation-states, it is also related to a more practical and direct concept of reconciliation that arises on the individual level, i.e., a reevaluation of the consumer or affluent

⁵² *Sollicitudo Rei Socialis* at ¶¶ 1-3.

⁵³ *Id.* at ¶ 6.

⁵⁴ *Id.* at ¶ 7.

⁵⁵ *Id.* at ¶¶ 11-26.

⁵⁶ *Id.* at ¶ 41.

⁵⁷ *Sollicitudo Rei Socialis* at ¶¶ 41, 47.

⁵⁸ *Centesimus Annus*, May 1, 1991.

⁵⁹ *Id.*; see generally notes 38, 53, 55, 61, 67, 68, 72, 75, 81-84, 92, 98-99, 105, and 112.

⁶⁰ *Id.* at ¶ 18.

society.⁶¹ In other words, the need to reconcile with one's neighbors has global implications concerning the eradication of war and other devastating conflicts and domestic implications concerning the attitude of caring for our less fortunate neighbor (as we care for ourselves). This is especially true in our American context when we accept and adopt the Madison Avenue advertising line that "I deserve" this product or that product, even though my "neighbor" may be starving. The "ego" in our culture is promoted and protected; the neighbor, however, is not. As the Pope says,

It is not wrong to want to live better; what is wrong is a style of life which is presumed to be better when it is directed towards "having" rather than "being," and which wants to have more, not in order to be more but in order to spend life in enjoyment as an end in itself. It is therefore necessary to create lifestyles in which the quest for truth, beauty, goodness and communion with others for the sake of the common growth are the factors which determine consumer choices, savings, and investments I am referring to the fact that even the decision to invest in one place rather than another, in one productive sector rather than another, is always a moral and cultural choice.⁶²

Interestingly and importantly, John Paul, while raising the traditional issues of consumerism, economics, and distributive justice does so in the novel context of ecology. He raises the relevance of these traditional Catholic social teachings issues first in the context that the consumerist tendencies of some individuals ultimately take a great toll on the natural environment, that is, through the exploitation and development of natural resources that are either not replenished or improperly replenished. Absent from the popular consumer-oriented mentality is a conscious concern for *our* common good with other people and future generations and the duties and obligations owed to them by those of us responsible for the current pace of development that serves only a small minority of the human family.⁶³ As we think about John Paul's exhortation concerning the excessive and disordered use by a minority of precious natural resources given to all human beings by God, we see the relevance of the pope's words to human-generated problems such as deforestation (e.g., the Brazilian rain forest), air and water pollution (e.g., industrial and auto emissions; ocean dumping of toxic and biological wastes), and poisoning of the earth (e.g., imprudent or illegal toxic waste dump sites). It is clear to the pope that we are beginning to suffer adverse consequences of unsound ecological policies that betray the stewardship God gave to us over all the rich resources of nature. Sadly, if these proce-

⁶¹ *Id.* at ¶ 19.

⁶² *Id.* at ¶ 36.

⁶³ *Centesimus Annus* at ¶ 37.

dures continue unregulated or inadequately controlled, our children and their children will reap the even greater misery from the environmental time bomb.

As the pope points out, this kind of development and the toll it takes on the natural environment is also responsible for the destruction of the "human environment." As the pace of development rapidly progresses to satisfy the consumer appetites of the few, a great levy is placed on the individual, the family, friendships, and society at large that support the destructive habits fostered by consumerism.⁶⁴ The individual, as a distinct member of any community, becomes of secondary importance to those who seek their own pleasure, comfort, or exercise of "fundamental rights" *at the expense of others who are equally entitled to the same rights.*

The pope's basic point is that each person enjoys a similar claim to life and the opportunities which life can, does, and should offer to each individual. Systems, methods, even religions when they claim a monopoly or higher truth to be imposed on others against their will fuel the attitude of "me first." Ideas and notions about what is right and who is due what will often conflict; but, what is essential to the mission of the Church and all people of good will is the proclamation and practice of the fact that,

[T]he most important of [human] rights [is] the right to life, an integral part of which is the right of the child to develop in the mother's womb from the moment of conception; the right to live in a united family and in a moral environment conducive to the growth of the child's personality; the right to develop one's intelligence and freedom in seeking and knowing the truth; the right to share in the work which makes wise use of the earth's material resources, and to derive from that work the means to support oneself and one's dependents; and the right freely to establish a family, to have and to rear children through the responsible exercise of one's sexuality.⁶⁵

For John Paul, the first and perhaps best way to accomplish these goals for the good of the individual and the communities in which individuals live is through the principle of subsidiarity, that is,

A community of higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.⁶⁶

There is the suggestion made by this pope that one of the greatest

⁶⁴ *Id.* at ¶ 38.

⁶⁵ *Id.* at ¶ 47.

⁶⁶ *Id.* at ¶ 48.

challenges in the world today is the need to overcome the pervasive individualistic mentality that seems to fuel many of the problems facing both the world and the human community by replacing it with the "concrete commitment to solidarity and charity."⁸⁷ The pope seeks a balance between the excesses of individualism and those of collectivist, oppressive regimes embodied in some forms of communism. This suggestion gets better definition in the sense that the best, authentic development of the individual person is within the context of the individual exercising creativity, intelligence, and knowledge so that others, as well as the self, benefit. This development may mean that,

[M]aking important changes in established lifestyles, in order to limit the waste of environmental and human resources, thus enabling every individual and all the peoples of the earth to have a sufficient share of those resources. In addition, the new material and spiritual resources must be utilized which are the result of the work and culture of peoples who today are on the margins of the international community, so as to obtain an overall human enrichment of the family of nations.⁸⁸

While recognizing the different missions of the Church and the body politic, the fundamental questions facing the global community cannot be simply addressed

[A]s a matter of economic production or of juridical or social organization, but also calls for specific ethical and religious values, as well as changes of mentality, behavior and structures [T]here is a reasonable hope that the many people who profess no religion will also contribute to providing the social question with the necessary ethical foundation.⁸⁹

In drawing this portion of my discussion to a close, the tradition of the Church's social teachings, as focused by *Gaudium et Spes* leads to the following general points. First of all, the tradition of the Catholic Church in the realm of its social teachings prompts its members (clerical, lay, and religious) as well as "all people of good will" to extend themselves into the world of their daily lives to help those they encounter who are less fortunate than themselves. Most directly, we are called as witnesses of faith (or witnesses of good will) to extend our concern and care to those who are in need of whatever it is that we can give to them. Sometimes this means that we must insert ourselves into their realm and physically give of our lives, our fortunes, and our labors. In many other instances, our involvement with those in need gets translated into exerting our political, economic, and social influence by participating in whatever ways

⁸⁷ *Id.* at ¶ 49.

⁸⁸ *Centessimus Annus* at ¶ 52.

⁸⁹ *Id.* at ¶ 60.

we can to mold the policies made by governments, corporations, and other institutions which affect the lives of those who suffer.⁷⁰ I agree with Avery Dulles that "Christian illumination is not to be found in withdrawal from worldly occupations, but in situations of generous involvement and service toward others."⁷¹

Although recent popes and the Council speak in terms of advancing and preserving important human rights essential to the advancement of human dignity, it must be understood that these rights of the individual are not to be regarded as absolute; they must be viewed in the light of one individual's rights in relation to the other individual's rights, and then all individual rights must be viewed in the context of the common good. Although I shall be examining the relationship of individuals' rights in my discussion of the impact of the Church's social teachings on U.S. culture in the next section, I point out here that each person's important rights must always be tempered by that individual's corresponding obligations and the duties owed to other people. As David Hollenbach has suggested,

The discussion of justice in terms of relative rights and mutual duties is characteristic of the entire modern Catholic tradition. It is based on the conviction that one cannot specify the meaning of *suum cuique* without examining the social relationships, patterns of mutuality and structures of interdependence which bind human beings together in communities Though justice demands respect for human rights as the imperious claims of individual dignity and worth, these rights are always "relative." More precisely, they can be neither specified nor understood apart from the web of social interdependence which entails mutual obligation and duty.⁷²

Briefly, it ought to be pointed out that in most discussions of the Catholic social teachings tradition, the notion of *justice* must be viewed in at least three ways. The first understanding of justice is "commutative justice," that is, the right and moral relations between and among individuals. Next there is distributive justice, which imposes the norm that individuals are entitled to those goods and services necessary to sustain life and a lifestyle that should be accorded to everyone. This notion of justice goes beyond the realm of the interpersonal by bringing in a per-

⁷⁰ See Joseph Fuchs, S.J., *A Harmonization of the Conciliar Statements On Christian Moral Theology*, in 2 VATICAN II: ASSESSMENT AND PERSPECTIVES, 485-89 (Rene Latourelle ed., 1989).

⁷¹ Avery Dulles, S.J., *The Meaning of Faith Considered in Relationship to Justice*, in THE FAITH THAT DOES JUSTICE: EXAMINING THE CHRISTIAN SOURCES FOR SOCIAL CHANGE 18 (John Haughey, S.J., ed. 1977) [hereinafter THE FAITH THAT DOES JUSTICE].

⁷² David Hollenbach, S.J., *Modern Catholic Teachings Concerning Justice*, in THE FAITH THAT DOES JUSTICE 210 (John Haughey, S.J., ed., 1977).

son's relationships with public and private institutions such as governments and corporations. Last of all there is social justice, which places individuals in right relationship with those public (i.e., government) institutions which make decisions and policies affecting the welfare of human beings found in political subdivisions as well as the entire planet.⁷³ Within the tradition of the social teachings of the Church, the most fundamental point regarding each of these dimensions of justice is that justice "cannot be realized in a society in which some citizens are prevented from sharing in the decisions that shape the basic structures which determine their fate."⁷⁴

As a means of transition into the second part of my discussion, I wish to identify at this point what is a common theme that courses throughout the discussion on the social teachings of the Church in light of the Pastoral Constitution. This theme concerns the fact that each human being is a balanced composition of both social being as well as individual person. Each person is interdependent with others; as the song goes, "no one is an island." This interdependence brings up the further notion that the human being is, for good or bad, a member of a community or communities. It is this identification and relationship with community that intensifies the contribution which the Church's social teachings can make to a more just and better world in which the suffering caused by one human and experienced by another can be reduced, if not eliminated.

John Mahoney has offered valuable insight into this relationship of one individual with another through community:

The totality of the Church, then, is to be seen as the primary agent of moral theology As a communion of all Christian believers, or "the *koinonia* of the saints," it is a hospitable concept It is coming to embrace in increasing awareness those who, despite their tragic disunities within the fellowship, share "the *koinonia* in the gospel" And it also embraces all others who may know the God of Jesus Christ but who have nevertheless been "called into the fellowship of his Son . . ." In so perceiving itself as the place and the agent of moral theology, the Church at the same time receives as its charge the gift and the task of deepening not only its own, but also all men's fellowship *with each other and with God*, in whose own nature all are called to be sharers⁷⁵

III. THE IMPACT OF VATICAN II IN THE UNITED STATES

The second component of my discussion addresses the fundamental

⁷³ *Id.* at 219-20.

⁷⁴ *Id.* at 223.

⁷⁵ MAHONEY, *supra* note 49, at 345 (emphasis added).

issue of whether the Pastoral Constitution and the succeeding developments in the Church's social teachings have had an impact specifically in the United States. If the answer to this question is in the affirmative, what then has that impact been? If it has not had any effect of note, why has it not? Related to this last question is: if the Pastoral Constitution has not as yet had any effect on U.S. culture, how might it have one in the future, and what might be done within the Church to implement this?

The political and social culture of the United States on the one hand provides an open and generally free environment for a person to follow and practice any or no religious faith. At the same time, there are safeguards restricting the degree to which a person or group can impose its religious practices on the rest of society.⁷⁶ However, anyone concerned with the issue of the separation between church and state in the American culture ought to appreciate the distinction between religious practices involving the worship of a deity that are alien, and sometimes abhorrent, to other members of the same political/social culture *and* the participation in the body politic of those who hold religious views when they exercise their roles as citizens.

In other words, there is a qualitative distinction between imposing any form of worship or a particular style of worship against an unwilling person and the exercise of civic duties which involve the use of moral views that emerge from the religious tradition of some citizens.⁷⁷ While I shall explore this topic more fully below, I point out at this stage that one cannot equitably claim, for example, that a person who is opposed to an absolute right to an abortion is denied the opportunity to participate in public policy making on this subject because his or her view emanates from that person's religious tradition, while at the same time a person who advocates a position in favor of abortion on demand is entitled to mold public policy on this issue even though he or she feels free to do so based on some other religious heritage or no religious tradition.

Bruce Ackerman, a legal scholar and professor of law at Yale Law School, has identified political and social life with "the struggle for power."⁷⁸ In his book *Social Justice In The Liberal State*, he advocates the need for people "to join the struggle for a polity in which liberal dialogue achieves a breadth and depth previously unknown."⁷⁹ In his impressive work, Professor Ackerman engages in his own struggle to identify a

⁷⁶ See *supra* note 18.

⁷⁷ See generally Robert Araujo, S.J., *The Teaching Authority of the Church and American Society: A Voice Crying in the Wilderness*, 34 CATH. LAW. 143 (1991); see also Robert Araujo, S.J. *Fetal Jurisprudence— A Debate in the Abstract*, 33 CATH. LAW. 203 (1990).

⁷⁸ BRUCE ACKERMAN, *SOCIAL JUSTICE IN THE LIBERAL STATE* 3 (1980) (stating "So long as we live, there can be no escape from the struggle for power.").

⁷⁹ *Id.* at 30.

preferable means of developing a culture in which the individual's freedom and justice become almost synonymous with one another.⁸⁰ He points out that a "liberal state" need not pit the individual against the community *if* the liberal state cultivates individual rights which are "constructed through a social dialogue."⁸¹ What is absent from his construction of the liberal state, i.e., his goal is a sense of strong community and of service to the other which, as we have seen, is an important component of public life that is projected by the Pastoral Constitution. As Ackerman posits,

Not only is each citizen of a liberal community free from any obligation to love his neighbor, he is even free to believe that his neighbor is a despicable creature who is wasting his own life and corrupting the lives of those stupid enough to call him friends [T]he fundamental bond which binds them *all* [i.e., citizens] together is not one of fraternity in any meaningful sense of the word. What is forged instead is a bond that ties citizens together without forcing them to be brothers; liberal conversation provides a communal process that deepens each person's claim to autonomy at the same time that he recognizes others as no less worthy of respect. Liberty, Equality, Individuality are the watchwords of the liberal state Instead of ignoring our social dependence, liberalism can be understood as making a subtler point about the way this dependence should be structured. In a liberal state, *all other forms of social dependence are subordinated to the dialogic process of Neutral conversation.*⁸²

However, Professor Ackerman's is not the only voice commenting on the traits, be they desirable or not, of a contemporary "liberal state." In writing *Habits of the Heart: Individualism and Commitment in American Life*, Robert Bellah and his several co-authors⁸³ have similarly pursued identifying the desirable traits, if not the ideals themselves, for a better national culture and community in which the needs of all are met. The goal of this collaborative effort was to address the normative question: "How ought we to live?"⁸⁴ In conducting their sociological studies

⁸⁰ *Id.* at 375.

⁸¹ *Id.* at 347.

⁸² *Id.* (emphasis added). It should be pointed out that other contemporary legal philosophers writing about the social and political institutions are quite critical of any notion accepting that neutrality really exists in developing rules by which a contemporary liberal society can exist. See, e.g. the series of essays critiquing the presumption that these institutions are founded on rational, neutral, and objective principles in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* (D. Kairys, ed., 1982).

⁸³ ROBERT BELLAH, RICHARD MADSEN, WILLIAM SULLIVAN, ANN SWIDLER, & STEVEN TIPTON, *HABITS OF THE HEART: INDIVIDUALISM AND COMMITMENT IN AMERICAN LIFE* (1985) [hereinafter *HABITS OF THE HEART*].

⁸⁴ *Id.* at vii.

(which in large part were based on interviews with over two hundred people⁸⁵), the authors found that many of the people they interviewed were "eager to discuss the right way to live, what to teach our children, and what our public and private responsibilities should be . . ."⁸⁶ A secondary goal of the authors was to "help transform this inner moral debate . . . into public discourse."⁸⁷

A source of inspiration prompting Bellah's investigation was the research of Alexis de Tocqueville and his book *Democracy In America*.⁸⁸ For the authors of *Habits of the Heart*, the survival of American political and social institutions is based on the relationship between public and private life.⁸⁹ In conducting their investigation, the authors came up with the following principal conclusions: first of all, freedom, which they found to be one of the most if not the most important American value, often means "being left alone by others, not having other people's values, ideas, or styles of life forced upon one."⁹⁰

Another important value held by Americans is justice. Bellah and his colleagues discovered that the American political and social tradition frequently views justice as "a matter of equal opportunities for every individual to pursue whatever he or she understands by happiness."⁹¹ These authors, however, note that this conception of justice widely held by Americans does not hold a view of "what the distribution of goods in a society would end up looking like if individuals had an equal chance to pursue their interests."⁹² In conducting their research and interviews, the authors came to the conclusion that "most Americans are, in fact, caught between ideals of obligation and freedom."⁹³

A further dimension in which tension emerges for many of those in-

⁸⁵ *Id.* at ix-x.

⁸⁶ *Id.* at vii.

⁸⁷ *Id.* The authors stated that the "fundamental question we posed, and that was repeatedly posed to us, was how to preserve or create a morally coherent life." *Id.*

⁸⁸ See HABITS OF THE HEART, at vii, where the authors state that de Tocqueville [W]arned that some aspects of [American] character— what he was one of the first to call "individualism"— might eventually isolate Americans one from another and thereby undermine the conditions of freedom.

The central problem of our book concerns the American individualism that de Tocqueville described with a mixture of admiration and anxiety . . .

Taking our clue from de Tocqueville, we believe that one of the keys to the survival of free institutions is the relationship between private and public life, the way in which citizens do, or do not, participate in the public sphere.

Id.

⁸⁹ *Id.*

⁹⁰ *Id.* at 23.

⁹¹ *Id.* at 25.

⁹² *Id.* at 25-26.

⁹³ HABITS OF THE HEART, *supra* note 83, at 102.

terviewed is the relationship between church and state, or between the degree to which religious faith and public life conflict with or complement one another. As they discovered, while most Americans "overwhelmingly accept the doctrine of the separation between church and state, most of them believe, as they always have, that religion has an important role to play in the public realm."⁹⁴ They have found that the "public church," to borrow Martin Marty's phrase, facilitates dialogue about the common good that helps all people.⁹⁶

Bellah and his co-authors suggest that as a result of the Second Vatican Council, the Roman Catholic Church has become much more involved in the debate about public issues than it ever had before.⁹⁶ It is certainly possible that this new role of the Catholic Church (which they identified can be correlated to the public role that the members of the Church were urged to assume) has in fact taken hold. In particular, there could well be correlation between this finding and another one that there is some common commitment to the good that most Americans hold as important.⁹⁷

Even in the face of these different tensions, it struck the authors that in the sometimes-narcissistic, sometimes-consumerist oriented culture of the United States, there is still some sense that the hope of people like Madison, de Tocqueville, and Debs—that there is a public virtue that can resolve the conflict between "private interest and the public good"—exists today.⁹⁸ This hope emerged in some of the interviews the

⁹⁴ *Id.* at 219.

⁹⁶ *Id.* at 239. In writing from a Protestant perspective, Martin Marty has suggested that while tension exists on many fronts between church and state, many Christian Americans see a nexus between the public and political order and moral values and activity. MARTIN MARTY, *BEING GOOD AND DOING GOOD* 110-28 (1984). In his book, *THE PUBLIC CHURCH* (1981), this same author states that the members of the "public church" are called "individually and collectively to be faithful to the Christian, public, and common weal." *Id.* How the public church is to do this is open to debate, but Marty suggests that while there may be confrontation in the debate,

[I]t may be that two or more voices will emerge from the conversation. But they will have heard each other as they now do not. Clinical, legal, commercial, consumer, and theological languages will come together Theological assumptions animate the probes The public church and its subcommunities will not have and should not seek to claim the whole domain for themselves. But they have a special calling to speak up for the Word they hear among the people who live by their story and, through them, speak to the larger community.

Id. at 166.

⁹⁸ *HABITS OF THE HEART*, *supra* note 83, at 238.

⁹⁷ *Cf. id.* at 140.

⁹⁸ *Id.* at 270-71. A pertinent finding of Bellah *et al* was that,

[F]ew have found a life devoted to "personal ambition and consumerism" satisfactory, and most are seeking in one way or another to transcend the limita-

authors conducted even though there was also the despair "that the promise of the modern era is slipping away."⁹⁹ As the authors discovered,

[The people interviewed] realize that though the processes of separation and individuation were necessary to free us from the tyrannical structures of the past, they must be balanced by a renewal of commitments and community if they are not to end in self-destruction or turn into their opposites. Such a renewal is indeed a world waiting to be born if we only had the courage to see it.¹⁰⁰

While they did not discover this as a trend, the authors nonetheless reach a conclusion that is consistent with the approach to public life that emanates from the Pastoral Constitution and its view about the future of humankind if the signs of the times are not accurately interpreted. Bellah and company acknowledge that "[i]t has been evident for some time that unless we begin to repair the damage to our social ecology, we will destroy ourselves long before natural ecological disaster has time to be realized."¹⁰¹ When the authors wrote this seven years ago, they saw a pressing need to integrate the concern for the individual with the concern for society. However, the tendency that continued to emerge was "the effort to increase our freedom, wealth, and power"—a mirage that presumably would lead to the "acquisition of ever-increasing status, income, and authority, from which genuine freedom is supposed to come Yet we seem to be hovering on the very brink of disaster"¹⁰² While the tensions between nations, especially the superpowers that existed in 1985 when they wrote have subsided in 1991, the "internal incoherence" which was also leading the way to "disaster" continues with a rise in unemployment, underemployment, deterioration of education at all levels, a reduction in important social/human services, and an ever-widening gap between haves and have-nots. In short, these writers suggest that, "[w]e have committed what to the republican founders of our nation was the cardinal sin: we have put our own good, *as individuals*, as groups, as nations, ahead of the common good."¹⁰³

It is important to note that these investigators indicate that the "litmus test" for "assaying the health of a society is how it deals with the

tions of a self-centered life. If there are vast numbers of a selfish, narcissistic "me generation" in America, we did not find them, but we certainly did find that the language of individualism, the primary American language of self-understanding, limits the way in which people think.

⁹⁹ *Id.* at 290.

⁹⁹ *Id.* at 277.

¹⁰⁰ *Id.*

¹⁰¹ HABITS OF THE HEART, *supra* note 83, at 284.

¹⁰² *Id.*

¹⁰³ *Id.* at 285 (emphasis added).

problem of wealth and poverty."¹⁰⁴ Bellah and his colleagues are not the only ones to have noted the correlation between the self-destruction of a society and its indifference to the status of the less fortunate. As I have pointed out above in Part I, the Catholic Church has urged recognition of this fact and the Gospel response to it not only on its membership but on all people of good will. This attitude reflects that of the ancient tradition found in some Middle East cultures of caring for the poor.¹⁰⁵

Bellah and his fellow researchers conclude their remarkable and innovative work with the insight that "[o]ur problems today are not just political. They are moral and have to do with the meaning of life."¹⁰⁶

Their concluding recommendation reflects the work of the Council twenty years earlier:

Perhaps enduring commitment to those we love and civic friendship toward our fellow citizens are preferable to restless competition and anxious self-defense. Perhaps common worship, in which we express our gratitude and wonder in the face of the mystery of being itself, is the most important thing of all. If so, we will have to change our lives and begin to remember what we have been happier to forget.

We will need to remember that we did not create ourselves, that we owe what we are to the communities that formed us We will need to see the story of our life on this earth not as an unbroken success but as a history of suffering as well as joy. We will need to remember the millions of suffering people in the world today and the millions whose suffering in the past made our present affluence possible.

Above all, we will need to remember *our* poverty.¹⁰⁷

But how might the position of the Church be injected more forcefully into this national self-examination and discussion without disturbing the legitimate concerns which fostered the important constitutional concept that prohibits the establishment of religion? Bellah and company seem to suggest that the voice of the Church is an important and welcome element of this discourse. But they do not indicate how this might be done.

¹⁰⁴ *Id.*

¹⁰⁶ See generally NORBERT LOHFINK, S.J., *OPTION FOR THE POOR: THE BASIC PRINCIPLE OF LIBERATION THEOLOGY IN LIGHT OF THE BIBLE* 14, 18, 23 (1987). As Fr. Lohfink states,

God's plan for the transformation of the world proceeds by means of a contrast-people. But one can enter this new society only by following Jesus. There is no cheap route divorced from faith. Anyone who interprets the central texts of the Bible concerning the poor as meaning some kind of aid for the poor that is possible without faith and without transformation of the world within the believing community, is misusing these texts and is not doing them justice.

Id. at 78.

¹⁰⁶ *HABITS OF THE HEART*, *supra* note 83, at 295.

¹⁰⁷ *Id.* (emphasis added).

Martin Marty agrees that religion plays and will play "surprisingly strong private, spiritual, and public roles" in our secular and pluralistic society.¹⁰⁸ At the same time, he adds that there seems to be no danger of the United States becoming a theocratic state in which cultural and religious pluralism are threatened.¹⁰⁹ The participation of religious groups in political society will take place through vaguely defined "selective missions in the awesomely rich and complex American spiritual environment."¹¹⁰

Several years before the Council was convened, John Courtney Murray began to establish a part of the foundation as to how this might be accomplished. Fr. Murray recognized the issue in the following way:

Within the problematic of a Christian humanism the question here is whether this concept of the people in their relation to the temporal power can and ought to be accepted. Can the human value in the statement that the people shall judge the prince and the legislative act—as well as elect him, limit his powers, and direct the manner of their exercise—be affirmed? Can all its implications be loyally accepted? Nature has made the statement. Is the work of grace one of contradiction, or of transformation? Heretofore the Catholic answer has been somewhat ambivalent The question now is, whether this ambivalent attitude is any longer either intellectually or morally respectable, whether it takes proper account of the realities in the situation and of the special affirmation of the human that America has historically made.¹¹¹

Being the practical American as well as the faithful Christian, Murray understood the tension and compatibility between this "kingdom" of American democracy and the Kingdom of God. Yet, he concluded that once this distinction between Christian humanism and the American position were understood or at least appreciated, the advocate of the Christian view, the Catholic view, "is prudent, even cautious, in the area of practice. [The Church's] concrete counsels to her children have not the same confidence as her doctrinal statements; they are touched with an accent of warning, even fear. *She boldly urges the truth; she carefully guides action.*"¹¹² Two concrete examples of the teaching authority of the

¹⁰⁸ MARTIN MARTY, *RELIGION AND REPUBLIC: THE AMERICAN CIRCUMSTANCE* 338 (1987).

¹⁰⁹ *Id.* at 339. Seymour Martin Lipset gives some insight into how this is the case. He suggests that members of American religious groups have often been numerical minorities throughout much of history. These individuals therefore have an interest in preserving democratic institutions that protect minorities from majorities. Political parties also court these minorities and rely on their political support. See Seymour Martin Lipset, *Religion and Politics in the American Past and Present*, in *RELIGION AND SOCIAL CONFLICT* 69-70 (1964).

¹¹⁰ MARTY, *supra* note 108, at 343.

¹¹¹ JOHN COURTNEY MURRAY, S.J., *WE HOLD THESE TRUTHS: CATHOLIC REFLECTIONS ON THE AMERICAN PROPOSITION* 182-83 (1960).

¹¹² *Id.* at 195 (emphasis added). This sentiment echoes the tradition that the Church, while

Church¹¹³ boldly urging the truth but carefully guiding action were the U.S. bishops pastoral letters on (1) war and peace¹¹⁴ and (2) Catholic social teachings and the U.S. economy.¹¹⁵ The letter on war and peace is quick to point out the source of guidance it inherited from the Pastoral Constitution when the bishops referred to the instruction in *Gaudium et Spes* on "how to relate principles to concrete issues."¹¹⁶ Integral to the discussion offered by the bishops is the fact that their counsel is not simply addressed to Catholics, nor only to people of good will. Their statements are also addressed to the entire human family, for it is the global community which shares the same outcome of world peace or world war: all will benefit from the former; all will suffer from the latter. The care with which the bishops develop their argument should appeal to any reasonable person. As moral teachers, they see both need and benefit to help mold consciences that will be sensitive to the implications of nuclear war.¹¹⁷ They are practical in their advice: while recognizing the legitimate need of people to defend themselves against unwarranted aggression, the bishops simultaneously see the danger of using thermonuclear weapons which threaten annihilation and do not cultivate an environment of dispute resolution.¹¹⁸ While affirming the secular interests their moral teachings serve, the bishops do not hesitate to reveal how these teachings emerge from the moral values of religious tradition:

We readily recognize that we live in a world that is becoming increasingly estranged from Christian values. In order to remain a Christian, one must take a resolute stand against many commonly accepted axioms of the world We must continually equip ourselves to profess full faith of the Church in an increasingly secularized society. We must develop a sense of solidarity, cemented by relationships with mature and exemplary Christians who represent Christ and his way of life.¹¹⁹

Three years after the letter on war and peace was issued, the bishops exercised a further opportunity to use their moral teaching office to touch

an "an expert in humanity," does not immerse itself in the operations of political and economic institutions. See e.g., *Gaudium et Spes* at 42; *Sollicitudo Rei Socialis* at 41.

¹¹³ AVERY DULLES, S.J., *MODELS OF THE CHURCH* 37-38, 87, 177 (1978).

¹¹⁴ NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *THE CHALLENGE OF PEACE: GOD'S PROMISE AND OUR RESPONSE*, 1983.

¹¹⁵ NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *Economic Justice For All, PASTORAL LETTER ON CATHOLIC SOCIAL TEACHING AND THE U.S. ECONOMY* (1986). See generally Joseph Joblin, S.J., *The Implications of the Teaching of Gaudium et Spes on Peace*, in *2 ASSESSMENT AND PERSPECTIVES* 482-95 (Rene Latourelle ed., 1989).

¹¹⁶ *THE CHALLENGE OF PEACE*, *supra* note 114, at ¶¶ 8, 13, 14, 63, and 65.

¹¹⁷ *Id.* at ¶ 139.

¹¹⁸ *Id.* at ¶ 221.

¹¹⁹ *Id.* at ¶ 277.

the minds and hearts of those citizens concerned about and involved with the state of the American and world economies. In *Economic Justice For All*, they demonstrated that American society, through its public and private components, has the responsibility to promote human dignity and preserve the rights of every human being.¹²⁰ This is especially the moral duty of the institutional democracy and its members where values such as liberty, equality, opportunity, and justice for all are cherished.¹²¹ While acknowledging the importance of these values, especially equality and justice in the American culture, the bishops properly point to the paradoxical reality that in a democracy such as our's "the common bond of humanity that links all persons"¹²² cannot always be given the serious consideration it deserves. This becomes evident when one witnesses the results of decisions made by our government, corporations, and private citizens that adversely affect the claims of so many who are entitled to the same things we claim for ourselves.¹²³ Where, the bishops ask, is equality; where is liberty; where is justice?

A major source of the tradition which the bishops advance is found in the Great Commandment of loving God above all else *and* loving one's neighbor as one's self.¹²⁴ Consequently, for those of us who profess adherence to Catholic Christianity, the basic manifestations of the values we cherish for ourselves must also be granted both in theory *and* in practice to everyone else. Our religious tradition dictates this; so does common sense. As the bishops stated,

Basic justice demands the establishment of minimum levels of participation in the life of the human community for all persons. The ultimate injustice is for a person or group to be treated actively or abandoned passively as if they were nonmembers of the human race. To treat people this way is effectively to say that they simply do not count as human beings This exclusion can occur in the political sphere: restriction of free speech, concentration of power in the hands of a few, or outright repression by the state. It can also take economic forms that are equally harmful. Within the United States . . . [t]he poor, the disabled, and the unemployed too often are simply left behind.¹²⁵

Perhaps above all the other points made by the bishops, the most

¹²⁰ ECONOMIC JUSTICE FOR ALL, *supra* note 115, at ¶ 18.

¹²¹ *Id.*

¹²² *Id.* at ¶ 27.

¹²³ See Jesse Luton, *Professional and Business Ethical and Moral Values in the Age of Technology* in TRADITIONAL MORAL VALUES IN THE AGE OF TECHNOLOGY 103 (W. Lawson Taitte ed., 1987).

¹²⁴ ECONOMIC JUSTICE FOR ALL, *supra* note 115, at ¶ 43, (referring to Deuteronomy 6-45; Leviticus 19:18; Mark 12:28-34; and Luke 10:29-37.

¹²⁵ *Id.* at ¶ 77 (emphasis in the original).

basic one is that “[i]n Catholic social thought, therefore, respect for human rights and a strong sense of both personal and community responsibility are linked, not opposed.”¹²⁶ But what happens when this important and vital link is not recognized? What happens when well meaning Americans who forcefully argue for “rights” disregard unintentionally this link? Does anyone have a duty to bring this to their attention?

This past summer Mary Ann Glendon offered some timely insight into the difficulties and dangers that surface out of the widening gap that separates rights from duty and responsibility. In her recently published *Rights Talk: The Impoverishment Of Political Discourse*¹²⁷ she looks at what happens when the concern with rights becomes the focus and the consciousness of corresponding or independent obligations owed to others subsides. As she argues,

[T]he prominence of a certain kind of rights talk in our political discussions is both a symptom of, and a contributing factor to, this disorder in the body politic The problem is not . . . with the very notion of rights, or with our strong rights tradition. It is with a new version of rights discourse that has achieved dominance over the past thirty years.¹²⁸

She elaborates this notion by suggesting that this “unique brand” of rights often conflicts with the tradition of rights understood by many Americans. As Professor Glendon argues, “A penchant for absolute formulations . . . promotes unrealistic expectations and ignores both social costs and the rights of others.”¹²⁹

In examining the secular American tradition of rights, Professor Glendon compares and contrasts the development and advancement of the rights of the individual starting with the notion of U.S. rights development and the French *Declaration of the Rights of Man and the Citizen*: the “parting of the ways” came in 1789 when the latter “emphasized that individuals have duties as well as rights.”¹³⁰ Both traditions were and

¹²⁶ *Id.* at ¶ 79.

¹²⁷ MARY ANN GLENDON, *RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE* (1991).

¹²⁸ *Id.* at x.

¹²⁹ *Id.* at xi (emphasis supplied).

¹³⁰ *Id.* at 11. Professor Glendon continues this point by arguing that [o]ur rights talk, in its absoluteness, promotes unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead toward consensus, accommodation, or at least the discovery of common ground. In its silence concerning responsibilities, it seems to condone acceptance of the benefits of living in a democratic social welfare state, without accepting the corresponding personal and civic obligations. In its relentless individualism, it fosters a climate that is inhospitable to society's losers, and that systematically disadvantages caretakers and dependents, young and old. In its neglect of civil society, it un-

are concerned with "liberty and equality"; but only one was ever concerned with "fraternity."¹³¹

By taking her discussion in a more concrete direction, this author postulates that the source of "absolutism" is on those rights connected with privacy.¹³² The problem is not necessarily with the right or its "fundamental-ness;" it is with its absoluteness. The aura of "absoluteness" surrounding certain rights interferes with the senses and the intellect to acknowledge the presence and understand the significance of duties that exist but are eclipsed by the "corona" of absolutism.¹³³ The seeming brilliance of certain rights seen as absolutes can quickly make us insensitive to the reality that we co-exist with other people in our immediate communities as well as the rest of the world. This absolutism blinds many Americans—and others—to the fact that our fellow human beings also have rights. Can it be possible that their rights are absolute too? What happens, then, when absolutes collide?

Professor Glendon advances a helpful commentary to this seeming dilemma: "The exaggerated absoluteness of our American rights rhetoric is closely bound up with other distinctive traits—a near-silence concerning responsibility, and a tendency to envision the rights-bearer as a lone autonomous individual."¹³⁴

What can result from this absolutism of rights may be unfortunate

dermines the principal seedbeds of civic and personal virtue. In its insularity, it shuts out potentially important aids to the process of self-correcting learning. All of these traits promote mere assertion over reason-giving.

For a heterogeneous country committed to an ongoing experience in ordered liberty, these are grave matters.

Id. at 14.

¹³¹ GLENDON, *supra* note 127, at 47-48.

¹³² *Id.* at 40, Professor Glendon points out that,

[m]uch of the attention the Supreme Court once lavished on abroad concept of property, including the freedom of contract to acquire it, it now devotes to certain personal liberties that it has designated as "fundamental." Remarkably, the property paradigm, including the old language of absoluteness, broods over this developing jurisprudence of personal rights. The new right of privacy, like the old right of property, has been imagined by the Court and lawyers generally as marking off a protected sphere surrounding the individual.

Id.

¹³³ See *id.* at 45 Glendon points out that,

[a]bsoluteness is an illusion, and hardly a harmless one. When we assert our rights to life, liberty, and property, we are expressing the reasonable hope that such things can be made more secure by law and politics. When we assert these rights in an absolute form, however, we are expressing infinite and impossible desires—to be completely free, to possess things totally, to be captains of our fate, and masters of our souls.

Id.

¹³⁴ *Id.*

and even tragic. We are mindful of the question the scribe pose to Jesus in Mark's Gospel: "What is the greatest commandment of all?" We are equally mindful of Jesus' response: "You must love God with your whole heart, soul, mind, and strength *and* you must love your neighbor as yourself."¹³⁵ Yet, this common sense advice about having concern for others as we have concern for our own selves has often escaped recognition in our American legal tradition. Take for example the case of *DeShaney v. Winnebago County Department of Social Services*.¹³⁶

In that case, the mother of a child abused by the father sued the state department of social services for failure to intervene to protect the boy, who was left permanently brain damaged, against his father's violence even though the state agency had reason to believe the boy was the subject of child abuse. The majority of the Supreme Court held that the Due Process Clause of the Fourteenth Amendment does not require the state "to protect the life, liberty, and property of its citizens against invasion by private actors."¹³⁷ The majority concluded its opinion by stating that,

Judges and lawyers, like other humans, are moved by natural sympathy in a case like this to find a way for [the boy] and his mother to receive adequate compensation for the grievous harm inflicted upon them. But before yielding to that impulse, it is well to remember once again that the harm was inflicted not by the State of Wisconsin, but by [the boy's] father. *The most that can be said of the state functionaries in this case is that they stood by and did nothing when suspicious circumstances dictated a more active role for them.* In defense of them it must also be said that had they moved too soon to take custody of the son away from the father, they would have likely been met with charges of improperly intruding into the parent-child relationship¹³⁸

These conclusions raise the issue of duty and responsibility to take affirmative action to come to the aid of one in need by one (or several persons) who had good reason to believe that a specific person was being threatened. While the dissenting justices raised this issue,¹³⁹ the fact remains that it is difficult, if not impossible, in our political and legal culture to impose duties on one who has taken no action even though that person (or legal entity) has reason to believe that such action is necessary to save or protect human life.

There is little wonder then why Professor Glendon critiques Ameri-

¹³⁵ *Mark* 12:28-31.

¹³⁶ 489 U.S. 189 (1989).

¹³⁷ *Id.* at 195.

¹³⁸ *Id.* at 202-03 (emphasis added).

¹³⁹ *Id.* at 204-05.

can law when she says, "What is more likely to surprise and disappoint an average citizen is the sense that the law appears to condone particularly shocking forms of anti-social behavior: failures to warn, or act, or summon aid."¹⁴⁰

Thinking back to the tradition of the Church's social teachings, we might see that the discussion of care and concern for the other found in the Pastoral Constitution and its progeny might help to reexamine rights which have become absolute so that we can also appreciate incumbent responsibilities. Yet, there are occasions when the Church's discussion as well as action in this realm raise the challenge that such discussion and action constitute an establishment of religion in violation of the First Amendment. Take for example the case of *Bowen v. Kendrick* decided by the Supreme Court in 1988.¹⁴¹

In this case, a group of U.S. taxpayers challenged the constitutionality of the Adolescent Family Life Act under the religion clauses of the First Amendment. This Act provided federal grants to public and private institutions such as counseling centers run by religious groups, including the Catholic Church, "for services and research in the area of premarital adolescent sexual relations and pregnancy."¹⁴² Although a 5-4 majority of the Court concluded that the statute on its face did not violate the religion clauses because it "was motivated primarily, if not entirely, by a legitimate secular purpose,"¹⁴³ it remanded the case back to the lower court to determine if particular awards made to certain institutions "have a primary effect of advancing religion."¹⁴⁴

In a vigorous dissent, four members of the Court considered that the litigation record demonstrated that certain private recipients were using federal funds granted under the law to give "religious groups a central pedagogical and counseling role without imposing any restraints on the sectarian quality of the participation."¹⁴⁵ The dissenters argued that while

[T]here may be secular values promoted by the [Act], including the encouragement of adoption and premarital chastity and the discouragement of abortion, it can hardly be doubted that when promoted in theological terms by religious figures, those values take on a religious nature It should be undeniable by now that religious dogma may not be employed by government even to accomplish laudable secular purposes such as "the promotion of moral values, the contradiction to

¹⁴⁰ GLENDON, *supra* note 127, 83-84.

¹⁴¹ 487 U.S. 589 (1988).

¹⁴² *Id.* at 593 (quoting S. Rep. No. 97-161, at 1 (1981)).

¹⁴³ *Id.* at 602.

¹⁴⁴ *Id.* at 621.

¹⁴⁵ *Id.* at 626 (Blackmun J., dissenting).

the materialistic trends of our times, the perpetuation of our institutions and the teaching of literature."¹⁴⁶

The dissent acknowledged that the Constitution tolerates state support to religious organizations which provide "secular social-welfare services"; however,

[t]here is a very real and important difference between running a soup kitchen or a hospital, and counseling pregnant teenagers on how to make the difficult decisions facing them. *The risk of advancing religion at public expense, and of creating an appearance that the government is endorsing the medium and the message, is much greater when the religious organization is directly engaged in pedagogy, with the express intent of shaping belief and changing behavior, than where it is neutrally dispensing medication, food, or shelter.*¹⁴⁷

Keeping in mind the difficulties facing a pregnant teenager, it can be plausible that a young woman seeking advice is not being indoctrinated into some particular belief in God by going to a counseling service administered by an organization with religious ties. Even though the counseling offers "laudable secular purposes such as the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions . . .", what is being provided is a legitimate alternative to counseling that supports the absolute "privacy" of the adolescent to have an abortion. The young woman is not being taught how to worship God, she is being given advice stemming from moral alternatives. This view could well be an antidote to

[o]ur overblown rights rhetoric and our vision of the rights-bearer as an autonomous individual to channel our thoughts away from what we have in common and focus on what separates us. They draw us away from participation in public life and point us toward the maximization of private satisfactions.¹⁴⁸

Professor Glendon directs her examination of rights within the legal and political communities of the United States—where secular interests and the rights of the citizen prevail. She accurately identifies that many involved with the law in the United States do have a sense of mission to "help their clients to plan and maintain relationships that depend on regular and reliable fulfillment of responsibilities" to those with whom they directly or indirectly deal in their daily lives.¹⁴⁹ This reality of what the law is and should be about has not gone unnoticed by others. Thomas

¹⁴⁶ 487 U.S. at 639-640 (Blackmun J., dissenting) (quoting *Abington School District v. Schempp*, 374 U.S. 203, 223 (1963)).

¹⁴⁷ *Id.* at 641 (Blackmun J., dissenting) (emphasis added).

¹⁴⁸ GLENDON, *supra* note 127, at 143.

¹⁴⁹ *Id.* at 175.

Shaffer views that *most* (but not all) legal advocacy and the protection of clients' rights is "in fact, the practice of reconciliation."¹⁵⁰

I would like to bring this segment of my discussion to some conclusion by referring to a contemporary example in which the absoluteness of rights and the accompanying rhetoric is narrowing—and I suggest unnecessarily and with tragic consequences—the public conversation about the growing AIDS¹⁵¹ crisis among teen age and pre-teen age Americans. Much of the conversation about this subject concerns making condoms and information about their use available in the schools. At the present time, there is a counter-effort by some individuals and groups, including members of the Catholic Church, to point to the folly of this approach to a real problem, and to the new problems to which it gives rise. What is needed is education and counseling, not a quick-fix solution that may retard today the spread of this horrible disease that can be sexually transmitted but will have serious consequences for tomorrow concerning the responsibility with which sexuality and sexual activity become a right without corresponding duties and responsibilities. In a culture that denies the "right" to consume alcoholic beverages and the ability to vote until the age of eighteen or twenty-one, it seems odd that some advocates of condom distribution in schools to children as young as twelve and thirteen are not concerned with the serious, attendant social consequences—one proponent of a distribution plan feels that the requiring parental consent would interfere with the right of "confidentiality" that he deemed "essential to the success of the program."¹⁵² This ongoing development reflects just one example of how the "rights-laden public discourse easily accommodates the economic, the immediate, and the personal dimensions of a problem, while it regularly neglects the moral, the long-term, and the social implications."¹⁵³

I mentioned a moment ago the tragedy that now confronts the younger elements of our American citizenry. If they are too young to act with prudence and *responsibility* in the consuming of alcohol or voting in elections, might they also be too young to be introduced to a culture that tells them (and perhaps even encourages them): "It's okay to have sex, just be sure to use a condom!" When the notion of responsibility is injected into the discussion about alternatives to anonymous condom distri-

¹⁵⁰ THOMAS SHAFFER, ON BEING A CHRISTIAN AND A LAWYER 111 (1981).

¹⁵¹ Acquired Immune Deficiency Syndrome.

¹⁵² Joseph Berger, *Matter-of-Factly, New York City Begins School Condom Program*, N.Y. TIMES, Nov. 27, 1991, B2.

¹⁵³ GLENDON, *supra* note 127 at 171. Professor Glendon further suggests that the current strain of rights talk which she identifies in her discussion as being precarious and dangerous to the American tradition of rights "is characterized by self-expression and the pursuit of self-gratification, rather than by self-reliance and the cultivation of self-discipline." *Id.* at 173.

bution in schools to children as young as those in junior high, the "strident rights rhetoric" identified by Professor Glendon seems to prevail.

Still, there remains a contribution to be made by individuals and groups, such as the Church, who see an alternative to the temporarily expedient wisdom of promoting and distributing condoms to children. This alternative may help individuals see the long-term consequences of such a program and to understand the need to cultivate responsibility that critiques a self-indulgent lifestyle without considering the consequences. The contribution which groups like the Catholic Church can make to the political and social conversation is essential to the American way of life; after all, this contribution seems attuned to action that will "form a more perfect Union, establish Justice . . . , promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."¹⁵⁴

Professor Glendon has hope that Americans still take pride in their "time-honored ideals of tolerance, respect for others, public deliberation, individual freedom and responsibility, and the mandate for self-restraint implicit in the rule of law."¹⁵⁵ There even seems to be evidence that many Americans, as people of good will, who come from "widely varying beliefs and backgrounds are increasingly manifesting their discontent with what has come to seem an unwritten law that morally or religiously grounded viewpoints are out of bounds in public dialogue."¹⁵⁶

These views are not and must not be prohibited from the exchange of informed opinions concerning the development of national, state, and local policies that affect us as Americans.¹⁵⁷ If our's is a government by and for the people, then the voices of as many responsible people who wish to participate in this government ought to be heard if the practice of government is to remain consistent with the ideal. True, as the bishops and others in the Church hierarchy have stated, the Church is not effective as a maker of public policy, but its voice and the voice of its faithful members ought to be included in the debates of the important political and social issues of the present day.¹⁵⁸ To suggest that those who are concerned about these issues *and* who bring to the conversation surrounding them their moral concerns about responsibility and the general welfare of society must be excluded in order to avoid the "establishment of religion" is folly. John Courtney Murray aptly described the importance of diverse views being welcomed in the American public debate when he said:

The question is sometimes raised, whether Catholicism is compatible

¹⁵⁴ U. S. CONST. pmbl.

¹⁵⁵ GLENDON, *supra* note 127, at 176.

¹⁵⁶ *Id.* at 181.

¹⁵⁷ See generally, MARTY, *supra* note 108.

¹⁵⁸ See Fuchs, *supra* note 70, at 485-89.

with American democracy. The question is invalid as well as impertinent, for the manner of its position inverts the order of values. It must, of course, be turned round to read, whether American democracy is compatible with Catholicism. The question, thus turned, is part of the civil question, as put to me. An affirmative answer to it, given under something better than curbstone definition of "democracy," is one of the truths I hold.¹⁵⁹

The notion that moral values (founded in religious beliefs) about social and political issues can be a part of the American political discourse has gained support within the American legal academic community. For example, Kent Greenawalt of Columbia Law School advances the view that

"[l]egislation must be justified in terms of secular objectives, but when people reasonably think that shared premises of justice and criteria for determining truth cannot resolve critical questions of fact, fundamental questions of value, or the weighing of competing benefits and harms, they do *appropriately* rely on religious convictions to help them answer these questions."¹⁶⁰

While recognizing that religious organizations have contributed major benefits to our secular society in running institutions for the sick, the elderly, and the homeless and in operating schools and universities,¹⁶¹ members of religious bodies, including their leadership, can also be good citizens who contribute to the common welfare and secular needs of our pluralistic culture even though their views emerge from religious faith.¹⁶² Professor Greenawalt also acknowledges the contributions which religious believers can and must continue to make to the "common dialogue of rational secular morality."¹⁶³

Like Mary Ann Glendon, Michael Perry of Northwestern University Law School finds fault with certain orientations of the contemporary liberal state. Professor Perry has recently asserted that liberal politics in the U.S. has failed to respond to some of the most pressing issues confronting the United States today.¹⁶⁴ Due to the diversity of our society and the need to respect its pluralism, Professor Perry sees that it is essential to American democracy that all views, including those making claim to reli-

¹⁵⁹ MURRAY, *supra* note 111, at ix-x.

¹⁶⁰ KENT GREENAWALT, *RELIGIOUS CONVICTIONS AND POLITICAL CHOICE* 12 (1988). (emphasis supplied). Professor Greenawalt was writing for those individuals "who view religious convictions as foolish superstitions whose impact on our social life should be minimized as far as possible." *Id.* at 6.

¹⁶¹ *Id.* at 200.

¹⁶² *Id.* at 227.

¹⁶³ *Id.* at 258.

¹⁶⁴ MICHAEL PERRY, *MORALITY POLITICS & LAW* 4 (1988).

gious and secular morality, must be heard in the political discourse.¹⁶⁵

But what does this encouragement mean to the Church and its members today? Do these views of Glendon, Greenawalt, Perry and others offer consolation with little hope that the moral views and social teachings of the Church will be heard in a pluralistic but increasingly secular culture? Or do their views provide some insight into how the Church can participate as a productive and welcome member of the body politic?

As John Coleman has pointed out, the Church in this day and age has a "worldly vocation."¹⁶⁶ To some extent, the Church can profit from the examples of the Quakers and various Jewish organizations to participate in the development of public policy concerning domestic and international issues.¹⁶⁷ This is not to suggest that the voice of citizens with particular religious views will always mold policy-making; however, it does offer evidence that this kind of voice is a legitimate and valuable component of the political discussion of a variety of issues.

So what does this mean in the context of an American Church and its members who have been influenced by the Pastoral Constitution and bishops pastoral letters? Fr. Coleman sees that "Catholics, with few exceptions, have indeed been more shaped by their American environment than they have reciprocally influenced it."¹⁶⁸ If this conclusion offered by Fr. Coleman is indeed true, and there is little reason to think otherwise, then what has happened to the tradition of the Church's social teachings that could benefit the secular needs of both the American and international communities? As Fr. Coleman suggests, with all its defects, social Catholicism offered rich resources for finding a middle way between the excessive individualism, greed and disproportionate competition fostered by capitalism, on the one hand, and the unmediated collectivism of statism on the other.¹⁶⁹

Is it possible that both Fr. Coleman and Professor Glendon recognize

¹⁶⁵ *Id.* at 181-82.

¹⁶⁶ See JOHN COLEMAN, S.J., *AN AMERICAN STRATEGIC THEOLOGY* 38 (1982). Coleman states that:

[T]here are three main conditions for a Church with a worldly vocation: (1) a tension between a compelling vision of a social order based on mutuality, respect for persons, community and justice, on the one hand, and the thrust, on the other, to accommodate that vision to the world of everyday life; (2) a consistent pastoral strategy aimed at eliciting solid motivational commitments among the laity such that they see the world and their life of work as an arena of meaningful *religious* action; (3) the mobilization of committed lay energies around concrete choices for influencing the social order by infusing religious values into the "secular" realm.

Id.

¹⁶⁷ *Id.* at 146.

¹⁶⁸ *Id.* at 158.

¹⁶⁹ *Id.* at 159.

the same, or at least related, illnesses that plague contemporary American political culture? If there is any doubt, that doubt is erased in view of Fr. Coleman's argument that:

Americans and American institutions live out of a moral substance few Americans believe in directly anymore and that they entertain, in public argument and philosophy, a vision of the human, of human community and the state which erodes that fragile substance even further [M]y quarrel with the liberal public philosophy lies with its *neglect* and, in principle, *retreat* from addressing the issues of *virtue*, and *adjudication of substantive goods for society and genuine fraternity in a populace*¹⁷⁰

Because of the diversity of our political, social, ethnic, economic, and religious culture, it is essential that the Church and its members be *engaged in* rather than be *excluded from* the public discourse. Because this American political and social conversation is not and has never been neutral or generic, "there is always the danger that a common use of . . . code words such as liberty, justice, human rights, authority, etc. will mean very different things to those who live within the American tradition of religious ethics and those who continue to think in Enlightenment liberal utilitarian categories."¹⁷¹

As mentioned earlier and worth reiteration here, the Church need not, in our American context, become involved directly with the administration of the state. But, as a citizen, in conjunction with its member-citizens, the Church does have the right as well as the responsibility to participate in public discourse about issues affecting the dignity of individuals and the common good. The state cannot claim exclusive domain over these issues for they too belong to the society of human beings (as distinct from the state).¹⁷² I agree with Fr. Coleman that the Church properly distinguishes between the state and society; it does not support "the view that the public sphere is synonymous with the government or the formal polity of the society. It does not assume that everything public must ipso facto be governmental."¹⁷³ Since the nature of public discourse generally centers on issues that concern and affect our society, it is both logical and expected that those individuals and groups, including the Church, who have substantive views on these issues not be excluded from this discourse.

¹⁷⁰ COLEMAN, *supra* note 166, at 186 (emphasis added).

¹⁷¹ *Id.* at 195.

¹⁷² See Araujo, *supra* note 77, at 146.

¹⁷³ COLEMAN, *supra* note 166, at 224.

IV. CONCLUSION

So where does my discussion go: do I leave the reader off at the point of departure? Hopefully not. It has been my goal to demonstrate the vitality of the Church's mission in the world today in light of the Pastoral Constitution. As teacher, the Church must rely on the active participation of the laity in transforming those temporal institutions and practices which in the name of rights or some other phrase of the day do injustice and violence to the dignity of the individual and the common good.¹⁷⁴

The social teachings of the Church, when focused through the lens of the Pastoral Constitution, are not so much a parochial command as they are a universal inspiration to do more of the better for the individual and for society in this world. As David Hollenbach has suggested, "The new importance given to the theological basis of social ministry by the Council means that theology has a new task—that of seeking a Christian interpretation of social reality and proposing concrete directions for Christian social action."¹⁷⁵ To satisfy both secular and religious critics of the Church's social role, Fr. Hollenbach asserts that "The task here is neither defense of the Church against the world nor conquest of the world by the Church, but a *mediation of understanding and criteria for action between them*."¹⁷⁶ The Church's role in this mediation is vital to both the world and, more immediately, to our American culture and society. The Church's voice, as heard through the teaching of its hierarchy and through the temporal participation of its laity, is a healthy, needed, and proper participant in the political conversation concerning the issues: what kind of place is the United States, and what kind of place do we want it to be? As several of the authors I have referred to indicate, there is a great need to transform both the individual attitude as well as the institutional framework to make America a better place for the individual and the whole of society.

The Second Vatican Council awoke the conscience of the Church in responding to this need for transformation. The action to be taken and the course to pursue is up to those of us who simultaneously call ourselves Americans and people of good will.

¹⁷⁴ Lucien Richard, O.M.I., *Mission and Inculturation: The Church In The World*, in VATICAN II: THE UNFINISHED AGENDA, *supra* note 1, at 99. See also Araujo, *The Teaching Authority of the Church*, *supra* note 77, at 155.

¹⁷⁵ David Hollenbach, S.J., *The Church's Social Mission In A Pluralistic Society*, in VATICAN II: THE UNFINISHED AGENDA, *supra* note 1, at 124.

¹⁷⁶ *Id.* (emphasis added).