1991

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What it Means to be a Catholic in the United States in the Year 1991
WHAT IT MEANS TO BE A CATHOLIC IN THE UNITED STATES IN THE YEAR 1991

by JOHN T. NOONAN, JR.

Marianist Award Lecture
1991

THE UNIVERSITY OF DAYTON
JOHN T. NOONAN, JR. is a judge of the U.S. Court of Appeals, Ninth Circuit (San Francisco). Born in Boston in 1926, he graduated from Harvard and did advanced studies in English Literature at Cambridge University before earning a Ph.D. in Philosophy from the Catholic University of America. He received his law degree from Harvard Law School in 1954. He practiced law in Boston for seven years before joining the faculty of the University of Notre Dame Law School. In 1966 he became professor at the University of California Law School at Berkeley, where he remained until he was appointed a federal judge in 1986.

Judge Noonan is the author of a distinguished list of publications, including these books: The Scholastic Analysis of Usury, Bribes, Contraception, Persons and Masks of the Law, The Antelope, A Private Choice, Power to Dissolve, and The Believer and the Powers that Are. He has a record of wide-ranging service in government, church and academia, and has received eleven honorary degrees, the Christian Culture Medal, the Laetare Medal and Edmund Campion Medal, among many other awards.

Judge Noonan is married to Mary Lee Noonan; they are the parents of three adult children.
The following lecture was given at the University of Dayton on the occasion of the presentation of the Marianist Award to John T. Noonan, Jr., January 24, 1991.
WHAT IT MEANS TO BE A CATHOLIC
IN THE UNITED STATES
IN THE YEAR 1991

Deeply honored as I am by this award and deeply grateful for your generosity, I propose to offer in return a kind of declaration of faith. It is not an official creed. I do not pretend to be completely comprehensive. I do want to set out what the reading of history, literature, law, philosophy and theology and the lived experience of 64 years as a Catholic suggests to me as to what being a Catholic means.

Thirty years ago this year preparations were afoot for what was to be the most significant event in the history of the Catholic Church since the sixteenth century and one of the most significant religious assemblies ever convoked: the Second Vatican Council. For me, as for many observers, it also had a personal significance.

THE SECOND VATICAN COUNCIL

We came to Rome—we who had never seen a Council—holding to the belief that a General Council of the Church, acting in conjunction with the Pope, could, under the guidance of the Holy Spirit, promulgate the truth on matters of faith and morals. We, who had never seen a Council, were inclined to believe that this process would be like the descent of the dove on Christ, a visible pouring out of grace upon those exclaiming at the truth that they beheld and announced.

What did we see? A legislature in action. A legislature with a right, center, and left. A legislature with a variety of committees composing legislation, compromising disputes, considering amendments. A legislature of bishops guided by staffs of experts. A legislature interacting with the executive power possessed by the Pope. A legislature surrounded by lobbyists on every issue.

The conciliar sessions themselves took place in the great basilica of St. Peter, a space suited to the size of the assembly—over 2000
bishops. The side altars of the basilica were turned into coffee bars where over an espresso one could engage in an argument with other participants.

At the end of each day's session there were press conferences, lunches, cocktail parties, dinners. The work of the Council went on not only in the nave of St. Peter, not only in its coffee bars, but around the town—in religious houses, in hotels, in embassies, in Roman congregations, and in the old palace of the Vatican. After the experience of the Council I could not doubt that the work of the Church is done by human beings; that God, whose will we believe was effected by the Council, acts by human means.

That I needed such an experience to grasp how dogmatic truths are formulated shows, perhaps, how easy it is to mythologize if you have not had the experience; to suppose that at some more perfect time divine intervention was more direct and palpable. Now, having had the experience, I am sure that every council of the past, beginning with the Apostles’ in Jerusalem, was similar: human beings met, debated, and resolved differences; what was visible was those human interactions. Jean Paul Sartre, in a famous phrase, said that existentialism was humanism. In a much more profound way the Church, shaping its doctrine in councils, is a humanism.

THE DEVELOPMENT OF MORAL DOCTRINE

Secondly, my own work in the history of moral concepts has led to an analogous conclusion as to God's action through human means. I have investigated a variety of moral teachings of the Church—on usury, on contraception, on abortion, on divorce, on bribery, on religious liberty. I have not found that any of these teachings emerged as it were from heaven as a clear and distinct set of commandments. No, these teachings have grown in human soil. They have incorporated pagan perceptions, ancient biology, changing conventions and changing customs. They have maintained, I have written, a central core of values. They have been formulated and developed through human experience. They have evolved.
The prohibition of usury—once defined as any profit on any loan—has been substantially reworked. The prohibition on abortion, once distorted by now discredited biology, has become more stringent. The prohibition of bribery has become more comprehensive. The prohibition of divorce has become affected by new analyses of what makes a marriage. Religious liberty, once denied to heretics, is now prized as a requirement of human nature and the Gospel. God has not entrusted commandments to the Church that are immune from the impact of the increase in knowledge and the impact of changing social conditions. The teachings sit in a human context. The Church, drawing on human experience to form its moral teaching, is a humanism.

**THE INTERPRETATION OF SCRIPTURE**

Thirdly, I turn to an area that is not my own but which is so fundamental to any understanding of Christianity that it is ignored at one's peril. I mean Scripture. In the last fifty years, beginning with the encyclical *Divino Afflante Spiritu*, this area has been transformed within the Catholic community. The Church, of course, was never a narrowly fundamentalist expositor of Scripture. No person or institution, I believe, can consistently be so. The images and sayings of Scripture are too many, too rich, too contradictory for every image to be taken literally and every text pressed to the letter. How can God be both Banker and Farmer, as the parables suggest? How can Jesus be the perfectly just and therefore unbiased Judge at the Last Judgment and also the Redeemer who has given his life that every soul may be saved from condemnation at that judgment? The multiplicity of images demands discrimination between the meanings intended.

So, too, with the sayings. If your eye offends you, no one supposes that you must obey the words of the Lord to pluck it out. No parent or child takes seriously Jesus' injunction, "Call no man father." No Christian lawyer believes that St. Paul meant him when St. Paul condemned litigation. Texts are controlled by contexts created by the community.

The liberation of the last half century has not, then, been from enslavement to a literal reading of Scripture as standard practice. It
has been from an enslavement to a view of Scripture much like that I suggested we held of Councils—a view that the composition of Scripture was by the direct action of God on the pen of the draftsman, a view of Scripture as God's dictation to faithful scribes.

What has come in place of this vision, based on an absence of experience and on lack of close investigation of the text, is the realization that Scripture was written by many hands at many times; that it was assembled and edited before it became Scripture; that it incorporates local conventions, the geography and history of a particular time, the astronomy, biology, and paleontology, now obsolete, of another age; that it responds to particular controversies and is therefore shaped by the context of the particular community to which it is addressed; that it reflects the passions and prejudices of its particular human authors, who were not passive instruments for a divine dictator.

With this change of view of how Scripture was made has come a new freedom in seeing allegory where earlier generations had insisted that there was historical fact as well as allegory. This freedom, to be sure, appears to stop at the pulpit. A chasm presently exists between Catholic scriptural studies and the usual Sunday preaching, which affects a literalism in reading the Gospels reminiscent of the old stained glass windows depicting Gospel scenes with exacting detail. We cannot get rid of the pictorial that embodies the literal. But at the level of serious study, a great deal once read as history is now read as theology, an intentional representation by images of a theological insight, written in this style by an author with this theological motivation. Scripture itself is seen humanistically as a human enterprise.

BELIEF BASED ON REASON

My general conclusion from these three sets of observations on the operations of a General Council, the development of doctrine about morals, and the interpretation of Scripture: Catholic Christianity is a humanism. But I add at once, it is not only a humanism. It is human action by which God acts. In St. Paul's fine phrase, we are "the co-workers of God" (1 Cor. 3.9).
How do I know? I don't. I believe that God is with us. Belief is not knowledge. It can, however, be based on reason, so that it is neither irrational nor contrary to reason. I turn to the reasons that justify my belief and the counter reasons that militate against it.

First, Catholic Christianity has survived for twenty centuries. It has expanded to every part of the globe. Its survival and expansion prove that it is not culture-dependent. It speaks, and has spoken, to the deepest feelings of millions of human beings. They have found it a home, a friend, a mother, a way of life. If it were not of God, it would have died centuries ago.

This reason may be called the Gamaliel reason after the advice given by the Pharisee Gamaliel to the Sanhedrin as to how to treat the nascent Church: No need to persecute; if it is not of God it will die.

There are two counters to this reason. The first is that the test is not over; who knows if Christianity will last the course? The other is that in fact Christianity has not survived; the name's the same but not the substance. I reject the first objection because it makes Gamaliel's test infinite. I deny the second because I see the constant core.

The second reason for belief is encapsulated in the question the Gospel of John attributes to the disciples: "Lord, to whom shall we go?" If you do not believe in Jesus, in whom will you believe? No spiritual leader has been presented possessing such authority and such love. No doubt in a Western country our culture shapes us, to a degree, to respond to him; but in many ways it blocks or deforms his message. For us at least—let us not speak for others—there are no substitutes as Saviors. And if we do not turn to him we substitute an addiction: alcohol or drugs, sex or work. We cannot tolerate the absence of a god. And if we finally conclude that no god exists, we wander in a darkness painful by the absence of purpose. We turn to Jesus because there is no other person to whom to turn.

The counter-objection, of course, is that the purposeless person may be right. All is chance. No purposes have validity. No god does exist. Wishing will not change our fate. This objection I note and pass by. Too much of human striving is purposeful for any person to ignore.
purpose and live. Suicide is an option for the purposeless but not a rational counter to the second reason.

The third reason for belief is the pragmatic reason of Jesus: "By their fruits you shall know them." What are those fruits? The art, music, sculpture, and architecture of Europe. The literature of Europe. The laws of Europe. The hospitals and charitable sodalities of Europe. And beyond all the cultural and social benefactions Catholic Christianity produced persons—for example, to cite the cultural makers of England from the fifth century to the nineteenth, its great missionary, Patrick, and its great historian, Bede; its great political scientist, John of Salisbury, and its great jurisprudent, Chief Justice William de Raleigh; its great martyr, Thomas Becket, and its great philosopher, Alexander of Hales; Geoffrey Chaucer, the poet, and John Bromyard, the preacher; Lady Margaret Beaufort, the patroness of printing and the two universities, and William Langland, the moralist; John Fisher, the martyr-Cardinal, and Thomas More, the martyr-Chancellor; John Dryden, Alexander Pope and Gerard Hopkins, the leading poets respectively of the seventeenth, eighteenth and nineteenth centuries; and John Henry Newman, incomparable both as a writer and as a theologian. What a company to bear witness!

The fruits are also personal. The greatest challenge, the miracle we all look for, is to move from death to life. With my own eyes I have seen the physical miracle of prayer making it possible for my mother, a woman of 87, to survive serious surgery and recover and to live for years thereafter. I have experienced the moral miracle of moving from sin to grace hearing the words of absolution. I have tasted the spiritual miracle of bread becoming the body of the Lord. It is with my own eyes, ears, and tongue that I have savored the fruits. It is to my heart that the words of Scripture have spoken. It is I that the sacraments have renewed. It is to me that the great prayer of the mass has held out its hope: that we will become co-sharers of divinity, that is, that our lives will not end with our bodies.

Now I know the answer to this reason: that Christianity has borne bad fruit as well as good: the Inquisition; the torture, the burning of
heretics; the denial of religious liberty; the degradation of the Jews; the crusades, the wars of religion, the encouragement of intolerance; the rationalization of slavery; the stiffening of colonialism; the unnecessary intensification of guilt. For every Christian saint or leader there may be a Christian tyrant or traitor. Who but French Catholic theologians and English Catholic soldiers put Joan of Arc to death? The balance of good and bad is at best uncertain.

I must agree that we possess no measuring stick to measure the social goods and ills or the respective weight of good and bad Christians. Weights and measures here are only metaphorical. But one can see the best and know that the worst is the corruption of the best. And in the personal realm no objection occurs which undermines my personal experience of seeing life replace death.

I remain with three reasons: that of Gamaliel, that of the disciples, that of Jesus,—reasons, not demonstrative evidence, for believing.

HUMAN VALUES, HOPES, AND PURPOSES

I do believe as a Catholic Christian that to be a Catholic today means, first, to share many of the values, hopes, and purposes of all other human beings. We are, first of all, part of humanity. Its lot is ours. The Church makes us neither less nor more than human.

From that humanity much, with the aid of historical human experience, may be derived. We share a unity of nature that excludes racism and sexism. We share a rationality that makes coercion of the mind odious and education priceless. We have a need for parents to procreate children and lovingly bring them up. We have a need for governments to protect life and to enhance ways of living. We need values, hopes, and purposes and without them self-destruct with drink or drugs or vice. As human beings we learn to value the truth, to hate cruelty and discrimination, and to love those closest to us and to extend that love ultimately to the alien and the stranger. With experience we formulate the moral laws.

We also know that we must die as inevitably as ants or flies, but we believe that our lives do not end with our bodies. In what that
new life consists Scripture does not say except by the vaguest images. "Eye has not seen, ear has not heard," St. Paul tells us. We do not know and despite the speculations of theologians there is little for us to believe. There is a judgment by God—that we believe. Of what concretely follows we have no concept. In the absence of the experience all images and metaphors fail us.

What does the Catholic Church, then, add to our humanity? A direction in reading, thought, and action; a taste or touch of tangible signs; incorporation into a wide and old and exemplary and encouraging company headed by the woman we acknowledge as the mother of God; an encounter with Jesus, man and God, and continued communication with Him; the promise of a judgment beyond time and of a life, real and personal, that goes beyond the grave. Human values, hopes, purposes are confirmed and transcended in that promise which expresses God's love of us.

To be a Catholic in the United States in 1991 is not substantially different from being a Catholic anywhere in 991 or 91, except that the number of companions, past and present, has increased.
THE MARIANIST AWARD

Each year the University of Dayton presents the Marianist Award to a Roman Catholic distinguished for achievement in scholarship and the intellectual life.

Established in 1950, the award was originally presented to individuals who made outstanding contributions to Mariology. In 1967, the concept for the award was broadened to honor those people who had made outstanding contributions to humanity. The award, as currently given, was reactivated in 1986.

The Marianist Award is named for the founding religious order of the University of Dayton, the Society of Mary (Marianists). The award carries with it a stipend of $5,000.
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