

Civil law's scope differs from moral law

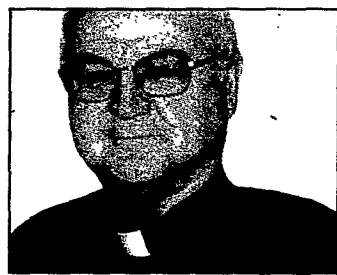
The article "Tom Daschle's Duty to be Morally Coherent" by Joseph Bottum in the April 17 edition of *The Weekly Standard* touches upon an important issue that transcends the religious status and political fortunes of the Democratic leader in the United States Senate, namely, the relevance and impact of Catholic moral teachings in the public realm.

Mr. Bottum reported that Robert Carlson, the Catholic bishop of Sioux Falls, South Dakota, had sent a confidential letter to Senator Daschle, ordering him to stop identifying himself as a Catholic. If we are to believe Bottum's account, the senator has been virtually excommunicated from the church.

Yet the article offers no evidence for its central claim. Indeed, there is not a single direct quotation from the bishop's letter to the senator. One wonders why that did not make editors wonder whether the article was based entirely on hearsay — perhaps on information from someone in the diocesan office with a political agenda of his own?

By the time this column appears, Bishop Carlson may have issued a public statement denying the central thrust of Bottum's article. Indeed, if the rumors about the senator's religious status were to persist, the bishop would have a serious moral obligation to address them.

Regardless of whether



Father Richard McBrien

Essays in Theology

this matter between the senator and his bishop proves to be a temporary blip on the political radar screen, a crucially important question will remain: To what extent, if any, must the civil law enshrine the dictates of the moral law, as understood and interpreted by the Catholic Church?

The late Jesuit theologian John Courtney Murray, who was the chief architect of the Second Vatican Council's Declaration on Religious Freedom, reminded us that there is a great difference between the moral law and the civil law. The former, he wrote, "governs the entire order of human conduct, personal and social; it extends even to motivations and interior acts."

The latter "looks only to the public order of human society; it touches only external acts, and regards only values that are formally social." Thus, the scope of civil law is far more limited than that of the moral law.

Father Murray's view was entirely consistent with the Catholic tradition as expressed by one of its fore-

most theologians, St. Thomas Aquinas, who argued that if civil laws laid too heavy a burden on the "multitude of imperfect people," it would be impossible for such laws to be obeyed and this, in turn, could lead eventually to disregard for all law.

Unenforceable laws are worse than no laws at all. And without a sufficient consensus, no law is enforceable. Civil laws, therefore, can demand no more than society itself can agree upon. To change a law, one must change the consensus that supports the old law and opposes the new.

If this is true of society as a whole, it is also true of individual legislators, who are called upon every day to make practical judgments. Which law will best serve the common good, given the moral consensus currently existing within a diverse and pluralistic society?

In the purist's mind, it's "all or nothing." In the practical politician's mind, it's "half a loaf is better than none."

The ideologue who demands all or nothing almost always comes up empty handed. Politics is the art of the possible.

If citizens do not like their politicians' views on issues of importance to them, they can vote them out of office — and without any coaxing from their religious leaders.

Father McBrien is a professor of theology at the University of Notre Dame.

Priest lauds coordinator

To the editor:

The Diocese of Rochester has a great asset at 1150 Buffalo Road in the person of Sandy Grocki. Sandy has been a life sayer for many active and retired priests. I'm sure she could be on a first name basis with all the priests except for her tremendous respect for the priesthood which prompts her to use "Father."

Sandy does not look upon her position as a job but a vocation to serve and she serves well. Any priest who has had health problems or health insurance problems would testify to her concern, knowledge and contacts in helping resolve those problems. She also has a great sense of humor which she needs much of the time.

Over the past 10 years I have had serious health problems and Sandy's help has been invaluable. I am sure I would not be around today if Sandy had not been so good and efficient.

God bless you and yours, Sandy!

Fr. Gerald T. O'Connor
Bradford, N.Y.

We are all one people

To the editor:

Since Constantine's ascendancy to power in 336 A.D. and the rise of Caesaropapism, through Western Christendom, the Middle Ages and the selection of "prince" bishops, to the rise and fall of the Papal states and beyond, for better and

for worse, the church has influenced and been influenced by politics. This is our tradition.

While I support Bishop Clark's elucidation of Church teaching on nonviolence and war and the concerns with social and distributive justice, one may note that these doctrines point to something deeper, a reason they were discovered over time and became part of our wisdom tradition. Mystics of Christianity and other world religions have written about, and experienced to some degree, the deeper truth; *that we all are one* — one human family or race, one world, one cosmos, created, sustained and loved by the one and the same God.

We are all made of the same "stuff." Language, culture, nationality, religion, etc. while important, are still layers upon layers which can get in the way of realizing that we are all the body of Christ, the bodies of God. This one fact, if taken seriously, has enormous ramifications for the future of our world.

It means, as others have pointed out, that an attack on anyone else is essentially an attack upon ourselves. The mystical interconnection of unity in God means also as Matthew's Gospel so poignantly says, "Whatever you do to the least of my brothers or sisters, you do to me." So, an attack upon humanity is also an attack upon God, too, in some sense.

My one recurring, constant hope in the outcome of this and any war and in life is that we come to realize who we really are and treat each other accordingly.

Tom Agness
Reddick Lane
Rochester

Why censor mall attire?

To the editor:

I'm sure John Compton is correct (*Catholic Courier*, May 8: "Writer lacked all the facts") when he asserts that some Albany mall "has a posted policy stating no clothing allowed in the mall that bears a message of reli-

gious or sion." An more imb such as corporate thing be dream up the over- ventering se very few? poor blok doors and they ente ever actual to court be per sporte or some su any jury mall? Havi The found be ashamed

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To the editor In Father mon's colum

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