

calls us to a radical love and justice for all, including black people and those who are marginalized by racism, sexism, and classism.

JAMIE T. PHELPS, O.P.
Catholic Theological Union
Chicago, Illinois

CATHOLIC SOCIAL TEACHING

THE EVIL OF VIOLENCE

Presenters: William P. George, Rosary College
M. Cathleen Kaveny, University of Notre Dame

The two presenters each read a brief paper. In his paper, "Gun Violence in the United States: A Catholic Moral Perspective," George asked what the Catholic moral tradition might make of the common retort: "Guns don't kill people. People kill people." The slogan implicitly severs moral agency and intentionality from moral environment and effect, thus muting questions about the sort of social environment we create through the proliferation of guns. The slogan's emphasis on individual choice and presumed good intention also obscures the intentionality built into technology. In a sense, guns do what they are designed to do. The good or evil intentions of the user aside, empirical evidence connects gun violence to massive bodily harm, often death. The slogan, however, treats guns as though the damage they do is extrinsic to their design. It treats guns more like breadknives than weapons.

George called for a creative retrieval of several elements in the Catholic moral tradition, most notably "material sin" and the "occasion of sin." A focus on "material sin" encourages a description of certain actions and patterns of behavior with such thickness that material sin might be raised to the level of "formal sin." We have seen such a transformation in our awareness of the sinfulness of slavery. The Hill-Thomas hearings brought the material sin of sexual harassment to the level of full moral consciousness. There can be a comparable examination of gun violence. "Occasion of sin" implies that, while environment is not morally determinative, certain identifiable environments greatly increase the probability that a moral subject will be drawn into a vortex of wrongdoing. This makes empirical analysis of the use of guns in our culture morally signifi-

cant. We cannot ignore statistics which reveal, for example, that guns are more likely to be used against a household member than against an intruder. George agreed with a questioner that "occasion of sin" bears certain affinities with the more current term "social sin," but that it retains a delicate balance between personal and communal responsibility that is occasionally lost with the term "social sin."

Kaveny's paper, "A Two-Pronged Moral Case Against Violence Against Abortion Providers" is a response to an unpublished law review article in which Michael Hirsh proposed a legal defense for those who kill abortion providers.¹ Kaveny first challenged Hirsh's claim that a defendant should be permitted to argue before a jury that killing an abortionist is justifiable homicide, a specific form of the "necessity defense." She listed four threshold tests required to invoke a necessity defense, noted that this act fails on several counts, and gave several reasons why a court should not permit this defense especially when the law violated is not the object of protest.² Nevertheless, she said the court must allow the defendant an opportunity to make his or her acts morally comprehensible.³

Kaveny then asked if such acts may be morally legitimate under the banner of civil disobedience which she defined as "an unlawful act urging a reconsideration of a law or policy without threatening the community's political structure." She believes that the use of violence against people makes an action one of revolution rather than civil disobedience. Such acts destroy the preconditions of community which true civil disobedience seeks to strengthen. The killer of an abortion provider violates the very law he or she wants applied to the unborn. He depersonalizes the abortionist just as the fetus has been depersonalized. He has made a purely private choice about another life. He is a vigilante.

Kaveny was asked if her stance would change if infanticide were allowed. She said that, out of consistency, the necessity defense should still not be permitted. Rather than uphold such a law, she said that, if she were a judge, she would resign.

THOMAS J. POUNDSTONE

Saint Mary's College of California
Moraga, California

¹Hirsh's article was slated for publication in the *Regent University Law Review*. He withdrew it when his client Paul Hill shot Dr. John Britton.

²See *United States v. Schoon*, 971 F.2d 193 (9th Cir. 1991).

³See *Zal v. Steppe*, 968 F.2d 924 (9th Cir. 1992).