

CHURCH-STATE AND CHURCH-WORLD: THE ECCLESIOLOGICAL IMPLICATIONS

My assigned topic is to examine church-state relations in the United States with a particular focus on ecclesial questions which have arisen in light of the public engagement of the U.S. Bishops in the last decade. The topic of church and state has a long but uneven history in the CTSA. In the earliest days of the Society the strikingly different papers of Fr. Joseph Fenton and Fr. John Courtney Murray, S.J., prefigured the debate which ensued in Catholic theology on church and state for the next twenty years. The intensity of the pre-conciliar struggle with the church-state issue has not been replicated since Vatican II. A review of the CTSA *Proceedings* since the council does not show a single major paper on the topic as Fenton and Murray defined it and the council debated and decided it.

The absence of attention to the specific issue of church and state does not mean that it has disappeared. In both theory and practice the church-state question exists today in a wider framework. The question has not been displaced but transformed. The Fenton-Murray dispute, followed by the Connell-Murray/Ottaviani-Murray debates, found its resolution, decidedly in Murray's favor, in *Dignitatis humanae* of Vatican II. As Murray pointed out, however, the significance of the conciliar achievement was not simply to put to rest the notion of "the Catholic state," but to situate the church-state question within the broader framework of a theological statement of the Church's role in the world.¹ The way in which the Vatican Council defined the church-world issues has had profound theoretical and practical consequences. While CTSA has not addressed church and state specifically, it has addressed many of the themes which flow directly from the conciliar redefinition of the Catholic Church's role in the socio-political order.

While this paper focuses upon how the conciliar recasting of the church-state question has affected both church and state in the United States, it is crucially important to keep the U.S. discussion within the context of broader themes in the Church. Hence, the argument of the paper will move in three steps: (1) a summary of the post-conciliar recasting of the church-state issue; (2) an analysis of the post-conciliar experience of the Church in the United States; (3) an examination of ecclesiological questions which have arisen from the public engagement of the U.S. Bishops.

I. THE POST-CONCILIAR DYNAMIC: A NEW CONTEXT FOR CHURCH AND STATE

To assess post-conciliar developments in church-state relations, it is useful to begin with the factual situation. If one surveys the role of the Catholic Church across the world today, the changes in church-state relations from the pre-conciliar pe-

¹J. C. Murray, "Church and State at Vatican II," *Theological Studies* 27 (1966) 581-85.

riod are quite dramatic.² From Latin America to Eastern Europe, from Soweto to San Salvador and from Warsaw to Washington the litany of the Church's public involvement reads like a briefing book of political conflict.

The Latin American experience led the way in the changing pattern of church and state. The developments theologically and pastorally from Vatican II to Medellín-Puebla and beyond have reshaped the life of a continent. The *dramatis personae* include cardinals and catechists, peasants and theologians, martyrs in Central America and miners in the Southern Cone. The consequences of shifting church-state relations in Latin America have left secular political analysts confused and left the rest of the Church in a posture of admiration and some awe.

But the Latin American experience does not stand alone. The powerful drama of Poland in the 1980s is incomprehensible without an understanding of the role of the Catholic Church. The socio-cultural differences from Latin America could hardly be more striking, but the inner core of the reality—classical examples of a church-state face-off—links the two experiences. Poland has not produced a theology of liberation, but the church-state confrontation on one hand and the church-union solidarity on the other are realities which reflect Brazil and Chile, only this time the conflict is with an authoritarian state of the left rather than the right. While Latin America and Poland illustrated a changing church-state pattern in the early 1980s, the Philippines and South Africa seem destined to play a similar role in the late 1980s.

All these cases seem beyond the scope of this CTSA meeting and beyond the focus of my paper; in fact they provide a point of entry for the theme I have been assigned. As one surveys the spectrum of church-state relations today, it is clear, I believe, that the substantial changes which have occurred in very different situations cannot be accounted for in an *ad hoc* or random fashion. The pattern of a shift in church-state relations is systemic in nature; to explain it requires an analysis at the level of principle. The shift in church-state relations has not been tactical but fundamental; the analysis of it must be comparably fundamental.

My argument is that the post-conciliar shift in Catholicism on church and state is rooted in two ecclesiological moves at Vatican II. The two moves began a process which has not reached its term; to analyze it today is to assess a development of which we are a part. Neither of these characteristics provides an analyst with much solace or confidence. But enough has happened in the last twenty years to allow us to trace a significant development even if we cannot predict its term.

The development is the product of the ecclesiological legitimation of social ministry by Vatican II and the conciliar and post-conciliar legitimation of the local church as a social actor. Both affirmations had roots and precedent in Catholic history, but the formulation given them at Vatican II and the convergence of the two themes in post-conciliar Catholicism have substantially changed the public posture of the Church in the world from the papacy to the parish.

²Peter Nichols, *The Pope's Divisions: The Roman Catholic Church Today* (New York: Holt, Rinehart and Winston, 1981); Hansjacob Stehle, *Eastern Politics of the Vatican 1917-1979* (Athens OH: Ohio State University Press, 1981).

The properly ecclesiological contribution of Vatican II to the Church's social ministry followed upon the developments in papal social teaching of the twentieth century. A striking feature of the social teaching from *Rerum novarum* (1891) through *Pacem in terris* (1963) was its lack of an explicitly ecclesiological foundation. I have argued in other writings that this theological lacuna has had powerful practical consequences; in effect, if not in intention, it contributed to a process of keeping the social ministry at the margin of the Church's life rather than at its center. Social ministry was understood (or tolerated) as an *extension* of the Church's life, but not always seen as decisively something *of the Church's nature*.

The decisive contribution of Vatican II was to provide a description of the Church's role in the world which was properly theological and ecclesial in tone and substance. Karl Rahner's comment catches the significance of this development:

In *Gaudium et Spes* and *Dignitatis Humanae* the church sought to define its relation to the world. This description derives from the church's very nature (Wesen), and not merely from the pressures of external circumstances.³

Rahner is in agreement with John Courtney Murray that *Gaudium et spes* and *Dignitatis humanae* must be read in tandem. In Murray's view, the two conciliar documents, "have made a joint contribution toward the renewal of traditional doctrine with regard to the ancient issue of church and state. . . . The relevant principles have been stated with a new purity, which was made possible by the new perspectives in which the whole issue was viewed."⁴

The new perspective involves a recasting of church-state doctrine so that it fits as a subordinate element in a broader church-world relationship. The subordination does not denigrate the importance of the church-state question, but sees it as an instrumental issue in the Church's wider role in secular society. The primary thrust of the conciliar teaching was to impel the Catholic community more deeply into the history of the modern world. A secondary element of this movement involved redefining the Church's relationship with the modern state. The effect of this twofold development has been to render the Church "more political" in broad social terms and "less political" in its juridical relationship with the state. I use the term "political" purposefully, in spite of John Paul II's continuing caution about the Church not being political. There is a sense in which this statement is accurate. But the Pope's own considerable political stature in world affairs and Catholicism's demonstrated political vitality from Manila to Managua make the non-political designation difficult to sustain.

The conciliar statement on religious freedom depoliticized the Church's relationship with the state by displacing the concept of the Catholic state from the position it had held in Catholic theology since the seventeenth century. Essentially the concept asserted that Catholicism as religion should be accorded special status and be supported by the coercive power of the state, at least in those nations where

³Karl Rahner, "The Lasting Significance of Vatican II," *Theology Digest* 28 (1980) 222.

⁴Murray, "Church and State," 606.

a Catholic majority existed in the population. After Vatican I the normative status of the Catholic state was consolidated in the theological formula of "thesis-hypothesis."⁵

The effect of *Dignitatis humanae* was to replace this disjunction of thesis-hypothesis with three principles designed to structure church-state relationships. The first was the acceptance of religious pluralism as the expected condition within which the Church would pursue its ministry. Pluralism was neither to be resisted nor repressed; within the context of religious pluralism the conciliar declaration asserted the Catholic conviction that religious freedom was a human right which ought to be protected by civil law. The second principle was the acknowledgment of the secularity of the state; the state envisioned in the conciliar text is not "the Catholic state" but the constitutional state whose powers and functions are limited by law. The third principle was the freedom of the Church; this is the leitmotif of the conciliar text. It affirms that the one thing the Church seeks from the secular state is not favoritism but the freedom to function. The confident assumption of Vatican II is that if the Church has the freedom to pursue its ministry, it will rely on its own resources to render the gospel credible and effective in society.

Pluralism, secularity and freedom—these concepts shape the post-conciliar Catholic approach to church-state relations. Even as John Courtney Murray labored to have the council accept this development of the Catholic tradition, he continually stressed that the narrow topic of church and state was not the primary challenge for the Church. It was the nineteenth-century question; beyond the juridical relationship of church and state lay the larger issue of the Church's role in the world. As Murray put it: "The Council repeatedly insisted that the inherent sense of the gospel summons the church to the task of lifting man to his true dignity and of knitting the bonds of human community."⁶

This summons of the gospel to the Church involved what Yves Congar described as the shift from a juridical to an anthropological conception of the Church's relationship to the world.⁷ The anthropological approach places the human person at the point of intersection of church and world. To cite a pivotal text from *Gaudium et spes*:

The role and competence of the church being what it is, she must in no way be confused with the political community, nor bound to any political system. For she is at once a sign and safeguard of the transcendence of the person.⁸

This paragraph captures the essence of *Gaudium et spes'* conception of the Church's role in the world. The reason why the Church enters public or social ministry is to protect and promote the transcendent dignity of the human person.

⁵J. C. Murray, "The Problem of Religious Freedom," *Theological Studies* 25 (1964) 531ff.

⁶Murray, "Church and State," 581.

⁷Yves Congar, "The Role of the Church in the Modern World," in H. Vorgrimler, ed., *Commentary on the Documents of Vatican II* (Freiburg: Herder, 1969) vol. V: "Pastoral Constitution on the Church in the Modern World," 208.

⁸*Gaudium et spes* 76.

The Church sees social, political and economic issues through the prism of the dignity of the person. Embedded in this conception of social ministry is the logic of Catholic social teaching: a concern for human dignity is expressed in a philosophy of human rights and this, in turn, requires a theological conception of ministry to the social system, all in the name of the person.

The achievement of *Gaudium et spes* was that it presupposed the teaching on church and state of *Dignitatis humanae*, and went on to articulate a theological conception of social ministry using the combined resources of eschatology, Christology and ecclesiology. The decisive conciliar contribution to the social and public ministry of the Church was to locate defense of the human person at the center of Catholic ecclesiology, thereby moving the social ministry from the periphery to the core of the Church's life and work.

I have already argued that the effect of *Dignitatis humanae* was to depoliticize the Church's relationship with the state. The effect of *Gaudium et spes*' legitimation of social ministry has been to plunge the Church more deeply into the political arena precisely because the protection of human dignity and the promotion of human rights in fact happen in a political context. The tension of the post-conciliar period for the Church in political cultures as different as Brazil and the United States, the Philippines and Poland, has been to maintain its religious character and identity even as it addresses issues which are intrinsically tied to political consequences.

The tension was prefigured in the core passages of *Gaudium et spes*' chapter on the Church and the world. In paragraphs 40-42, the conciliar text affirms the following principles:

- (1) the ministry of the Church is religious in origin and purpose; the Church has no specifically political charism;
- (2) the religious ministry has as its primary objective serving the reign of God—the Church is, in a unique way, the “instrument” of the Kingdom in history;
- (3) as the Church pursues its religious ministry it should contribute to four objectives which have direct social and political consequences; these objectives are protecting human dignity, promoting human rights, cultivating the unity of the human family and contributing a sense of meaning to every aspect of human activity.⁹

These three principles define a role for the Church in the world which is religious in nature and finality, but politically significant in its consequences. The mode of the Church's engagement in the political arena is “indirect.” Since the Church has no specifically political charism, its proper competence is to address the moral and religious significance of political questions. This indirect address to political issues also sets limits on the means the Church should use in pursuing its four designated goals. Means which are expected and legitimate for properly political entities are not necessarily legitimate for the Church. The casuistry of keeping the Church's engagement in the political order “indirect” involves an endless series of choices and distinctions. But the effort must be made precisely because the alternatives to an indirect engagement are equally unacceptable: either

⁹Murray, “Church and State,” 601.

a politicized church or a church in retreat from human affairs. The first erodes the transcendence of the gospel; the second betrays the incarnational dimension of christian faith.

The first ecclesiological consequence of the council was to summon the Church to maintain the balance of a religiously rooted but politically significant style of ministry. The post-conciliar response to the summons includes the emergence of theological positions like the theology of liberation and political theology as well as pastoral strategies built around human rights ministry and basic ecclesial communities. To sketch this history is beyond the scope of this paper, but any history of the period will include a second ecclesiological contribution of Vatican II to Catholic social ministry: the legitimation of the local church as a social actor.

The theology of the local church found in Vatican II is beyond my competence and my purpose in this paper. I gratefully accept the commentary on the conciliar texts provided by Fr. Joseph Komonchak in his address to CTSA in 1981. Speaking of the local church Komonchak says:

The Council's statements are strong and direct: The one and universal Church is gathered together in such churches; it is present and active in them; it is built up and grows in them; it is in them and out of them that it exists; and for all these reasons the local gatherings of believers are rightly called 'churches'.¹⁰

Komonchak illustrates that the Council's use of the term local church is analogous, including eucharistic communities, dioceses and larger groupings of churches. My primary concern is with the larger grouping, particularly as represented by the church at a national or regional level. It is at this level, particularly through the institution of episcopal conferences, that the local church as a social actor has taken shape in the post-conciliar period. The struggle to shape a religiously rooted and socially effective pastoral strategy has been most visible at the national and regional level.

The council, as Murray said, summoned the Church to engagement in the world. The Council also affirmed the local church. But there is no explicit reference in conciliar teaching to the local church as a social actor.

The *locus classicus* for joining the two themes is a post-conciliar document, *Octogesima adveniens* of Paul VI (1971). In a striking departure from conventional papal style, the Pope stressed the limits of the universal magisterium and the potential of the local ecclesial communities:

There is of course a wide diversity among the situations in which Christians—willingly or unwillingly—find themselves according to regions, socio-political systems and cultures. . . . In the face of such widely varying situations it is difficult for us to utter a unified message and to put forward a solution which has universal validity. Such is not our ambition, nor is it our mission. It is up to the Christian communities to analyze with objectivity the situation which is proper to their own country, to shed on it the light of the Gospel's unalterable words and to draw principles of

¹⁰Joseph Komonchak, "Ministry and the Local Church," *Proceedings of the Catholic Theological Society of America* 36 (1981) 58.

reflection, norms of judgment and directives for action from the social teaching of the Church.¹¹

This text is used in the U.S. bishops' pastoral on the economy as an explanation of the purpose of the document; it figures prominently in a recent article of Bishop Francisco Claver, S.J., interpreting the role of the Philippine bishops in the recent revolution;¹² and it has become a touchstone for post-conciliar theological analysis of social ministry. The recent *Instruction on Christian Freedom and Liberation* reaffirms the methodology of Paul VI's statement.¹³

The methodology calls the local church to be not only a faithful student of papal teaching but also a creative source of theological insight and prudential judgments. The text of Paul VI acknowledges the contingency and specificity of local situations and the need for shaping the conciliar call to engagement to meet concrete conditions. It is an invitation to assess the strengths and liabilities of each culture and political system. The invitation has been accepted in a multiplicity of ways; the words and deeds of episcopal conferences in the post-conciliar period present a collage of activity, structured by common commitments to human dignity and human rights, to building the peace and to pursuing social justice, but realized in distinctly different ways.

Later in this paper I will address some of the questions which have arisen about the scope and style of the local church's role in social ministry. Here I simply wish to join the fact of the local church's role to the previous point of a theology of the Church in the world. Together they have structured the social engagement of the Catholic Church in the post-conciliar period. It is now possible to see how these twin themes have taken shape in one local church.

II. THE U.S. EXPERIENCE: A NEW CONTENT FOR PUBLIC MINISTRY

A *New York Times* Sunday magazine cover story in August 1984 was entitled "America's Activist Bishops." Depending upon the reader's theological and/or political orientation, the title was either an indictment or a compliment. In either case the term "activist" only partially communicated the meaning of a complex phenomenon. It is the theological and political foundations of the activism of the U.S. bishops which concern me here. Twenty years ago no analyst would have used "activist" to describe the Catholic hierarchy in the United States. But by the mid-1980s the notion of "activist bishops" was solidly established in the public mind and it was tied to a series of positions the Catholic bishops had taken in the national policy debate.

¹¹*Octogesima adveniens* 4.

¹²National Conference of Catholic Bishops, *Pastoral Letter on Catholic Social Teaching and the U.S. Economy* (Washington, D.C.: U.S. Catholic Conference, 1986) 3rd Draft, #26; F. Claver, "The Church and Revolution: The Philippine Solution," I and II; *America* 154 (1986) 356-59; 376-78.

¹³Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation* (Vatican City, 1986) #2.

On four issues which had been at the center of the political agenda in the United States for a decade, the Catholic bishops, acting through the U.S. Catholic Conference (USCC), had staked out detailed positions. The four issues were: abortion, nuclear strategy, equity in the economy and U.S. policy in Central America.

It is precisely the scope of the bishops' concerns and the increasing intensity with which they have taken part in the public debate which makes it useful to step back from any single position and explore the premises of their public activity as an example of a local church at work. The premises of the bishops' activity will illustrate their attempt to shape the conciliar legacy of church-state and church-world theology to fit the fabric of the U.S. political system.

The premises can be examined in terms of three questions. First, the constitutional question: how the bishops relate their activism to the constitutional system of the United States. Second, the theological question: how they relate their involvement to the theology of the council. Third, the pastoral-political question: how do they function within the public arena. By using these questions it will be possible to analyze the bishops as pastors applying a religious-moral tradition to political questions, and as public actors seeking to shape and influence the debate and decision making of a pluralist society.

To summarize the argument, I will contend that the U.S. bishops' constitutional position is American, their theological vision is Catholic and their pastoral-political style is democratic.

A. The Constitutional Question: Church and State

The constitutional question is the church-state issue framed in terms of the American tradition of "the separation of church and state." The phrase is omnipresent in American political discourse: it is the tag line for editorial writers, the way in which "the religious issue" is discussed in political campaigns and the shorthand used by plain citizens to define the relationship of religion and politics.

In the face of "activism" by the largest single religious denomination in the country, the constitutional question inevitably arises. Does such activism breach the separation of church and state? Is it appropriate legally and politically? When faced with this question the U.S. bishops have responded with a blend of Catholic theology and American political theory. Their response to the constitutional question has involved three steps.

First, a working definition of the political meaning of the First Amendment; essentially it asserts that religious organizations should expect neither favoritism nor discrimination in the exercise of their civil or religious responsibilities. It is important to stress that the separation clause is meant to protect against both favoritism or discrimination. There is little or no indication in law, history or policy that silencing the religious voices of the nation was the intent of the First Amendment. Given this definition of the meaning of separation, the Catholic response is to agree with it.

In the post-conciliar period the endorsement of the separation clause has been made easier precisely because of the way Vatican II recast the teaching on church and state. The three key elements—religious pluralism, the secularity of the state

and freedom of the Church—are protected by the separation clause even as they are now affirmed in Catholic teaching. As the bishops enter the public arena on nuclear issues or the economy, they expect not favoritism but freedom to state their case and defend it.

Second, the acceptance of the separation of church and state is affirmed—politically and theologically—in light of the distinction between society and the state. Accepting the separation of church and state should not be understood to mean accepting the separation of the Church from society. Central to the notion of democratic polity is the distinction of society and state; the state is only part of society—to fail to make this distinction leads to a totalitarian notion of the state. The church-state relationship is a crucial but narrowly defined question; it governs the juridical relationship of the institution of the Church to the institution of the state. But beyond this relationship there exists a whole range of issues governing the Church's presence in the wider society. The activity of the bishops on nuclear policy or abortion is often directed toward policies which are set by the state, but their involvement in these issues occurs in and through the channels a democratic society provides for public debate.

Third, in locating the role of the Church in the wider societal framework the bishops revert to another key category in Western political thought, voluntary associations. Like the distinction between society and state, voluntary associations are central features of a democratic polity. They exist to provide a buffer between the state and the citizen, and they also provide structured organizations which have the capacity to influence the polity and policies of society. In the American political system, the Church is a voluntary association. While this is not an adequate theological understanding of the Church, it does provide a sociological description of how the Church shares certain characteristics with other voluntary associations.

Voluntary associations encompass professional, cultural and labor organizations; they bring different contributions to the public arena usually linked to the specific issues which interest them. The Church should bring a systematic capability to raise and address the moral dimensions of public issues and it also brings the capability to engage the members of its constituency in public discussion about these issues. In writing their two pastoral letters, the bishops made it clear that they were addressing two audiences: the community of the Church and the wider civil community. Precisely as a voluntary association the Church is situated to join the public debate in this dual fashion.

The constitutional question locates the bishops in the wider secular debate. The theological question goes beyond the place of the Church in the public dialogue to questions of how religious leadership is to be exercised in a secular, pluralistic democracy.

B. The Theological Question: Church and World

In responding to the constitutional question, the U.S. bishops rely heavily on *Dignitatis humanae*. Their response to the theological question is a direct extension of the teaching of *Gaudium et spes*. Particularly in the writing of the pastoral

letters is the dependence upon *Gaudium et spes* clear and substantial. It is not the moral teaching of the conciliar text, but the ecclesiological grounding of pastoral ministry which comes through both pastoral letters. The impact of *Gaudium et spes'* view of the Church in the world, however, has been more extensive than its prominent role in the peace and economics pastorals. The conciliar teaching of *Lumen gentium* and *Gaudium et spes* has shaped a consensus within the American hierarchy about the necessity for and the style of social ministry in the Church. The consensus is reflected not only in the final redaction of their public documents, but even more vividly in the debates about public policy statements. The debates reveal differences among the bishops regarding specific policy judgments, but the legitimacy of a public, social role for the hierarchy is not brought under critique within the episcopal conference. This is in striking contrast to some of the public commentary on all four issues cited in this paper. The public critique is often focused precisely on the legitimacy, necessity or value of social engagement by the hierarchy. A standard critique is that the bishops will sacrifice their "real" moral authority on issues they should teach about by trying to address social and political questions which exceed their competence. This split between the moral dimensions of social issues and personal moral questions is not an argument which the U.S. bishops have found convincing. Their internal debates reflect the statement from *Gaudium et spes* on personal and social morality:

This split between the faith which many profess and their daily lives deserves to be counted among the more serious errors of our age. . . . Therefore, let there be no false opposition between professional and social activities on the one part, and religious life on the other.¹⁴

The consensus on the necessity of social ministry is one fruit of *Gaudium et spes*. A second product is how the social ministry is exercised. The U.S. experience has not produced in the post-conciliar period anything as theologically distinct as the Latin American theology of liberation. While it reflects *Gaudium et spes* in its starting point of an experiential assessment of "the signs of the times" and its strong ecclesial focus, the theology of liberation has moved in directions that go substantially beyond the conciliar reflection.

In the United States, the episcopal social engagement has been less a development beyond *Gaudium et spes* than an adaptation of its theology of church and world to the socio-cultural conditions of American society. The adaptation has involved both theological reflection and pastoral creativity; it is not a mechanistic or automatic process. But the theological reflection has followed in linear fashion from the conciliar text; it does not noticeably refashion the theological and ecclesiological structure of the conciliar argument. I would characterize the adaptation by the U.S. episcopacy as the attempt to shape a public church. The phrase is that of Professor Martin Marty¹⁵ but it catches the spirit and substance of the bishops' engagement on social policy.

¹⁴*Gaudium et spes* 43.

¹⁵Martin Marty, *The Public Church: Mainline, Evangelical, Catholic* (New York: Crossroads, 1981).

A public church, to use Troeltschian categories, is thoroughly rooted in "the church-type" style of ministry; it accepts social responsibility for the common good and envisions its teaching role as a participation in the wider societal debate. The phrase from *Gaudium et spes* which captures the concept of the public church is the following:

And so the Council, as witness and guide to the faith of the whole people of God, gathered together by Christ, can find no more eloquent expression of its solidarity and respectful affection for the whole human family to which it belongs, than to enter into dialogue with it about all these different problems.¹⁶

The notion of the Church in public dialogue runs through the style and substance of the pastoral letters. The letters are written purposively to engage two distinct audiences: the community of the Church and the wider civil society. They are not purely ecclesial tracts but public documents. They are designed to express and apply Catholic social and moral teaching, but they are cast in an open style of discourse inviting the response and appealing for the support of professional societies, expert opinion and public opinion in its broadest extent.

The role of a public church is less that of providing definitive answers to complex socio-political questions than it is to act as a catalyst moving the public argument to grapple with questions of moral values, ethical principles and the human and religious meaning of policy choices. This catalytic role does not exclude—particularly in the Catholic tradition—moments when the moral tradition will require a firm, unyielding moral position on an issue, but these specific moral choices are made in the context of a broader teaching style.

The council did not use the phrase public church but it supplied a tone, method and a model of social teaching in *Gaudium et spes* which has led to the emergence of a public church in the United States.

C. *The Pastoral Question:* A "democratic" Model

The public church has begun to develop a pastoral style. I have described the pastoral-political style of the U.S. bishops as "democratic" for two reasons which are illustrated in the pastoral letters. The *process* by which the pastorals are drafted has a democratic component and the *product* has a democratic function. The process of the pastorals involves not only a hearing of a series of expert witnesses but also the circulation of drafts for public commentary. Those who have followed this process know the significant impact such commentary has had. This should not be taken as an indication that the bishops are conducting an opinion poll. The core of these pastoral letters is a normative doctrine which is in place; soliciting commentary is meant to test the persuasive quality with which the moral doctrine is conveyed, the quality of the empirical analysis in the letters and the wisdom of the policy recommendations.

The inclusion of this "democratic" component in a Catholic teaching document must be carefully described. First, the democratic style is not used for all

¹⁶*Gaudium et spes* 3.

issues; there is a striking difference between the abortion question and the two pastorals on this point. Second, the bishops distinguish different levels of religious authority within the same pastoral. This allows them to protect the status of binding general moral principles, but also to make specific moral choices without expecting the entire community of the Church to be bound by the concrete policy options in the letters. The fact that the bishops endorse a given option ("No First Use" of nuclear weapons; job training programs, etc.) will give it visibility and a certain weight in the public debate, but the very specificity of the choice guarantees and invites debate within the Church and the society. The democratic component of the process is a reflection of several characteristics of *Gaudium et spes*: the effort to respect empirical analysis, to abide by the laws and procedures of secular disciplines, the desire to elicit the voice of the laity on secular questions and the willingness of the Church to continue the dialogue with the world begun at Vatican II.

The product of the pastorals is democratic in the sense that they are designed as a contribution to debate within a democratic society. The specific purpose of the bishops is to create space for the moral factor in the wider political argument. The bishops believe, in the style of *Gaudium et spes*, that they have something to learn from the world and something to teach the world. Although the pastorals enter the specifics of policy debate often, the bishops do not give any indication that their policy choices finish the debate. The specific choices of the bishops are meant to call others into the moral argument. In this way the moral dimensions of the policy debate are given more visibility, more time and space by the press and policymakers and, hopefully, more weight in the determination of policy.

The role for the pastorals makes the bishops actors in the democratic process. Their initial arena of influence is their own community; but the style of the pastorals and the process used makes them available to other constituencies. This is the arena of public opinion. The Church's role in a democracy is directly tied to the ambit of public opinion. The bishops can abide strictly by the church-state provisions outlined in this paper and still be a constant factor in the formulation of public opinion.

Public opinion does not dictate public policy. But it does set a framework—establishing limits, giving weight to key values or issues—within which policy choices are made. By shaping public opinion it is possible to influence the direction of policy without necessarily dictating policy choices. In the long-term this may be the most effective style of moral teaching and moral witness in the specific conditions of a secular society which lives by continuing public debate.

III. CHURCH, STATE AND WORLD: THE ECCLESIOLOGICAL CONSEQUENCES

A pattern has been developing in the Church whereby the public engagement in social issues raises internal ecclesial questions. In this final section of the paper I will examine a selection of ecclesial issues which have surfaced in the post-conciliar experience of the public church.

A. Papal Policy and Public Ministry

Social ministry in the twentieth century has been led by papal teaching. Prior to Vatican II, the social encyclicals were the mainstay of labor priests, Catholic Action groups and theologians writing on social ministry. John Paul II has continued and intensified this pattern. Through his teaching and his trips he projects the Church into a wide variety of socio-cultural situations and political questions. In both word and deed John Paul II is an activist on social issues.

His activism is manifested in both the *range* of issues he addresses and the *specificity* of the positions he takes. Key themes run through his writings and speeches which illustrate the scope of his interest:¹⁷

(1) The relationship of technology, politics and ethics: this theme is the way in which he approaches the issues of nuclear weaponry, medical technology and automation in the workplace;

(2) The relationship of East/West and North/South issues: under this rubric he criticizes the leading ideologies of the day, the dominance of the major powers and the diversion of resources to weapons rather than human needs;

(3) Human Rights: under this theme he addresses international politics as a whole (e.g., the 1979 U.N. Address) and human rights within countries.

It is true that every pope since Pius XII has spoken to most of these issues but John Paul II engages public attention and policymakers more effectively. In part this is due to the specificity of the positions he takes. His comments on Poland are universally known and carefully watched by governments in the East and West; in Mexico he legitimized the expropriation of property in some cases (as had Paul VI); in the Philippines the pope publicly admonished Mr. Marcos on human rights; in Washington he supported bilateral arms agreements at a moment when the U.S. Senate was seriously divided on SALT II. Both John Paul's charismatic style and substantive positions place him squarely at center stage in world affairs—a position which enhances the social ministry of the Church as a whole.

At the same time, John Paul II sends cautionary—some would say—mixed signals to the local church about social ministry. Often in the same trip, the pope will combine vigorous speeches on controversial topics with strong statements warning bishops, clergy and religious to avoid political involvement. These statements have been reinforced by actions taken against religious in political office. The question arises whether one dimension of papal policy undercuts the other. More substantively, how should the pope's overall approach to religion, politics and social ministry be interpreted.

Faced with this question, I would look for guidance precisely in the direction of *Gaudium et spes* 40-42. The papal position on religion and politics reflects these paragraphs in two ways: first, he is determined to protect the religious character

¹⁷For a sampling of themes cf: *Ways of Peace: Papal Messages for the World Days of Peace 1968-1986* (Vatican City: 1986); *Redemptor Homines* (1979); "The United Nations Address," *Origins*, 9 (1979) 259ff.; "Moral Choices for the Future: Address to Scientists and Scholars at Hiroshima," *Origins* 10 (1981) 621ff. The papal trips reiterate these themes: cf. *Origins*, 1978-86.

of the Church's ministry; second, he holds firmly to an "indirect" role for the Church in the political arena. Both the religious identity of the Church and the legitimate autonomy of the political order are protected, in the pope's view, if the Church remains in a teaching role on political questions, if it concentrates on forming public opinion, and if it relies exclusively on lay initiative for direct political involvement. These broad guidelines then lead to two specific rules about means: the institutional church should not be aligned with a political entity, and priests and religious should not hold civil office. The second criterion is very explicit since it is now embodied in the Code of Canon Law. As James Provost has pointed out,¹⁸ the law is more complex than might appear at first glance, but I would argue that the executive policy of the Holy See significantly reduces the possibility of exceptions from this prohibition.

Returning to the larger issue of papal social policy and the local church I would summarize the balance sheet in the following propositions:

- (1) By word and deed the Pope has reinforced Vatican II's call to social ministry at every level of the Church's life;
- (2) The Pope sees a role for every sector of the Church, but there are distinct roles to be played by different people;
- (3) Attempts by priests and religious to hold public office will be met with strong resistance; exceptions will be exceedingly rare;
- (4) The exclusion of priests and religious from public office is not, in my view, a major debit for the social ministry;
- (5) The papal prohibition on direct political involvement by institutional figures should not be understood as a prohibition on social ministry.

B. *The Local Church as a Social Actor*

Precisely because of the conciliar and post-conciliar impetus given to the local church as a social actor, ecclesial questions of principle and polity have arisen about criteria for fulfilling this role. The public engagement of the U.S. bishops has produced three ecclesial issues.

The first concerns relationships among local churches on secular questions. On internal issues of liturgy, doctrine and canonical questions, well-defined norms define relationships among local churches, but for the *Gaudium et spes* agenda, issues of polity and principle are being worked out incrementally as the local churches adjust to their role as social actors. The key structure in this process is the episcopal conference. Two issues have raised ecclesiological questions for USCC: human rights and the nuclear issue.

The USCC engagement of human rights and U.S. policy is governed by three criteria: (1) an alleged violation of human rights open to verification must exist; (2) U.S. foreign policy must be involved, thereby engaging this local church; (3) there must be some consultation or coordination with the episcopal conference of the country in question. Normally all three criteria must be met before the U.S.

¹⁸James Provost, "Priests and Religious in Political Office in the United States: A Canonical Perspective," in Madonna Kolbenschlag, ed., *Between God and Caesar* (New Jersey: Paulist Press, 1985) 74, 103.

bishops will take a position. The stringency of the criteria means that USCC does not address every major human rights case. The strength of the criteria is that USCC can credibly represent itself as reflecting the views of two local churches. The ecclesiological question which arises in this relationship is a variant of Paul Ramsey's well-known question, "Who Speaks for the Church?" When the hierarchy and the community form a coherent whole, for example in Poland, it is a relatively easy task to fashion an ecclesial position here on U.S. human rights policy. But when a hierarchy is divided or when a local church is divided, shaping a policy here is a tortuous task. The operative principle at USCC is that the local episcopal conference will be given unique weight. There are ecclesial and practical reasons supporting this *modus operandi*, but they do not dispel the critique that our consultative process does not allow a fair assessment of the Church as a whole.

During the drafting of the nuclear policy letter a different kind of ecclesial issue arose at the Vatican consultation of several European episcopal conferences, the U.S. conference and officials of the Holy See. The issue is the *mandatum docendi* of local conferences. To cite the report of Cardinal Ratzinger's comments at the Rome meeting: "A bishop's conference as such does not have a *mandatum docendi*. This belongs only to the College of Bishops with the pope."¹⁹

While the secular press focused on episcopal differences over the possible first use of nuclear weapons, theological observers recognized that the immediately explosive issue was the question of the competency of episcopal conferences. The question has remained with us, surfacing again at the 1985 Synod. Cardinal Ratzinger in pre-synodal remarks had reiterated doubts about the teaching role of conferences of bishops. Bishop Malone, among others, pressed the case for such bodies, including their teaching function. At the close of the synod Pope John Paul II included the question of the role of conferences as one of a short list to be studied.²⁰ The definitive judgment of the 1983 report may have been surpassed by the willingness to investigate the issue.

While this debate about the *mandatum* has been pursued episcopally in formal statements, theologians have provided more extensive commentary. The most comprehensive analysis has been Avery Dulles' address in January 1985. Dulles reviewed the theological and canonical data with customary care on his way to a conclusion which reinforced the *early* Ratzinger's judgment that episcopal conferences were indeed a legitimate and necessary instrument of the magisterium. Rejecting the exclusive role given to individual bishops or the whole college, Dulles said: "If the bishops of a whole nation or region, after careful consideration, come to a consensus as to where the truth of the Gospel lies, their witness normally has more force than that of the individual bishop."²¹

¹⁹Jan Schotte, "Vatican Official's Report on Meeting to Discuss War and Peace Pastoral," *Origins* 12 (1983) 692.

²⁰Cardinal Joseph Ratzinger, *The Ratzinger Report* (San Francisco: Ignatius Press, 1985); Bishop James Malone, "Report to Synod Secretariat," *Origins* 15 (1985) 227ff., 388ff.; Pope John Paul II, "Closing Address to the Synod," *Origins* 15 (1985) 451ff.

²¹Avery Dulles, "What is the Doctrinal Authority of a Bishops Conference?," *Origins* 14 (1985) 532.

Having declared himself on the competency question, Dulles rightly raises the issue of how episcopal conference dicta are to be interpreted: what degree of authority do they have and how should the bishops exercise this competency? Dulles' questions are precisely the right ones in my view. The issue is not whether authority to teach exists, but how it should be used and received in the Church.

In the next step of his argument, I part company with Fr. Dulles. He says:

Generally speaking, I believe the episcopal conference should devote itself primarily to teaching, leaving the concrete applications, when these are not obvious, to lay persons regularly engaged in secular affairs.²²

This question of how specific conference statements should be also arose at the Rome meeting in 1983: "Should bishops' conferences limit their task to stating general principles or should they also apply these principles to concrete situations?"²³

While I agree with Dulles that, when bishops' conferences make policy judgments, "they should clearly identify them as such," I would oppose restricting episcopal conferences to the level of theological or moral principles. My difference with Fr. Dulles on this point rests on three different arguments.

The first is ecclesiological: the logic of *Octogesima adveniens* calls the local church precisely to the task of specifying general principles which the magisterium sets forth. While the phrase "Christian communities" in Paul VI's text clearly goes beyond the local hierarchy, it does not seem to exclude them. If such bodies stay purely at the level of principle they seem to sacrifice their comparative advantage derived from pastoral experience and knowledge of the local situation.

Second, a moral argument: in an essay on social policy and social ethics, James Gustafson spoke of the need to incarnate moral principles in the fabric of a social problem to demonstrate their significance and illuminative power.²⁴ Catholic moral theology is characterized by two assets: its structure of principles and its willingness to press a moral argument through to specific conclusions. The Catholic tradition has done this in social ethics and medical ethics as well. There is undoubtedly a risk of absolutizing in either area what is at best a prudential choice or a complex and contingent moral conclusion. But there is also a risk in stating principles so abstractly that all acknowledge them, then proceed to widely divergent conclusions while claiming support of the principle.

A third argument is either political or pastoral. It arises from Fr. Dulles' persuasive commentary on what gives an ecclesial statement moral authority which commands assent. He says:

Assent is never a matter of sheer obedience, but one of responsible judgment. . . . In the final analysis authority is only a means to an end, namely, the production of documents that effectively address real and urgent questions. In actual practice the influence of conference documents, like that of encyclicals and even conciliar state-

²²*Ibid.*, 533.

²³Schotte, "Vatican Official's Report," 692.

²⁴James Gustafson, "Social Ethics and Social Policy," in Paul Ramsey, ed., *Faith and Social Ethics* (New York: Harper & Row, 1957) 119-39.

ments, depends less on the formal authority with which they are issued than on their intrinsic merits. . . . If discerning readers find it persuasive and enlightening, it can produce an impact in excess of its juridical or official weight.²⁵

I would contend that on issues like nuclear policy or the economy, "the intrinsic merits and persuasive quality" of episcopal statements are enhanced if the bishops show—with appropriate modesty and limited claims of authority—a willingness to engage the specific dimensions of problems. Obviously the test of such an approach is the quality of reasoning which joins the ethical and empirical elements of a problem. The formal object quo of an episcopal statement should be its moral-religious perspective. But its material content can extend to specific policy conclusions—explicitly defined as such.

I am persuaded from following the commentary on both pastoral letters of the U.S. bishops that neither would have found their way to the center of the national policy debate if they had not pursued basic principles through to contingent but concrete conclusions.

C. The Posture of the Church in the Policy Process

A different kind of ecclesiological issue has surfaced in the debates surrounding the pastoral letters. It is the resurgence of the classical church-sect debate now framed in a Catholic setting. David O'Brien has called attention to the phenomenon in a series of essays, and I can testify from reviewing the responses to the peace pastoral that Troeltsch's traditional categories reappear today *within* the Catholic community. The call for a more prophetic peace pastoral often involved more than disagreement about the conclusion on deterrence. Beneath such differences usually lay questions about the premises of the Church's social ministry. These deeper questions include: (1) how the Church defines its role in civil society; (2) how it states its case on social policy; and (3) how it evaluates forms of social witness. As James Gustafson pointed out in his 1985 lecture to CTSA, these questions divide theologians, pastors and laity. Even though Troeltsch defined Catholicism as the classical church-type, he and others have recognized a recurring rise of what Gustafson calls "the sectarian temptation" within Catholicism.²⁶

Several characteristics of how the sectarian option arises today are worthy of note. First, the medieval response to the sectarian impulse, which Troeltsch saw as a stroke of genius by Innocent III, will not succeed today. The medieval solution of using the distinction between commandments and counsels, between laity in the world and religious separated from the world is viewed with suspicion by both parties and most theologians. Today, the church-sect debate cuts across the whole Church with some of the strongest sectarian proponents being laity.

Second, the sectarian inclination is espoused by quite different groups in the Catholic community and for different reasons. On the left, nuclear policy, capi-

²⁵Dulles, "What Is the Doctrinal Authority," 532 and 533.

²⁶James Gustafson, "The Sectarian Temptation: Reflections on Theology, the Church and the University," *Proceedings of the Catholic Theological Society of America* 40 (1985) 83-84.

talism and consumerism are the driving forces; on the right abortion, pornography and secularism produce a similar result. This left-right dichotomy is excessively simple, but I seek to identify the logic of a position. The position, left and right, essentially despairs of being able to join authentic Christian commitment with significant participation in central features of modern society—either its military and corporate establishment or its media and educational institutions. The pervasive tendency is “to stand against” as a witness rather than to witness through participation.

Third, the sectarian inclination involves the following elements: (1) a drive for clear and radical gospel teaching (e.g., no to deterrence and to abortion without any saving exceptions); (2) following upon clear teaching, the call for a sharp break by the Church with society; (3) as a consequence of this ecclesial break, a call for discipleship to be lived over against society, Gustafson’s comment on the cumulative result of the sectarian option is that:

Religiously and theologically it provides Christians with a clear distinctiveness from others in beliefs; morally it provides distinctiveness in behaviour. It ensures a clear identity which frees persons from ambiguity and uncertainty, but it isolates Christians from taking seriously the wider world of science and culture and limits the participation of Christians in the ambiguities of moral and social life in the patterns of interdependence in the world.²⁷

Advocates of the sectarian option—both Catholic and Protestant—would argue that Gustafson fails to address their fundamental insight; dispelling the ambiguity surrounding military service on a nuclear submarine or medical practice in a university hospital where abortions are performed is necessary because ambiguity masks unacceptable compromise. Legislators whose voting records on war or abortion legislation depict a pattern of *sic et non* are not regarded as holding the moderate middle but having a misguided sense of tolerance and a flaccid conscience.

The sectarian inclination will not disappear. The nature of certain issues—pre-eminently nuclear weapons and abortion—move some into a sectarian posture who would not be so inclined on less cosmic questions.

Because the church-sect debate will remain as a feature of the Catholic landscape, I believe we need a “Catholic” style of address to the question. The medieval model of keeping both parties inside the Church needs to be renewed even though it cannot simply be replicated. At the same time, I believe a Catholic solution will continue to affirm a church model as the public position of Catholicism. I am confirmed in this position by Gustafson’s philosophical-theological critique of the sectarian option and by Robert Bellah’s socio-political argument for the church type in his 1982 CTSA address.²⁸ Gustafson fears that Christians will forsake the world to the detriment of both church and world; Bellah is convinced only a strong public church can sustain a leavening role in a bureaucratic-industrial polity.

²⁷*Ibid.*, 84.

²⁸Robert Bellah, “Religion and Power in America Today,” *Proceedings of the Catholic Theological Society of America* 37 (1982) 15-25.

In my view the lesson of the pastoral letters is that their fundamental contribution has been a catalytic role in public discourse, opening space for the moral argument in the midst of the complexity of contemporary social policy. The catalytic role is directly tied to the church-type style of argument in each document. To forsake this style of public presence is to purchase clarity and certainty at too high a price pastorally and publicly.

*D. The Linkage Question:
External Witness and Internal Issues*

A final and fundamental ecclesial question has surfaced since Vatican II. It is the linkage between the principles shaping the Church's external witness and the implications of those principles for the internal life of the Church itself. The question is so much with us today that it is striking to examine papal teaching for almost a century and find no hint of it. The shift came with the statement of the 1971 Synod of Bishops:

While the Church is bound to give witness to justice, she recognizes that anyone who ventures to speak to people about justice must first be just in their eyes.²⁹

This principle may have been assumed in previous papal teaching, but it was never stated. Cryptic as the passage was, it has generated debate on a broad spectrum of issues since 1971, including academic freedom and human rights in the Church, the role of women in the Church and the status of unions and just wages in Catholic institutions. Richard McBrien has argued that the principle stated at the synod is not simply an ethical appeal for consistency, but that it should be understood as a properly ecclesiological statement. Precisely because the Church defines itself as a sacrament, McBrien contends, its actions and practices communicate a teaching content for good or ill.³⁰

John Courtney Murray predicted both the inevitability and the complexity of the linkage effect in several of his commentaries on *Dignitatis humanae*. Murray had assiduously avoided joining the debate on religious freedom in society with the question of freedom in the Church. He did this for both theological and tactical reasons, contending that the conciliar text did not have the theological foundation to argue the internal issues, and that any attempt to revise the text in that direction would be a fatal mistake. After Vatican II had stated the Catholic position on religious liberty as a human and civil right, however, Murray commented:

Inevitably, a second great argument will be set afoot—now on the theological meaning of Christian freedom. The children of God, who receive this freedom as a gift from their Father through Christ in the Holy Spirit, assert it within the Church as well as within the world, always for the sake of the world and the Church. The issues are many—the dignity of the Christian, the foundations of Christian freedom, its object or content, its limits and their criterion, the measure of its responsible use, its relation to the legitimate reaches of authority and to the saving counsels

²⁹*Justice in the World*, #4.

³⁰R. McBrien, "The Need for Changes of Church Structure from Within," *Liberty and Justice for All*, St. Paul-Minneapolis Hearing (Washington DC, U.S. Catholic Conference 1975) 92.

of prudence, the perils that lurk in it, and the forms of corruption to which it is prone. All these issues must be considered in a spirit of sober and informed reflection.³¹

Murray made an initial contribution to the informed reflection needed on the linkage debate by stressing the analogical nature of the Church and civil society. While he believed the principles supporting religious liberty had implications for Christian freedom within the Church, he stressed that the two issues could not be equated. Twenty years after Murray made this distinction we are still in need of a more rigorous analysis, specifying how far the categories of social ethics can take us in adjudicating internal issues in the Church, and indicating where other theological principles must supplement them. Murray's analogical principle is a first step in shaping the conceptual framework needed to press the linkage debate forward.

Some issues, just wage and the right of unions to organize, make identical claims on church and civil society. Other questions require, I believe, a social and theological structure of argument.

Since this paper is focused on ecclesial issues in the United States let me simply identify two issues where the Church's social witness and the character of its internal life are of growing seriousness. The two are academic freedom in the university and theologate and the role of women in the Church. Both cases are rapidly becoming neuralgic for the Church in the United States. Both involve claims of rights and justice, hence they should be argued in terms of the Church's social teaching. Aspects of both, however, will take the debate beyond the categories of social ethics into theological questions about the adequacy of current Catholic teaching, the competency of the episcopal magisterium and the structure of Catholic polity. I am not the person to illustrate how the social and theological themes should be related, but I am convinced it is a cross-disciplinary task which needs to be undertaken.

It is pertinent to the concerns of this paper to note that it is precisely the socio-cultural conditions of this local church which make these two issues test cases of the Church's social credibility and its internal polity. The high value given in American society to freedom and autonomy in universities, and the political and cultural centrality of the role and rights of women in social institutions are both signs of the times for the Church. Failure to observe established standards of procedure and substantive demands of justice on either issue will inevitably erode the public witness of the Church. For reasons of both internal integrity and external credibility the linkage question must be systematically faced.

At the end of this excessively long social and ecclesial investigation two conclusions can be drawn. First, the movement from church-state to church and world at Vatican II began a process which has moved the Catholic Church decisively into a public, social role of substantial proportions; we are well along in this process and it must be continued. Second, less noticed is the way that deeper involvement in the world has generated questions which require resolution within the

³¹J. C. Murray, "Introduction to the Declaration on Religious Freedom," in Walter Abbot, ed., *The Documents of Vatican II* (New York: Guild Press, 1966) 673.

Church. We have only begun to probe this external-internal linkage systematically.

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