

# Fellowship of Catholic Scholars Quarterly

Vol. 45, Nos. 2 & 3

Summer & Fall 2024

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# Letter from the President of the Fellowship

Dear Members of the Fellowship,

I write this letter one week after the American elections were held, at a time when so much is “in play”: Foreign policy and immigration, economic policy and the role of government, abortion laws and sexual identity, globalism and nationalism, to name just a few. Many of the articles I’ve seen express concern about the role religion will play, especially Christianity, in new policies and directions that will be proposed. For some, it is simply a matter of fact that any Christian influence will be oppressive, that it will involve the imposition of a narrow point of view on those who are not Christian or who are not Christian in a particular way. What is it that will bring unity to the diversity that is the United States of America? How could one not be concerned about this, especially if religious belief is understood to be merely a “preferred perspective” on things?

Our recent convention provided much food for thought on this topic. Scholars, doctors, lawyers, military personnel, journalists, and businessman, spoke about their professions and their Catholic faith in a way that shed light on the truth that is at stake in the work they do. Many of them made it clear that following their consciences and following the principles of their professions should often be described simply as the pursuit of truth and justice. Their Catholic faith, far from something that they would impose on another person, assists them in uncovering for others what is the best way forward, not at all a narrow way forward; what is true and important for all people, not just Catholics. This takes work and at times involves a form of martyrdom. However, what is clear from the talks and from our discussions and meals together, is the great gift that is the intellectual depth of our Catholic faith.

I will close this letter with a couple of practical items to note. I am most grateful to you for your patience as we develop our new Fellowship website. It is coming along very well. We hope to launch early in the new year. Also, please be on the lookout for the ballot for the election of new board members and for our announcement of the location and the theme of the 2025 convention. I look forward to seeing you there.

With my prayers and best wishes for you this Christmas and in the new year.

Sincerely in Christ,  
Father Anthony Giampietro, CSB  
President, FCS

# From the Editor's Desk

*Joshua P. Hochschild*

The variety of contributions in the present issue fittingly showcases the range of intellectual interests in the Fellowship of Catholic Scholars: philosophy, political history, theology, literary criticism, social thought, ethics of technology, and more. Several contributions were presented at one of the recent conventions held on the campus of the Catholic University of America: in 2022, on the theme “Love Among the Ruins: Strategies for Thriving Intellectually and Practically in the Current Culture,” and in 2023, on the theme “Truth in Public and Private Life.” I will single out for mention only one: the essay by Msgr. Robert Sokolowski is from his 2023 keynote address at the 45<sup>th</sup> convention meeting, where he was also awarded the Fellowship’s Cardinal Wright Award for outstanding service for the Catholic Church.

There are several pieces already in the pipeline for the next issue, and I appeal to readers to submit more. Expect future issues to include contributions from the most recent convention, in September 2024, on the theme “Catholics in Professional Life.” Members of the fellowship can also encourage friends and colleagues to help sustain the *Quarterly*, whether by submitting work, signing up for membership, sharing book announcements, or offering to review books that may be—or may not be—mentioned among our *Books Received* section. I especially encourage readers to consider submitting book reviews. These can be longer essays like the one included here—D. Q. McNerny on a recent volume collecting works by Yves Simon—but they can be summary notices of one or two paragraphs, or anything in between.

Finally, this issue properly honors the former editor of the *Quarterly*, the late Fr. Joseph Koterski, S.J., with an appreciation by his religious brother Fr. John Conley, S.J. For readers let this “In Memoriam” serve as a reminder in another way: the *Quarterly* depends on members of the Fellowship to help honor other figures—fellow members and significant contributors to the world of Catholic scholarship—who have passed on to their eternal rest. Please send me names or, better yet, your own encomia for the beloved lost.

# Washington Insider: The March for Life\*

*William L. Saunders*  
*The Catholic University of America*

*Spring 2024*

*The March for Life, Religious Freedom Day, and the  
State of the Union Address*

The [2024] March for Life was held in Washington, DC, on January 19, in the snow. It was the second following the Supreme Court's reversal of *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization*. The theme was "With Every Woman, For Every Child." At Catholic University, where I work, classes were canceled between eleven in the morning and three in the afternoon so that students can participate and faculty can attend without taking leave. The march was well attended, as always.

Since *Dobbs*, which seemingly left the battle over abortion largely to the states, the March for Life Action organization has intensified its efforts in the states, including Connecticut, which lacks all pro-life legal protections, and Arizona, where the governor and attorney general have vowed not to enforce any pro-life protections that may be enacted in the future.<sup>1</sup>

Around the same time as the march, President Joe Biden proclaimed January 16 as "Religious Freedom Day."<sup>2</sup> In a same day statement, the Committee for Religious Liberty of the US Conference of Catholic Bishops issued its first report on the state of religious freedom in America.<sup>3</sup>

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\* Spring and Autumn 2024 reports, originally published in the *National Catholic Bioethics Quarterly*. Reprinted with permission.

<sup>1</sup> See "Connecticut March for Life: Hartford, CT, March 20, 2024," March for Life, accessed June 24, 2024, <https://marchforlife.org/connecticut/>; Anna Lulis, "March for Life, Partnered with Arizona Life Coalition, Announces Speakers for the 2024 Arizona March for Life," March for Life, February 16, 2024, <https://marchforlife.org/arizonaspeakers2024/>.

<sup>2</sup> Proclamation No. 10697 of January 12, 2024, 88 Fed. Reg. 3535 (January 19, 2024).

<sup>3</sup> The Committee for Religious Liberty of the U.S. Conference of Catholic Bishops, *Annual Report on the State of Religious Liberty in the United States: January 16, 2024* (Washington, DC: Our Sunday Visitor, 2024), <https://usccb.cld.bz/Religious-Liberty-Annual-Report>.

Yet Americans were disappointed less than three months later when Biden banned religious themes and symbols during the annual White House Easter egg hunt. Though he claimed this was longstanding practice, followed by other presidents, he was wrong, as the Catholic League demonstrated.<sup>4</sup>

During the State of the Union address given by the avowedly Catholic president, Biden said that “like most Americans” he believed *Roe* (which legalized abortion nationally) “got it right.”<sup>5</sup> He criticized the Court—six of whose members were present—for overturning *Roe*, prompting some veteran Supreme Court practitioners to say it was time that members of the Court no longer attend the State of the Union address.<sup>6</sup>

As the president did, so do other Democratic Party leaders continue to attack the Court. They advance various schemes to remake it. One variation of this theme, as we enter the 2024 presidential election cycle, is to try to push liberal justice Sonia Sotomayor to resign. Their thinking is that since she is nearly seventy-years-old, if she retires before the election, Biden can replace her with a much younger liberal, activist judge before the election and win approval from the Democratic-controlled Senate. Then, even if Biden lost the election, that person would be on the Court.<sup>7</sup> Ironically, only 31 percent of Americans want Sotomayor to retire.<sup>8</sup>

During the State of the Union address, Biden wondered, “My God, what freedoms will you take away next?” Biden vowed to enact so-called abortion rights into national legislation: “In its decision to overturn *Roe v. Wade* the Supreme Court majority wrote, ‘Women are not without . . . electoral or political power.’ Clearly, clearly, those bragging about overturning *Roe v. Wade* have no clue about the power of women in America. But they found out. When reproductive freedom was on the ballot, we won in 2022, and 2023. And we’ll win again in 2024. If you, if you the American people send me a Congress that supports the right to choose, I promise you I will restore *Roe v. Wade* as the law of the land again.”

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<sup>4</sup> Bill Donohue, “Religious Easter Eggs Okay under G. W. Bush,” Catholic League, April 3, 2024, <https://www.catholicleague.org/religious-easter-eggs-okay-under-g-w-bush/>.

<sup>5</sup> Joseph Biden, “Remarks by President Biden in State of the Union Address,” Washington, DC, March 7, 2024, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/03/08/remarks-by-president-biden-in-state-of-the-union-address-3/>.

<sup>6</sup> Nathan Lewin, “No More Justices at the State of the Union,” *The Washington Post* (March 10, 2024), <https://www.wsj.com/articles/no-more-justices-at-the-state-of-the-union-supreme-court-91880c27>.

<sup>7</sup> Peter Parisi, “‘Unpacking’ the Court: Why the Left Wants Sotomayor Gone,” *The Daily Signal*, April 16, 2024, <https://www.dailysignal.com/2024/04/16/unpacking-court-why-left-wants-sotomayor-gone/>.

<sup>8</sup> Chris Walker, “Plurality of Voters Do Not Want Justice Sonia Sotomayor to Resign, Polling Shows,” *Truthout*, April 18, 2024, <https://truthout.org/articles/plurality-of-voters-do-not-want-justice-sonia-sotomayor-to-resign-polling-shows/>.

Biden has taken a number of other steps to advance legal abortion, as will be discussed below. His vice president, Kamala Harris, in March became the first vice president to visit an abortion facility when she visited Planned Parenthood in Minnesota.<sup>9</sup> One reporter noted Vice President “Harris is putting the full force of her office behind the fight for abortion rights. Since the overturning of *Roe*, she has held more than 60 events in 20 states and brought together 250-plus legislators from 28 states—and this was before she went on [her ‘Fight for Reproductive Freedom’] tour.”<sup>10</sup> Harris’s staffers claimed she was holding “extremists accountable for proposing a national abortion ban,”<sup>11</sup> similar to Biden, who claimed in the State of the Union that “my predecessor [Donald Trump is] promising to pass a national ban on reproductive freedom [that is, abortion].”<sup>12</sup> However, Trump has frequently been in hot water with pro-life Americans for stating the opposite, namely, that abortion should be left to each state to decide.<sup>13</sup>

On the anniversary of *Roe*, the White House issued a fact sheet that announced new actions and summarized past actions by the administration to protect access to abortion.<sup>14</sup>

### *The Political Battle over Abortion*

Certainly, Biden is correct that the outcomes of recent ballot initiatives, as detailed in my last column, have favored the pro-abortion side of the debate.<sup>15</sup> Of course, we must remember that *Roe* conditioned Americans to believe, for nearly fifty years, that abortion was a Constitutional right. Ignoring the fact that it was

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<sup>9</sup> Jon Brown, “Kamala Harris Prompts Outrage with Historic Tour of Minnesota Abortion Clinic: ‘Unbelievable,’” *Christian Post* (March 14, 2024), <https://www.christianpost.com/news/kamala-harris-prompts-outrage-with-tour-of-minn-abortion-clinic.html>.

<sup>10</sup> Kayla Webley Adler, “Kamala Harris Won’t Apologize for Doing What’s Right on Abortion,” *Elle*, April 2024, <https://www.elle.com/culture/career-politics/a60130281/kamala-harris-fight-for-reproductive-freedoms-tour-interview-2024/#>.

<sup>11</sup> “Vice President Kamala Harris Launches Reproductive Freedoms Tour,” December 19, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/12/19/vice-president-kamala-harris-launches-reproductive-freedoms-tour/>.

<sup>12</sup> Biden, “State of the Union Address.”

<sup>13</sup> See, for example, Susan B. Anthony Pro-Life America, “Leading Pro-Life Group Responds to President Trump on Abortion,” April 8, 2024, <https://sbapro-life.org/newsroom/press-releases/leading-pro-life-group-responds-president-trump-abortion>.

<sup>14</sup> “FACT SHEET: White House Task Force on Reproductive Healthcare Access Announces New Actions and Marks the 51st Anniversary of *Roe v. Wade*,” January 22, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/22/fact-sheet-white-house-task-force-on-reproductive-healthcare-access-announces-new-actions-and-marks-the-51st-anniversary-of-roe-v-wade/>.

<sup>15</sup> William L. Saunders, “Washington Insider,” *National Catholic Bioethics Quarterly* 23, no. 3 (Autumn 2023): 383–92.

the Supreme Court who created that “abortion right” from the word “liberty” in the Fourteenth Amendment (that is, the word “abortion” appears nowhere in the Constitution), many Americans believe—as Biden claimed in the State of the Union—that the Supreme Court has taken away one of their Constitutional rights. It was to be expected, I think, that the first few years after *Dobbs* would be marked by much “restore my rights” sentiment, which would find expression on the ballot. In fact, it is clear that the Biden reelection campaign is seeking to create in the minds of voters the equation between supporting any restrictions on abortion and supporting the banning of all abortions under national law. Nonetheless, according to the 2024 Knights of Columbus-Marist poll, two-thirds of Americans still believe there should be some limits placed on abortion by the law, while nearly 60 percent would not permit abortions after the first three months.<sup>16</sup> At the same time, over 60 percent of Americans oppose the *Dobbs* decision.<sup>17</sup> This is, of course, reflected in the voting on specific measures. Perhaps more importantly, that view conditions the minds of voters to be receptive to way the president and his election campaign speak about even those pro-life measures that most Americans support. The abortion battle is being waged in this political reality.

### *State Developments*

All this has resulted in continuous political engagement in the states, both from pro-life and from pro-abortion forces, through ballot initiatives, state constitutional amendments, and new legislation. One example is in Arkansas, where there will be an initiative on the November ballot to root “abortion rights” into the state constitution along the lines of the unfortunately successful initiative in Ohio, giving an unlimited right through the twentieth week.<sup>18</sup> However, there is too much ever-changing, frequently outdated activity across the states to be detailed here.

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<sup>16</sup> Marist College Institute for Public Opinion, *Americans’ Opinions on Abortion: January 2024* (Poughkeepsie, NY: Knights of Columbus and Marist College Institute for Public Opinion, 2024), 2–3, 14, <https://www.kofc.org/en/resources/communications/polls/marist-poll-results2024.pdf>. The “nearly 60 percent” includes respondents choosing, as the statement closest to their opinion, only allowing abortion to save the life of the mother or in cases of rape and incest (without giving any time frame) or in no case at all.

<sup>17</sup> Charles Franklin, “New Marquette Law School National Survey Finds Approval of U.S. Supreme Court at 40%, Public Split on Removal of Trump from Ballot,” Marquette University Law School, February 20, 2024, table 6, <https://law.marquette.edu/poll/2024/02/20/new-marquette-law-school-national-survey-finds-approval-of-u-s-supreme-court-at-40-public-split-on-removal-of-trump-from-ballot/>.

<sup>18</sup> Andrew Kubick, “Protecting the Unborn, Mothers, and Medical Ethics: The Stakes of Arkansas’ Amendment,” *National Catholic Register* (April 15, 2024), <https://www.ncregister.com/commentaries/abortion-on-the-ballot-2024-life-health-conscience>.



The state courts are also involved, of course. Three state supreme court cases in particular have added to the debate and deserve mention.

First, in *LePage v. Center for Reproductive Medicine*, the Alabama Supreme Court held that frozen embryos created by in vitro fertilization (IVF) should be recognized as “children” for purposes of Alabama’s Wrongful Death of a Minor Act (WDMA), which was passed in 1872. The court also held that a state constitutional amendment of 2018 required that the WDMA be so interpreted. The Alabama Supreme Court refused to create an exception for human embryos outside the womb.<sup>19</sup>

The decision created a political uproar, both in Alabama and nationally. Many supporters of IVF believed the decision effectively outlawed IVF in Alabama. In fact, several Alabama IVF clinics did suspend operation.<sup>20</sup> Abortion supporters claimed that the decision in *LePage* was possible only because of *Dobbs*,<sup>21</sup> a patently untrue claim (the WDMA has nothing to do with abortion), but one that both added fuel to the political fire and illustrates the misleading claims made by abortion proponents after *Dobbs*, particularly in the current electoral season. It also illustrates that many pro-lifers do not understand that IVF immediately creates a human being.

In the event, the Alabama legislature quickly passed a law to provide broad criminal and civil immunity to IVF clinics. The governor, Kay Ivey, stated that doing so helped build a culture of life.<sup>22</sup>

A second state supreme court decision of note came in Arizona, and this decision, unlike *LePage*, was necessitated because of the ruling in *Dobbs*. On April 9, the Arizona Supreme Court in *Planned Parenthood v. Mayes and*

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<sup>19</sup> *LaPage v. Center for Reproductive Medicine*, No. SC-2022-0515 (Ala. February 16, 2024), slip op. before publication in So., <https://cases.justia.com/alabama/supreme-court/2024-sc-2022-0579.pdf?ts=1708115406>.

<sup>20</sup> Kim Chandler, “More Alabama IVF Providers Pause Treatment after Court Ruling on Frozen Embryos,” *The Hill*, February 22, 2024, <https://thehill.com/homenews/ap/ap-health/ap-a-second-alabama-ivf-provider-pauses-parts-of-its-program-after-court-ruling-on-frozen-embryos/>.

<sup>21</sup> For example, Jamelle Bouie, “Samuel Alito Opened the Door to Reproductive Hell,” *The New York Times* (February 23, 2024), <https://www.nytimes.com/2024/02/23/opinion/alabama-embryo-dobbs-reproductive-freedom.html>.

<sup>22</sup> *An Act Relating to In Vitro Fertilization*, Alabama SB 159, enacted March 6, 2024, <https://legiscan.com/AL/text/SB159/2024>; Kay Ivey, “The overwhelming support of SB159 from the Alabama Legislature proves what we have been saying: Alabama works to foster a culture of life, and that certainly includes IVF. I am pleased to sign,” statement on X, March 6, 2024, <https://x.com/GovernorKayIvey/status/1765579123252920808/photo/1>; Miranda Nazzaro, “Alabama Governor Signs Legislation Protecting IVF Providers into Law,” *The Hill*, March 6, 2024, <https://thehill.com/policy/healthcare/4514729-alabama-governor-signs-legislation-protecting-ivf-providers/>.

*Hazzelrigg* had to resolve conflicts between two Arizona pro-life laws in light of *Dobbs*.<sup>23</sup> The history of these two laws is quite complicated.

In 1864, the territorial legislature in Arizona criminalized abortion except to save the life of the mother. In 1901, the territorial legislature criminalized ads for abortion. After Arizona became a state (1912), the state legislature, in 1913, recodified the 1864 law. In 1973, the Arizona courts enjoined enforcement of the 1901 law against advertising for abortion in light of *Roe*. Several years after *Roe* (which was decided in 1973), the Arizona legislature in 1977 recodified (again) the 1864 law. Finally, during the pendency of *Dobbs*, the legislature in 2022 passed a law prohibiting abortion after fifteen weeks (which was what the law in question in the pending *Dobbs* case prohibited). Then, after *Dobbs* was decided in 2022, the Arizona attorney general sought repeal of the 1973 injunction that prevented enforcement of the 1901 law against abortion advertising.<sup>24</sup>

The Arizona Supreme Court considered whether the 2022 law repealed the recodified 1864 law (replacing it with a fifteen-week ban), or whether the 2022 law recognized, and was built upon (presupposed), the existence of a national right to abortion (per *Roe*). If the former, then the law in Arizona after *Dobbs* would be the fifteen-week ban. If the latter, then the repeal of *Roe* in *Dobbs* effectively rendered the 2022 law obsolete and void (since the predicate of the 2022 law was gone).

The Arizona Supreme Court held the 1864 and the 2022 laws could not be harmonized; in other words, it made no sense to have one law prohibiting abortion and another that prohibited it after a certain point in pregnancy. Thus, the court held that it was the twice recodified 1864 law that governed. Injunctions against post-*Roe* antiabortion laws (such as the injunction in 1973) would be vacated.

The case had originally arisen over the question of whether an abortionist could be prosecuted for performing any abortion (per the 1864 law) or only those after fifteen weeks (the 2022 law). The decision fell into the maelstrom of abortion politics in an election year. Since the 1864 law did not contain exceptions for rape and incest, many pro-life politicians in Arizona felt they needed to be clear that they accepted such exceptions, and, hence, not the 1864 law.<sup>25</sup>

In the event, in April, the Arizona legislature voted to repeal the recodified 1864 law.<sup>26</sup>

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<sup>23</sup> *Planned Parenthood Arizona v. Mayes*, No. CV-23-005-PR (Ariz. April 9, 2024), slip op., <https://www.azcourts.gov/Portals/0/OpinionFiles/Supreme/2024/CV230005PR.pdf>; Ariz. Rev. Stat. § 13-3603; Ariz. Rev. Stat. .2322-36 §

<sup>24</sup> *Planned Parenthood Arizona* (slip. op.), at 5–7.

<sup>25</sup> See Elizabeth Robinson, “Arizona Abortion Ruling Reactions and Dana-Faber Institute Retractions: Morning Rundown,” NBC News, April 15, 2024, <https://www.nbcnews.com/news/arizona-abortion-ruling-dana-farber-morning-rundown-rcna147135>.

<sup>26</sup> *An Act Repealing Section 13-3603 Arizona Revised Statutes*, HB 2677, Ariz. 56th Leg. 2d Reg. Sess. ch. 181, signed May 2, 2024, <https://legiscan.com/>

At about the same time as the Arizona court ruled, on April 1, the Florida Supreme Court, in *Planned Parenthood v. Florida*, considered the extent of a Florida “privacy law” that had been held in prior cases to provide protection for the “abortion right” greater than that provided by *Roe*. The court abandoned that interpretation of the Florida privacy law, holding that it did not go further than *Roe*.<sup>27</sup>

As a consequence, current Florida laws—such as a ban after fifteen weeks, which, as in Arizona, was enacted during the pendency of *Dobbs*—could go into effect. Likewise, a very recent ban on abortion after heartbeat (six weeks) will be able to go into effect.<sup>28</sup> Whether this will create a conflict similar to that in the Arizona case awaits potential litigation. In the meantime, in November, Florida citizens will vote on a proposed state constitutional amendment to provide access to abortion.<sup>29</sup>

### *National Regulations and Litigation*

The Biden administration has published new regulations as well as new interpretations of existing regulations that advance abortion.

For instance, on January 11 the Department of Health and Human Services (HHS) issued a final rule titled “Safeguarding the Rights of Conscience as Protected by Federal Statutes,” covering over two dozen federal laws protecting conscience in health care. The new regulations strike a “balance” between providers’ conscience rights and “rights” of patients to access “medical procedures.” HHS claimed this was consistent with the underlying statutes,

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AZ/text/HB2677/2024; see Office of the Governor Katie Hobbs, “Governor Katie Hobbs Signs Bill into Law Officially Repealing 1864 Abortion Ban,” May 2, 2024, <https://azgovernor.gov/office-arizona-governor/news/2024/05/governor-katie-hobbs-signs-bill-law-officially-repealing-1864>.

<sup>27</sup> *Planned Parenthood of Southwest and Central Florida v. Florida*, No. SC2022-1050 (Fla. April 1, 2024), slip op., [https://supremecourt.flcourts.gov/content/download/2285280/opinion/Opinion\\_SC2022-1050](https://supremecourt.flcourts.gov/content/download/2285280/opinion/Opinion_SC2022-1050); Fla. Const. Art. I, § 23; Fla. Stat. (2022) (1)390.0111 §

<sup>28</sup> *Heartbeat Protection Act*, Fla. laws ch. 2023-21, signed April 13, 2023, <http://laws.flrules.org/2023/21>; “Governor Ron DeSantis Signs Heartbeat Protection Act,” April 13, 2023, <https://www.flgov.com/2023/04/13/governor-ron-desantis-signs-heartbeat-protection-act/>.

<sup>29</sup> *Amendment to Limit Government Interference with Abortion*, 23-07, <https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=83927&seqnum=1>; see Advisory Opinion to the Attorney General Re: Limiting Government Interference with Abortion, No. SC2023-1392 (Fla. April 1, 2024) (per curiam), slip op., <https://acis.api.flcourts.gov/courts/68f021c4-6a44-4735-9a7653360b2e8af13/cms/case/8ea48e7f-fe8b-4112-aac6-4214b4f8573a/docketentrydocuments/d95440df-57c6-44e9-a852-2a30c3ab86ae>; James Call, “Florida Supreme Court Backs Abortion Ban; Seismic Decision Reverses 34-year Privacy Ruling,” *Tallahassee Democrat* (April 1, 2024), <https://www.tallahassee.com/story/news/politics/elections/2024/04/01/florida-abortion-ban-upheld-by-supreme-court-ruling-desantis-heartbeat-law-next/71920329007/>.

which it said recognized that such a balance was necessary. However, this is false, as the underlying statutes recognize *absolute* conscience rights and do not seek to strike a balance with “patients’ rights.”<sup>30</sup> Thus, the HHS rule—in subjecting conscience protection to a balancing test—is a significant diminishment of conscience protection. It is hard to believe this was unintended, since commentators on the rule when it was a draft pointed out that the particular situations in which these controversies arose needed to be specified in the rule—thus, giving clear guidance—and HHS refused to do so in its final rule. Worse, HHS said any conflicts would be decided on a case-by-case basis, giving wide discretion to bureaucrats, many of whom do not understand or appreciate religious liberty concerns (hence the reason for the underlying statutes in the first place). One must remember that, following *Dobbs*, the secretary of HHS, Xavier Becerra, promised HHS would “double down and use every lever [it has] to protect access to abortion.”<sup>31</sup>

Also in January, the Department of State announced new proposed regulations regarding foreign assistance.<sup>32</sup> These proposed rules state that recipients may not discriminate on the usual bases—that is, race, religion, national origin, sex—but add “sexual orientation, gender identity or expression, sex characteristics, pregnancy.” Since many recipients of foreign assistance will be religious organizations, this poses a real problem. This is particularly true since the Biden administration has in other contexts claimed that “pregnancy” covers abortion and contraception services. Further, though waivers of these requirements are permitted for religious organizations, they are not required.

A third example has found its way to the Supreme Court and will be decided by the end of the term in June. The case concerns the Emergency Medical Treatment and Active Labor Act (EMTALA), a law passed in 1986. EMTALA ensures public access to emergency services. It was designed to ensure that

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<sup>30</sup> Office for Civil Rights and Office of the Secretary of the HHS, “Safeguarding the Rights of Conscience as Protected by Federal Statutes,” final rule, 89 Fed. Reg. 2078 (January 11, 2024), to be codified in 45 CFR 88, <https://www.federalregister.gov/documents/2024/01/11/2024-00091/safeguarding-the-rights-of-conscience-as-protected-by-federal-statutes>; Rachel N. Morrison and Eric N. Kniffen, “HHS Issues Final Rule on Conscience Rights in Healthcare,” FedSoc Blog, January 31, 2024, <https://fedsoc.org/commentary/fedsoc-blog/hhs-issues-final-rule-on-conscience-rights-in-healthcare>.

<sup>31</sup> Xavier Becerra, “HHS Secretary Becerra’s Statement on Supreme Court Ruling in *Dobbs v. Jackson Women’s Health Organization*,” June 24, 2022, <https://www.hhs.gov/about/news/2022/06/24/hhs-secretary-becerras-statement-on-supreme-court-ruling-in-dobbs-v-jackson-women-health-organization.html>.

<sup>32</sup> U.S. Department of State, “Nondiscrimination in Foreign Assistance,” notice of proposed rulemaking and request for comment, 89 Fed. Reg. 3583 (January 19, 2024), to be codified in 3 CFR 602, <https://www.federalregister.gov/documents/2024/01/19/2024-01059/nondiscrimination-in-foreign-assistance>; Rachel N. Morrison, “State Department’s Proposed Foreign Assistance Nondiscrimination Requirements Raise Concerns,” FedSoc Blog, February 22, 2024, <https://fedsoc.org/commentary/fedsoc-blog/state-department-s-proposed-foreign-assistance-nondiscrimination-requirements-raise-concerns>.

private hospitals did not turn away laboring mothers because they were uninsured. Thus, it subjects all hospitals that take Medicare to regulation. It defines “an emergency medical condition,” *inter alia*, to include one that places in “serious jeopardy” “the health of the woman or her unborn child.”<sup>33</sup> Nonetheless, three weeks after *Dobbs*, the government issued “guidance” that claimed EMTALA could require abortion (even if only the notoriously slippery “health,” rather than life, of the woman were at issue) and could preempt state law to the contrary.<sup>34</sup>

On August 2, 2022, the Department of Justice sued the state of Idaho, arguing that its pro-life law, which prohibits abortion except to save the life of the mother, violated the supremacy clause of the Constitution.<sup>35</sup> The Department of Justice claims that Idaho fails to provide for abortion if the woman’s health is at issue and hence is preempted. However, EMTALA preempts state law only when there is a direct conflict, which there is not here, since both EMTALA and Idaho agree in protecting the life of the mother, and protection for health is not in EMTALA and cannot, thus, create a direct conflict with Idaho law. This is an important case, because if the Biden administration is successful, all hospitals receiving Medicare will be required to perform abortions when the woman’s health is implicated.

The Supreme Court will also rule on whether the Federal Drug Administration’s (FDA) approval of the use of the abortion-causing drug mifepristone, including its distribution by mail, met required legal standards. In *Alliance for Hippocratic Medicine v. FDA*, plaintiffs seek a nation-wide injunction against those regulations. Various justices appeared skeptical of the claim at oral argument, emphasizing the deference due to administrative agencies in interpreting the law, as well as the standing of the plaintiffs to bring the suit

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<sup>33</sup> 42 U.S.C. § 1395dd (e)(1)(A)(i).

<sup>34</sup> US Department of Health and Human Services Centers for Medicare and Medicaid Services Center for Clinical Standards and Quality, memorandum QSO-22-22-Hospitals, July 11, 2022, revised August 25, 2022, <https://www.cms.gov/files/document/qso-22-22-hospitals.pdf>; Xavier Becerra, letter via electronic mail to health care providers, July 11, 2022, <https://www.hhs.gov/sites/default/files/emergency-medical-care-letter-to-health-care-providers.pdf>; Carrie Campbell Severino, “The Idaho Abortion Cases Reveal the Biden Administration’s Desperate Attempt to Rewrite the Law,” *National Review* (April 23, 2024), <https://www.nationalreview.com/bench-memos/the-idaho-abortion-cases-reveal-the-biden-administrations-desperate-attempt-to-rewrite-the-law/>.

<sup>35</sup> See *in re Mike Moyle v. United States*, No. 23-726 (U.S., docketed January 5, 2024), <https://www.supremecourt.gov/docket/docketfiles/html/public/23-726.html>; *Defense of Life Act*, Idaho Code 18-622 (as amended 2023); U.S. Const. art. VI: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.”

(that is, is the plaintiff injured?).<sup>36</sup> However, another case that will be decided by the end of the term, *Loper Bright Enterprises v. Raimondo*, raises just this issue, that is, under the judicially created “Chevron doctrine,” have the courts ceded too much authority to administrative agencies’ (as opposed to judicial) interpretations of statutes?<sup>37</sup> If the Court concludes in *Loper* that the courts should defer less to agency interpretations of authorizing statutes, will the Court apply that specifically to the FDA’s regulations of misoprostone at issue in *Alliance*?

### *International Developments*

France became the first nation in the world to enshrine abortion as a so-called fundamental right in a national constitution. It is now a “guaranteed” “freedom,”<sup>38</sup> meaning current abortion laws, permitting abortion through the first fourteen weeks, will be very hard to change. President Emmanuel Macron has also been calling for the enshrinement of abortion as a fundamental right in the European Union’s Charter of Fundamental Rights.<sup>39</sup>

Ireland, which by popular vote removed the prohibition of abortion from its constitution, at the meeting of the UN Commission on the Status of Women in March hosted an event about how to change national laws to promote abortion. The event launched the Center for Reproductive Rights’s new manual on such strategies.<sup>40</sup> On the positive side, Irish voters overwhelmingly rejected a

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<sup>36</sup> Eleanor Klibanoff, “U.S. Supreme Court Takes Up Texas Case Challenging Abortion Pill Access,” *Texas Tribune* (March 26, 2024), <https://www.texastribune.org/2024/03/26/texas-abortion-pill-supreme-court/>; see *Food and Drug Administration v. Alliance for Hippocratic Medicine*, 602 U.S. (2024), No. 23-235, slip op. (decided June 13, 2024) (Kavanaugh, J., for a unanimous Court) (holding that the plaintiffs lack standing to challenge).

<sup>37</sup> See *Loper Bright Enterprises v. Raimondo*, 603 U.S. (2024), No. 22-451, slip op. (decided June 28, 2024), overruling *Chevron v. Natural Resources Defense Council*, 467 U.S. 837 (1984); Ariane de Vogue and Devan Cole, “Supreme Court to Hear Major Case on Limiting the Power of Federal Government, a Long-term Goal of Legal Conservatives,” CNN, May 1, 2023, <https://www.cnn.com/2023/05/01/politics/supreme-court-chevron-deference-conservatives-power-of-agencies/index.html>.

<sup>38</sup> Const. of the Fifth Republic (Fr.), tit. V, art. 34; see Associated Press, “French Lawmakers Approve Bill Making Abortion a Constitutional Right,” PBS Newshour, March 4, 2024, <https://www.pbs.org/newshour/world/french-lawmakers-approve-bill-making-abortion-a-constitutional-right>.

<sup>39</sup> “Macron Says He Wants Abortion Added to EU Rights Charter,” *Le Monde* (March 8, 2024), [https://www.lemonde.fr/en/france/article/2024/03/08/macron-says-he-wants-abortion-added-to-eu-rights-charter\\_6598199\\_7.html](https://www.lemonde.fr/en/france/article/2024/03/08/macron-says-he-wants-abortion-added-to-eu-rights-charter_6598199_7.html).

<sup>40</sup> Const. of Ir., amend. 36; cf. UN Economic and Social Council Commission on the Status of Women, 68th Session, “Accelerating the Achievement of Gender Equality and the Empowerment of All Women and Girls by Addressing Poverty and Strengthening Institutions and Financing with a Gender Perspective: Agreed Conclusions,” E/CN.6/2024/L.3, March 11–22, 2024, nn. 29, 54 (ii), (kk), (ll),

constitutional amendment to remove traditional concepts of “mother” and to redefine the family.<sup>41</sup>

In Argentina, the pro-life and anti-life forces have battled for years. The most recent victory for the anti-life forces came in 2020 as abortion was legalized. However, the voters chose an avowedly pro-life president, Javier Milei, in the recent elections. He has vowed to hold a referendum to pressure Congress to revise the abortion law.<sup>42</sup>

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### *Autumn 2024*

NOTE: This column covers the time preceding the elections of November 2024. Therefore, it comments on positions of candidates, rather than those who won election. It also considers the arguments concerning state ballot initiatives but does not comment on those that actually won or lost. All these issues will be addressed in my next column.

#### *Abortion and the 2024 Elections*

Even though the elections will be over before this article is published, for historical accuracy, it is worth noting the candidates’ positions and records.

To many Americans, it seemed that Democratic Presidential candidate and current Vice President, Kamala Harris, focused almost entirely on two issues—the alleged threat to the Constitution posed by Donald Trump and abortion.

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<https://www.unwomen.org/en/csw/csw68-2024/session-outcomes>; Commission on the Status of Women, “Women, the Girl Child and HIV and AIDS,” res. E/CN.6/2024/L.5, March 11–12, 2024, n. 10; cf. Catholics for Reproductive Health et al., *Pathways to Change: Building Stronger Legal Guarantees for Sexual and Reproductive Health and Rights* (Geneva: Center for Reproductive Rights, 2023), 66–74; cf. Helen McEntee, “Speech by Minister Helen McEntee at the UN Commission on the Status of Women in New York,” Irish Department of Justice, updated March 13, 2024, <https://www.gov.ie/en/speech/9bd81-speech-by-minister-helen-mcentee-td-at-the-un-commission-on-the-status-of-women-in-new-york/>.

<sup>41</sup> John Duggan, “Ireland Tries and Fails to Erase Mothers,” *First Things* (March 18, 2024), <https://www.firstthings.com/web-exclusives/2024/03/ireland-tries-and-fails-to-erase-mothers>.

<sup>42</sup> *Acceso a la Interrupción Voluntaria del Embarazo*, Arg. Law 27.610 (2020); see Carlos Beltrano, “Will Argentina Elect a Pro-Life President?” Population Research Institute, October 10, 2023, <https://pop.org/will-argentina-elect-a-pro-life-president/>; Martina Jauregui, “Milei Says He’d Do a Referendum on Abortion Law If Elected President,” *Buenos Aires Herald* (August 15, 2023), <https://buenosairesherald.com/politics/milei-says-hed-do-a-referendum-on-abortion-law-if-elected-president>: “Milei said this during an interview with journalist Alejandro Fantino for the streaming channel Neura Media.”

An editorial in the *National Catholic Register* in August, titled “Democrats Double and Triple Down on Abortion,” noted “the shocking spectacle of a Planned Parenthood abortion van deliberately parked directly adjacent to the DNC site . . . with the obvious complicity of Democratic officials.” It went on to note that “senior Democrats believe their party’s unqualified support for abortion on demand is the political stance that will deliver them more votes than any other single issue during this presidential election cycle.”<sup>43</sup>

Harris’s record on abortion was summarized in an article from Life Issues Institute. As attorney general of California, she “supported legislation that would” have forced “pregnancy resource centers to refer women” for abortion, and she responded to an undercover investigation into the selling of aborted babies’ body parts by prosecuting the investigator. As a US Senator, she was co-sponsor of the Women’s Health Protection Act, which would have put the unlimited abortion “right,” which was created by *Roe v. Wade* and which reigned for fifty years until overturned by *Dobbs v. Jackson Women’s Health*, back into federal law.<sup>44</sup>

Harris chose as her vice presidential running mate Minnesota Governor, Tim Walz, who is a strong supporter of legalized abortion. As governor, Walz signed the “PRO Act” that legalized abortion on demand through all nine months. He also led the effort to repeal Minnesota’s “Positive Alternatives Grant Program” that provided funds to over one hundred community-based pregnancy resource centers and which had been on the books since 2005.<sup>45</sup>

It should also be noted that during the Covid pandemic, Walz demonstrated that he was at best tone-deaf to religious liberty. He issued an executive order that limited houses of worship to ten persons per service, while allowing fifty persons to go to malls, shops, and other retailers, including restaurants. Only after a federal district court scheduled a hearing for a lawsuit brought by the Northland Baptist Church did he relent.<sup>46</sup>

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<sup>43</sup> Editors of the *National Catholic Register*, “Democrats Double and Triple Down on Abortion,” editorial, *National Catholic Register*, August 22, 2024, <https://www.ncregister.com/commentaries/democrats-on-abortion-dnc-2024-editorial>.

<sup>44</sup> Bradley Mattes, “Kamala Harris’ Stance on Abortion,” Life Issues Institute, July 26, 2024, <https://lifeissues.org/news/kamala-harris-stance-on-abortion/>; *Roe v. Wade*, 410 U.S. 113 (1973); *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022) (preliminary print page proof pending publication), [https://www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf).

<sup>45</sup> See Patrick LaVigne, “Not So ‘Minnesota Nice’ Anymore,” March for Life Action, October 2, 2024, <https://x.com/disciple78/status/1851030043830395204>.

<sup>46</sup> Bill Donohue, “Walz Punished Churches During Covid,” Catholic League for Religious and Civil Rights, August 15, 2024, <https://www.catholicleague.org/walz-punished-churches-during-covid/>; “Governor Walz Announces Next Phase of COVID-19 Responses in Minnesota,” press release, Office of Governor Tim Walz and Lt. Governor Peggy Flanagan, May 13, 2020, <https://mn.gov/governor/newsroom/press-releases/index.jsp?id=1055-431922>; Governor Tim Walz, Emergency Exec. Order No. 20-



While the Democratic Presidential and Vice Presidential candidates were strong supporters of abortion, the stance of their Republican counterparts was murky. Donald Trump has always supported the outcome from *Dobbs*, that is, leaving the issue to each state to decide. However, he has also characterized early restrictions on abortion as “too harsh.”<sup>47</sup> Further, he supported the effort to strip the pro-life plank from the Republican platform. He even came out in favor of the pro-abortion state constitutional amendment in Florida, before pro-life political pressure caused him to change his mind.<sup>48</sup> Trump is also a supporter of IVF and of contraception, seemingly willing to provide the former to Americans using federal funds.

Trump’s running mate is J.D. Vance, a Catholic, who has stated he is “100 percent pro-life” and who has supported federal and state measures to increase legal protection for the unborn.<sup>49</sup> However, during the campaign, he, too, expressed concerns that some pro-life measures were too extreme.

### *Dobbs’s Anniversary*

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56 (May 13, 2020), [https://mn.gov/governor/assets/EO%2020-56%20Final\\_tcm1055-433768.pdf](https://mn.gov/governor/assets/EO%2020-56%20Final_tcm1055-433768.pdf); Northland Baptist Church of St. Paul v. Walz, No. 20-cv-1100 (WMW/BRT) (D. Minn) (filed May 6, 2020), <https://www.umlc.org/wp-content/uploads/2021/08/FiledWalzComplaint.pdf>; “Group Sues Gov. Tim Walz over Restrictions on Church Gatherings, Hearing Set for Tuesday,” Fox 9, May 21, 2020, <https://www.fox9.com/news/group-sues-gov-tim-walz-over-restrictions-on-church-gatherings-hearing-set-for-tuesday>; see Eric Rassbach and Jason Adkins to Tim Walz and Keith Ellison, letter re: Reopening Catholic and Lutheran houses of worship, Becket Fund for Religious Liberty, May 20, 2020, <https://s3.amazonaws.com/becketnewsite/Becket-Letter-to-Governor-Walz.pdf>; cf. Walz, Emergency Exec. Order No. 20-62 (amending Exec. Order No. 20-56) (May 26, 2020) [https://mn.gov/governor/assets/EO%2020-62%20Final\\_tcm1055-433586.pdf](https://mn.gov/governor/assets/EO%2020-62%20Final_tcm1055-433586.pdf); and Walz, Emergency Exec. Order No. 20-63 (May 27, 2020), [https://mn.gov/governor/assets/EO%2020-63%20Final\\_tcm1055-433759.pdf](https://mn.gov/governor/assets/EO%2020-63%20Final_tcm1055-433759.pdf); Andy Mannix, “Faith Groups Suing Gov. Tim Walz Say Order Allowing 25% to Congregate Still Violates Religious Liberties,” *Star Tribune*, May 27, 2020, <https://www.startribune.com/faith-groups-suing-gov-tim-walz-say-order-allowing-25-to-congregate-still-violates-religious-liberty/570775472>.

<sup>47</sup> Brian Bushard, “Trump Takes Credit for Abortion Bans after Calling Florida’s Ban ‘Too Harsh,’” *Forbes*, May 17, 2023, <https://www.forbes.com/sites/brianbushard/2023/05/17/trump-takes-credit-for-abortion-bans-after-calling-floridas-ban-too-harsh/>.

<sup>48</sup> Jonathon Van Maren, “Trump Responds to Pro-Life Pressure,” *First Things*, September 2, 2024, <https://www.firstthings.com/web-exclusives/2024/09/trump-responds-to-pro-life-pressure>. I will discuss that amendment in some detail below.

<sup>49</sup> Brad Mattes, “JD Vance’s Stance on Abortion,” Life Issues Institute, August 15, 2024, <https://lifeissues.org/news/jd-vances-stance-on-abortion/>; “Issues,” JD Vance (website), archived July 15, 2024, at, <https://web.archive.org/web/20240715190502/https://jdvance.com/issues/>.

June 24<sup>th</sup> was the second anniversary of the Supreme Court's decision in *Dobbs*, which, as noted above, overturned *Roe*, making it clear there is no right to abortion in the Constitution, express or implied.<sup>50</sup> This is a result that demands celebration. It ends national legal license for abortion.

However, it must be remembered that, as Pope St. John Paul II taught in *Evangelium vitae*, resisting the culture of death is only the first step. Our ultimate goal is to build a culture of life.

As Aristotle taught us, the law is a teacher; it shapes the way citizens understand their moral life. For fifty years while *Roe* reigned, Americans were "taught" by the Court and by most national institutions, particularly the media, that every woman has a fundamental constitutional right to abortion. Americans seem to have learned this entirely wrong "lesson," as I will discuss further below.

However, it should first be remarked, in light of the discussion above about the 2024 elections, that the Court that overturned *Roe* had a majority to do so because President Trump nominated three of the six. Presumably, if Trump is elected again, he will nominate similar justices should any vacancies open up. For many pro-life Americans troubled by candidate Trump's less than robust pro-life statements in 2024, the fact that he, and not Harris, would nominate any replacements for the Court is the primary reason they support Trump. Biden's only Supreme Court replacement, Ketanji Brown Jackson, is a staunch supporter of rooting "abortion rights" in the language of the Constitution. As noted in prior columns, she is a living constitution justice, one who believes the meaning of the text evolves to reveal new meanings. By contrast, the six justices who voted to overturn<sup>51</sup> *Roe* are originalists who seek to apply the language of the Constitution according to the original meaning of its text.<sup>52</sup>

States with pro-life majorities, in the two years since *Dobbs*, have all passed laws that expand support for pregnant women and for new mothers. All but one have expanded Medicaid coverage for postpartum women for up to a year after childbirth. Most have expanded options for childcare and have expanded eligibility for safety-net programs.<sup>53</sup>

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<sup>50</sup> See my prior Washington Insider columns analyzing the decision: William L. Saunders, "'Washington Insider,'" *National Catholic Bioethics Quarterly* 22.3 (Autumn 2022): 427–432, doi: 10.5840/ncbq202222339; 23.1 (Spring 2023): 13–18, doi: 10.5840/ncbq20232312; 23.3 (Autumn 2023): 383–387, doi: 10.5840/ncbq202323333; and 24.1 (Spring 2024): 21–28, doi: 10.5840/ncbq20242413.

<sup>51</sup> Cf. *Dobbs*, 597 U.S. at 347–359 (Roberts, C.J., concurring in judgment upholding the challenged Mississippi 15-week abortion ban and discarding the *Roe-Casey* viability line but avoiding deciding about completely overturning *Roe*).

<sup>52</sup> See, e.g., William L. Saunders, "'Washington Insider,'" *National Catholic Bioethics Quarterly* 17.2 (Summer 2017): 204–206, doi: 10.5840/ncbq201717220; cf. 22.1 (Spring 2022): 15–16, doi: 10.5840/ncbq20222212.

<sup>53</sup> Ryan T. Anderson, "The Way Forward after Dobbs," *First Things*, October 2024, <https://www.firstthings.com/article/2024/10/the-way-forward-after-dobbs>.

The foregoing is true despite the fact that Americans are deeply confused, or conflicted, about abortion. Often, as I discussed in my last column regarding a state constitutional ballot initiative in “pro-life” Ohio, citizens will support abortion-permissive measures if they think the alternative is the banning of abortion.<sup>54</sup> And that is precisely what is at issue in Florida, where just such an abortion-permissive state constitutional measure is on the ballot. It states: “No law shall prohibit, penalize, delay, or restrict abortion before viability or when necessary to protect the patient’s health, as determined by the patient’s healthcare provider.”<sup>55</sup> Florida’s pro-life laws, such as its ban on abortion after six weeks, will be vitiated if the amendment passes.

While all ballot initiatives since *Dobbs* have produced abortion-liberalizing results, pro-life politicians have not suffered at the ballot box; indeed, they have won resoundingly. Examples include Ohio’s governor, Mike Dewine, and Florida’s governor, Ron DeSantis. The reason may be that ballot initiatives are more easily misrepresented (or misunderstood) than is the record of a trusted and accomplished publicly elected official. In any case, so far, it is the pro-abortion cause that has been successful with ballot initiatives.

The decline of the family, due to the triumph of the sexual revolution, drives support of abortion. “Four percent of babies conceived in marriage will be aborted,” but 40 percent of those conceived outside marriage will be. Or put a different way, while 13 percent of abortions are by married women, 87 percent are by unmarried women.<sup>56</sup>

Building a culture of life is daunting in such a situation. However, Jeanne Mancini, the president of the March for Life, reminds us that it took fifty years to overturn *Roe*. Pro-life Americans have a difficult new task, but they have triumphed with daunting tasks before. Mancini notes that

nearly 70% [of women who chose abortion] say their decisions were coerced, unwanted, or inconsistent with their preferences.

They were repeatedly told the lie that they had to choose between their child and their happiness and fulfillment.<sup>57</sup>

Against that lie, pregnancy resource centers and maternity homes, “a national network of over 3000,” provide material, financial and spiritual support. “In 2022 alone, they served nearly 975,000 women with approximately \$358 million in free services” as well as with unconditional love and emotional support. Yet pro-abortion politicians are seeking to close such centers,<sup>58</sup> as Harris

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<sup>54</sup> Saunders, ““Washington Insider,” Autumn 2023, 384–385.

<sup>55</sup> Amendment to Limit Government Interference with Abortion, 23-07, Florida Division of Elections, accessed December 10, 2024, <https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=83927&seqnum=1>

<sup>56</sup> Anderson, “The Way Forward after Dobbs.”

<sup>57</sup> Jeanne Mancini “On the Anniversary of Dobbs, we must continue the fight for life,” Washington Examiner, June 24, 2024.

<sup>58</sup> Mancini, “On the Anniversary of Dobbs.”

did in California. This, then, is another important aspect to be considered when evaluating the candidates in 2024: will they support or undermine these centers?

### *The Supreme Court*

The last term ended *without* a hugely significant and controversial final-day decision. Usually that is how the Supreme Court ends its term (after which the justices leave Washington, DC, for the summer). However, that was not how the term ended in June. Nonetheless, there were several significant decisions decided during the term.

In *Department of State v. Muñoz*, the Court returned to an important aspect of *Dobbs*.<sup>59</sup> In overturning *Roe*, the Court rejected the freewheeling interpretive approach of the *Roe* court, which found a right to abortion in “liberty” in the Fourteenth Amendment as part of “substantive due process.” It is called substantive due process because it defines the substance of the “due process” rights to “life, liberty, or property.”<sup>60</sup> In *Planned Parenthood v. Casey*, the three-justice plurality of the majority defined “liberty” very expansively as “the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life,”<sup>61</sup> which became the dominant test in subsequent Supreme Court cases. However, in *Dobbs* the Court rejected that approach and returned to the test from a decision that was actually subsequent to *Casey* and that used a different, much more restrictive test, one that examined whether the purported right is rooted in the history and tradition of the United States and implicit in the concept of ordered liberty. (The case was *Washington v. Glucksberg*, which denied that there was such a fundamental unenumerated right to assisted suicide.<sup>62</sup>) Of course, the three dissenters in *Dobbs* wanted to use the *Casey* test.

In *Muñoz*, the dispute between the majority and the dissenters was repeated. While the majority used the *Glucksberg-Dobbs* test, the dissent wanted to use the *Casey* test. It should be noted that the direction the Court takes in future cases depends upon whether originalists or living-tree judges are appointed to fill future Supreme Court vacancies. For the foreseeable future, the *Glucksberg-Dobbs* test will be the one used.

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<sup>59</sup> *Department of State v. Muñoz*, 602 U.S. 899 (2024) (preliminary print page proof pending publication), [https://www.supremecourt.gov/opinions/23pdf/602us1r46\\_gfbi.pdf](https://www.supremecourt.gov/opinions/23pdf/602us1r46_gfbi.pdf).

<sup>60</sup> U.S. Const. amend. XIV § 1: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

<sup>61</sup> *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, 851.

<sup>62</sup> *Washington v. Glucksberg*, 521 U.S. 702 (1997).

In June, the Supreme Court dismissed, as improvidently granted, the petition for certiorari in *Moyle v. United States*, a case I have discussed in prior columns.<sup>63</sup>

The case concerned the Emergency Medical Treatment and Labor Act (EMTALA). The Court vacated its previous stay of the district court's injunction, which had enjoined Idaho from prohibiting abortions allegedly required by EMTALA. The Court split 3 to 3 to 3. Justices Elena Kagan, Sonia Sotomayor, and Jackson said that EMALTA preempts Idaho state law restricting abortions. Justices Alito, Thomas, and Gorsuch said it did not. Justices Amy Coney Barrett and Brett Kavanaugh and Chief Justice John Roberts said the Court should not decide the issue because the disagreement between the parties had shrunk, reducing any harm to Idaho.

Idaho represents that its exception is broader than the United States fears, and the United States represents that EMTALA's requirement is narrower than Idaho fears. That matters in assessing Idaho's irreparable harm for purposes of the stay. The dramatic narrowing of the dispute—especially the Government's position on abortions to address mental health and conscience exemptions for healthcare providers—has undercut the conclusion that Idaho would suffer irreparable harm under the preliminary injunction. Contrary to Idaho's concerns at the stay stage, the Government's interpretation of EMTALA does not purport to transform emergency rooms into “federal abortion enclaves governed not by state law, but by physician judgment, as enforced by the United States's mandate to perform abortions on demand.” . . . Nor does it purport to deprive doctors and hospitals of conscience protections. . . . Thus, even with the preliminary injunction in place, Idaho's ability to enforce its law remains almost entirely intact.<sup>64</sup>

Though *Moyle* concerns a possible conflict between federal and state law, it illustrates how in the post-*Dobbs* landscape—which allows states to make and enforce their own laws on abortion—state law, including state constitutional provisions, is important. Thus, state supreme court interpretations of state constitutions will be decisive. A recent decision illustrates this.

In *Planned Parenthood v. Reynolds*, the Iowa supreme court held the state may enforce its law that prohibits abortion once a heartbeat is detectable. That court, noting that abortion was not a fundamental implied right under the Iowa constitution, said the state law was subject only to “rational basis” review, which is easy to satisfy, not “strict scrutiny,” which is applied to fundamental rights.<sup>65</sup>

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<sup>63</sup> *Moyle v. United States*, Nos. 23–726 and 23–727, 603 U.S. \_\_\_\_ (2024) (slip op.), [https://www.supremecourt.gov/opinions/23pdf/23-726\\_6jgm.pdf](https://www.supremecourt.gov/opinions/23pdf/23-726_6jgm.pdf); see Saunders, ““Washington Insider,” Spring 2024, 28–29.

<sup>64</sup> *Moyle*, 603 U.S. \_\_\_\_ (2024) (Barrett, J., concurring), slip op. at 7–8, internal citations omitted.

<sup>65</sup> *Planned Parenthood of the Heartland v. Reynolds*, No. 23-1145 (Iowa June 28, 2024), 24, 14–15, <https://statecourtreport.org/sites/default/files/2024-06/the-iowa-supreme-court-opinion.pdf>; see *Planned Parenthood of the Heartland v. Reynolds*, 975 N.W.2d 710 (Iowa 2022).

Another case discussed in prior columns is *FDA v. Alliance for Hippocratic Medicine*.<sup>66</sup> In a unanimous decision, the Court held that the plaintiff doctors lacked standing (i.e., had not suffered an actual injury) so as to be able to challenge the FDA's relaxation of the limits on abortion pills. However, the Court emphasized that federal law protects pro-life doctors from violating their consciences.

Federal conscience laws definitively protect doctors from being required to perform abortions or to provide other treatment that violates their consciences. . . . The Church Amendments, for instance, speak clearly. They allow doctors and other healthcare personnel to "refus[e] to perform or assist" an abortion without punishment or discrimination from their employers. . . . And the Church Amendments more broadly provide that doctors shall not be required to provide treatment or assistance that would violate the doctors' religious beliefs or moral convictions. . . . Most if not all States have conscience laws to the same effect. . . .

Moreover, as the Government notes, federal conscience protections encompass "the doctor's beliefs rather than particular procedures," meaning that doctors cannot be required to treat mifepristone complications in any way that would violate the doctors' consciences. . . . As the Government points out, that strong protection for conscience remains true even in a so-called healthcare desert, where other doctors are not readily available.<sup>67</sup>

Another decision of the term may not, at first sight, appear to be important for life and religious freedom concerns, but it is, as I will explain. That decision came in *Loper Bright v. Raimondo*.

The case concerned a prior Supreme Court decision from 1984, *Chevron v. Natural Resources Defense Council*. *Chevron* held that courts *should defer* to administrative agency's interpretations of ambiguous statutory provisions.<sup>68</sup> *Loper Bright* reversed and overruled *Chevron*, holding that it was the constitutional role of courts to make these interpretations *independently*.<sup>69</sup> Thus, going forward, it will be up to the courts, not agencies, to interpret the meaning of the law.

How is this relevant for life and religious freedom concerns? The reader need only consider the EMALTA case discussed above. In that case, the Biden administration "interpreted" a law designed to ensure treatment for pregnant indigents to require provision of abortion. Another example is the Biden

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<sup>66</sup> *FDA v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024) (preliminary page proof pending publication), [https://www.supremecourt.gov/opinions/23pdf/602us1r35\\_h3ci.pdf](https://www.supremecourt.gov/opinions/23pdf/602us1r35_h3ci.pdf); Saunders, "Washington Insider," Spring 2024, 29.

<sup>67</sup> *FDA v. Alliance for Hippocratic Medicine*, 602 U.S. 367, 387–388 (internal citations omitted).

<sup>68</sup> *Chevron v. Natural Resources Defense Council*, 467 U.S. 837 (1984).

<sup>69</sup> *Loper Bright v. Raimondo*, No. 22-451, 603 U.S. \_\_\_\_ (2024) (slip op.), [https://www.supremecourt.gov/opinions/23pdf/22-451\\_7m58.pdf](https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf).

administration's "interpretation" of the Pregnant Women's Fairness Act—designed to help women in their pregnancies by requiring accommodation and assistance by employers—to require provision of abortion. (A coalition of seventeen states is suing the federal government over this.<sup>70</sup>) Now, any time an agency strains to interpret existing law to advance anti-life or anti-religious-liberty positions, courts will no longer defer to the agency in charge of implementing the law *as to the meaning* of the law; the courts will determine it themselves.<sup>71</sup>

The next Supreme Court term begins in October. It is impossible to predict what cases the Court will consider. Currently, there are no blockbuster religious liberty or life cases on the docket. However, many such cases have been appealed to the Court, such as ones dealing with the availability of opt-out options for parents from "LGBT" curriculum in public schools (Maryland), whether a state (New York) can require abortion to be covered in health insurance, whether charitable activities by religious organizations (in Wisconsin) qualify as "religious" activities for tax purposes, whether municipalities can ban religious (but not other) ads on public transportation (Miami), and whether the nation's oldest religious charter school (St. Isidore of Seville in Oklahoma) can be excluded from a government program that excludes only *religious* charter schools. It seems likely one or two will be granted review and will result in significant decisions.

#### *International—Abortion and Assisted Suicide*

It is useful to remember the fight for life is not restricted to the United States, but continues everywhere, all the time. Two recent illustrations follow.

First, in September, Pope Francis journeyed to Belgium. While there, he paid tribute to King Baudouin, who resigned his office rather than sign a law legalizing abortion. The Pope condemned abortion as "homicide" and abortionist as "hired killers." This caused an uproar, where the parliament was considering a bill to *expand* the availability of abortion. The prime minister called the Pope's statements "unacceptable," and a member of parliament called the Pope's views "retrograde and patriarchal."<sup>72</sup>

Meanwhile, the European Court of Human Rights delivered a decision on euthanasia and assisted suicide. Though couched in tentative term (i.e., the court may revisit the issue in the future), the court held there is no such right within the European Convention on Human Rights. (The convention is a regional European human rights treaty that creates the Council of Europe and is binding on its forty-

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<sup>70</sup> "Tennessee Leads Lawsuit against EEOC's Illegal Federal Overreach," news release, Jonathan Skrmetti—Attorney General & Reporter (website), April 25, 2024, <https://www.tn.gov/attorneygeneral/news/2024/4/25/pr24-38.html>

<sup>71</sup> My prior Washington Insider columns discuss other examples of the Biden administration's misinterpretation of existing law to provide for abortion or to diminish religious freedom.

<sup>72</sup> I. Media, "Belgium Angered by Pro-Life Pope," *Aleteia*, October 7, 2024, <https://aleteia.org/2024/10/05/belgium-angered-by-a-pro-life-pope>.

six member states.) That is, nothing in the convention *requires* states to legalize euthanasia and assisted suicide, though they are *free to do* so if they wished (it was a national prerogative left undisturbed by the convention). Though disappointing in a treaty that prohibits the intentional deprivation of life (art. 2), it illustrates the situation on a continent that is dying from population collapse and the luxurious life of the developed world. Given the context, a decision by an elite institution not to impose an obligation to provide euthanasia is surely a significant victory. An additional bonus was that the court emphasized, for the first time, *as a state obligation*, the importance of providing “high quality palliative care, including access to effective pain management.”<sup>73</sup>

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<sup>73</sup> Grégor Puppinck, “ECHR Confirms No Right to Assisted Suicide & Promotes Palliative Care,” European Centre for Law & Justice, June 14, 2024, <https://eclj.org/euthanasia/echr/echr-confirms-no-right-to-assisted-suicide--promotes-palliative-care>; Dániel Karsai v. Hungary, esp. ¶ 154, App. No. 32312/23 (June 13, 2024), <https://hudoc.echr.coe.int/fre?i=001-234151>.



# Truth and the Human Person

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ABSTRACT: Our convention deals with truth. My talk discusses six relevant items. First, I show how philosophy can clarify the issue of truth by using simple language and intuitive arguments, by saying things that we already know but have never expressed. Second, I propose a philosophical description of the human being as “the agent of truth” and I present a biblical parallel to that description. Third, I discuss a peculiarity of language that I call the declarative use of the word “I,” in which we mention ourselves specifically as agents of truth, and again I offer a biblical parallel. Fourth, I comment more generally on speech and language as involved in truth. Fifth, I have some remarks on truth and the activity of picturing (both fabricating pictures and looking at them). Sixth and last, I consider truth in regard to moral conduct.

OUR CONVENTION IS FOCUSED on “Truth in Public and Private Life.” What could be more appropriate than to contribute a talk about truth itself and its relation to ourselves as human agents? Such a lecture would be an exercise in philosophy, and I will begin by discussing how a philosophical talk is different from other kinds of speeches.

## *1. What Is Philosophy?*

Philosophy is an unusual discipline, an unusual way of thinking. A lecture in most other disciplines would tell you something new, something you did not know before you heard the lecture. It would inform you about a historical event, a scientific discovery, a solution to a moral controversy. The speaker would probably make use of some technical vocabulary such as the name of a historical period or some legal category, the name of a chemical element or an astronomical phenomenon. Most fields of knowledge (first) tell you something new and (second) use a special vocabulary when they tell you about it.

Philosophy is different from other disciplines in both these respects. First, philosophy does not tell us something new. It does not provide information. Instead, it tells us things that we somehow already know, indeed that we must have known in some way, but that we have never explicitly thought about. Philosophical statements are both familiar and yet illuminating. They bring us a kind of relief at the same time that they bring things into relief. When we hear a philosophical statement, we recognize it

as expressing the way things have to be and even as the way we always knew they had to be; and yet despite this familiarity things look brighter and clearer because of what we have heard. We have been reminded, but we also have been enlightened. Philosophy involves a distinctive kind of newness. This is what Plato means when he says that knowing is recollecting or remembering.

The second special feature of philosophy is the fact that in principle it does not need a technical vocabulary. Philosophy at its best uses ordinary words but it changes them. It invests them—it charges them—with a philosophical meaning. It makes them mean more than what they normally mean, but this new meaning is in harmony with the old. Philosophy turns or tropes our ordinary words and enables us to speak about things from a new perspective.

It may be surprising to some of us to hear that philosophy does not need a special vocabulary. If we have taken some courses in philosophy, we certainly remember having had to learn many exotic and difficult terms, some of which may have been as mysterious to us as words used in physics, chemistry, or economics. But the reason why there are such obscure and technical terms in philosophy is that many of them had to be translated from other languages. In their original languages these words almost always had a plain, standard meaning and then were recruited into philosophy. Even words like form and substance—*eidōs* or *ousia* for Plato and Aristotle—might seem special in an English conversation, and because they are special words they might seem to name some sort of exotic phenomenon or some mysterious, almost magical force, but in Greek they first meant something quite ordinary. *Eidōs* in Greek means the look or the appearance of a thing, and *ousia* means substance in the sense of possessions or real estate, something that can be handed on from one person to another and yet remain the same. What is new in philosophy is the perspective or the viewpoint from which we speak, and ordinary words need to be drawn into this new perspective and given an adjusted meaning, and this is to be done in such a way that the ordinary meaning is enhanced.

Consider the word *eidōs*, which refers to the form or essence of things. Plato is especially infamous for speaking about such forms, such *eidē*, Platonic forms, and when we try to figure out what he means we tend to think he is talking about something like the neutrino in physics or valence bonds in chemistry. But in Greek *eidōs* just means the look of things, and what Plato did was to apply this word to the look that things present to our minds. He used it to speak about how the thing showed up to our intellects. It was the look or meaning of things, not as the thing appeared to the eye, but as it appeared to the mind and as it was captured and carried in the words that we speak. Plato was talking about what happens all the time when we speak with one another about the way things are, when we try to persuade one another, and when we try to figure things out, whether in our moral and political lives

or in our sciences. An *eidos* or a form is just the understandable look of things, and this is what gives substance to our conversation.

We have highlighted two special features of philosophy: It tells us things that we already know; and it uses ordinary words in doing so, even though it gives these words a deeper meaning. Philosophy has a way of teasing us; it talks about the things around us, but it makes us see them from a new perspective. It defamiliarizes them and keeps us from taking them for granted.

## 2. *The Human Person as Agent of Truth*

We have made a few remarks about what philosophy is. Let's now begin developing our philosophical lecture. What shall we talk about? As the title of my talk indicates, we are going to discuss the human person. We are going to discuss ourselves and will try to acquire some self-knowledge. The main point I wish to make is that an appropriate way of defining ourselves is to say that we are the kind of being that is involved with truth.

There are two ancient definitions that are relevant to our discussion. In the fourth century b.c., Aristotle defined man as the rational animal, the animal that enjoys reason and speech. Man was said to be the animal with *logos*, and the word *logos* can mean both reason and speech. Another relevant definition was given over 800 years later, in the sixth century a.d., by the Christian Roman thinker Boethius, who defined a person as an individual substance of a rational nature. We can summarize these two definitions and say that we are human persons because we possess reason. We are animals with the power of reason.

I would like to adjust this understanding. Instead of speaking about reason I would suggest that we speak about truth and say that the human person is the animal that is involved with truth, the animal that aims at the truth of things. Reason itself, after all, is geared toward truth. Reasoning is the mind in motion. When we reason we move around; we make inferences, we go from one thing to another, from premises to conclusions, from facts to principles. Reasoning is restless. It is not its own final state. But reason has a culmination or a climax; it culminates in truth; reason comes to rest in understanding. Truth is the end, the *telos* of reasoning. We could, therefore, tweak our traditional definitions and say that human beings are not just rational animals but animals that seek the truth of things.

I would like to encapsulate this argument and put it this way: The human person is the agent of truth. I think that the term "the agent of truth" is a good name for what we are; it is "the right word" for us. It captures what is essential to us and it does so intuitively; it does not use exotic terminology but ordinary words. Furthermore, if we listen attentively to this term, we find that it has two shades of meaning; it brings out two different aspects of what we are. "Agent of truth" means first of all that we *want* to achieve the truth, in the

way that an agent of change wants to bring about change. As persons we want to reach the truth or let it be revealed to us. Secondly, it also means that when we act in the practical order, when we engage in human conduct, we must act according to the truth. Our agency *should* be governed by truth. By our nature we want and need the truth, and our conduct must be guided by the truth. In both our theoretic and in our practical lives we are essentially involved with truth.

By shifting the definition of the human person from an emphasis on reason to an emphasis on truth we bring out the goodness involved in reason. We are not just animals that calculate; we are not animals that have a computerlike brain; rather, we are animals that are geared toward truth. There is something deeply and inherently moral about our rationality. A value and an obligation are built into it. We spoil ourselves as human beings if we turn away from truth, and we spoil ourselves not in some minor or accidental way but in our deepest being and identity. If we are to be successful and good as human beings, we must be not just rational or clever but also truthful.

So my philosophical remarks today will try to show and confirm that as human beings we are involved with truth. We cannot help but take ourselves and other people as so implicated. Even among children, the issue of truth is already in play. I hope that my remarks so far have succeeded in the way I have earlier claimed that philosophical remarks should succeed: I hope that you have found it illuminating to think of ourselves as agents of truth, but that you have also felt that you knew this all along, that you recognize this term as expressing what you knew as far back as you can remember.

Let me digress for a moment and turn from philosophy to the Bible. I want to draw a parallel between what we have said about the human person and what the book of Genesis says about the creation of man. The beginning of the Bible presents the days of creation in majestic sequence. On the first day God created light and separated it from darkness; God made the first distinction, between light and darkness, and he called light day and the darkness night. On the second day he created the vault of heaven, the sky. On the third day he created the earth and its vegetation. On the fourth day the sun and moon, the two most prominent bodies in the vault of heaven, and also the stars. On the fifth day God created the things that live in the water and in the air: sea monsters and fish for the water, winged birds for the air. (Fish and birds, we may note, are the living things that move by virtue of fluid dynamics; birds could be said to swim in the air.) But we are especially interested in what happened on the sixth day, on what would later be called the Friday of the week. On the sixth day God created the land animals: cattle and creeping things and beasts of the earth, things that walk and crawl. And on that very same day, God also created man; man does not have a day for himself; he belongs with the land animals.

God did, however, deliberate more carefully before he created man. God gave more thought to what he was doing as he created man on that good Friday at the beginning of time. After he created the land animals, halfway through the day, God interrupted his work and he said, "Let us make man in our image, after our likeness, and let them have dominion" over the fish of the sea, the birds of the air, and all the other animals. This is how the Bible expresses man as the animal that has *logos* or reason, which makes him, not a god, but an image and likeness of God. This is why man is a person: for Greek philosophy it is because man has reason and speech, for the Bible it is because he is an image or likeness of God. These two approaches, of course, are compatible. Because man is an image or likeness of God, he is able to give names to things; in chapter 2 of Genesis we read that "whatever the man called every living creature, that was its name." In the Bible, man has *logos*; by naming things he expresses their intelligibility. Furthermore, as the Bible later reveals to us, God himself has a Logos, a Word or a Son or an Image, by whom he created the world and whom he ultimately sent into the world. One of the statements made by Jesus, the Incarnate Word, was the remark in St. John's gospel, "I am the way, the truth, and the life." The Bible gives a new meaning to the agent of truth. Finally, just to conclude our remarks about the book of Genesis, we remember that on the next and last day, the first Sabbath or holy Saturday, God rested from all the work he had done.

### 3. *First-person Declaratives*

What else shall we say about the human person? How can we bring out more clearly what we are as agents of truth? I would like to offer a glimpse into the human person by turning to a particular linguistic phenomenon and considering a special way in which we use the first person pronoun, the word "I" or its equivalents such as "we" or "mine."

Sometimes we use the first person pronoun as an ordinary noun. We use it to designate ourselves as ordinary things. I might say that I am thirty-nine years old, or that I live in Washington, D.C. Let's call this the "informative" use of the first person singular. In it I speak about myself just as I would speak about any other object, and I simply express facts about myself.

But at other times we might use the first person in a more dynamic and revealing way: We might say, "I know that you are plotting against me," or "I suspect that Smith is going to run for president." In such cases we do not just state a fact about ourselves; rather, we use the term to ratify or to endorse what we have judged. We do not just say, "You are plotting against me," but rather "I know that you are plotting against me." In such usage, we mention ourselves specifically as agents of truth. Such usage gives us a glimpse into ourselves as exercising our rationality, and it even specifies how we exercise it: as knowing, doubting, suspecting, remembering, and so on. Animals do not use a first-person designator in this way. A dog may see and recognize

something and he may bark at it, but he cannot somehow bark that he sees or recognizes it. A dog cannot appropriate and endorse what he has said. Only we can use the first person this way. I would like to call this usage of the first person the “declarative” use. Through it we publicly declare ourselves as rational agents, and moreover we declare ourselves as exercising our agency right here and now as we use the word. When we converse with one another, our speech is peppered and salted with such declaratives. We don’t use it for all our judgments, but we do use it very often in our speech with others. It punctuates our speech and is a conspicuous signal of our rationality.

Furthermore, we do not use declaratives only in regard to cognitive activities. We don’t use them only in regard to knowing, doubting, suspecting, remembering, and the like. We also use them in regard to emotional activities or states: We say, “I love you” or “I hate you,” “I am angered by what he did” or “I am grateful for your kindness” or “I resent his intrusion.” In such cases we use the declarative to endorse our emotional intelligence. We express and confirm the emotional tone the world has for us. Also, there are other instances in which we express our commitments or decision, as when we say, “I promise I will come,” or “I refuse to pay these taxes.” In these instances we use the first person to express and endorse our choices, and even to perform them. In all cases, the declarative uses of the words “I” or “we” ride on an act of reason. They follow upon an act of judgment or some other form of syntactic articulation. Our reason articulates a part of the world in some way or other, and the declarative use of the first person ratifies that articulation. It is, therefore, a window on our personhood, on our ability to be rational. When we hear someone use a declarative we get a glimpse into a living, acting instance of an agent of truth.

We need to mention one more kind of declarative besides the cognitive, emotional, and decisional ones I have described. I would like to mention what I want to call the existential declarative. For example, sometimes, after a particularly difficult or dangerous time in our lives, we might say to someone, “It’s been a very bad time, but I’m still here.” Or suppose some individual has been treated in a degrading way by others and at a crucial moment the person being oppressed says, “I’m not nothing.” Or take a light-hearted example; imagine a situation in which someone asks, “Who’s there?” and I respond, “It’s me.” The three-word sentence “It’s me” is extremely interesting from a philosophical point of view. The phrases “It’s me” and “I’m not nothing” are not just informative statements; they do not just express some particular fact about us. Nor do they identify us simply as bodies or things. Rather, they declare us as persons, as agents of truth. They say that we have *standing* as someone who can speak, someone whose voice should be heard. These existential declaratives register us as players in the game of truth and participants in the network of human relationships. This existential use of the first person is the epitome of declarative usage.

At this point I will make another digression into the Bible. I want to mention another link between this philosophical analysis and theology. There are several passages in the gospel of St. John in which Jesus uses the simple phrase, “I am.” In Greek the words are *egō eimi*. In these instances there is no predicate following the phrase. For example in 8:58 Jesus says, “Before Abraham came to be, I am,” and in 13:19 he says to his disciples, “I tell you before it comes to pass so that when it happens you will believe that I am.” These phrases echo passages in the prophet Isaiah (chapters 41-46), where God himself is described as saying “I am” or “I am he.” All of these uses, from the New Testament and the Old, can be linked to the ineffable name of God revealed to Moses in Exodus 3:14, where Moses encounters God speaking from the burning bush. We read there that Moses says to God, “If I come to the people of Israel and say to them, ‘The God of your fathers has sent me to you,’ and if they ask me, ‘What is his name?’ what shall I say to them? God said to Moses, ‘I am who I am.’ Say this to the people of Israel, ‘I AM has sent me to you.’” This expression, of course, becomes Yahweh, the sacred and distinctive name of God in the Old Covenant. All such statements that declare “I am,” in the New Testament and in the Old, are not just informational, they do not just state facts. God names himself as “I am” and declares himself as simply existing and as being faithful. When Jesus appropriates this phrase, he implies that he is not just God’s prophet or representative but God himself. I would suggest that the philosophical theme of the declarative use of the first person can easily and helpfully be extended into this theological context, where the person of God—whether as Father and Creator or as Son and Redeemer—is expressed in human speech. In this first person singular God declares himself in his being and his fidelity.

#### 4. *Human Language*

I now turn to something else that brings us to light as agents of truth. Let’s discuss language and speech in a more general way.

Human language is one of the most wonderful things in the world. Language is so special because of its syntax, its combinatory possibilities. Learning our mother tongue means learning how to conjoin and disjoin its parts and wholes—its words and sentences—in unendingly complex ways. Some linguists have said that language has a Russian-doll or a Chinese-box structure: Words are not just lined up like beads on a string, but are boxed into one another; they are embedded in phrases, which in turn are embedded in sentences, arguments, speeches, paragraphs, chapters, books, and ultimately in what the British philosopher Michael Oakeshott calls the conversation of mankind, which began in the primeval forests and has spread everywhere on the earth in all its linguistic forms. Even mathematics with its strange symbolism is enclosed within this conversation. Speech involves

hierarchic order; it involves stacking and embedding, not just stringing along, and it is the syntax or grammar of language that makes this possible.

This marvelous combinatorics in language and speech is not done for its own sake. It is not just music, even though it may start as music and even if there are musical aspects to it. The complexity of speech is carried out in order to let the truth of things appear to us. Words present things. It is true that speech is often used to persuade other people to do certain things, but even such persuasion is based on the truth of things. The deepest work of speech is to enable things to become known and to activate our minds, to let our minds take in the understandable look of things. Even rhetorical persuasion is based on truth; we condemn a sophist not because he wants to persuade us but because he wants to persuade without any reference to truth. The very act of speaking implicitly declares that we are telling the truth. The articulation we carry out in speech—whether it be spoken or written—articulates the world and makes it known to ourselves and to our partners in conversation, whether they be listeners or readers. Speech is like a magic wand that we wave over things to let their intelligibility come to light. It seems like almost nothing—a mere sound that disappears as soon as it is heard—but it makes all the difference in our attempt to live successfully as human beings or agents of truth.

Notice how easily and helpfully the declarative use of the first-person singular can be placed into this wider context of human speech and conversation. As we speak with one another, as we display the world to one another or say that this or that should be done, we occasionally mention ourselves as being the ones who are making these claims; we declare ourselves. Our declaratives are dependent on our first-level use of language. It is only because we are already articulating the world and acting as agents of truth that we can declare ourselves as doing so, and that we can confirm and appropriate what we are doing. We explicitly mark it as our own, and we highlight our standing as participants in the human conversation. I think that looking at language this way is a concrete and tangible way of identifying our personhood and our spirituality. It is more verifiable and more public than an approach that would appeal just to self-consciousness or feelings. The way we use language expresses the kind of life that we lead, which is not merely a bodily or an animal life but a life of the mind as well. This life is made public in our speech and our actions.

### *5. Picturing and Truth*

Besides looking to language, we might also look to pictures. Picturing is a very good contrast and analogue to speaking. It is another way of articulating the world and bringing out the truth of things, and it has the further advantage of being even more tangible than speech. Pictures add what



we could call a “graphic” dimension to human thinking, and both speech and images can best be understood in their relation to one another.

We will say a couple of things about pictures, but we will leave out photographs and limit our discussion to images that are made by hand, such as paintings or sketches. In principle, photographs delineate themselves; they are a chemical effect brought about by an object. A painting or a sketch, in contrast, is delineated by an artist, whose truth-telling or personhood is required for the image he produces.

A painting presents a thing in a certain way, under a certain guise. By doing so, the painting says something about that thing; it says that this thing or this person should be seen like this and that it is like this. In this respect a picture is like a sentence, a judgment made in words. The painter “says” the picture in the way a speaker speaks the sentence. The painter does not just copy the subject of his painting; he testifies about it. He engages his authority as an agent of truth. He presents himself not just as a skilled draftsman but as someone who can reveal the truth of the things that he depicts. A painter gives us an understanding of what he portrays.

Now, the painter can even do something like declaring himself as the speaker of the painting; he can do so by adding his signature to the painting. The signature is not part of the painting, not one of the things depicted in the picture. The signature is *on* the painting but it is not *in* the painting. It is added to the picture just as the declarative “I know” is added to the statement that we declare that we know.

There is an important difference, however, between a signature on a painting and a declarative in speech. It is a difference in the timing of the two ways of indicating ourselves. The declarative use of the word “I” is spoken at the time that we express our judgments, at the moment we reveal the thing we are talking about. The linguistic declarative is contemporary with the act of thinking; it is here-and-now and indexical, and it manifests us as we act as agents of truth. It catches us in the act. The signature, in contrast, is delayed. It is attached after the picture is finished, and someone who reads the signature on the painting does not perceive the artist in the act of painting. This difference in timing is very interesting philosophically, and it is related to the difference between speaking and writing.

All these phenomena, however, show the human intellect at work in the manifestation of things, and there are many other features of both pictures and words that we could explore. We could go into the role of colors and lines in paintings, and the correlative role of vowels and consonants in speech. We could examine the rhythm, the prosody, that underlies both pictures and words, which would lead us into music as yet another way in which the truth of things can be revealed.

And think of how words and pictures interact with one another. This is brought out vividly in the title of a picture. The title tells us what to see in the

image. The title summarizes the picture. The painting needs a title because a picture is less explicit than a word. It is true that a picture presents a thing and its intelligibility or its meaning to us, but it also embodies the thing; it has a certain corporeal quality; it contains the bodily look of the thing in question. It contains a lot of accidentals and presents the subject from only one angle. A word or a name, in contrast, is more spiritual. It contains *only* the intelligibility or the meaning of the thing, not its embodiment. The name does not resemble the thing, even though it might through its phonics echo what it signifies. The name just carries off the intelligibility from the thing, and it is more flexible than a picture of the thing. The name of a thing is more detachable from the thing than is its picture. The name can then be combined with other names to form sentences and express propositions, even in the absence of the thing itself and even if we have no idea what the thing itself would look like. The name gives us a more spiritual understanding of the thing, but names call for pictures and also for real-world perceptions for their completion and verification.

#### *6. Truth in Human Conduct*

We have discussed several ways in which our personhood shows up to a philosophical analysis: We have discussed the declarative use of the first person, the articulation of the world that occurs in our use of language, and the role of picturing in showing the truth of things. In all these ways we exhibit our involvement in truth. These are all ways in which we are agents of truth. Our involvement in truth is constitutive of our human being. It defines what we are and is the source of our human dignity. We are players in the human conversation and deserve a place in it. When a child is born he enters vocally into the human conversation; even when he is conceived he is recognized as part of it, and even as unborn he can sense his mother's voice. Other people owe us this recognition of our status because of what we are; we don't have this standing just because others decide to give it to us.

An important area that we have not discussed is the domain of human action, where we are virtuous or vicious, good or bad, strong or weak. Human moral conduct obviously engages truth. Plato describes the tyrant and the vicious man as living a kind of nightmare, both for themselves and for those who live with them. Wickedness is a kind of illusion or delusion, one that we bring about for ourselves. Wickedness at its core is a failure in truthfulness, whereas virtue is success. The constraints of time prevent us from doing any more than briefly mentioning this topic, but I do want to say that the syntactic structure we highlighted as the essential component of language and human thinking is also at work in moral conduct. Exercising the virtue of justice, for example, involves syntax in what it arranges, and friendship also involves a kind of moral syntax: We look beyond our own interest and will the good of particular other people. The good of another person becomes willed as our

good, and to be able to see what that good is and to be able to do it is an enlargement of our minds. People who are capable of true friendship are more truthful and hence more human because of this ability. And friendship in the natural order is an anticipation and a basis for charity in the order of grace. Justice and friendship, as well as prudence and the other virtues, are all exhibitions of moral intelligence and they are ways in which we are active as agents of truth.

My lecture has discussed ourselves and our involvement in truth. As I made my various statements, I hope that they were recognizable as things that you already knew; all I did was to remind you of them. Without our implication in truth we would not be human and we would not fully be ourselves. Every one of us is engaged in this way of being truthful. It establishes what we are as human persons and our challenge in life is to be successful at it.

# The Revelations of Ion Mihai Pacepa in the Pope Pius XII Debate

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ABSTRACT: In 1978, Ion Mihai Pacepa, right-hand man to Romanian president Nicolae Ceaușescu, became the highest ranking defector from the Soviet bloc when he entered an American Embassy in West Germany and made clear his desire to move to the United States. After three years of debriefing, Pacepa wrote the book *Red Horizons*, which was translated into more than twenty languages, serialized over Radio Free Europe, and broadcast over *Radio Romania*. It played a significant role in the 1989 overthrowing and execution of Ceaușescu and his wife Elana. Among the disinformation that Pacepa had helped spread while directing Romanian intelligence was the myth that Pope Pius XII did not care about Jewish victims of the Nazis. In 2013, Pacepa and Ronald Rychlak cowrote *Disinformation: Former Spy Chief Reveals Secret Strategies for Undermining Freedom, Attacking Religion, and Promoting Terrorism*. In this article, Rychlak reviews important revelations that Pacepa brought to the West.

Throughout World War II and until his death in 1958, Pope Pius XII was viewed as an opponent of the Nazis and a champion of their victims. He was a hero.<sup>1</sup> In the 1960s, based primarily on a theatrical play entitled *The Deputy*,<sup>2</sup> memories of the late pope were upended. Pius XII's reputation flipped so quickly and so completely—without any new evidence—that in 1964 the Jesuit magazine *America* was prompted to ask the following questions:

What has happened since 1958 to erase with one sweep these informed and unsolicited tributes to the memory of Pope Pius XII? Why do they count

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<sup>1</sup> A post-war poll designed to identify the living people most admired by Americans included Bing Crosby, Jackie Robinson, President Truman, General Eisenhower, General MacArthur, Bob Hope, and Pope Pius XII. Gary Giddins, *Bing Crosby Swinging on a Star: The War Years 1940-1947* (New York: Little, Brown & Co., 2018), 548, citing *The Pittsburgh-Courier* (November 22, 1947). For a review of tributes from Jewish admirers at the time of Pius XII's death in 1958, see Ronald J. Rychlak, *Hitler, the War, and the Pope*, 2<sup>nd</sup> ed. (Huntington, IN: Our Sunday Visitor Press, 2010), 273-74.

<sup>2</sup> Rolf Hochhuth, *Der Stellvertreter. Ein christliches Trauerspiel* (1963); Rolf Hochhuth, *The Deputy* (New York: Grove Press, 1964).

for nothing when *The Deputy* comes to town? By what dialectic, or through what human fickleness, has a great benefactor of humanity, and of the Jews particularly now become a criminal?<sup>3</sup>

Those questions were heavily debated but not satisfactorily answered for the next four decades.

In 2007, Ion Mihai Pacepa, former right-hand man to Romanian president Nicolae Ceaușescu and the highest ranking defector from the Soviet bloc, published a column in *National Review Online* in which he revealed a Kremlin-directed effort to discredit the Catholic Church by depicting Pius XII as indifferent to Jewish suffering. Pacepa explained, “In my other life, when I was at the center of Moscow’s foreign-intelligence wars, I myself was caught up in a deliberate Kremlin effort to smear the Vatican, by portraying Pope Pius XII as a coldhearted Nazi sympathizer.”<sup>4</sup>

I spent two years investigating Pacepa’s claims and ended up writing a chapter about them for the second edition of my book, *Hitler, the War, and the Pope*. Pacepa and I later collaborated on a book expanding on his revelations, *Disinformation: Former Spy Chief Reveals Secret Strategies for Undermining Freedom, Attacking Religion, and Promoting Terrorism*.<sup>5</sup> As one commentator put it, that book provided a “well-documented exposé of [Pius XII’s] accusers (a trail of lies leading right back to the Kremlin).”<sup>6</sup>

This paper reviews the contributions that Pacepa made to the world’s understanding of the role played by Pope Pius XII during the war and the Soviet-directed efforts to discredit him after his death, including those involving playwright Rolf Hochhuth, *The Deputy*, and the role of disinformation in misleading historians.

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<sup>3</sup> Editorial: “Character Assassination,” *America* (March 7, 1964), reprinted in *The Storm over the Deputy*, ed. Eric Bentley (New York: Grove Press, 1964), 39.

<sup>4</sup> Ion Mihai Pacepa, “Moscow’s Assault on the Vatican,” *National Review Online*, January 25, 2007. In 1998, historian and Anglican priest Owen Chadwick noted the Soviet campaign. “In this case, legends grew and propaganda fostered them—propaganda in the first instance by Stalin’s men in the Cold War, when the Vatican appeared to be part of the American anti-Communist alliance and Stalin wished to shatter the Pope’s reputation.... Stalin had a political need to make this Pope contemptible.” Owen Chadwick, “Pius XII: The Legends and the Truth,” *The Tablet* (March 28, 1998).

<sup>5</sup> Ion Mihai Pacepa and Ronald J. Rychlak, *Disinformation: Former Spy Chief Reveals Secret Strategies for Undermining Freedom, Attacking Religion, and Promoting Terrorism* (Washington, DC: WND Press, 2013).

<sup>6</sup> Spyridon Mitsotakis, “In Defense of Gen. Ion Mihai Pacepa,” *Front Page Magazine*, September 9, 2013, <https://www.frontpagemag.com/defense-gen-ion-mihai-pacepa-spyridon-mitsotakis/>.

## I. Introduction

While not many people outside of Romania may know him by name, Ion Mihai Pacepa's impact on the world was significant. In March 2017, Lord Christopher Monckton, former leader of the Scottish UK Independence Party, called him "[t]he most influential man of the 20th Century, and arguably of the 21<sup>st</sup>."<sup>7</sup> The reason for Monckton's high opinion was that Pacepa revealed Soviet operations in the West, taught American intelligence agencies about disinformation, and helped them see through ongoing campaigns against the United States and her allies.

Pacepa was born in Romania in 1928. He learned the love of cars and engineering from his father, who worked as service manager at the local General Motors affiliate.<sup>8</sup> In 1947, young Ion enrolled at the Politehnica University of Bucharest to study industrial chemistry. Months before his scheduled graduation, he was forcibly drafted into the Securitate, the secret police agency of the Socialist Republic of Romania. Therein, he built a successful new science and technology unit, which essentially amounted to industrial espionage. In 1951, he was assigned to the Directorate of Counter-sabotage of the Securitate. In 1955, he was transferred to the Directorate of Foreign Intelligence. He rose quickly through the ranks, becoming a Lieutenant General, Head of Foreign Intelligence, and right-hand man to dictator Nicolae Ceausescu.<sup>9</sup>

In 1978, Ceausescu ordered Pacepa to assassinate the head of *Radio Free Europe*.<sup>10</sup> Rather than carry out this order, Pacepa risked his life to escape Romania, becoming the highest ranking Soviet-bloc officer ever to defect to the United States.<sup>11</sup> Upon hearing the news, Ceausescu put a \$2 million

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<sup>7</sup> Lord Christopher Monckton, "The End of the Scare," keynote presentation, 12th International Conference on Climate Change, The Heartland Institute, Washington, DC, March 24, 2017, <https://www.youtube.com/watch?v=mjNv3XvzUms> (at about the 9:20 mark).

<sup>8</sup> Edward Niedermeyer, "I Was a Communist Car Czar," TTAC, June 2, 2009, <https://www.thetruthaboutcars.com/2009/06/i-was-a-communist-car-czar/> (quoting Pacepa, "my father had spent most of his life running the service department of the General Motors affiliate in Bucharest.")

<sup>9</sup> Details of Pacepa's life are found in Ion Mihai Pacepa, *Red Horizons: Chronicles of a Communist Spy Chief* (Washington, DC: Regnery Gateway, 1987); Pacepa and Rychlak, *Disinformation*, 6-9; and "The Assassination of a Great Man" (unpublished paper) by "Mary Lou" in 2022.

<sup>10</sup> *Disinformation*, 22.

<sup>11</sup> In a letter to his daughter, Dana, published in the French newspaper *Le Monde* in 1980 and broadcast on *Radio Free Europe*, Pacepa explained, "In 1978 I got the order to organize the killing of Noël Bernard, the director of Radio Free Europe's Romanian program who had infuriated Ceaușescu with his commentaries. It was late July when I got this order, and when I ultimately had to decide between

bounty on Pacepa's head and dispatched notorious assassin Carlos the Jackal to carry out the job.<sup>12</sup> Ceausescu also demoted one third of the Romanian Council of Ministers, replaced twenty-two ambassadors, arrested twelve ranking security officers, and a few dozen others were never seen again.<sup>13</sup>

Due the effectiveness of Pacepa's disinformation campaigns, President Carter thought Ceausescu was a trustworthy ally, so he did not believe Pacepa and wanted to send him back to Romania (which would have been a certain death sentence).<sup>14</sup> The CIA eventually changed Carter's mind, and Pacepa spent three years in debriefing, working with the CIA, FBI, and NSA on various operations against the Soviets and their bloc.<sup>15</sup> The CIA later provided him with a letter describing his cooperation as "an important and unique contribution to the United States."<sup>16</sup> It was one of his proudest possessions.

After being granted political asylum, Pacepa married a CIA analyst who had worked on his case.<sup>17</sup> He and "Mary Lou" lived under assumed identities for the rest of his life, but they had to change names twice, and he had to have two rounds of plastic surgery when his identity was compromised.

Eventually Pacepa was granted U.S. citizenship. He published a book entitled *Red Horizons: Chronicles of a Communist Spy Chief*, which President Regan later called his "Bible for dealing with dictators."<sup>18</sup> That book was translated into nineteen languages and published in twenty-seven countries.<sup>19</sup> It was translated and smuggled into Romania. That so infuriated Ceausescu that he imposed a second death sentence on Pacepa and decreed

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being a good father and being a political criminal. Knowing you, Dana, I was firmly convinced that you would prefer no father to one who was an assassin." Ibid., 28-29.

<sup>12</sup> Ibid., 35.

<sup>13</sup> "Red past in Romania's present," *The Washington Times* (January 13, 2004); *Red Horizons*, 425.

<sup>14</sup> *Disinformation*, 347.

<sup>15</sup> Judith Weinraub, "The Long Decade of the Defector," *The Washington Post* (January 10, 1990).

<sup>16</sup> *Disinformation*, 32; "Red past in Romania's present": "Twenty-five years ago, Mr. Pacepa gave the CIA the best intelligence ever obtained on communist intelligence networks and internal security services."

<sup>17</sup> *Disinformation*, 30-31.

<sup>18</sup> Ibid., 31. See "Ion Mihai Pacepa obituary," *The Times of London* (April 29, 2021).

<sup>19</sup> *Disinformation*, dust jacket.

that anyone caught reading his book would be executed.<sup>20</sup> *Red Horizons* became a catalyst that led to Ceausescu's arrest and execution.<sup>21</sup>

## II. Investigating the Claims

Pacepa said that when he came to the United States there were three pieces of disinformation that he had helped spread that he wanted to correct. He had cultivated antisemitism by spreading falsehoods based on the *Protocols of the Elders of Zion*;<sup>22</sup> he had a hand in framing the CIA in the assassination of President Kennedy,<sup>23</sup> and he had helped develop the myth that Pius XII did not care about Jewish victims of the Nazis.<sup>24</sup>

I became aware of Pacepa when he published an article in *National Review Online* in 2007.<sup>25</sup> It said that Soviet bloc intelligence agencies had framed Pius XII by working with the author Rolf Hochhuth, best known for a play, *The Deputy*, that depicted Pius XII as uncaring about the Jews during the Holocaust.<sup>26</sup>

My first reaction to this account was skepticism.<sup>27</sup> A plot hatched in the Kremlin seemed far-fetched. At the same time, if it were true, it would be

<sup>20</sup> Ibid., 30: "[T]wo death sentences and multimillion-dollar bounties on my scalp." See obituary: "Ion Mihai Pacepa, Romanian spy and star defector who revealed the sordid reality of the Ceausescus and their regime," *The Telegraph* (February 25, 2021), referring to Ceausescu imposing two death sentences and placing a total bounty of \$4 million on Pacepa's head.

<sup>21</sup> "On Christmas Day 1989, Ceausescu was sentenced to death at the end of a trial whose main accusations came almost word for word out of *Red Horizons*, subsequently published in twenty-seven countries." Dan Fisher and Harry Trimborn, "Romania: Death of a Dictator: Ceausescu – Tyrant Who Posed as a Statesman: Dictatorship: The executed leader will be remembered as a ruler who believed he could stay the same while all around him changed," *Los Angeles Times* (December 26, 1989).

<sup>22</sup> *Disinformation*, 96-100.

<sup>23</sup> See Ion Mihai Pacepa, *Programmed to Kill* (Lanham, MD: Ivan R. Dee: 2007).

<sup>24</sup> "I had been a player in the Kremlin's war against the Vatican and was peripherally involved in the framing operation aimed at changing Pius XII's past in an effort to drive a wedge between Jews and Christians." Ronald J. Rychlak and Ion Mihai Pacepa, "How Pope Pius XII Became 'Hitler's Pope,'" *Catholic Answers Magazine*, November 1, 2013.

<sup>25</sup> Ion Mihai Pacepa, "Moscow's Assault on the Vatican," *National Review Online*, January 25, 2007.

<sup>26</sup> Rolf Hochhuth, *Der Stellvertreter. Ein christliches Trauerspiel*.

<sup>27</sup> Victor Gaetan, "Historians, diplomats cast doubts on KGB plot against Pope Pius XII," *Catholic News Service*, February 28, 2007. But see Edward Pentin, "The Truth about Pius XII," *Zenit Daily Dispatch* August 16, 2012: "After corresponding with Pacepa for three years now, and after having read his books and many of his



significant. My publisher had asked me to prepare a second edition of my book *Hitler, the War, and the Pope*,<sup>28</sup> so I already had set aside time to work on this topic. I spent much of the next two years trying to determine whether Pacepa's account made sense. Ultimately it did. In fact, it was the only explanation for how Pius XII's reputation went from hero at the time of his death in 1958 to villain in 1963 with no new factual revelations or discoveries.

So, I wrote a chapter about this for the second edition of *Hitler, the War, and the Pope*. I had never interacted with Pacepa, but I sent him a draft of that chapter through the editor at *National Review Online*. Within a week, Pacepa responded, and we soon struck up an email friendship. I referred to him as "Mike,"<sup>29</sup> but I did not know his actual cover name or his location.<sup>30</sup> We emailed almost daily. He told me it was refreshing to once again "speak as Pacepa." He had not been able to do that for years.

Eventually I got to meet and know Pacepa and his wife. The first meeting came after we had collaborated on the book *Disinformation*.<sup>31</sup> That heavily footnoted book made several intelligence reading lists,<sup>32</sup> had a college course designed after it,<sup>33</sup> was optioned for a movie,<sup>34</sup> and is the inspiration for the recent MAX (formerly HBO) television series *Spy/Master*.<sup>35</sup>

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articles (and articles about him), I know that he has never steered me wrong. My 2007 reaction was the natural, cautious comment of someone exposed to a new and unfamiliar proposal. After two years of careful research, I changed my mind."

<sup>28</sup> See n. 1.

<sup>29</sup> See Judith Weinraub, "The Long Decade of the Defector," *The Washington Post* (January 10, 1990): Pacepa is "now called Mike—an Americanization of his middle name."

<sup>30</sup> I used to joke that I knew Superman but did not know Clark Kent.

<sup>31</sup> See n. 5.

<sup>32</sup> See, for example, "Intelligence Officer's Bookshelf," *Studies in Intelligence* 58, no. 1 (March 2014), <https://www.cia.gov/static/ob40310d227db6f2cb1d5b372f58e0eo/Intel-Officers-Bookshelf-58.1.pdf>; Aura Sabadus, "My Favorite Book," *Europe's Edge*, The Center for European Policy Analysis, December 19, 2023.

<sup>33</sup> See Steven Alan Samson, "Ion Mihai Pacepa and Ronald J. Rychlak: Disinformation Study Guide, 2013-14" (2014), [https://digitalcommons.liberty.edu/gov\\_fac\\_pubs/426](https://digitalcommons.liberty.edu/gov_fac_pubs/426).

<sup>34</sup> See River Rock Films, *Disinformation*, <https://riverrockfilms.com/studio-quality-large-scale.html>.

<sup>35</sup> IMDb, *Spy/Master*, [https://www.imdb.com/title/tt22325698/episodes/?ref\\_=tt\\_ov\\_epl](https://www.imdb.com/title/tt22325698/episodes/?ref_=tt_ov_epl).

### III. The Soviet Approach

At the core of Pacepa's Pius XII revelations was that after World War II, the Soviet Union's influence extended over several strongly Catholic areas, including Hungary, Romania, Poland, Croatia, and more. The Communist leaders "viewed the Church as an obstacle to the 'sovietization' of the newly conquered peoples, a supporter of the anti-Soviet partisan groups that were particularly active after World War II.... They also viewed the Vatican as an enemy state and the Catholic Church as a tool of Western influence and bourgeois culture."<sup>36</sup> Soon a common approach developed.

In nation after nation, leaders like Cardinals Mindszenty, Stepinac, Beran, and Wyszyński were at first hailed by the new Soviet leaders for having stood up against the Nazis.<sup>37</sup> In each case, however, as soon as the Soviets were secure in their power (within two years), they "discovered" that these Catholic leaders had secretly collaborated with the Nazis and had to be punished.<sup>38</sup> Since the Soviets controlled the courts, they easily framed the prelates.

An early attempt to frame Pius in a similar manner failed, because he was in Rome and the Kremlin could not control the legal system.<sup>39</sup> The idea, however, was consistent: The atheist government discredited the Church in the strongest way possible—by associating her leaders with National

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<sup>36</sup> Dennis J. Dunn, *The Catholic Church and Russia: Popes, Patriarchs, Tsars and Commissars* (New York: Routledge, 2004), 133-34 (also noting that "both the Soviet police and counter-intelligence agencies monitored Catholic affairs.")

<sup>37</sup> *Disinformation*, 70-103.

<sup>38</sup> Stalin used this same tactic elsewhere, especially against the Ukrainian Catholic Church. Archbishop Josyf Slipi of Lvov and most of Ukraine's bishops were framed as "Nazi collaborators" by Stalin's political police. All were imprisoned or sent to slave-labor camps. Additionally, about 500 Ukrainian priests were sent to gulags "for political reasons." Hundreds of others were shot. In 1945, Pope Pius XII issued the encyclical *Orientales Omnes Ecclesiae*, in which he assured the faithful in Ukraine that God would do justice and "calm this terrible storm and finally bring it to an end." Stalin answered in his style. He framed six more Ukrainian bishops as Nazi collaborators and had them executed. See Ion Mihai Pacepa and Ronald J. Rychlak, "The Role of Dezinformatsiya in the Framing of Pius XII: The Secret History Behind the Ongoing Campaign," *New Oxford Review* (October 2013).

<sup>39</sup> In 1948, propagandists at the Historical Institute of the Soviet Academy of Sciences in Moscow hired M. M. Sheinmann to fabricate a report alleging a Vatican Nazi conspiracy. *The Tablet of London* (March 16, 1963). See also Robert A. Graham, *The Vatican and Communism During World War II: What Really Happened?* (San Francisco: Ignatius Press, 1996). Sheinmann's report contained details about an alleged "Secret Pact" the Vatican had signed with Hitler. See, for example, Mikhail Markovich Sheinmann, *Der Vatikan im Zweiten Weltkrieg* (Berlin: Dietz, 1954; first published in Russian in 1948).

Socialists. As Rabbi Arthur Gilbert noted in 1964, there is no doubt that “*The Deputy* is antireligious, and it will certainly provoke anti-Catholicism.”<sup>40</sup>

### *Pacepa's Role*

By his own account, Pacepa got involved in framing Pius XII in October 1959, when Khrushchev visited Romania. Pacepa had just been appointed head of Romanian industrial espionage. Soon thereafter, Khrushchev approved a joint Communist Party/KGB operational plan for destroying the Vatican's moral authority. Devised by KGB chairman Aleksandr Shelepin and the Soviet politburo member responsible for international policy, Aleksey Kirichenko, the new plan would set forth a concocted scenario, supported by genuine, perhaps slightly modified Vatican documents.<sup>41</sup>

Pacepa supervised that part of the plan. Romania had a large Roman Catholic community, so it was logical to have its foreign intelligence service, the DIE, help get agents into the Vatican archives. Moreover, Pacepa was in an excellent position to contact the Vatican. The year before, he had negotiated a spy swap with the Holy See involving four prominent Catholics who had been sentenced on spurious charges of espionage. The four were exchanged for two DIE officers caught spying in West Germany.<sup>42</sup>

For this new mission, Pacepa was instructed to tell his Vatican contact, future Cardinal Secretary of State Agostino Casaroli,<sup>43</sup> that Romania was ready to restore diplomatic relations with the Holy See in exchange for a billion-dollar loan. He was also instructed to insist that the Vatican provide Romanian scholars access to its archives in order to find historical reasons for changing its approach toward the Holy See.<sup>44</sup>

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<sup>40</sup> Rabbi Arthur Gilbert, “The Deputy: In his Broadway plays, Hochhuth has failed both as historian and as artist,” *America* (March 14, 1964): 341.

<sup>41</sup> *Disinformation*, 116-17.

<sup>42</sup> *Ibid.*

<sup>43</sup> See Agostino Casaroli, *The Martyrdom of Patience* (Vancouver: Ave Maria Centre of Peace, 2004). See also Ronald J. Rychlak, “The Enduring Legacy of John Paul II,” *Catalyst* (December 2010).

<sup>44</sup> “Romania's relations with the Vatican had been severed in 1951, when Moscow accused the Vatican's nunciatura in Romania of being an undercover CIA front and closed its offices. The nunciatura buildings in Bucharest had been turned over to the DIE, and now housed a foreign language school.” Pacepa, *Moscow's Assault on the Vatican*, National Review Online, January 25, 2007. A loan would provide cover and explain why Romania was changing its position vis-à-vis the Holy See. *Ibid.* In private correspondence with this author, Pacepa wanted to make clear that his statement to the Vatican representative that “Romania was ready to restore diplomatic relations with the Holy See in exchange for access to its archives,” was an “invented reason.” Pacepa explained: “Ceausescu did not intend to restore diplomatic relations with Vatican. To enforce that lie, I was also instructed to tell the

Of course, this was just a ploy. Ceausescu had no intention of restoring diplomatic relations, and Romanian officials never expected the loan to come through. The Kremlin wanted them only to get agents into Vatican archives where they could get documents to help with the plan.<sup>45</sup>

The DIE chose three priests who were also co-opted intelligence agents.<sup>46</sup> The Vatican had no qualms about letting three Romanian priests into its archives.<sup>47</sup> So, the concession from the Vatican—permitting Romanian priests to enter these archives—was not significant. It did, however, provide an air of authenticity to Khrushchev's project. The priest/agents secretly photographed some documents, and the DIE sent the film to the KGB.<sup>48</sup>

The original plan was not necessarily to make a play. The Kremlin wanted documents to develop a narrative. None of the documents that the agents found, however, could be used as a basis for fabricating believable evidence. That that did not, however, stop Moscow from trying to tarnish Pius XII's reputation.<sup>49</sup>

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Vatican that Romania needed access to these archives to find historical roots that would help the Romanian government publicly justify its change of heart toward the Holy See." Correspondence from Ion Pacepa to Ronald J. Rychlak, May 18, 2009.

<sup>45</sup> Ibid.

<sup>46</sup> The priest/agents were likely well versed in multiple languages. That skill would have been common among priests, and it also would have been sought out by the DIE as it selected them. The late Fr. Peter Gumpel, relator of Pius XII's sainthood cause, remembered a young German priest who was in Rome at the appropriate time. He drove a sports car that seemed incongruous with his status, and few people seemed to know his background. Rychlak, *Hitler, the War, and the Pope*, 538 n. 54.

<sup>47</sup> While questions have been raised about various Vatican archives, the Kremlin's objective could have been met with documents from any Vatican archive.

<sup>48</sup> After Pacepa's account of this operation was published in 2007, historians and volunteer researchers started looking into the recently opened Securitate archives in Romania. They have been able to identify at least one of the three DIE agents: Fr. Francisc Iosif Pal, S.J. He had been recruited as a Securitate agent in 1950, when he was detained in the infamous Romanian prison of Gherla. Fr. Pal's cooperation with the Securitate in organizing the 1951 trial against the Vatican nunciature in Bucharest was revealed in a 2008 book published by William Totok, a Romanian-born German researcher.

<sup>49</sup> "That permitted Soviet experts to use them to develop a reasonable background for a piece of fiction that would charge not bad actions, but failure sufficiently to act and would attribute blame for motivations that would be virtually impossible to disprove." Rychlak, *Hitler, the War, and the Pope*, 281. The pilfered documents gave the KGB an idea of what Vatican records looked like.

*Rolf Hochhuth*

General Ivan Agayants,<sup>50</sup> chief of the KGB's disinformation department, took charge of the project.<sup>51</sup> Since the priest/agents had failed to find evidence to support the original plan, Agayants changed directions. Rather than frame Pius with factual charges that could be rebutted, he decided to make the charges in a fictionalized play.<sup>52</sup> That way, criticism of factual

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<sup>50</sup> In 1949, Agayants had been appointed to head the Western European Department of what would become the KGB. After working on forgeries of memoirs sponsored by the Soviet secret police, and after his work on *The Deputy*, he was promoted to the first head of Department D (disinformation) of the KGB First Chief Directorate. In 1967, Agayants was appointed deputy head of the First Chief Directorate. He was a legend in the KGB, receiving many awards, including the Order of Lenin. His name is engraved in gold on the wall of Russia's Foreign Intelligence Service headquarters in Moscow among the seventy or so leading intelligence officers. As Andrew and Gordievsky explain in their book, *KGB: The Inside Story*: "Agayants owed his appointments as the first head of Department D [the KGB's disinformation department] to his success in sponsoring a series of bogus memoirs and other works." Christopher Andrew and Oleg Gordievsky, *KGB: The Inside Story* 463 (New York: Perennial, 1991). On Department D, see Anatoliy Golitsyn, *New Lies for Old: The Communist Strategy of Deception and Disinformation* (New York: Dodd, Mead & Co., 1984), 50-51.

<sup>51</sup> General Ivan Agayants, chief of the KGB's disinformation department, which coordinated the framing of Pius XII, made a career out of writing false histories. A year before the infamous anti-Pius play *The Deputy* was launched, Agayants fabricated out of whole cloth a manuscript designed to persuade the West that, deep down, the Kremlin thought highly of the Jews; this manuscript was published in Western Europe, to great popular success, as a book titled *Notes for a Journal*. The manuscript was attributed to Maxim Litvinov, né Meir Walach, the former Soviet commissar for foreign affairs, who had been fired in 1939 when Stalin purged his diplomatic apparatus of Jews in preparation for signing his "nonaggression" pact with Hitler. Agayants's book was so flawlessly counterfeited that Britain's most prominent historian on Soviet Russia, Edward Hallet Carr, was convinced of its authenticity and even wrote an introduction for it.

<sup>52</sup> The type of work he did included making false background materials. As an example, consider this failed disinformation scheme, which employed some of the tactics that Agayants pioneered. In 1983, the secret police in Kraków created a fake diary that appeared to have been written by a Polish widow named Irena Kinaszewska. While he was in Kraków, Archbishop Wojtyła, the future Pope John Paul II, employed her to organize his letters and documents. According to the fake diary, they also had a romance. Police agents planted the diary in the apartment of Wojtyła's friend, Fr. Andrzej Bardecki, religious editor of *Tygodnik Powszechny*, a semi-independent weekly Catholic newspaper. The plan was for the police to find the diary during a search of the apartment and leak it to the press. Two agents managed to plant the diary in Fr. Bardecki's apartment, but they then got drunk and were involved in a major car accident. Enough information was released that Fr.

mistakes could be fended off by noting that it was fiction, while still asserting that it was essentially true.<sup>53</sup>

It was long known that *The Deputy* drew upon (or at least parroted) post-war Communist propaganda.<sup>54</sup> *Show* magazine in 1963 compared “the crudity of Hochhuth’s Vatican characters and scenes” with “the most stereotyped Communist propaganda.”<sup>55</sup> Until Pacepa’s revelations, however, scholars did not know that a committee of Soviet agents constructed, produced, and promoted the eight-hour-long play. Of course, the person who would be known as the author of this play could not come from the intelligence community. In fact, he could not be from the Soviet bloc.

Fortunately for the Soviets, there was a young German man who was working on a play that presented the perfect platform. His name was Rolf Hochhuth, and the play he was working on was based on the written statement of a Nazi officer named Kurt Gerstein.<sup>56</sup> As a prisoner of the Allies after the war, Gerstein wrote about his efforts to let the world know what the Nazis were doing. Perhaps his story was true, but he was a confused man who hanged himself in his cell before it could be confirmed. As such, he remains an enigmatic figure. His account never mentioned the pope, only his outreach to “the company lawyer of the Catholic bishop of Berlin,” who was one of

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Bardecki’s searched his apartment, found the diary, and destroyed it. When the police came two days later, they found nothing. Ted Lipien, “A phony John Paul II love story distorted his real persona,” *Digital Journal*, February 17, 2016, citing a book published by Polish journalist Marek Lasota, <https://www.digitaljournal.com/world/op-ed-a-phony-john-paul-ii-love-story-distorted-his-real-persona/article/457800#ixzz8FKSVXqSf>. See also George Weigel, “All War, All the Time,” *First Things* (April 2011): “The diary affair has something of the feel of the Keystone Kops about it until one recognizes just how deeply the SB (and the Polish government) feared John Paul II, even in a country under martial law, and how low they were prepared to sink in order to undermine his moral authority.”

<sup>53</sup> This is the same technique Dan Brown has used in novels like *The DaVinci Code*.

<sup>54</sup> See Giovanni Sale, “The birth of the ‘black legend’ of Pius XII,” *La Civiltà Cattolica* (March 21, 2009). “Soviet propogandists charged that the Catholic Church was an ally of Nazi Germany, an enemy of the Slavs, a supporter of imperialism, a center of reactionary parties, a reservoir of obscurantism, a vile foe of Communism, and a lackey of Wall Street.” Dunn, 139.

<sup>55</sup> Quoted in “Of Many Things,” *America* (July 27, 1963).

<sup>56</sup> See Pierre Joffroy, *A Spy for God: The Ordeal of Kurt Gerstein*, trans. N. Denny (New York: Harcourt Brace, 1969).

the “hundreds of personages” to whom Gerstein claimed to have provided information.<sup>57</sup>

Hochhuth was working for a German publishing house. He had edited a popular book of poems and drawings,<sup>58</sup> but he had never published any of his own writings. According to others who later came to know him, he frequently changed the plot of the historical plays he would become known for writing, always keeping in line with the prevailing Soviet perspective on history.<sup>59</sup>

### *Erwin Piscator*

Hochhuth’s original plan for what would become *The Deputy* did not involve the pope.<sup>60</sup> KGB agents learned of him while he was working on this project, and they offered to help him “shape” it. In fact, they shaped it so well—throwing in all kinds of Soviet propaganda—that they turned it into a seven- or eight-hour monstrosity that would have been impossible to stage.<sup>61</sup>

Fortunately for the Kremlin, the KGB had another expert to call on: theatrical legend Erwin Piscator.<sup>62</sup> He was a brilliant producer/director, but from his earliest days he used the theater to advance the cause of the Communist Party. He became a member of the German Communist Party at

<sup>57</sup> See *The Kurt Gerstein Report*, <https://dokumen.tips/documents/rolf-y-hans-guenther-los-complices-de-adolf-eichmann-que-la-cia-.html>.

<sup>58</sup> *Wilhelm Busch: Was beliebt ist auch erlaubt*, vol. 2, ed. Rolf Hochhuth (Gütersloh: Bertelsmann, 1959).

<sup>59</sup> “German critics have pointed out how closely Hochhuth follows a Communist publication, *The Vatican and the Second World War*, which appeared in 1955, and which attempted to blacken the Holy See as the instrument of a calculating capitalism.” Desmond Fisher, *Pope Pius XII and the Jews: An Answer to Hochhuth’s Play Der Stellvertreter (The Deputy)* (Glen Rock, NJ: Paulist Press, 1965), 29. German scholar Michael Feldkamp noted: “In the summer of 1963 the Vatican pointed out ‘numerous similarities’ between Hochhuth’s play and ‘the usual communist propaganda against the Church and the Pope,’ among them the charge of a ‘common crusade with Hitler against the Soviet Union,’ and the claim that the ‘enormous economic power’ of the Holy See and the Jesuit order explained their abandonment of Christian moral principles.” Michael Feldkamp, “Hochhuth Exposed,” trans. John Jay Hughes, *Association of Contemporary Church Historians* (July/August 2007). The West German government even expressed its “deepest regret” for such attacks on Pius XII, since he had protested racial persecution by the Third Reich and had “saved as many Jews as possible from the hands of their persecutors.” Ibid.

<sup>60</sup> Hochhuth acknowledged: “In the early stages of its conception... the Pope did not figure in the play.” Margaret E. Ward, *Rolf Hochhuth* (Boston: Twayne Publishers, 1977), 25.

<sup>61</sup> Ibid., 27 (seven hours). Hochhuth called for individual actors to play different parts in different scenes.

<sup>62</sup> Piscator’s collected papers are housed at the University of Southern Illinois.

its creation in 1919, and later he moved to Russia.<sup>63</sup> In the postscript to a 1934 edition of a play he produced, Piscator wrote that his theater “was always political, that is to say political in the sense approved by the Communist Party.”<sup>64</sup> Similarly, in 1929 he wrote, “We, as revolutionary Marxists, cannot consider our task complete if we produce an uncritical copy of reality, conceiving the theatre as a mirror of the times.... The business of revolutionary theatre is to take reality as its point of departure and to magnify the social discrepancy, making it an element of our indictment, our revolt, our new order.”<sup>65</sup>

Piscator returned to Germany from the United States in the 1950s after having received pressure from the House Committee on Un-American Activities.<sup>66</sup> Germany at that time was split into East and West Germany. Berlin, while solidly in the eastern (Communist) part of the nation, was also split between the East and West. For a long time, Berliners were able to freely cross back and forth between the different sides of the city. Theaters at that time openly propagandized.<sup>67</sup>

In 1961, East German authorities erected the Berlin Wall, and people could no longer cross from one side of the city to the other. The East German authorities realized that their propaganda plays would no longer be able to influence theatergoers of West Berlin. So, they opened the *Volksbühne* (Free People’s Theater) in West Berlin for the express purpose of producing pro-

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<sup>63</sup> John Willett, *The Theatre of Erwin Piscator: Half a Century of Politics in the Theatre* (London: Eyre Methuen, 1978). Piscator “had been a member of the German Communist Party since 1919 and NKVD agent since 1931, when he moved to Moscow. There, he became president of the International Association of Workers’ Theatres (IATB), which later changed its name to the International Association of Revolutionary Theatres.” Edward Pentin, “Claims that Pius XII Was Framed Gaining Support, Part 2,” *National Catholic Register* (August 15, 2012), statement by Pacepa.

<sup>64</sup> Willett, *The Theatre of Erwin Piscator*, at 122, quoting the postscript to the Soviet edition of Piscator’s play *Das p. T.* (Moscow, 1934).

<sup>65</sup> Quoted in Terence Smith, “Performance, Space and Technology,” Stanford University Drama Department, November 1998, <http://homepages.tesco.net/~theatre/tezzaland/webstuff/piscator.html>, at 9.

<sup>66</sup> *Disinformation*, 124.

<sup>67</sup> See Richard L. Merritt, “Politics, Theater, and the East-West Struggle: The Theater as a Cultural Bridge in West Berlin, 1948-61,” *Political Science Quarterly* 80 (June 1965): 186.



communist political theater.<sup>68</sup> They hired Piscator to produce the theater's plays, and his first selection was *The Deputy*.<sup>69</sup>

Piscator cut the script down to a manageable two hours. He eliminated some, but not all, of the KGB-added anti-Semitism that would subsequently haunt Hochhuth and the play. (Since Hochhuth took credit as author, he also was also assigned blame for the anti-Semitism.) *The Deputy's* Broadway producer Herman Shumlin, himself a communist,<sup>70</sup> noted that all the Jews were depicted as short bald men with big noses.<sup>71</sup> Rabbi Gilbert also wrote, "I also regret, as a Jew, that in this American production not one Jewish character of dignity was presented."<sup>72</sup>

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<sup>68</sup> *Disinformation*, 125-26. See District Office of Charlottenburg-Wilmersdorf, Former theater of the Freie Volksbühne, <https://www.berlin.de/ba-charlottenburg-wilmersdorf/ueber-den-bezirk/kultur-und-wissenschaft/buehnen/artikel.179334.php> (history of the building).

<sup>69</sup> For some people the play did indeed discredit not only the Catholic Church, but Christianity itself. Consider the following: "I began attending the Unitarian Church, where I felt at home in the liberal intellectual ambience. In those days of desegregation and social change, it was good to feel a part of throwing off the old order. One of the sermons I recall most vividly cited Rolf Hochhuth's play, *The Deputy*, which I now know is the fictional source for much of the disinformation about Pope Pius XII's role in World War II. The sermon fed my sense of outrage and probably contributed to my mistrust of institutional Christianity. I still considered myself a Christian, but not in the sense taught in churches; I felt I would have to invent my own religion to feel completely satisfied, and I even made some notes as to its projected beliefs and practices." Terrye Newkirk, "The Long and Winding Road," *This Rock* (September 1996), <http://www.catholic.com/thisrock/1996/9609conv.asp>.

<sup>70</sup> Herman Shumlin was the American producer who brought *The Deputy* to Broadway. According to *Time* magazine (February 5, 1940), Shumlin was the only producer who advertised in the communist *Daily Worker*. Shumlin served as chairman of "the leftist Joint Anti-Fascist Refugee Committee" (JAFRC). When JAFRC refused to turn records over to the U.S. House Committee on Un-American Activities, a federal judge held him guilty of contempt of Congress. He was fined \$500 and given a suspended three-month jail term. Well-known Jewish producer David Merrick passed on the show, calling it "historically inaccurate, highly exaggerated, slanderous and in completely bad taste." See "Of Many Things."

<sup>71</sup> *Disinformation*, 152. See also Trude Weiss-Rosmarin, "Second Thoughts on 'The Deputy,'" *Ramparts* (Summer 1964): 95 (emphasis in original), detailing how the play insulted Jews; Gilbert, 341: "The Jews are depicted as pitiful, deceitful, and helpless." See also Alfred Kazin, "The Vicar of Christ," *The New York Review of Books* (March 19, 1964), reprinted in *The Storm Over the Deputy*, 102, 105.

<sup>72</sup> Gilbert, 342.

### *The Play and Its Promotion*

The play opened in West Berlin on February 20, 1963. The basic plot involves a good Nazi (Gerstein) who tells a good priest what the Nazis are doing to the Jews. The priest tries to get this information to the pope, but he is continually thwarted in his efforts. When he finally succeeds, Pope Pius XII does not care about the victims. The priest then sacrifices himself by donning a yellow star and going to a concentration camp.

The priest, however, is not a religious leader that the audience is called to admire. That would undercut the intent of those who crafted the play. As Rabbi Graham explained:

[T]he play is antireligious. The hero, the young priest who joins the Jews in the gas chambers, does. Not demonstrate strength of will and purposeful faith as he accepts the cross. Rather he seems to be a beaten man on the verge of hysterical breakdown. His death is made to appear almost meaningless, and the redemptive quality that both Judaism and Christianity believe inheres in the suffering of the righteous is painfully lacking.<sup>73</sup>

That picture served the Soviets' interest.

Although it was fictional, Hochhuth claimed that the play was based on "provable facts."<sup>74</sup> The printed version had an appended text entitled "Sidelights on History," which argued that this depiction of Pius was justified by the historical record.<sup>75</sup>

*The Deputy* ran for only a couple of weeks in Berlin, receiving mixed reviews. Despite this short and commercially unsuccessful debut, the play was quickly translated and produced by some of the most prominent names in theater. All were Western communists or sympathizers.<sup>76</sup>

The American publisher of *The Deputy*, for instance, was Grove Press, which belonged to Barney Rosset. In a 2006 interview, Rosset was asked

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<sup>73</sup> Ibid.

<sup>74</sup> See Hannah Arendt, "The Deputy, Guilt by Silence?" (1964), reprinted at <https://miscellaneousmaterial.blogspot.com/2011/08/hannah-arendt-deputy-guilt-by-silence.html>, describing the play as "almost a report, closely documented on all sides, using actual events and real people, reinforced by 65 pages of 'historical sidelights' written by Hochhuth and anticipating nearly all arguments that have been raised against it."

<sup>75</sup> Ibid. *Sidelights on History* has been called the result of "misrepresentation, distortion and prejudice." Fisher, 47. "Hochhuth has been able to produce no support for his subjective speculations and these, in fact, seem to be based on bias and a deliberate attempt to seek a scapegoat for the guilt of others." Ibid. Hochhuth seems to have a "deep distrust of history." Rolf C. Zimmermann, "Drama or Pamphlet: Hochhuth's *The Deputy* and the Tradition of Polemical Literature, *Der Streit um Hochhuth's 'Stellvertreter'*," reprinted in *The Storm over The Deputy*, 123, 124.

<sup>76</sup> *Disinformation*, 134.

about his religion. He replied that he never had a religion: "So I became a communist. As a religion. And you better believe it."<sup>77</sup>

Rosset had purchased Grove Press in 1951, and he turned it into an influential alternative press. Among the radical political thinkers and writers Grove Press published in the 1960s were Malcolm X and Erwin Piscator's one time partner, Bertolt Brecht. Grove Press also published Che Guevara's diaries, with an introduction by Fidel Castro. Che's diaries had been produced by the Kremlin's *dezinformatsiya* machinery and were serialized in *Evergreen Review* (also owned by Rosset) before being released in book form by Grove Press.<sup>78</sup>

*Evergreen Review* also promoted *The Deputy*. In May 1964, just after the play opened on Broadway, *Evergreen Review* published an article written by Hochhuth.<sup>79</sup> In addition, not only did the magazine run advertisements for the book version of *The Deputy*, it used cross-marketing and advertised Rudolf Vrba's *I Cannot Forgive*, calling it "an eyewitness report—documenting *The Deputy*—by a man who escaped from Auschwitz."<sup>80</sup> In actuality, Vrba's account proved highly suspect, and he later admitted that he had taken "artistic license" in writing it.<sup>81</sup>

Jorge Semprum, a one-time member of the Spanish Communist Party's politburo, translated the play into French.<sup>82</sup> For several years, he had organized clandestine activities for that organization. When *The Deputy* was

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<sup>77</sup> Jerry Tallmer, "You Can't Print That! (but he did, he does)," *Thrive* 1 (January 2006): 9. See Charles W. Lowry, *Communism and Christ* 1 (Harrisburg, PA: Morehouse-Graham Co., 1953); *ibid.*, 146 (more on communism as a religion); John C. Bennett, "The Demand for Freedom and Justice in the Contemporary World Revolution," in *Religion and Culture: Essays in honor of Paul Tillich*, ed. Walter Leibrecht (New York: Harper, 1959), 330 (same).

<sup>78</sup> *Disinformation*, 137.

<sup>79</sup> Rolf Hochhuth, "The Berlin Antigone," *Evergreen Review* (May 1964): 70.

<sup>80</sup> *Evergreen Review* (August-September 1964): 97.

<sup>81</sup> According to the book, in June 1942, 17-year-old Rudolf Vrba was shipped to Auschwitz. Fighting against starvation, typhus, and almost unbelievable brutality, he kept a complete record of Nazi horrors. Finally, he managed to escape and bring his message to the outside world. See Rudolf Vrba and Alan Bestic, *I Cannot Forgive: The Amazing True Story of a 17 Year Old Jewish Boy Who Defied the Germans at Auschwitz and Escaped to Alert the World to the Nazi Horror Camps!* (New York: Bantam Books, 1964). Vrba performed poorly under cross examination at a Canadian trial over Holocaust denial, and he admitted that he had taken "artistic license." *Queen v. Zündel*, 2 S.C.R. 731 (1992).

<sup>82</sup> See Ronald J. Rychlak, "The Church and the Holocaust," *The Wall Street Journal* (Europe) (March 28, 2002), reviewing the film version, *Amen*.

finally made into the motion picture *Amen* in 2002, Semprum served as screenwriter for the project.<sup>83</sup>

When *The Deputy* was about to open on Broadway, so many religious leaders, politicians, diplomats, and others had spoken against it that it was somewhat of an international scandal. With the play's ability to open in serious jeopardy, *arts* magazine from San Francisco took the lead in defending it.

*Ramparts* had been founded in 1962 as a liberal Catholic quarterly. With the play about to open in early 1964, however, editor Warren Hinkle set up shop at the Waldorf Hotel in Manhattan, established a committee, sent out numerous telegrams, did news interviews, and threw a huge catered press conference, all to set forth a "Catholic" defense of *The Deputy*. It took far more money than a magazine like *Ramparts* would reasonably be able to devote to such a project, but *Ramparts* won the media battle, and the play opened.<sup>84</sup>

Having served its purpose, *Ramparts* dropped its Catholic identity shortly after *The Deputy* episode. By December 1964, two years after it had been founded, it described itself as "New Left," not Catholic.<sup>85</sup> CIA documents released under the Freedom of Information Act confirm that by 1966 *Ramparts* was a reliable outlet for Soviet propaganda.<sup>86</sup> The CIA eventually devoted twelve full-time and part-time officers to investigating *Ramparts*. They identified and investigated 127 writers and researchers, as well as nearly 200 other people.<sup>87</sup> It is not hard to speculate about where *Ramparts* got its funding to promote *The Deputy*.

<sup>83</sup> The film's director was Constantinos Gavras, better known as Costa-Gavras. After World War II, Gavras's Greek father was found to be a Communist and sent to prison. Costa-Gavras was denied a visa to the United States over concern that he was also a Communist. Some of his later politically charged films seemed to support that suspicion, but there is no proof that he was a member of the Communist Party. See Maya Jaggi, "French resistance: Costa Gavras," *The Guardian* (April 4, 2009: "My mother used to say stay away from politics, because my father went to prison. But we can't not be involved. By not taking a position, you take a position.")

<sup>84</sup> See Ronald J. Rychlak, "The Role of 'Ramparts' Magazine in the Campaign against Pius XII," *New Oxford Review* (October 2011).

<sup>85</sup> Ibid. In his memoirs, Hinkle acknowledged his own suspicion about the source of some of the information received at the magazine, suggesting that it was either the KGB or a rogue operation from inside the CIA. Warren Hinkle, *If You Have a Lemon, Make Lemonade* (New York: W. W. Norton & Company, 1990).

<sup>86</sup> Emma North-Best, "FBI suspected 'Ramparts' was a foreign agent that provided propaganda and intelligence services," Muckrock, September 13, 2018, <https://www.muckrock.com/news/archives/2018/sep/13/ramparts-fbi/>.

<sup>87</sup> *Memo to the White House re Ramparts*, case no. EO-1996-00609, pub. date 5/19/1966; release date 11/4/1997 (noting dramatic expansion and Communist ties of

Having assured that the play would open on Broadway and around the world, Soviet bloc intelligence worked to promote the debate over the play. To provide but one example, the well-known Washington investigative journalist I. F. Stone (1907-1989) spent time as a paid Soviet spy.<sup>88</sup> In March 1964, just weeks after *The Deputy* opened on Broadway, Stone wrote: "Pius XII, in being friendly to Hitler [and to Mussolini] was only following in the footsteps of Pius XI.... More than the sin of silence lies on the consciences of God's 'deputies.' They were accessories in the creation of these criminal regimes."<sup>89</sup> That November, the same month that the play closed, he wrote an article with a conflicting theme entitled "Pius XII's Fear of Hitler."<sup>90</sup> Stone's prominence and his caustic style played an immense role in calling attention to *The Deputy* and helping make it a cause célèbre. In addition, Stone's sister, leftist theater critic Judy Stone, contributed a friendly interview with Hochhuth, which was published in *Ramparts* magazine in the spring of 1964.<sup>91</sup>

Just months after *The Deputy* debuted in Berlin, Rowohlt of Hamburg, the far-left German publisher of the play, came out with a paperback book entitled *Summa Iniuria, oder Durfte der Papst Schweigen? (The Height of Injustice, or Should the Pope Have Remained Silent?)* It contained "90 commentaries selected from more than 3,000 major articles, addresses, and brochures dealing with the play."<sup>92</sup> The compiler of the essays, Fritz J. Raddatz, was best known as a scholar of Karl Marx. He had written *Karl Marx: A Political Biography*,<sup>93</sup> and he had edited a collection of letters between Marx and Friedrich Engels.<sup>94</sup>

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key personnel). *Memorandum to Bill Moyers, White House from Richard Helms, DD/CIA (Subject Del)*, case no. EO-2004-00392, pub. date 5/19/1966; release date 5/17/2004 (same document).

<sup>88</sup> John Earl Haynes and Harvey Klehr, "I. F. Stone, Soviet Agent—Case Closed," *Commentary* (May 2009).

<sup>89</sup> I. F. Stone, "What Some People Have Forgotten about God's 'Deputy,'" *I. F. Stone's Weekly* (March 9, 1964), reprinted in *The Storm over The Deputy*, 234-35.

<sup>90</sup> I. F. Stone, "Pius XII's Fear of Hitler," *I. F. Stone's Weekly* (November 1964).

<sup>91</sup> Judy Stone, "Interview with Rolf Hochhuth," *Ramparts* (Spring 1964), reprinted in *The Storm over The Deputy*, 42.

<sup>92</sup> See Ewart Turner, "No Letup for *Der Stellvertreter*," in *The Deputy Reader*, 184.

<sup>93</sup> Fritz J. Raddatz, *Karl Marx: A Political Biography* (New York: Little, Brown and Company, 1978).

<sup>94</sup> *The Marx-Engels Correspondence: The Personal Letters, 1844-77*, ed. Fritz J. Raddatz (Worthing: Littlehampton Book Services Ltd., 1981). According to Pacepa, Raddatz very likely played a role in Rowohlt's initial publication of *Der Stellvertreter*. In the 1950s, Raddatz was head of the foreign department and deputy

In the United States, the Communist-owned Grove Press did the same thing as Rowohlt, publishing a book entitled *The Storm over the Deputy: Essays and Articles about Hochhuth's Explosive Drama* just months after the play debuted on Broadway. This book was a collection of essays, reviews, and interviews related to the play and the issues it raised. The editor of this collection was Eric Bentley, best known for his work on the German Communist playwright (and former Piscator collaborator) Bertolt Brecht—"the world's most famous communist."<sup>95</sup> Bentley also edited the Grove Press edition of Brecht's work, and he wrote a highly personal memoir of his years with Brecht and a play based upon Brecht's testimony before the House Un-American Activities Committee.<sup>96</sup> Many of the reviews and essays included in *The Storm over the Deputy* were penned by authors with close ties to Communism, but even those essays less critical of Pius served the purpose of keeping this issue alive.<sup>97</sup>

### *Scrutiny after The Deputy*

Among the very first published responses to Pacepa's revelations was one from noted Holocaust denier, David Irving.<sup>98</sup> He posted the following on his webpage:

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chief of the Volk und Welt (People and World) publishing house in East Berlin—positions that in Pacepa's experience would have required him to have a relationship with the East German Stasi and possibly with the KGB. In 1958, Raddatz crossed over into West Germany and settled in Hamburg, where by 1960 he had become the chief reader of the Rowohlt publishing house, as well as close associate and deputy to Heinrich Maria Ledig-Rowohlt, the head of the firm. He remained with Rowohlt until 1969. German Wikipedia on Fritz J. Raddatz, June 14, 2011, [http://de.wikipedia.org/wiki/Fritz\\_J.\\_Raddatz](http://de.wikipedia.org/wiki/Fritz_J._Raddatz). Thus, as Rowohlt was making the decision to publish the play, he would have been influential.

<sup>95</sup> Patrick Sullivan, "Author Eric Bentley still shaping theater," Metro Active, September 24, 1998, [www.metroactive.com/papers/sonoma/09.24.98/bentley-9838.html](http://www.metroactive.com/papers/sonoma/09.24.98/bentley-9838.html).

<sup>96</sup> Eric Bentley, *Bentley on Brecht*, 2<sup>nd</sup> ed. (Evanston, IL: Northwestern University Press, 2007). He wrote several other books on Communist subjects, including *Bernard Shaw: A Reconsideration* (1947); *Brecht Commentaries* (1981); and *Thirty Years of Treason: Excerpts from Hearings before the House Committee on Un-American Activities, 1938–1968* (1971).

<sup>97</sup> Inside the front cover, in bold print, appears the question: "Why was the pope silent?"

<sup>98</sup> Since the 1980s, Irving "has cultivated a reputation as the world's most prominent Holocaust denier, a status he cemented by suing Penguin Books and American scholar Deborah Lipstadt for libel in 2000 after Lipstadt wrote that he was a denier and a pro-Nazi ideologue. In a dramatic judgment, Irving lost his case and most of the considerable amount of money he made over the years selling his books. That, and his 2006 stint in an Austrian prison for denying the existence of gas

WHAT an extraordinary story about Hochhuth, and what utter rubbish; he was my best friend in those years and still is a good friend; I have two chapters about him in my memoirs. There was never a hint of Soviet influence—which is not to say he may not have been fed a corrupt dossier in some clever way. He could be very naive.<sup>99</sup>

Pacepa's revelations and the responses they received call for more investigation into Hochhuth's later writings.

Hochhuth's next play after *The Deputy* was called *Soldiers*. In it, he alleged that Winston Churchill had Polish General Sikorski killed. The general had been killed in a plane crash, but the play alleged that it was staged, and Churchill arranged it as a cover for the assassination.

As with the earlier play, *Soldiers* was filled with pro-Soviet propaganda. For instance, at one point Churchill pleads with Sikorski, "Stalin's demands are reasonable.... All he demands from Poland are the provinces she took from Russia twenty years ago. Give up Lvov—for Breslau."<sup>100</sup> At another point, when Sikorski proposes an investigation into the Katyn massacre (mass executions of Polish officers and intelligentsia carried out by the Soviets), Churchill is compelled to thwart him.<sup>101</sup> At yet a third point, when the general tries to persuade Churchill to get Stalin to delay discussion of the Polish-Soviet border, the Prime Minister replies, "Why should Stalin let us tie his hands...?"<sup>102</sup>

At a press conference that took place at the Berlin premiere of *Soldiers*, Hochhuth was asked to expand on the sources of his knowledge about Sikorski's assassination. He claimed that he had "accidentally" received the information.<sup>103</sup> Later investigation, however, would prove that there was no substance behind these claims. According to a profile published in 1970, Hochhuth's working partner, David Irving, "spotted a possible clue, checked it at source, found it untrue and discarded it—all the behaviour of a good historian. He went on, however, to give the clue to Hochhuth, who lacked

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chambers at Auschwitz, have made Irving a hero in extremist circles." "David Irving," Southern Poverty Law Center, <https://www.splcenter.org/fighting-hate/extremist-files/individual/david-irving>.

<sup>99</sup> See John Follain, "KGB and the plot to taint 'Nazi pope'," *The Sunday Times* (February 18, 2007), David Irving comment; *AR Action Report Online*, [http://www.fpp.co.uk/docs/Irving/Hochhuth/Times\\_200207.html](http://www.fpp.co.uk/docs/Irving/Hochhuth/Times_200207.html).

<sup>100</sup> Quoted in Catherine R. Hughes, "Hochhuth's Morality Play," *America* (June 8, 1968). Rolf Hochhuth's *Soldiers* was banned in London, and closed after short runs in New York and Toronto. Its treatment of Churchill is, ironically more balanced than the author's attack on Pius XII in *The Deputy*.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Carlos Thompson, "The Assassination of Winston Churchill," *Smythe* (January 1, 1969): 185.

similar discretion and used the rejected evidence to support false narratives.”<sup>104</sup>

Hochhuth at first claimed that Churchill had General Sikorski killed due to his strong stance against the Soviets. When an article in the Moscow *New Times* (an “undercover magazine of the KGB published in English for Western consumption”)<sup>105</sup> made a different argument, he immediately adopted it and suggested that Churchill had Sikorski killed due to his pro-Soviet policies.<sup>106</sup> He did another flip-flop when discussing the British government’s desire to implicate or incriminate a certain participant in the plane crash.<sup>107</sup>

Hochhuth was also very quick to rewrite sections of his play and even to eliminate characters. As Lawrence Olivier’s wife, Joan Plowright, noted: “There is one thing we all agree on, I’m sure. We have never seen an author so little married to his words.”<sup>108</sup> One witness complained that “Hochhuth tried to put words in my mouth.”<sup>109</sup> He claimed to have a wealth of information (some of which was provided by David Irving, who according to a favorable 1970 profile was open “about his deviousness”),<sup>110</sup> but he was evasive when asked about his sources. Sometimes it was a retired British intelligence man; other times it was a Polish lady.<sup>111</sup> He claimed to have

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<sup>104</sup> Susan Barnes, “David Irving: Portrait of a Gentleman,” *The Sunday Times Supplement* (September 6, 1970). According to Irving, “he and Hochhuth exchanged information as their investigations progressed. On each occasion when a trail pursued by Irving subsequently came to an end, he warned Hochhuth in good time. If Hochhuth did not accept the advice, ‘that’s his responsibility, not mine.’” Ibid.

<sup>105</sup> *Disinformation*, 167. According to Pacepa, it was at one time published in Romania. Ibid., 144.

<sup>106</sup> Thompson, 131-32.

<sup>107</sup> Ibid., 149.

<sup>108</sup> Ibid., 15. In this context, it is interesting to note the major rewriting that went into the various productions of *The Deputy*. See Sidney F. Parham, “Editing Hochhuth for the Stage: A Look at the Major Productions of *The Deputy*,” *Educational Theatre Journal* 28 (1976): 347.

<sup>109</sup> Thompson, 82.

<sup>110</sup> Barnes, “Portrait of a Gentleman.”

<sup>111</sup> Thompson, 6. Thompson wondered: “When had Rolf Hochhuth thrown out his ‘Polish Lady,’ in exchange for his ‘Intelligence man’? And . . . why had he never told Olivier [Lawrence Olivier, who had joined in the cause to support Hochhuth] that there were two interchangeable ‘original sources’?” Ibid., 65-66.



deposited his proof in a bank vault to be opened fifty years later.<sup>112</sup> Said Hochhuth: "I know that in fifty years my play will be unassailable."<sup>113</sup>

Hochhuth's research was sloppy at best, and his analysis was even worse. *Soldiers* was initially banned in England. That generated great debate about the freedom of artists in Britain. It also led actor Carlos Thompson, who was at first interested in helping bring the play to the stage and perhaps film, to write a book exposing the shoddy research and ridiculous theories that Hochhuth set forth. Thompson shows us a Hochhuth who is seemingly paranoid<sup>114</sup> and "all-too-eager to believe anything he is told" Hochhuth.<sup>115</sup> Thompson, who entitled one chapter "A sad example of Hochhuth's methods," wrote of the "tangled gyrations of Hochhuth's thinking"<sup>116</sup> and said that the playwright's mind worked along "dangerously greased rails."<sup>117</sup>

Julius Firt, one of many witnesses interviewed by Thompson, said: "I find it difficult to understand what Hochhuth is really after. His play on the Pope was tendentious enough, but this one, marshalling non-existent evidence to prove that Britain killed Sikorski, is one big step further."<sup>118</sup> Polish Prince Lubomirski, another witness, said: "Hochhuth had nothing, and

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<sup>112</sup> Rainer Taëni, *Modern German Authors, Rolf Hochhuth* (London: Oswald Wolff, 1977), 75. Hochhuth claimed to have given his "most sacred word of honour" not to reveal the man's name. "Were his name to be revealed, he would be killed within forty-eight hours." *Ibid.*, 6.

<sup>113</sup> Thompson, 106 (emphasis in original). It is unclear when the fifty-year period began to run. At least one author of a letter to the editor thought that it began in 1943, meaning that the vault should have been opened in 1993. *Ibid.*, 171, reprinting a letter published in the *Daily Telegraph of London* (May 10, 1967). On the other hand, British intelligence seems to have considered the time to have started running in 1968. *Declassified Secret Memorandum: Soldiers*, to Mr. John Peck & Sir E. Peck from J.E. Jackson, January 10, 1969 ('Soldiers' – IRD Contribution) ("Hochhuth alleges that he had deposited the statement of the name of his informant in a Swiss bank, to be released in 50 years time, presumably 2018."). See also David Frost, *An Autobiography* (New York: Harper Collins, 1993), 410 (the Churchill family was "particularly unimpressed by Hochhuth's claim that he kept in a Swiss bank vault a document containing the name of the person who had allegedly given him first-hand proof"). In any event, no grand opening has ever taken place.

<sup>114</sup> Thompson, 6, 9-10, 21, 87-88 (describing his fear of assassination); *ibid.*, 81: "[H]e lived with the notion that the British world was a vortex of dark secrets."

<sup>115</sup> See *ibid.*, 82 (discussing Hochhuth's "keenness on any anecdote which he thought indicted the morality of the West during the last war").

<sup>116</sup> *Ibid.*, 308.

<sup>117</sup> *Ibid.*, 122. According to a letter to the editor in *America* magazine (November 30, 1963), Edgar Alexander planned to publish a book dealing with Hochhuth's "falsifications and distortions." Alexander identified "Nelson" as the publisher, but the book seems never to have been produced.

<sup>118</sup> Thompson, 266.

construes everything to his advantage.”<sup>119</sup> Yugoslavian dissident Milovav Đilas (whom Hochhuth tried to invoke when questions arose about his research) said: “Hochhuth’s quotation of me is a complete distortion.”<sup>120</sup> Stanislaw Lesniowski said: “[T]he *Sunday Times* quoted Mr. Hochhuth and through him, quoted me. What I had said to him was totally misrepresented.”<sup>121</sup> Lesniowski went on to say that “after reading his play, I find that it is the exact opposite of what he told me.”<sup>122</sup>

One witness said: “I have begun to ask myself if Hochhuth does not suffer from delusions. He remembers visiting me in my home, which he never did, and conversations between us that never took place.”<sup>123</sup> Thompson wrote: “It was becoming difficult to follow Rolf’s gyrations of theory-within-theory.”<sup>124</sup> Another time he wrote: “Rolf was beginning to tire. He was forgetting his own invention.”<sup>125</sup> When one witness came forth to contradict his theory, Hochhuth attributed it to British disinformation.<sup>126</sup> Another time he suggested that witnesses were faking amnesia.<sup>127</sup>

Regarding the alleged assassination by plane crash of Polish General Sikorski, one witness said that Hochhuth simply refused to consider the theory that the Soviets were behind the General’s death.<sup>128</sup> Responding to allegations from Sikorski’s countrymen that undercut his thesis, Hochhuth said: “[A]ll the Poles in London lie.”<sup>129</sup>

<sup>119</sup> Ibid., 134.

<sup>120</sup> Ibid., 149. See Harry de Quetteville, “Did British double agent Kim Philby murder Polish war hero General Sikorski?” *London Telegraph* (July 1, 2008).

<sup>121</sup> Thompson, 192.

<sup>122</sup> Ibid., 193.

<sup>123</sup> Ibid., 133 (statement of General Marian Kukiel). Thompson reported that one of Hochhuth’s main shortcomings was that “he was so busy ‘knowing,’ that he did not have the time or the energy to travel a bit and find out what was really what.” Ibid., 125. Thompson continued: “All humour aside, this symptom promised anything but laughs.” Colonel John Codrington, of the British Intelligence said: “Hochhuth says that Intelligence killed Sikorski. Well if that is the case, then you are talking to the man who would have done the job. I was Assistant Chief of Staff to Governor Mason Macfarlane. I was in charge of Military Intelligence. I repeat, if we had arranged to kill Sikorski, I would have been the one to do it.” Ibid., 287. Codrington said: “Hochhuth simply doesn’t know what he is talking about.” Ibid., 278.

<sup>124</sup> Ibid., 95.

<sup>125</sup> Ibid., 100.

<sup>126</sup> Ibid., 101.

<sup>127</sup> Ibid., 130. When asked about Hochhuth’s claims that witnesses were faking amnesia, General Kukiel called it a “silly invention.” He added: “I am sorry that such a good writer as David Irving should allow himself to be dragged into Hochhuth’s theory.”)

<sup>128</sup> Ibid., 213.

<sup>129</sup> Ibid., 214.

Hochhuth and Irving claimed that after five years of painstaking research they had “conclusive evidence” of the death of the pilot (who—by their account—had escaped from the staged plane crash) at the hands of the “Old Firm” in a staged knife fight in Chicago. Their theory was that the pilot, Edward Prchal, was in on the assassination, but the “Old Firm” killed him to be certain that he did not reveal the plot.<sup>130</sup> Before long, word surfaced that Prchal was still living in the United States. Hochhuth, however, declined to interview him.<sup>131</sup> Hochhuth claimed that the man in the US was an imposter, but that story fell apart live on British television.

In December 1968, television host David Frost invited Hochhuth as his guest to discuss *Soldiers*, which had just opened in London. Hochhuth declined, citing his inability to speak English (despite Frost’s offer of a translator).<sup>132</sup> David Irving and theater critic Kenneth Tynan, however, were there as part of “the Hochhuth contingent.”<sup>133</sup> Central to their case, of course, was that the pilot of the crashed plane, Edward Prchal, had been in on the assassination. When Prchal came on stage, he said: “Mr. Hochhuth is producing a slander of the century.”<sup>134</sup> According to Frost, “the credibility of the Hochhuth-Tynan-Irving case went from bad to worse.”<sup>135</sup>

After the first show (which was broadcast live), Frost asked the guests to return for the taping of a second show. This gave him and his producers time to investigate the Hochhuth contingent’s claims and to expose them as lies.<sup>136</sup> When Tynan tried to argue that the play enhanced Churchill’s

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<sup>130</sup> Ibid., 14, 18. Irving once disassociated himself from the “birth” of the murder theory, but he ultimately did embrace it. Ibid., 115.

<sup>131</sup> Instead, Irving “reacted by working to discredit Prchal, claiming to have a wealth of evidence against him.” Frost, 114. “So far this whole affair is outlandish. Hochhuth goes around informing us that Prchal was killed by a knife in a bar-brawl in Chicago; then, a few months ago, when the scandal of his play breaks out in England, the Sunday Express publishes an interview given by Prchal denying the charges. Irving must know of the interview as well as I do... I have a feeling that by seeing Prchal I will also learn things about Irving. Do remember, Hochhuth maintains that it is he who provides him with the proofs that it was murder.” Thompson, 71.

<sup>132</sup> Frost, 410-11.

<sup>133</sup> Ibid., 415.

<sup>134</sup> Ibid., 412.

<sup>135</sup> Ibid. Kenneth Tynan was a supporter of the play in Great Britain.

<sup>136</sup> Ibid., 413. Consider this exchange between Prchal and Irving: “Prchal: There is another thing, Mr. Irving, may I interrupt? ... You say in your book that [according to the Court of Inquiry] my injuries were very light. / Irving: I quoted the Court of Inquiry. / Prchal: According to the Court of Inquiry? Read <handing Irving the report>. / Irving: I also traced the doctor that examined you. / Prchal: Read the first page. / Irving: The first page of the Court of Inquiry which I have here says: ‘The first pilot, extent injured: seriously.’ / Prchal: Thank you.” Ibid., 414.

reputation, it was noted that he had previously suggested that it libeled him. Asked to explain this contradiction, Tynan said: "It would have libeled him, had he been alive. Since he's dead, it's not a libel."<sup>137</sup>

Taping of the second show went so poorly that the Hochhuth contingent tried to stop it from being broadcast. As the TV interviewer later wrote: "It was instructive to see the way in which, when they felt that they had been bested, they moved to suppress the very freedom of expression they proclaimed to be their cause."<sup>138</sup> As one author reported: "David Frost, the well-known television interviewer, has stated that possibly his best performance ever was the night he fairly thoroughly dismantled Hochhuth before the cameras, above all for waiting until Churchill's death to make such a foul slander; he also waited until Pius XII was dead."<sup>139</sup>

Prchal, the pilot who allegedly crashed a plane to assassinate the Polish general, filed suit against Hochhuth for defamation.<sup>140</sup> According to declassified British files, Prchal's lawyer even suggested a criminal prosecution.<sup>141</sup> Prchal won a £50,000 judgment from the playwright.<sup>142</sup> Hochhuth's biographer reported: "Hochhuth's . . . accusation resulted in a libel action brought by the surviving pilot of the crashed aircraft which

<sup>137</sup> Ibid., 415.

<sup>138</sup> Ibid.

<sup>139</sup> Michael O'Carroll, "Saviour of the Jews," *The Irish Family* (February 3, 1995): "[H]e was demolished in a BBC programme by David Frost." See *Declassified Secret Memorandum: Soldiers, to Mr. John Peck & Sir E. Peck from J.E. Jackson*, January 10, 1969 ("Soldiers" – IRD Contribution) (noting the television program and other events that were keeping the controversy active), reprinted in Rychlak, *Hitler, the War and the Pope*.

<sup>140</sup> Frost, 415-16. Those who knew Prchal knew that he could never have taken part in such a plot: "Prchal would never have gone into a thing like that (to try to kill Sikorski) knowing perfectly well that he only had a one to a million chance of surviving it—he simply was not that type of man. He was brave and extremely efficient as a pilot, but he was not an adventurer, he was not foolhardy. He was the opposite of the man needed for such a thing. Hochhuth is just talking nonsense." Thompson, 324 (statement of General Janoušek).

<sup>141</sup> *Declassified Secret Memorandum: Soldiers—IRD Contribution*, reprinted in Rychlak, *Hitler, the War and the Pope*, 419: "[T]he recent letter from Prchal's lawyers to *The Times* could be construed as an invitation to [institute criminal proceedings against Hochhuth]."

<sup>142</sup> Taěni, *Modern German Authors, Rolf Hochhuth*, 140, 149. Prchal "was vindicated in court and damages were awarded." Frost, 416. For details on the verdict against Hochhuth, see "Pilot of General Sikorski's Aircraft Claims Libel Damages from German Playwright," *The Times of London* (May 3, 1972), 3; "£50,000 Award to General Sikorski's Pilot," *The Times of London* (May 4, 1972), 1; "\$130,000 Awarded to Pilot for Libel in Hochhuth Play," *The New York Times* (May 4, 1972), 48. Thompson, 17-18.

involved the author [Hochhuth] and the producers of the play in London in a costly financial settlement.”<sup>143</sup> As the late relator in Pius XII’s sainthood, Peter Gumpel stated, “Hochhuth was publicly disgraced in Britain and elsewhere when, with exactly the same anti-historical methods which he used against Pius XII.”<sup>144</sup>

In 1969, British intelligence, looking at Hochhuth’s first two plays and a description of a third that he was working on at the time (working title: *Anatomy of Revolution or How to Overthrow the U.S. Government from the Inside*), saw both of those motivations and more. A top-secret report from Sir Burke Trend to Harold Wilson (with attached Memo by Intelligence Coordinator) on his work with David Irving said: “There are various grounds for suspecting, but no real proof, that Hochhuth’s and Irving’s activities are part of a long-term Soviet ‘disinformation’ operation against the West.”<sup>145</sup>

Another declassified secret report said: “[I]t can also be argued . . . that Hochhuth is engaged in some ‘decomposition’ exercise and that he is attempting to destroy the fundamental value of a free society, from its religions to its heroes.”<sup>146</sup> The report went on to speculate that Hochhuth “might perhaps be an ‘intellectual agent, writing either on behalf of the East Germans or the Soviets.”<sup>147</sup> It concluded: “[W]hether Hochhuth is motivated only by the urge to write historical plays, to rehabilitate the Germans or is up to some more sinister game is difficult to determine at this stage. But the Russians are certainly reaping some of the benefit.”<sup>148</sup>

Of course, there is no reason to suppose that Hochhuth behaved differently when researching and writing *The Deputy* than he had when

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<sup>143</sup> Martin Esslin, “Rolf Hochhuth,” in Justin Wintle, *Makers of Modern Culture* (New York: Facts on File, 1981), 233.

<sup>144</sup> Peter Gumpel, “Pius XII as He Really Was,” *The Tablet* (February 13, 1999).

<sup>145</sup> Quoted in David Irving, *Schlachtführer gegen das Reich Churchills Krieg 1941-42* (Kiel: Arndt Verlag, 2007), appendix III, 851 n. 55. According to a declassified British secret dossier on Hochhuth, in 1968-69 there were reports in the Swiss press “suggesting that the Swiss authorities were unhappy about Hochhuth’s presence in Switzerland.” Declassified Secret Memorandum: Soldiers, to Mr. John Peck & Sir E. Peck from J. E. Jackson, January 10, 1969 (‘Soldiers’ – IRD Contribution).

<sup>146</sup> Declassified Secret Memorandum: *Soldiers*, to Mr. John Peck & Sir E. Peck from J.E. Jackson, January 10, 1969, reprinted in Rychlak, *Hitler, the War, and the Pope*, 439.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid. (concluding that the “best counter action [to the charges implicating Churchill] would seem the release of the full range of the courts of enquiry”). Hochhuth’s own accounts are inconsistent. See *Disinformation*, 178-79.

working on any of these other productions. As such, Pacepa's account fits well with known, provable evidence.

#### IV. Conclusion

Pacepa's revelations provide the only logical solution to the question posed by the Jesuit magazine *America* about how Pope Pius XII's reputation flipped from a "great benefactor of humanity and of the Jews to that of a criminal" without the introduction of any new evidence.<sup>149</sup> Those revelations, combined with what was known before, make for an overwhelming case. Consider the following:

1. Advancing their atheistic policies, Soviet leaders opposed the Church and took actions against it at various times in history, but particularly during the time of the development and production of *The Deputy*.<sup>150</sup>
  - a. The Soviet Union was actively engaged in disinformation campaigns in the late 1950s and early 1960s.
  - b. The Soviet Union was also in an active intellectual battle with the West and the Catholic Church at this time, and among its more common weapons were literature and theater.<sup>151</sup>
  - c. *The Deputy* certainly drew upon Communist propaganda from the 1940s.<sup>152</sup>
2. The German and American producers of the play, the American publisher, and the French translator, were all Communists.<sup>153</sup>
  - a. The German producer staged plays under orders from the Communist Party.<sup>154</sup>
  - b. The German theater at which *The Deputy* opened was overtly dedicated to pro-Communist propaganda.<sup>155</sup>

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<sup>149</sup> Editorial: "Character Assassination," cited above in n. 3.

<sup>150</sup> Dunn, 156: "In 1958, throughout the Soviet Union, the Communist government launched a sweeping attack upon religion to eradicate it once and for all. The antireligious campaign lasted till the end of Khrushchev's rule in 1964 and included a bruising repression of Orthodoxy and an attack upon the Catholic Church."

<sup>151</sup> Patrick N. Allitt, "Catholic Anti-Communism," *Crisis Magazine Online*, April 4, 2009: "[I]t was in the twenty years of the 'high' Cold War era, 1945-1965, that Catholic anti-Communism reached its climax."

<sup>152</sup> See Sale, cited above in n. 55.

<sup>153</sup> See *Disinformation*, 123-41.

<sup>154</sup> *Ibid.*, 122.

<sup>155</sup> *Ibid.*, 125-26.

- c. The American producer was fined and given a suspended criminal sentence by the House Un-American Activities Committee due to his previous communist ties.<sup>156</sup>
- d. The American publisher was an acknowledged Communist who specialized in radical books.<sup>157</sup>
- e. The French translator (who also wrote the motion picture script for *Amen*, based on *The Deputy*) was a member of the Spanish Communist Party's politburo and had for several years organized clandestine activities for that organization.<sup>158</sup>
- f. The British translator and director both had close professional connections to Communist influences.<sup>159</sup>
3. The play was promoted with Soviet-style propaganda.
  - a. Many of the early positive reviewers had Communist ties.
    - i. At least one was paid by the KGB.
    - ii. Another was a former KGB spy.
    - iii. Others were at the time or had previously been members of the Communist Party.
  - b. The play would not have opened on Broadway but for support from a newly established "Catholic" magazine that would abandon that label after fulfilling its obligation to support the play.<sup>160</sup>
    - i. The magazine also set forth the Soviet line on the Vietnam War, the Kennedy Assassinations, the CIA's funding of student groups, and other issues.
    - ii. The CIA believed, but could not prove, that Soviet money funded that magazine.<sup>161</sup>
4. Hochhuth was a logical tool for a KGB-style operation.
  - a. He was an unknown writer; he had never published a play.
  - b. His research methods were sloppy at best (resulting in a significant legal verdict against him for his work on a different play).<sup>162</sup>
  - c. He has been caught in outright lies.<sup>163</sup>

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<sup>156</sup> Ibid., 137-38, citing *Time* (July 7, 1947).

<sup>157</sup> Tallmer, cited above in n. 78.

<sup>158</sup> See *Disinformation*, 134, 140.

<sup>159</sup> Ibid., 135-36. See also Pentin, cited above in n. 64.

<sup>160</sup> See Rychlak, "The Role of 'Ramparts' Magazine."

<sup>161</sup> Ibid.

<sup>162</sup> See n. 143 above. A biographer wrote that he "is not slow to come to conclusions, which he does without fear or favour." Taëni, 19.

<sup>163</sup> See nn. 139-45. See *Disinformation*, 169-70.

- d. After *The Deputy* was written, he worked closely with his life-long friend, a noted Holocaust denier whom Hochhuth has frequently defended.<sup>164</sup>

Hochhuth's accounts of how he put *The Deputy* together contain inconsistencies regarding things like the source of his information.<sup>165</sup> As Carlos Thompson investigated Hochhuth's work, he noted that the playwright was fearful of being assassinated.<sup>166</sup> It was not, however, a rabid fan or critic that concerned him. Instead, he spoke of the "Old Firm," implying perhaps a British governmental agency.<sup>167</sup> For Thompson, this seemed to be an indication of paranoia.<sup>168</sup> Of course, Thompson had no knowledge of Soviet involvement. Once Pacepa's revelations are considered, Hochhuth's eccentricities are much more understandable.

As Pacepa and I were investigating these matters, I asked for permission to review Hochhuth's files. The request was denied as another scholar had already been given access. So, we proceeded without Hochhuth's cooperation. Even though Hochhuth was known for being very litigious, Pacepa did not withhold his revelations. Unlike Kremlin disinformation experts who waited for Pope Pius XII to die before they mounted their campaign, Pacepa did not shy away from publishing his case during Hochhuth's lifetime.<sup>169</sup>

At least one commentator has suggested that Pacepa fabricated his account of *The Deputy*, not developing it until 2007, after the issue was a matter of topical debate.<sup>170</sup> That is incorrect. Not long after Pacepa died in 2022, I visited his widow. She gave me the contents of a safe deposit box. It contained fascinating stuff—false passports and diplomas; background on his new identity that he needed to study; handwritten notes in Romanian; a couple of Beta Max tapes, and several dozen floppy disks (both the black floppy ones and the hard plastic ones).

Fairly quickly I found some native Romanians to help me read the handwritten notes, and I sent the Beta Max tapes off to a service to be

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<sup>164</sup> See Rychlak, *Hitler, the War, and the Pope*, 285-89.

<sup>165</sup> See *Disinformation*, 178-79.

<sup>166</sup> Thompson, 9-10, 21, 87-88 (describing his fear of assassination); *ibid.*, 81: "[H]e lived with the notion that the British world was a vortex of dark secrets."

<sup>167</sup> See *ibid.*, 14, 18.

<sup>168</sup> *Ibid.*, 6, 9-10, 21, 87-88 (fear of assassination); 81 ("the British world was a vortex of dark secrets").

<sup>169</sup> Pacepa also knew that General Ivan Agayants was known for creating false histories. If he ran this operation, as he said he did, he would have provided Hochhuth with supporting documents to cover up the Soviet influence.

<sup>170</sup> This argument was advanced in a piece that I was asked to blind review for *The Catholic Historical Review*. It has not been published at the time of this writing.



converted into something I could watch. It took me almost a year, however, to find a computer expert who had both the hardware and the software to get into the floppy disks. When I found him, it still took him several months. Eventually he was able to copy the files and load them onto DVDs for me.

There may be 20,000 pages altogether.<sup>171</sup> One of the early files referred to a manuscript that Pacepa had written about his life in Romania. So, I made a special search for that manuscript, and I found it. Even though it predates his 2007 *National Review Online* piece, it has the same account of General Agayants, Hochhuth, and *The Deputy* that he advanced in his 2007 article and in the book *Disinformation*. Pacepa's revelations were not recent fabrications.

Pacepa's revelations provide the only explanation for the observed facts. I have been delighted to see them acknowledged by German scholar Michael Hessmann,<sup>172</sup> British historian Michael Burleigh,<sup>173</sup> Jewish Papal Knight Gary Krupp,<sup>174</sup> American professor Paul Kengor,<sup>175</sup> Pope St. John Paul II's biographer, George Weigel,<sup>176</sup> *First Things* contributor William Doyno,<sup>177</sup> American author Patrick Gallo,<sup>178</sup> Ruth Institute president Jennifer Roback

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<sup>171</sup> There seem to be twenty large megafiles, and the early ones seem to have about 1,000 pages each.

<sup>172</sup> Michael Hessmann, *The Pope and the Holocaust: Pius XII and the Secret Vatican Archives* 21 (San Francisco: Ignatius Press, 2022): "a piece of propaganda cooked up by KGB agents."

<sup>173</sup> Michael Burleigh, *Sacred Causes: The Clash of Religion and Politics, from the Great War to the War on Terror* (New York: Harper Collins, 2007), 340.

<sup>174</sup> Edward Pentin, "The Truth about Pius XII," *Zenit Daily Dispatch*, August 16, 2012.

<sup>175</sup> See Pentin, cited above in n. 64.

<sup>176</sup> George Weigel, "All War, All the Time": "The communist war against Catholicism intensified exponentially in the last years of World War II as the NKVD (predecessor of the KGB) sought to change the mentality of the populations of the central and eastern European countries that were to be brought into the Soviet orbit. It was in these years, for example, that the black legend of Pius XII's alleged indifference to the fate of European Jewry and his alleged sympathies for German National Socialism was manufactured and disseminated by the Soviet intelligence service."

<sup>177</sup> William Doyno, "The Idol State," *First Things* (April 2007); William Doyno, "History Redeemed: Justice for Pope Pius XII," *Catholic World Report*, March 3, 2020.

<sup>178</sup> Patrick Gallo, *The Nazis, the Vatican, and the Jews of Rome* (West Lafayette, IN: Purdue University Press, 2023), 181 n. 14.

Morse,<sup>179</sup> and most importantly, the late Fr. Peter Gumpel, who was the relator in Pius XII's sainthood cause.<sup>180</sup>

As more archives are reviewed and more files are uncovered, Pacepa's revelations will continue to be verified and his already significant contributions to the truth will be further recognized. I was honored to know him, to work with him, and to call him a friend.

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<sup>179</sup> Jennifer Roback Morse, "Infiltration, innuendo, and the longing for certainty," Catholic World Report, May 31, 2019: "Lt. Gen. Ion Mihai Pacepa, formerly of the Romanian Army, and University of Mississippi Law Professor Ronald Rychlak have shown that the Soviets created an elaborate disinformation campaign to smear Pope Pius XII as "Hitler's Pope," starting with the play *The Deputy*. Rychlak wrote an entire book assembling the evidence and documenting his case; Pacepa was the highest-ranking intelligence official ever to defect from the Soviet Bloc. The combination of Rychlak's research and Pacepa's testimony leaves no doubt that the Soviets wanted to discredit the Catholic Church."

<sup>180</sup> Fr. Peter Gumpel, "Letter to the Editor," *National Catholic Register* (August 10, 2013), <https://www.ncregister.com/news/disinformation-and-a-dubious-source>: "Rychlak and Gen. Pacepa deserve to be praised, not attacked, for recounting and documenting this indisputable historical reality in *Disinformation*." In the four-part documentary, *The Pope & the Devil: Uncovering the True Story of Pope Pius XII* (Picasso Films, 2023), episode four devotes a significant amount of time to Hochhuth and his research in Rome. At the end of that discussion, however (25:58), journalist Andrea Tornielli, who also serves as who serves as the editorial manager for the Vatican's Dicastery for Communication, states, "[W]e now know [*The Deputy*] was written on the basis of materials provided to Hochhuth by the East German Secret Services." His statement is immediately followed by one from historian Barbara Frale, Archivist of the Vatican Apostolic Archive. She explains, "So it is clear that attacking the Pope was also a political maneuver; they were attacking Pius XII to attack the Church's pro-American policy."

# Christian Love and the Peace of Babylon in Augustine's *City of God*

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In *City of God* 19.17, Augustine famously echoes the Letter to Diognetus's claim that Christians live in their political communities, but only as those passing through. Yet, if this is true, it is unclear to what extent Christians really qualify as members of their political communities. This difficulty becomes particularly acute once we consider Augustine's suggestion that what binds a political community together is its shared love of earthly peace. Should a Christian ever love earthly peace as his or her political community loves it? If not, what tension does this generate within the political community, and what should the Christian's stance toward this tension be? In this short article, I will draw from my book *Politics and the Earthly City in Augustine's City of God* to look at Augustine's paradoxical answer to these questions, in the hopes that they will be of use to Catholics today.<sup>1</sup>

In treating these questions, we must first consider what exactly Augustine is up to by suggesting that what binds a political community together is a shared love of earthly peace. Frequently when people think about this passage, they focus on the fact that his contention is presented as a refutation of Cicero's claim that it was justice that binds republics together. Yet, Augustine's aim in making this particular amendment to Cicero's position must be properly understood; it is not a break with Cicero but a theological enrichment of his political picture, developed out of different concerns. In brief, while Cicero wished to inspire citizens to virtuous patriotism by emphasizing that nothing less than justice could maintain a republic, Augustine wishes to persuade these same citizens that it is only by committing themselves wholeheartedly to the truly just city—the City of God—that they can have any hope of benefitting the Rome they also love. In reality, Cicero and Augustine share a sense of the tenuousness of the political project. Both believe in the political importance of justice *and* of loving justice. The real difference is that Augustine wants to dispel his readers of the idea that loving justice is enough—or that it is easy to know when one is

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<sup>1</sup> I am grateful to Cambridge University Press for allowing me to publish this excerpt from chapter 6 of my recent book *Politics and the Earthly City in Augustine's City of God* (2021). Reprinted with permission.

loving justice. By drawing his readers' attention to the way that all sorts of love bind communities together in better or worse ways, he raises the question of what form of love fosters true community. Because of his conviction that the City of God—bound together by *amor Dei*—is both the just city for which his patriotic readers truly long and the city that can best form them to be helpful to Rome, his emphasis on love turns out not to be a digression from Cicero's emphasis on justice but, rather, a quest for its true font. All told, in emphasizing the importance of love, Augustine answers Cicero by pointing Ciceronians to the community they desire most deeply and offering them a more profound antidote to the political injustices they lament.

With all this in mind, we can perhaps approach Augustine's emphasis on love and politics more fruitfully. While, as we have just seen, Augustine thinks that justice can only be attributed to the City of God, he also maintains that love is what binds any community together.<sup>2</sup> *Amor Dei* (love of God) does this in a robust way, so that the city of God is held together in God by God's Love, the Holy Spirit, dwelling in its members. Similarly, *amor sui* or self-love holds the earthly city together by mimicking *amor Dei* and making a kind of unity out of diverse wills. This is only a kind of unity, however, as it is nothing more than a common commitment to private ends: a mere friendship of convenience.

In politics, therefore, Augustine thinks that a people is formed whenever its members share a common love of earthly peace. Because the citizens of Rome loved an earthly peace bound up with glory, they cohered as a people; Americans, alternatively, love freedom and equality, and so forth.<sup>3</sup> Notably,

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<sup>2</sup> While one might object that just as one can find gradients in love, one could speak of gradients in justice, Augustine is simply building on Cicero's contention that justice either exists or it does not. On this view, it dissolves into something else when it is not complete. Love (*amor*), on the other hand, exists as desire (*cupiditas*) even when it has become unmoored from *caritas*, the truest form of love.

<sup>3</sup> In the early books, Augustine has unmasked love of glory as a fundamentally selfish love: There he suggested that the Romans loved Rome because they loved being part such of a glorious empire and hoped to attain glory for themselves through it. This is what bound them to her and undergirded the heroes' great devotion. The question remains as to whether he thinks it is possible for a whole body of Romans to love Rome in Cicero's sense: to love it for the sake of true glory, and to serve the *patria* in gratitude for the flourishing it makes possible. His definition does leave room for this possibility, and such a community would certainly have a healthier civic life. Nevertheless, he also argues that there were only ever a few good men in Rome. In this way, it is most likely that citizens love their city in different ways for different reasons, coalescing in a coincidental approval of their common project that has something to do with the basic principle of the regime (glory, freedom, equality, and so forth).

this is not merely a descriptive insight into the variations between political communities; instead it places them all on a scale, to be weighed against *amor Dei*. While Augustine does not expect any political community to be wholly rooted in *amor Dei*, those whose object of love retains a greater semblance to the kind of earthly peace that *amor Dei* would yield rank higher on the scale of justice. Love, then, provides the true normative standard even as it provides greater descriptive accuracy in identifying what really binds political communities together.

While it is clear that Augustine thinks that a political community is bound together by a shared object of love, it is unclear how that love relates to *amor sui* and *amor Dei*, respectively. Can the two cities love the same object of love in political life? If so, do they have to love it in different ways? In thinking about these questions, it is helpful to turn to the passage to which I alluded at the beginning: *City of God* 19.17. This is the passage that famously contrasts the two cities' ways of being in the world: the pilgrim's use of earthly goods over and against the settler, who enjoys them. Yet, how does this inform Augustine's placement of the two cities vis-à-vis the political project? Much ink has been spilled over this question, and for good reason.<sup>4</sup>

On the one hand, Augustine does state that both cities share a need for earthly peace and, therefore, have reasons to be invested in the political project. Yet, he also seems to suggest that earthly cities belong more to the earthly city than to the city of God. The earthly city, after all, is the city that *settles* in the world. Indeed, one might say, because its good is of this world, it has a greater incentive to get down to business and make life as enjoyable as possible.<sup>5</sup> Moreover, it would seem, *amor sui* provides stronger motives

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<sup>4</sup> Most notably, the debate between O'Donovan and Markus is forefronted in "Augustine's City of God XIX and Western Political Thought," *Dionysius* 11 (1987): 97-99. There, O'Donovan writes, "it is the easiest mistake in the world for the casual reader to take the words rendered 'similarly' (*ita etiam*) to refer to what has gone immediately before: The City of God and the earthly city get on together by having a common use and differing ends." *Ibid.*, 98. Demonstrating this is a misreading, and that, in fact, it is the earthly city that "has a common use but differing ends"; obscuring this, he writes, "is the single weakness of Markus's fine book." *Ibid.* Markus responds in *Christianity and the Secular*, 63-66. Gregory Lee has a helpful treatment of their debate in "Republics and their Loves: Rereading *City of God* 19," *Modern Theology* 27, no. 4 (2011): 553-81. To my mind, his treatment of book 19 is one of the best in the literature, especially its presentation of the relationship between books 18 and 19.

<sup>5</sup> Now, where things get tricky is in deciding how much Augustine thinks the earthly city is responsible for the existence of actual political societies. Must it be said, for example, that all political foundings are the work of the earthly city? Given Augustine's claim that God "granted [Constantine] the honour of founding a city," it would not appear to be so simple (5.25). God, rather, gives good things to all alike,

for founding a political community than *amor Dei*. This suggests that the earthly city has a greater hand in shaping political communities as we know them—and, therefore, the vision of earthly peace that binds them together.

What is more, Augustine works hard to give the pilgrim city an air of detachment in the passage. While the city of God “defends” the peace of the political community and “seeks” to ensure that its members work together to preserve it, it ultimately “leads a life of captivity in this earthly city as in a foreign land” (19.17). By putting the tonal emphasis on the latter point, Augustine does not present the two cities as equal participants in a common project but, instead, draws Old Testament parallels. Like Israel of old, the city of God is trapped in Babylon, an empire run on someone else’s terms. The question we might ask here is, which earthly city is a foreign land to the city of God? Is it the political community or the community of *amor sui*? Elsewhere I show that this question is easier to answer once we remember that Augustine depicts the latter as a hegemon. In this way, the two meanings of “earthly city” come together as the confluence of the occupier and the occupied. Not only is the pilgrim alienated because her home is elsewhere, the earthly city has made it all the more foreign to her, by remaking it in its own image. Perpetually besieged, the political sphere is not a neutral space.

Even so, it remains to be seen whether 19.17 attributes the political project wholly to the earthly city. I would argue that the key to this puzzle actually lies in an earlier part of the chapter, where Augustine writes that the earthly city “limits the harmonious agreement of citizens . . . to the establishment of a kind of compromise between human wills about the things relevant to this life” (19.17).<sup>6</sup> Having defined these temporal goods as the constitutive goods of earthly peace only chapters before—pointing to “bodily health . . . fellowship with one’s kind, and everything necessary to safeguard [the two]” as its most important elements—Augustine need not elaborate on what he means by such ‘things’ here (19.13). What is of greater significance

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and the honor of political founding is one of those “rewards or consolations” that he gives “in accordance with his pleasure” (5.24, 5.21). Importantly, therefore, Augustine does not think it intrinsically wrong to set up a political community or even to find fame for doing so. It is simply wrong to lust after it. One can have good reasons for founding a political community.

<sup>6</sup> In context, it is clear that the earthly city he is referring to here is the city of *amor sui*. Just after discussing the city of self-love, Augustine writes: “ita etiam terrena ciuitas... terrenam pacem appetit in eoque defigit imperandi oboediendique concordiam ciuium, ut sit eis de rebus ad mortalem uitam pertinentibus humanarum quaedam compositio, uoluntatum,” which I would literalistically translate as saying, “and so also the earthly city desires earthly peace, and fixes the community’s compromise about giving and obeying orders in it, so that this compact might be based on an agreement amongst human wills about the things that pertain to mortal life.”

is that the earthly city *limits* the political project to a consensus about them and what this means in light of Augustine's theological vision.

Recalling Augustine's teaching that sin is merely the refusal of the greater good for the sake of the lesser, it is clear that limiting "the harmonious agreement of citizens" to a "compromise . . . about the things relevant to this life" has a very specific meaning (19.17). First of all, it is written in light of his previous remark that only the heavenly city has a "perfectly ordered and perfectly harmonious" agreement among its citizens because it alone is constituted by "mutual fellowship in God" (19.13).<sup>7</sup> For Augustine, this agreement is the sole foundation for thinking well about earthly peace: Heavenly peace sets its true parameters, even as it may not dictate all its details. This being the case, the earthly city's limitation of the visible community's agreement to a consensus that it endorses is just another reflection of its age-old tendency to say no to God. Yet, by reserving the right to construe earthly peace however it wishes, the earthly city also obscures the goal of political societies in a way that cannot be superseded in the *saeculum*. By making itself something separate, the earthly city has irrevocably transformed the pursuit of earthly peace into a more difficult endeavor.

In other words, because human beings in the *saeculum* perpetually fail to cohere in *amor Dei*, achieving a harmonious agreement about the vision of earthly peace that should be pursued will always be difficult. In every age, "the wicked fight amongst themselves, and likewise the wicked fight against the good and the good against the wicked," and worse, because the good are still on their way to perfection, "there may be fighting among them" too (15.5). In such a world, there is little hope for a stable and sustained consensus about how to achieve earthly peace or, indeed, what earthly peace entails: Human beings are too invested in their own interests and too shaped by distorted notions of *ius* and *iustitia*. In the world as we know it, aligning a community in a shared vision of earthly peace often deteriorates into a battle of wills. Consensus about this vision quickly becomes a euphemism for the will of the stronger.

Nevertheless, there also is a way in which the political community's *pursuit* of earthly peace can be based only on consensus. This, counterintuitively, is because the political community is a natural

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<sup>7</sup> Similarly, because Augustine conceives of peace as a kind of "tranquility of order," wherein lower modes of peace are perfected and sustained by higher modes, he thinks that "obedience to God" provides a much more perfect ground for human peace, the "ordered agreement of mind with mind," than mere consensus does. Ibid. Because of the cacophony of human desires, it is difficult to find stable and deeply held consensus in a household, let alone a city or an empire (19.5-8). This is why *consuetudo* is so often conscripted into forming it.

community.<sup>8</sup> Like Cicero, Augustine conceives of nature in the teleological sense, which means that because the political community is oriented toward a natural good, it too is natural.<sup>9</sup> Accordingly, it is important to distinguish between the inherent sinfulness of the earthly city's insurrection and the ambiguity of the political foundations we have been discussing. On the one hand, we can talk about how the earthly city makes itself its own foundation, so that its social life is necessarily unmoored from the love of God. On the other hand, we can talk about how human beings must found political communities because it is in their nature to seek earthly peace together (19.12, *inter alia*). There is, therefore, a difference between the earthly city's demand that politics be limited to a consideration of earthly peace on its terms, and nature's plan that human beings come together to pursue earthly peace. The latter does not require our love of earthly peace to become unmoored from *amor Dei*.

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<sup>8</sup> A number of other scholars have also argued that politics is a natural good in Augustine. See, for example, Gustave Combès, *La Doctrine Politique de Saint Augustin* (Paris: Pion, 1927); Ernest L. Fortin, *Political Idealism and Christianity in the Thought of St. Augustine* (Villanova, PA: Villanova University Press, 1972), 52; Rosemary Radford Reuther, "Augustine and Christian Political Theology," *Interpretation* 29, no. 3 (1975): 252-65, 260; and John Von Heyking, *Augustine and Politics as Longing in the World* (Columbia, MO: Missouri University Press, 2001), 51-109.

<sup>9</sup> In *De Republica*, Cicero argues that "[i]t is impossible to live well except in a good commonwealth." Cicero, *De Re Publica, De Legibus*, trans. Clinton Walker Keyes (Cambridge, MA: Harvard University Press, 2006), v.iii.7. Giving an account of all the natural appetites in *De Officiis* i.iv.11-xliv.159, Cicero first notes the inclination toward self-preservation and reproduction, common to all living creatures. Then, he notes the human being's special affection for family, shared with some animals. Finally, he points out the desires particular to humans; those for truth, independence, order, and propriety. The most noteworthy of these, indeed the "deepest feeling in our nature," is the desire for society. Cicero, *De Officiis*, trans. Walter Miller (Cambridge, MA: Harvard University Press, 1913), i.xliv.159. For Cicero, the institution of political life is a natural response to these various inclinations. Of the many kinds of things necessary for life, Cicero notes that a great many are produced by human labor. Yet, it is only through human cooperation that these discoveries become beneficial to all. In this way, *civitates* are the culmination of human ingenuity; laws, customs and other institutions allow for civilized life to form and a humane spirit to be cultivated in a people. Through this humane spirit, cities become the forum for "giving and receiving," and through this "mutual exchange of commodities and conveniences," people are able to meet all their wants and needs. *Ibid.* i.iv.15. While Augustine might not believe, like Cicero, that the city is the realm of human *perfection*, he can follow Cicero on the natural quality of political society.



Thus, while the founding of any actual political community is a product of human agency, it is so only in the same way that every convention springs from human agency. Just as the neutral sense of *consuetudo* is ontologically prior to its perversion, so too, politics in its integrity is ontologically prior to its perversion. Though the political community perennially falls short, it is not founded on sin in the same way that the earthly city is. Ultimately, Augustine thinks, the only community that is not founded by human beings is the Church: the visible manifestation of the city of God.<sup>10</sup>

To summarize, then, Augustine views the political sphere, not as the realm of sin *per se*, but as coveted and frequently dominated by the earthly city. Therefore, while the earthly city qua political community is “earthly” because it is oriented toward earthly peace, and the earthly city qua city of self-love is also “earthly” because it is oriented toward earthly peace, these two statements mean different things. The former means that the political community pursues an interim peace; the latter means that *amor sui* refuses an eternal peace. Because the city of self-love only wants happiness in the world, it hijacks the political project for its own ends, which are legion. Becoming a fraught endeavor as a result, the besieged city’s pursuit of earthly peace is perpetually marked by its attempt to limit the construal of earthly peace to something grounded in its own will. Striving to ground itself in *amor Dei*, the pilgrim city struggles against the very same tendency in itself.

So, what does this vision offer the Christian who wishes to make sense of her position vis-à-vis her political community? Essentially, by making conceptual space between the antisocial practices presented by the earthly city as political and the underlying social endeavor that is truly political, Augustine opens up a new way of viewing our political communities that invites a new way of being in our political communities. If they are wounded, stunted by antisocial self-love, but nonetheless capable of being improved by rightly ordered service, there must be a way of participating in our political communities that resists participation in the earthly city’s way of loving earthly peace.

All told, conversion to a new mode of loving bears the only hope for cultural renewal that Augustine really trusts. Because the political community is of human origin, Augustine considers it to be just as incapable of healing its own wounds as its fallen members. Unable to see beyond the horizon of *amor sui* by its own power, its solutions to strife involve more antisocial practices: in particular, the manipulation of the weak. Deploying private desires to meet public ends, the many are misled in the name of stability, becoming addicted to their games, their superstitions, and their luxuries. Community is not what it ought to be. For this reason, Augustine

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<sup>10</sup> For Augustine, the Church is founded by Christ, in Christ, and on Christ. Cf. *enn. Ps.* 103.5.17.

regards a life rooted in *latreia*—the offering of oneself and one's works to God in love—as the singular antidote to the problem of fallen *consuetudo*.

Simply put, Augustine thinks that *amor Dei* stands in opposition to the economy animating fallen *consuetudo* and so bears witness against it. Insofar as a life rooted in *latreia* grows in *amor Dei*, it will become increasingly capable of embodying this witness. Notably, however, Augustine points out the difficulty of doing this, especially when one is in a position of power. One finds that the inner compulsion to please others is reinforced by the culture at large. In the besieged city, it is paradoxically the higher who are more constrained by their positions than the lower; the whole system of honor mitigates against their freedom.<sup>11</sup> Describing the reign of Theodosius, for example, Augustine recounts the disaster at Thessalonica; when a mob there murdered the governor, Theodosius's supporters “drove him to avenge the crime” (5.2). Describing the pressure they put on him as a kind of clamoring of various voices, he contrasts it with the one voice of the Church which advocated for clemency. Presenting political life as being filled with such clamoring voices, Augustine seems to think that any time a leader manages to rise above the anxiety they induce with good judgment, it is a miracle.

This being the case, we again see the importance of Augustine's vision for sustained Christian service; it is only if God truly sees and rewards our good actions that it is possible to swim against the current consistently and without despairing, especially in the face of our own weakness. In his passage on the Apostles, Augustine explains how significant Christ's counsel is for them in this regard (5.14). He points them upward, to an eternal reward, while still encouraging them to bear public witness. Remarking that the martyrs followed the examples of the Apostles—who themselves followed the example of Christ—Augustine highlights how they “endured what was inflicted upon them” because of their trust in God, and how their witness ultimately multiplied their numbers (5.14). Returning to the martyrs in a later book, he describes how, when given the choice between submitting to a worldly power's wrongful desire and death, the martyrs were miraculously able to choose the latter (13.4). Quoting Paul, he concludes that the pressure the earthly city places on human beings has great power to do harm when grace is not there to help, but promises that God's grace is strong enough to overcome its pressure whenever it is sought (13.5).

Ultimately, Augustine's teaching does not guarantee that Christian citizens will act out of *amor Dei* consistently or even at all, nor does it guarantee that acts truly rooted in *amor Dei* will have visible political benefits. It does, however, claim that *amor Dei* alone gives human beings

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<sup>11</sup> Because it showers them with so much praise, it acclimatizes them to honor. This practice of treating leaders as if they were gods, Augustine suggests, is born either of excessive “humility or noisome flattery [*siue humilitate nimia siue adulatione pestifera*]” (10.4).

strength to consistently bear witness against the *ethos* of the earthly city in the *saeculum*. For Augustine, this witness is itself a vital political service. Paradoxically, this is because it creates tension within the political community. As we all know, a political culture can all too easily close in on itself. Without a higher motive and a truer vision of love, citizens lack the wherewithal to address the problem of fallen *consuetudo* at its root; they do not know what to throw out or what to introduce. They have no perspective on their culture, and the besieged city becomes an echo chamber.

When *amor Dei* comes on the scene, then, it introduces a new voice into this echo chamber. Because sacramental vision casts political decision-making in a new light, it is liable to conflict with the earthly city's ideas about what is best for the political community.<sup>12</sup> When this happens, the refusal to follow the status quo comes across as disloyalty—a complaint that Augustine frequently challenges in the aftermath of the sack. For him, the Christian citizen is not out to be a revolutionary. Instead, he is peace-seeking:

[the pilgrim city] does not hesitate to obey the laws of the earthly city by which those things which are designed for the support of this mortal life are regulated; and the purpose of this obedience is that, since this mortal condition is shared by both cities, a harmony may be preserved in them in things that are relevant to this life [*legibus terrenae ciuitatis, quibus haec administrantur, quae sustentandae mortali uitae adcommodata sunt, obtemperare non dubitat ut, quoniam communis est ipsa mortalitas, seruetur in rebus ad eam pertinentibus inter ciuitatem utramque Concordia*]. (19.17)<sup>13</sup>

This being the case, from Augustine's perspective, the tension between the two cities has far more to do with the earthly city's response to the pilgrim city than the other way around. Augustine's pilgrim does not want to be difficult; like England's Thomas More, he sees what laws and customs he can obey and does so. He strives not to be a martyr but simply to do his job well.

In presenting the pilgrim city this way, Augustine hearkens back to his discussion of the *paterfamilias* at the end of the previous chapter. There, he argued that the *paterfamilias* ought to "take his rules from the law of the city, and govern his household in such a way that it fits with the peace of the city" (19.16). For Augustine, domestic peace contributes to political peace because it mirrors the "ordered harmony" that structures the political community; the latter is an order shaped by convention, and so it varies from place to place (19.16). By following his own community's arrangements regarding the

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<sup>12</sup> Thomas W. Smith goes into great detail on this point in his discussion of what he calls resident alienship. Smith, "The Glory and Tragedy of Politics," in *Augustine and Politics* (Lanham, MD: Lexington Books, 2005), 199-205.

<sup>13</sup> Examining the passage, we can note that the "earthly city" whose laws are in question is the occupied city. The passage, in other words, states that obedience to the occupied city's laws is designed to cultivate harmony (*concordia*) between the two cities—the earthly and the heavenly.

giving and obeying of orders, the *paterfamilias* takes his cue from the larger whole and integrates his household into it.

Yet, the true *paterfamilias* takes his cue from his city with regard to only the nature and scope of his responsibility, not how he should inhabit it. Because Augustine thinks that one can work within a post-lapsarian order without inhabiting one's role in the manner the earthly city suggests, it makes sense that he thinks the pilgrim can follow a besieged city's laws—that is, its just laws—without issue. Its customs, on the other hand, remain questionable; some, Augustine will argue a few chapters later, are indecent and immoderate and can only be inhabited in *amor sui* (19.19).<sup>14</sup> Like laws that are unjust, these are out of the question.

While Augustine's pilgrim does not seek to make a fuss, she does follow her conscience. She hopes for peace and seeks to find avenues to work for it that are in harmony with *latreia*. From her perspective, this should be enough. Yet, as Augustine's ontology of the earthly city clearly shows, *amor sui* hates anything that calls its narratives into question, and this is exactly what loyalty to *latreia* does. Insofar as a pilgrim's life is truly rooted in *latreia*, everything she does stems from a different origin. Her very way of using earthly peace is shaped by her alien hope. This is why her adherence to some of the besieged city's laws is not enough; her very existence calls the coherence of its worldview into question. Thus, while Augustine's pilgrim hopes for harmony between the two cities, Augustine does not guarantee such a harmony. Indeed, he writes, when the pilgrim city's dissented from Rome's religious laws, it “proved a burdensome nuisance” to those who “thought differently” (19.17).

Nevertheless, when *amor Dei* does create conflict between the two cities, it is paradoxically salutary; it bears witness to the difference between the two loves and, as a result, has the capacity to broaden the political horizon for the citizen body. Notably, for example, Augustine attributes the Christianization of his culture to the witness of the martyrs, writing that their bravery and sheer number wore the Romans down (19.17). After seeing so many martyrs, in other words, the Romans could no longer dismiss their witness. Their motive could not be ascribed to anything the Roman culture understood. Calling their whole worldview into question as a result, the martyr's witness began to make an impact, ultimately affecting the whole society through the conversion of Constantine. Thus, we see that cultural renewal occurs through the response of individual human beings to *amor Dei*,

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<sup>14</sup> Moreover, when Augustine does promote acquiescence to customs alongside laws and institutions in 19.17, he is trying to make a case that the pilgrim city is not tied to any particular set of conventions. *Whichever* achieve and preserve earthly peace are welcome, provided that they do not interfere with true religion. Again, because the city of God has a transpolitical *patria*, it can be detached about human things in a way that the earthly city cannot.

flowing outward as their witness touches others in the same way. Eventually, this can yield a cultural shift.

So, should Christians ever love earthly peace as their political community loves it? If not, what tension does this generate within the political community, and what should the Christian's stance toward this tension be? I have tried to show that the way God invites Christians to love earthly peace is disruptive, and fruitful because it is disruptive. In this way, Augustine's vision serves as an invitation to let ourselves be transformed in our loves by Christ, both for our own sake and for the sake of the communities we love.

Be that as it may, Augustine's vision is both liberating and sobering for the Christian who greatly wishes to bring healing to his political community. While God is undeniably at work in the world, drawing human beings back to him through his love, much of the political fruit we would hope to see as a result remains unripened. While the faithful Christian can strive to inhabit her role with love, enacting just laws, administering fair judgments, and repenting when she fails, the world she strives to heal is constantly in the process of being wounded anew. This is why no progress can truly be had in the *saeculum*. For Augustine, the health of political communities is ever contingent upon the health of the human beings that make them up. Good citizens, especially those whose service is rooted in *latreia*, can be a healing presence, at least for a time, but it is not guaranteed that this will last.

While this may appear to be a position of pessimism, for Augustine it is actually rooted in Christian hope; while the worldly success of true witness is predicated upon others recognizing what they see as valuable, this is true of every action in the *saeculum*. What makes Christianity hopeful is that every action incorporated into *latreia* is allowed to participate in God's work of healing the world. While pilgrims might not see the fruit their actions, they can trust that God knows how to bring good fruit about. While any true witness to *amor Dei* is perpetually vulnerable to misunderstanding and condemnation, the belief that God has hidden plans for all he inspires liberates the Christian to act in hope. This is the best foundation for cultural renewal that Augustine can conceive.

# “Something You Somehow Haven’t to Deserve”: Dignity and Eternity in Robert Frost’s “The Death of the Hired Man”

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ABSTRACT: In Robert Frost’s poem “The Death of the Hired Man,” Warren and Mary, husband and wife, ponder why the hired man Silas has returned to their farm after a long absence. When Mary suggests that Silas has come home to die, Warren gently mocks: “Home is the place where, when you have to go there / They have to take you in,” yet Mary replies: “I should have called it / Something you somehow haven’t to deserve.” Do we deserve a home? What is Silas searching for by returning to their home at the end of his life? Frost’s use of an ordinary conversation provides an extraordinary reminder that our dignity as man created *imago Dei* enables us to hope for an eternal home, a discovery that is never plainly spoken out loud, yet its truth resounds with quiet power.

HOME—ODYSSEYS LONGS for it, Aeneas seeks it, Hamlet finds it disrupted, Hester Prynne is exiled from it, Jay Gatsby tries to replicate it, and Dorothy from Kansas rejoices in it: “There’s no place like home!” Yet what is home? Do we deserve a home? In our culture today, the rally cry of “I deserve better, I deserve more, I deserve it all” may lead us to forget that home is, ultimately, a gift that reveals not the wealth or status of the homeowner but, rather, the dignity of the one received into the home.

In Robert Frost’s 1914 poem “The Death of the Hired Man,” Warren and Mary, husband and wife, sit on their porch steps in the dusk of evening, conversing—and sometimes gently arguing—about why the elderly, hired man Silas has unexpectedly returned to their farm after a long absence. When Mary suggests that Silas has come home to die, Warren claims: “Home is the place where, when you have to go there / They have to take you in,” yet Mary replies: “I should have called it / Something you somehow haven’t to

deserve.”<sup>1</sup> In analyzing this poem, many critics note the juxtaposition of Warren’s attitude of justice with Mary’s appeal to mercy,<sup>2</sup> but I hope to further emphasize a two-part revelation. First, Mary and Warren remind themselves of Silas’s dignity, and second, they realize they can offer him the gift of home: belonging, compassion, and rest. Most of all, through listening to their conversation in the poem, readers are reminded of eternity, a discovery that is never plainly spoken out loud, yet its truth resounds with quiet power.

“The Death of the Hired Man” begins with a sense of potency: Mary waits at the kitchen table “musing on the lamp-flame” (1). Upon hearing her husband, she runs on tiptoe to meet him. Robert Frost details the actions of Mary, taking the market things from his arms,<sup>3</sup> pushing her husband out the door, shutting it behind them, and drawing him down to sit next to her on the porch as she says, “Silas is back. / . . . Be kind” (5-7). Mary’s actions are gentle yet urgent. Critic Walter Jost notes that the issue of the poem is “not ‘what to do about Silas’ (for we know from the title of the poem that Silas is dying), but how she and Warren will speak about . . . [Silas]’ humanity.”<sup>4</sup> He suggests the ‘Be kind’ is a request to be “kindred,” to recognize Silas as “one of their own.”<sup>5</sup> Yet at this stage in the poem, Mary’s request is heard by Warren literally and defensively.

Warren bristles at the implication of his lack of compassion, replying to his wife: “When was I ever anything but kind to him?” (11). Warren justifies his resentment against Silas who abandoned Warren when he “need[ed] him most” (18). Warren details why he will not offer work to Silas, dismissing him with: “What good is he?” (15). Readers see Silas through Warren’s recollection: weak, undependable, and ultimately useless.

Yet Mary, again, gently rebukes her husband, “Sh! not so loud: he’ll hear you” (31). Interestingly, she does not disagree with Warren, but instead

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<sup>1</sup> Robert Frost, “The Death of the Hired Man” (1914), in *Robert Frost: Collected Poems, Prose, and Plays*, ed. Richard Poirier and Mark Richardson (New York: The Library of America, 1995), lines 122-125. All subsequent citations of the poem will be made parenthetically by line number. The poem is included below as an appendix.

<sup>2</sup> See Robert Swennes’s and Mordecai Marcus’s articles for an overview of Frost’s use of contraries, especially in his dialogue poems. Mordecai Marcus, “Motivation of Robert Frost’s Hired Man,” *College Literature* 3, no. 1 (1976): 63-68; Robert H. Swennes, “Man and Wife: The Dialogue of Contraries in Robert Frost’s Poetry,” *American Literature* 42, no. 3 (1970): 363-72.

<sup>3</sup> Tim Kendall notes that this act symbolizes “Mary’s task... to remove the burden of the marketplace from her husband and draw his attention to more important values.” Tim Kendall, *The Art of Robert Frost* (New Haven, CT: Yale University Press, 2012), 61.

<sup>4</sup> Walter Jost, “Lessons in the Conversation That We Are: Robert Frost’s ‘Death of the Hired Man,’” *College English* 58, no. 4 (1996): 411.

<sup>5</sup> *Ibid.*, 414.

she relates the condition of the hired man, who is currently sleeping by the stove. Mary tells of finding Silas "worn out," "huddled" by the barn door (33, 35). She brought him into the house, offered him tea, but "nothing would do" for his comfort (44). His condition "frighten[ed]" her (36), but Mary listened as Silas talked of the old days, working in the summer's heat, and arguing with the young, hired boy Harold. Mary finishes her story of Silas with:

Well, those days trouble Silas like a dream.  
 You wouldn't think they would. How some things linger!  
 Harold's young college boy's assurance piqued him.  
 After so many years he still keeps finding  
 Good arguments he sees he might have used.  
 I sympathize. I know just how it feels  
 To think of the right thing to say too late. (74-80)

Readers see Silas through Mary's sympathy: Silas is like herself with hopes, memories, and regrets. Warren's epiphany soon follows. When Mary remarks that Silas "most of all" still wants the chance to teach young Harold to build a load of hay (88), Warren interrupts her, saying, "I know, that's Silas' one accomplishment" (91). Warren acknowledges that Silas did have a great skill—building a load of hay—and in that one line, readers hear Warren's perhaps grudging respect for Silas. Yet it is a turning point for Warren; he sees the truth: Silas is not a useful or useless tool but a man like himself, worthy of respect.<sup>6</sup> Does this discovery grant Silas the right to call the farm his home? Why does Silas return to Mary and Warren's place when he is dying?

The next stanza emphasizes the movement toward death: "Part of a moon was falling down the west / Dragging the whole sky with it to the hills" (106-107), but the mood is not frightening or ominous. The lines continue:

[The moon] light poured softly in her lap. [Mary] saw it  
 And spread her apron to it. She put out her hand  
 Among the harp-like morning glory strings,  
 Taut with the dew from garden bed to eaves  
 As if she played unheard some tenderness  
 That wrought on him beside her in the night. (108-113)

The scene is gentle and tender yet tense with an expectation of a momentous event. Mary's "playing" the "harp-like . . . strings" calls to mind

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<sup>6</sup> As Robert Swennes notes, Mary and Warren's "hearts are the same"; they "have love and mutual understanding" of each other even with differing perspectives. Swennes, "Man and Wife," 368. Swennes's article insightfully examines "effective communication" in Frost's conversational poems, asserting that reconciliation is the desired result of such communication (*ibid.*).



the sound of heavenly music. Although the “falling” and downward “dragging” indicates death, it is juxtaposed with “morning glory” and “garden,” images of life.<sup>7</sup> Approaching death is not to be feared; indeed, it is the doorway to the hoped-for next home. What, then, is home?

When Mary speaks: “Warren . . . he has come home to die,” Warren expresses lingering cynicism: “Home,” he mocked gently, “Home is the place where, when you have to go there / They have to take you in (122-123). For Warren, home is a sanctuary offered from duty; love plays little to no part. Mary, however, responds: “I should have called it / Something you somehow haven’t to deserve” (124-125). For Mary, home is a gift of love, unmerited and undeserved, something to hope for and to seek. As C. S. Lewis reminds us, “If we find ourselves with a desire that nothing in this world can satisfy, the most probable explanation is that we were made for another world.”<sup>8</sup> Mary’s representation of home indicates man’s ultimate desire. In Mary’s understanding, the nature of home transcends time and place, offering a glimpse of eternity.

As Warren considers Mary’s response against his own, he takes a few steps, picks up a stick, brings it back, breaks it and then tosses it away.<sup>9</sup> The sound of the stick-snapping evokes the breaking of any resentment Warren feels against Silas; his grievance is thrown away. For when Mary muses that others must be embarrassed by Silas, Warren says: “I can’t think Si ever hurt anyone” (153). Using the familiar “Si,” Warren, like Mary, gives Silas what he seeks: a place of understanding and love—not for what he does, but for who he is.<sup>10</sup> Silas has been welcomed home. In a way, then, home can be characterized as a place of communion.

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<sup>7</sup> Victor Vogt notes Mary’s “exquisite gestures... of tenderness and sympathetic reaching out” toward the moonlight. Victor E. Vogt, “Narrative and Drama in the Lyric: Robert Frost’s Strategic Withdrawal,” *Critical Inquiry* 5, no. 3 (1979): 536. Tim Kendall says the “focus here is on Mary’s fertility” (with images of the moon as goddess of childbirth and with her husband beside her); Kendall writes: “Mary and Warren meet with things dying, but there remains at least strong implication—not quite consolation—that things newborn await them.” Kendall, *The Art of Robert Frost*, 63.

<sup>8</sup> C. S. Lewis, *Mere Christianity* (New York: Harper Collins, 2009), 163.

<sup>9</sup> Vogt notes how Frost moves between the “cosmic to the domestic” in this passage to “direct our attention and to shape our sympathies” toward Silas. Vogt, “Narrative and Drama in the Lyric,” 536.

<sup>10</sup> See Thomas Duddy’s article for commentary on Silas’s decision not to ask for charity from his wealthy brother, a decision that evokes respect. Thomas Duddy, “The Sadness That Lurks: Robert Frost and the Poetry of Poverty,” *The Hudson Review* 64, no. 3 (2011): 445–61. See also Mordecai Marcus’s article for more focus on Silas’s longing to be valued. Deirdre Fagan characterizes Silas as “a

C. S. Lewis notes that we all have a longing for communion; it is an "inconsolable secret;" that is, "the longing to be acknowledged, to meet with some response, to bridge some chasm that yawns between us and reality, is part of our inconsolable secret."<sup>11</sup> Lewis clarifies that this ever-present longing is ultimately our need for "acceptance by God, response, acknowledgment, and welcome into the heart of things."<sup>12</sup> Although Robert Frost keeps attention on the mortals in the poem, Mary's and Warren's recognition of a kinship with Silas and their eventual welcoming him home is an echo of man's true desire to be recognized by his Creator and to be welcomed to the eternal home.

The poem concludes with Warren getting up from the porch to check on Silas, while Mary watches the moon:

Warren returned—too soon, it seemed to her,  
Slipped to her side, caught up her hand and waited  
'Warren?' she questioned.  
'Dead,' was all he answered. (172-175)

Although it may seem too late, since Silas did not experience Warren's change of heart, peace exists alongside the sorrow of these final words in the poem. Silas is given his hoped-for communion and rest through Mary and Warren's words. The quiet conversation between husband and wife uncovered his dignity, a truth that existed all along.<sup>13</sup> In welcoming him into their home and resting in the right understanding of him, Mary and Warren enact C. S. Lewis's words: "[T]here are no ordinary people.... [I]t is immortals whom we joke with, work with, marry, snub, and exploit—immortal horrors or everlasting splendours."<sup>14</sup> For as Lewis continues: "Next

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sad but prideful character." Dierdre Fagan, *Robert Frost: A Literary Reference to His Life and Work* (New York: Facts on File Inc, 2007), 79.

<sup>11</sup> C. S. Lewis, "The Weight of Glory," in *The Weight of Glory, and Other Addresses* (New York: Harper Collins, 2001), 40.

<sup>12</sup> *Ibid.*, 41.

<sup>13</sup> Louis Untermeyer, critic and friend of Frost, claims, "'The Death of the Hired Man' is one of the most touching human episodes, the more so since it is all so quiet. The story unfolds itself in undertones; a poem heard—or overheard—in whispers." *New England Pocket Anthology of Robert Frost's Poems*, ed. Louis Untermeyer (New York: Pocket Books, 1971), 159. Victor Vogt agrees "the poem comes alive and gains power *exclusively* through the dialectic." Vogt, "Narrative and Drama in the Lyric," 533. Walter Jost also emphasizes that "it is precisely *their talk* that... Frost is celebrating in this poem, for only in such talk can we... remind ourselves of who we already are." Jost, "Lessons in the Conversation That We Are," 415.

<sup>14</sup> Lewis, "The Weight of Glory," 46.

to the Blessed Sacrament itself, your [Christian] neighbour is the holiest object presented to your senses.... [F]or in him also Christ . . . is truly hidden.”<sup>15</sup> In Mary and Warren’s conversation, Silas moved from a useless hired man to a brother in Christ.

In conclusion, I hope this examination of “The Death of the Hired Man” reveals Robert Frost’s skill in presenting an ordinary conversation with an extraordinary reminder of an essential truth: that home is a gift, a place offering unearned compassion and rest, revealing our dignity as man created *imago Dei*. Do we deserve home, especially an eternal one? No, but we are offered it. We have been given knowledge of home, and thus, we can seek it as did Silas when he returned to Mary and Warren. Robert Frost’s quiet conversational poem resounds with resonant power, reminding us that death is the beginning of a new life and a new home.

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<sup>15</sup> Ibid.

## APPENDIX

### “The Death of the Hired Man”

By Robert Frost

Mary sat musing on the lamp-flame at the table  
Waiting for Warren. When she heard his step,  
She ran on tip-toe down the darkened passage  
To meet him in the doorway with the news  
5 And put him on his guard. ‘Silas is back.’  
She pushed him outward with her through the door  
And shut it after her. ‘Be kind,’ she said.  
She took the market things from Warren’s arms  
And set them on the porch, then drew him down  
10 To sit beside her on the wooden steps.

‘When was I ever anything but kind to him?  
But I’ll not have the fellow back,’ he said.  
‘I told him so last haying, didn’t I?  
If he left then, I said, that ended it.  
15 What good is he? Who else will harbor him  
At his age for the little he can do?  
What help he is there’s no depending on.  
Off he goes always when I need him most.  
He thinks he ought to earn a little pay,  
20 Enough at least to buy tobacco with,  
So he won’t have to beg and be beholden.  
“All right,” I say, “I can’t afford to pay  
Any fixed wages, though I wish I could.”  
“Someone else can.” “Then someone else will have to.”  
25 I shouldn’t mind his bettering himself  
If that was what it was. You can be certain,  
When he begins like that, there’s someone at him  
Trying to coax him off with pocket-money,—  
In haying time, when any help is scarce.  
30 In winter he comes back to us. I’m done.’

‘Sh! not so loud: he’ll hear you,’ Mary said.

‘I want him to: he’ll have to soon or late.’

‘He’s worn out. He’s asleep beside the stove.  
When I came up from Rowe’s I found him here,

35       Huddled against the barn-door fast asleep,  
A miserable sight, and frightening, too—  
You needn't smile—I didn't recognize him—  
I wasn't looking for him—and he's changed.  
Wait till you see.'

40               'Where did you say he'd been?'

'He didn't say. I dragged him to the house,  
And gave him tea and tried to make him smoke.  
I tried to make him talk about his travels.  
Nothing would do: he just kept nodding off.'

45       'What did he say? Did he say anything?'

'But little.'

'Anything? Mary, confess  
He said he'd come to ditch the meadow for me.'

'Warren!'

50               'But did he? I just want to know.'

'Of course he did. What would you have him say?  
Surely you wouldn't grudge the poor old man  
Some humble way to save his self-respect.  
He added, if you really care to know,  
55       He meant to clear the upper pasture, too.  
That sounds like something you have heard before?  
Warren, I wish you could have heard the way  
He jumbled everything. I stopped to look  
Two or three times—he made me feel so queer—  
60       To see if he was talking in his sleep.  
He ran on Harold Wilson—you remember—  
The boy you had in haying four years since.  
He's finished school, and teaching in his college.  
Silas declares you'll have to get him back.  
65       He says they two will make a team for work:  
Between them they will lay this farm as smooth!  
The way he mixed that in with other things.  
He thinks young Wilson a likely lad, though daft  
On education—you know how they fought

70        All through July under the blazing sun,  
             Silas up on the cart to build the load,  
             Harold along beside to pitch it on.'

            'Yes, I took care to keep well out of earshot.'

            'Well, those days trouble Silas like a dream.  
 75        You wouldn't think they would. How some things linger!  
             Harold's young college boy's assurance piqued him.  
             After so many years he still keeps finding  
             Good arguments he sees he might have used.  
             I sympathize. I know just how it feels  
 80        To think of the right thing to say too late.  
             Harold's associated in his mind with Latin.  
             He asked me what I thought of Harold's saying  
             He studied Latin like the violin  
             Because he liked it—that an argument!  
 85        He said he couldn't make the boy believe  
             He could find water with a hazel prong—  
             Which showed how much good school had ever done him.  
             He wanted to go over that. But most of all  
             He thinks if he could have another chance  
 90        To teach him how to build a load of hay—'

            'I know, that's Silas' one accomplishment.  
             He bundles every forkful in its place,  
             And tags and numbers it for future reference,  
             So he can find and easily dislodge it  
 95        In the unloading. Silas does that well.  
             He takes it out in bunches like big birds' nests.  
             You never see him standing on the hay  
             He's trying to lift, straining to lift himself.'

            'He thinks if he could teach him that, he'd be  
 100       Some good perhaps to someone in the world.  
             He hates to see a boy the fool of books.  
             Poor Silas, so concerned for other folk,  
             And nothing to look backward to with pride,  
             And nothing to look forward to with hope,  
 105       So now and never any different.'

            Part of a moon was falling down the west,  
             Dragging the whole sky with it to the hills.

Its light poured softly in her lap. She saw it  
And spread her apron to it. She put out her hand  
110 Among the harp-like morning-glory strings,  
Taut with the dew from garden bed to eaves,  
As if she played unheard some tenderness  
That wrought on him beside her in the night.  
'Warren,' she said, 'he has come home to die:  
115 You needn't be afraid he'll leave you this time.'

'Home,' he mocked gently.

'Yes, what else but home?  
It all depends on what you mean by home.  
Of course he's nothing to us, any more  
120 Than was the hound that came a stranger to us  
Out of the woods, worn out upon the trail.'

'Home is the place where, when you have to go there,  
They have to take you in.'

'I should have called it  
125 Something you somehow haven't to deserve.'

Warren leaned out and took a step or two,  
Picked up a little stick, and brought it back  
And broke it in his hand and tossed it by.  
'Silas has better claim on us you think  
130 Than on his brother? Thirteen little miles  
As the road winds would bring him to his door.  
Silas has walked that far no doubt today.  
Why didn't he go there? His brother's rich,  
A somebody—director in the bank.'

135 'He never told us that.'

'We know it though.'

'I think his brother ought to help, of course.  
I'll see to that if there is need. He ought of right  
To take him in, and might be willing to—  
140 He may be better than appearances.  
But have some pity on Silas. Do you think  
If he'd had any pride in claiming kin

Or anything he looked for from his brother,  
He'd keep so still about him all this time?'

145 'I wonder what's between them.'

'I can tell you.

Silas is what he is—we wouldn't mind him—

But just the kind that kinsfolk can't abide.

He never did a thing so very bad.

150 He don't know why he isn't quite as good

As anyone. Worthless though he is,

He won't be made ashamed to please his brother.'

'I can't think Si ever hurt anyone.'

'No, but he hurt my heart the way he lay

155 And rolled his old head on that sharp-edged chair-back.

He wouldn't let me put him on the lounge.

You must go in and see what you can do.

I made the bed up for him there tonight.

You'll be surprised at him—how much he's broken.

160 His working days are done; I'm sure of it.'

'I'd not be in a hurry to say that.'

'I haven't been. Go, look, see for yourself.

But, Warren, please remember how it is:

He's come to help you ditch the meadow.

165 He has a plan. You mustn't laugh at him.

He may not speak of it, and then he may.

I'll sit and see if that small sailing cloud

Will hit or miss the moon.'

It hit the moon.

170 Then there were three there, making a dim row,

The moon, the little silver cloud, and she.

Warren returned—too soon, it seemed to her,

Slipped to her side, caught up her hand and waited.

'Warren,' she questioned.

175 'Dead,' was all he answered.



# “Let Them Be Born in Wonder”\*

*Francis Bethel, O.S.B.  
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ABSTRACT: Three University of Kansas professors launched the well-known Integrated Humanities Program in the 1970s with spectacular results. Their point of departure was the view that students in modern times are largely cut off from reality. Consequently the first thing to do in education is to help them regain contact with reality, discover its riches in delight and wonder. The professors worked with poetic texts rather than more didactic and philosophical ones. They thought the students’ imaginations and emotions had to be converted to give the bases for healthy intellectual work. They considered their teaching to be a necessary preparation for college liberal arts. The principles and methods of these three inspire many educators today and are worth considering. The modern student is in a similar state to the ones they faced fifty years ago.

THE UNIVERSITY OF KANSAS’s Integrated Humanities Program (IHP) of the 1970s was a pioneering project in renewing tradition. The professors jokingly used to call the program an “experiment in tradition”—as if traditional education were an unsure, untried novelty! In fact, IHP was a sort of novelty in our day. It was certainly new for the students.

In the short time of its existence in a very secular university, IHP with its three professors—Dennis Quinn, Frank Nelick, and John Senior—turned around hundreds of young adults. From being rather lost in drugs, rebellion, and rock and roll, many students turned to traditional Western, Christian civilization, to God, to Christ. Many found their way to the Catholic Church.

The program’s influence endures and is even expanding. Several schools are closely inspired by it; many teachers or even some departments

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\* This essay was originally developed as lecture for the annual FCS convention; scheduled in 2020 and again in 2021, neither of these was held due to pandemic restrictions. It draws material from Fr. Bethel’s book, *John Senior and the Restoration of Realism* (Merrimack, NH: Thomas More College Press, 2017).

or programs in certain big universities try to imitate it. John Senior’s books are still popular and were recently translated into Spanish and Portuguese. One priest who had no connection to IHP is doing his doctoral dissertation on Senior; a Spanish gentleman recently did his master’s thesis on IHP. Here is a quotation from a Spanish novelist, Natalia Sanmartin Fenerolla in her preface to the Spanish edition of *The Death of Christian Culture*:

When I discovered what John Senior, Dennis Quinn and Frank Nelick did in [Kansas] I seemed to be contemplating a modern epic. The image of those three teachers in the auditorium of the campus, talking quietly among themselves about Homer and Plato, reciting poetry and telling stories, before an audience of astonished youngsters, made me think of three Greek heroes beginning an inspired fight against the modern world. It is a great story—how these students were rescued from a skeptical and sterile world and led through literature, poetry, and experience of reality to the truth, goodness and beauty, with conversions, vocations, and a multitude of stories born in the Pearson program, and the silent adventure that goes from the campus of Lawrence to the Abbey of Fontgombault in France and the cloister of the monastery of Our Lady of the Annunciation of Clear Creek in Oklahoma—it has all the elements of a trip to Ithaca.

I was dazzled by the tremendous and beautiful footprints that Providence left impressed in Kansas; no noise, no large organizations, but by a sort of heart to heart contact. That is how God acts in the world. Providence was preparing an army to counter attack today’s unprecedented demolition of the Christian faith.<sup>1</sup>

Here I will present the three professors’ views on education and how they applied them, hoping this will inspire us to implement them in a situation that is not all that dissimilar, one that has the same underlying currents but now pushed even more to the extreme. I will begin with John Senior’s discovery of the educational principles that would be those of IHP. Then we will take up the program’s methods.

As a guiding thesis I take a line from Senior. It at once evokes his own journey and also goes to the core of IHP’s perspective: *There is something destructive—destructive of the human itself—in cutting us off from the earth from whence we come, and the stars, the angels, and God himself to whom we go.*<sup>2</sup> I like to put it this way: We are made for the stars but rooted in the soil. We are made to seek spiritual realities, but we must use this world, this visible creation, to do so. This is the path God gives us to rise to himself. This was the principle of IHP.

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<sup>1</sup> Miss Sanmartin’s private translation.

<sup>2</sup> John Senior, *The Restoration of Christian Culture* (San Francisco: Ignatius, 1983), 214.

### I. Senior's Story

*Conversion.* Senior was born in 1923, in Long Island, New York, in a little fishing village called Christian Hook. He always declared that he had a wonderful youth, full of high literary and musical culture through his mother and aunt, coupled with a rich experience of nature in rural Long Island, but especially when as a teenager he worked on horseback every summer at a cattle ranch in South Dakota. Nevertheless, there was a big, important hole in his formation: He received no religious direction. He was not baptized, and as a young man he did not take Christianity seriously. Senior noted three stages in the path by which God led him to Christ and his Church.

First, in the later 1930s when Senior was about 15, at the sight of social injustice he turned to Marxism for a solution. The recognition that something was wrong with himself and the world was the beginning of his journey, even though this first orientation was materialist—a cutting off from the stars, angels, and God.

The second stage occurred at Columbia University in the mid 1940s, when Senior was in his early twenties. The reading of Plato at that time opened to him a world of spiritual realities that echoed his love of beauty and poetry. He gradually began losing interest and hope in politics. He recognized that the crisis of the West was fundamentally spiritual. His quest eventually led him East. He soon learned that for the Hindu, all is one—Brahma—and that consequently all the distinct things we experience, including ourselves, are mirages, shadows. The world of our experience is not really real. Thus, this time he engaged in a position that cuts us off from the earth, wanting as it were to jump directly to the stars, into spiritual realities.

The third and final stage in Senior's conversion took place in 1959, when he was teaching at Cornell University. A couple of authors on Eastern thought, because they wrote for Westerners, would often quote St. Thomas. One day Senior decided to read St. Thomas for himself. He was quickly bowled over. He discovered in St. Thomas that the earth points toward its Creator, that it is made to lead us to the stars. Senior turned back to Western tradition, and, once on that track, the greatness, beauty, truth, and realism of Christian doctrine and culture soon guided him to Christ and the Church.

*A Teaching Discovery.* Senior started bringing some of St. Thomas Aquinas's doctrine into his own teaching. To his surprise after his own great experience reading the *Summa*, there was little echo in souls. He soon realized that this lack of response came not simply from the fact that his students had never studied logic or some other preparatory study. The problem was not only ideology, not only bad ideas that hindered their receptivity to what Senior wanted to say. More fundamentally, the students lacked the preparation Senior had had through his healthy outdoor experience, his loving familiarity with good literature, poetry, and beauty,

which had opened his mind and heart, making him capable of receiving St. Thomas’s teaching.

Senior in those years learned from Aristotle and St. Thomas that man, as a union of body and soul, lives an integrated life in which the intellect and will rely on the senses, the imagination, and emotions. He found that this generation of students was sensibly and emotionally disconnected from reality. Their intelligence was drawing its ideas from a diseased imagination. They had an impoverished, even abnormal experience of life. Their electric technology, their whole environment, cut them off from God’s creation, inclined them toward fantasy. Their basic correspondence to reality, to the true, good, and beautiful, had been blunted. They were not very interested in real things, were restless, could not focus.

Before undertaking any high, theoretical study, these students needed to get the feel and attraction for concrete things, to relearn the spontaneous conviction of the existence and goodness of reality. Senior wrote: “No serious restitution of society can occur without a return to first principles, yes, but before principles we must return to the ordinary reality which feeds the first principles.”<sup>3</sup>

*Steps in Education.* Senior realized that the bottom had dropped out in education and, more generally, in culture. Ideas about education tend to neglect the elementary levels because deficiency in that domain is rather recent. In other times and places one walked, rode horses, hunted, worked with hand tools, sang and read together. Senior intuited there must be a deliberate effort to restore healthy experience and fundamental culture, to compensate for their lack in the home and society. Learning is gradual, and first things must come first. This recognition led Senior to reflect on the first two traditional steps in education.

The first is what the Greeks called *gymnastic*, what we would today call physical education, but in Senior’s perspective it had in view not mere recreation, muscle development, or even coordination but, rather, a healthy experience of nature, exercise of the senses, and the training of perception, so that one discovers the rich goodness of the world, feels the immediate appeal of things.

The Greeks called the second step *music*, that is, all that belongs to the domain of the Muse—literature, song, stories, dance, drama—where one cultivates especially the imagination, memory, and emotions, in order to attune them to the beautiful, the noble. Plato wrote: “Let’s begin with the acknowledgement that education is first given through Apollo and the Muses. If one has no contact with the Muses in any way, the soul becomes feeble, deaf and blind, because it is not aroused or fed, nor are its perceptions purified and quickened.”<sup>4</sup> A modern educator, Allan Bloom, wrote in the same line:

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<sup>3</sup> Ibid., 138.

<sup>4</sup> *Republic* 411d.

“Education is the forming of the passions as art, with the goal of harmonizing the enthusiastic part of the soul with the rational part, by providing a continuity between what the students feel and what they can and should be.”<sup>5</sup>

Senior devised a formula to synthesize these first two steps, which especially brings out the central emotion to be cultivated at each level: Gymnastic begins in experience and ends in delight; music and poetic education begin in delight and end in wonder. Delighting in reality, wondering at its mysteries, with a healthy imagination, a memory full of stories, songs, poems, experiences, one would be ready for life and eventually for more elevated studies.

## II. IHP

*Foundations.* In 1967, at the age of 42, Senior transferred to the University of Kansas. When he arrived, Frank Nelick had been teaching there in the English Department for sixteen years and Dennis Quinn for eleven. These two had known each other even before their time at KU and, having become friends long since, by 1967 were collaborating in their teaching. Nelick and Quinn immediately hit it off with the newcomer. The three professors were in serene communion concerning the fundamentals of Western civilization, the love of poetry, and the estimation that in a university classroom teaching should have primacy over research and publications. All three also saw the need to form students’ imaginations and emotions as well as their intellects.

The professors decided to teach a class together, and more than a class, a program. The essential structure and direction of the program were drawn up quickly by these men who had such converging views. It would be *integrated*; that is, it would group together the disparate strands of the freshman-sophomore liberal arts core curriculum into one two-year program, so that the different subjects could be seen as organic parts of a whole. It would be a *humanities* class; that is, the goal would not be to transmit techniques or information but to humanize. And the professors judged that the most effective means to help students in the art of being human was, as Senior explained, “to read what the greatest minds of all generations have thought about what must be done if each man’s life is to be lived with intelligence and refinement.”<sup>6</sup>

These features resemble those of the Great Books programs begun in the 1920s at the University of Chicago, and which Senior had enjoyed at Columbia, and which other schools were pursuing at the time. But these programs are mainly of a philosophical type, and the three professors knew that their students were not ready for such studies. As Senior wrote

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<sup>5</sup> Allan Bloom, *The Closing of the American Mind* (New York: Simon and Schuster, 1987), 70-71.

<sup>6</sup> “Integrated Humanities Program, a Definition,” unpublished ms., 4.

concerning these programs: “[You shouldn’t] send a young person to college without his having been to [high] school. The liberal arts college begins with wonder and ends in wisdom. But the freshman has had wonder pretty much crushed out of him. It seems criminal to teach the [the mathematical science] of astronomy to someone who has never looked at the stars.”<sup>7</sup>

The three professors thus agreed that there needed to be a restoration of the imagination before a restoration of the intelligence could take place. IHP would operate substantially on the poetical and—to a certain extent—gymnastic levels. As Senior wrote: “IHP was a [high] school occupying a college... : we did the poetic work that was skipped.”<sup>8</sup> IHP’s fundamental orientation is echoed in its motto that was suggested by a student: *Nascantur in admiratione*—“Let them be born in wonder.” As Quinn observed: “The Program should be regarded as a course for beginners, who look upon the primary things of the world, as it were for the first time.”<sup>9</sup>

*Organization.* The professors chose readings that were poetic and gymnastic, that is, ones in which the students could sensibly and emotionally participate. About a third were poetry and literature: Homer, Virgil, and Dickens; about a third were historical but narrated in story form and usually consisted of eyewitness accounts or autobiographies. The others were didactic, with a couple of a philosophical type, but rather literary and imaginative, open to a poetic approach—notably, Plato and Boethius.

The professors also helped the students to learn how to read. On this gymnastic and musical level, reading should be direct, done basically to enjoy, opening oneself up to its beauty, although, Senior adds, “such experience is not sufficient... for science and philosophy, [it is] indispensable as the cultural soil of moral, intellectual, and spiritual growth.”<sup>10</sup> Other educators have insisted on this experience before analysis, being moved by a work of art, delighting in its beauty. The intuitive emotional and intellectual intuition precedes the rational discussion on causes and structure.

There was little room in a university course for direct gymnastic exercise, but the professors did urge work and play closer to nature, camping trips, walking, discipline in the use of TV. For freshmen, stargazing sessions were arranged where an older student would point out the constellations and narrate the pertinent classical Greek myths. Perhaps for the first time since childhood, these young adults felt free to respond emotionally and sensibly to the stars. In awe and admiration they experienced the call of beauty and realized there is more to reality than quantity and technology.

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<sup>7</sup> Letter to Mark Van Doren, July 26, 1969.

<sup>8</sup> Letter to David Whatlen, n.d.

<sup>9</sup> IHP brochure, inside cover, n.d.

<sup>10</sup> Senior, *Restoration*, 222.

There were other activities, both gymnastic and poetic or musical. The professors encouraged learning calligraphy and some handcrafts. Waltzes were held; there were fairs and even trips to Europe to experience more traditional cultures. A major pursuit was memorization of poetry and songs—Shakespeare, Wordsworth, Frost—with again the emphasis on enjoyment. It would be difficult to overestimate the importance of these poems and songs in nourishing students' link to reality, in rousing their slumbering sensibilities and emotions to the beauty and variety of nature, to friendship and fidelity, to love.

The classes themselves consisted substantially in two team-taught classes each week with all three professors involved. There were smaller question and answer meetings with one or other professor about once a week. There was a rhetoric class once a week with assistant teachers. Taking Latin with Dr. Senior was recommended.

The main major biweekly class was unique in history. It was not a lecture in the sense of writing out a text beforehand and then reading it to the students. It was a simply a conversation among the three teachers. Usually one of the three would read a passage from the currently assigned book, and then the three would meditate with the students on a theme that grew out of the reading. Here were three friends who enjoyed looking at beautiful things together and helping students discover them. In an interview, Senior compared the class to a jazz band improvising on familiar themes: "It's as if one of us were on clarinet and another on trumpet and another on piano. One of us starts to talk, the other picks up the tune and the other one gets the beat."<sup>11</sup>

The professors preferred this spontaneous way of doing things, in order to render the class more lively and provide better opportunity for students to glimpse then and there something beautiful, to be attracted to great truths. For this reason, students weren't even allowed to take notes. At this stage the experience itself was more important for them than getting clear ideas and definitions down on paper for later. First of all, most of all, they had to delight and wonder.

Students were indeed fascinated, lifted on the wings of these teachers, as silent in class as we would be at a movie or listening to beautiful music. They came out stimulated, talking with one another about our discoveries. They could not get enough of these classes. Here is a fun quotation from John Senior, pointing to the joy of such classes:

Schools, because learning is a self-diffusive good, pour down love and knowledge on their pupils like voluntary rain. Ever since the Fall, men have worked in the sweat

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<sup>11</sup> Mark Mitchell, "Truth Within Is the Only Teacher," *University Daily Kansan* (September 25, 1974).

of their brow and women labored in pain. But schools (Puritans be damned!) are fun. Learning for its own sake calls them forth. The yachtsman hears the wind and waves, the hunter the horn and hounds; zealous teachers and eager boys follow the buzz, as of bees in the brain, of sensitive, affective and intelligible delight.<sup>12</sup>

*How They Taught.* The professors took not in a philosophical, abstract approach but instead told stories, quoted literature and poetry. Their style was that of presentation rather than of argument. They basically said: “Look!” as they awakened and cultivated attention to the natural world and human life. The professors trusted in the correspondence between the mind and reality, that reality itself would lead the students to the truth. For them the teacher discreetly helps the student in his own natural, personal activity of intellectual enlightenment, like a coach guides the athlete in running, or the mother bird helps its fledgling to fly. The professors on one hand disposed students by desire and wonder and, on the other, underlined this or that point in the readings, brought out significance and beauty. They assisted the books in doing their work, just underlining a few points, making connections, showing how what the author spoke of was part of the students’ experience, involving the students in the text.

The professors chose the passage for each day’s talk in view of some fundamental theme, such as the home and the banquet in the *Odyssey*, the nature of duty and “the tears of things” in the *Aeneid*, and “the good life” in the teachings of Socrates. Yet they did not seem to have any special goal in mind for the class as a whole. Class by class, week by week, they meandered through various themes—one day conversing on what a home is, the next on friendship or justice or healthy work—apparently going nowhere in particular.

Nevertheless, in these various meditations the professors were gently leading the students toward two goals. On one hand, by pointing out so much beauty, they were bringing students in an experiential way toward the normal trust that the real is really real, delightful, mysterious, interesting—so, basically, to *wonder*, as the program’s motto says. Even if students were incapable of arguing successfully in a debate with skeptics, nothing could eliminate what they had seen and tasted—the splendor of the stars or the beauty of a generous human action. Students viscerally knew that things were real, good, and true. They knew there are real mysteries, beyond what our little instruments can measure. Senior wrote: “I retired to Kansas... to teach *philosophia perennis* by indirect means, forcing myself to rectify our students’ imaginations by teaching... poetry.”<sup>13</sup>

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<sup>12</sup> John Senior, “The Restoration of Innocence: An Idea of a School,” 1994, unpublished ms., 86.

<sup>13</sup> John Senior, *The Remnants: The Final Essays of John Senior* (Forest Lake, MN: The Remnant Press, 2012), 134.



The second goal was the recognition of the great Western cultural heritage as an inexhaustible fountain from which to draw. There again, this was accomplished by immersion in beauty, presented by the great Western authors. Senior wrote: "If you get someone into Plato or Newton or Shakespeare, he will see for himself why men have fought and died for western civilization."<sup>14</sup>

Of course the professors also, most of all, hoped to help students come to Christ, the end of all things. But, they did not push in that direction. They trusted in the intellect, as we said, but also in grace. They knew their role was mainly to knock down obstacles and dispose. They simply kept to their leisurely meditation on what the great authors were saying, following each theme for itself and letting it eventually lead on its own in the direction of Christ, sometimes pointing forward a little. A good illustration of this realist pedagogy can be found in the counsel Senior gave teachers of high school natural science:

Don't intrude religion. Just let the world be there. Let God teach as He intends in the language of nature which He Himself invented for the purpose.... Wrestling in the dirt under a clean sky in the flat light of an October sun, licked by the fiery tongues of maple leaves as they roll in them, the cool indifferent pines observing—well, you don't have to say God made all this; it's in the excitation of their blood.<sup>15</sup>

And about the IHP readings he wrote:

Grace attaches to nature. Students were converted as much by reading Plato as by Augustine.... When we taught the beauty of a poem or Homer's *Odyssey*, we were not faking it, or trying to imbue the text with some phony Catholic gloss. The truth is always the truth, and if it is really true, it will lead you to the transcendent truth.<sup>16</sup>

The students once interested in things, looking at reality with normal human eyes, imagination, mind, and heart, and listening, in delight and wonder, to the great Western authors, would be motivated to seek the great truths and know where to find them. They could go forward from there on their own. And indeed they did.

In 1995 Senior wrote a poem for the occasion of the 25<sup>th</sup> anniversary of the beginning of IHP. It conveys a sense of the mutual affection that existed among IHP students and teachers in a common gaze on the beautiful, the good, and the true. He says that springtime of discovery has proved itself to be genuine; its life has not withered:

This April neither fades nor feints  
where we at Beauty's Truth first kissed,

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<sup>14</sup> John Senior, *The Death of Christian Culture* (New Rochelle, NY: Arlington House, 1978), 105.

<sup>15</sup> Senior, "The Restoration of Innocence," 79.

<sup>16</sup> Quoted in Scott Bloch, "Prairie Fire," *Sursum Corda* (Winter 1996): 28.

like the communion of all saints  
whose lips touch in the Eucharist.

### *Conclusion*

There was a certain context of IHP, but the teachers' fundamental views on education are universal and timeless. The deviations they fought are still with us. Students are more than ever cut off from reality by both ideology and technology, by social media. One cannot teach them unless one first helps their gaze and their heart turn toward reality. One must help them to open to the great authors and point out the beauty of their teachings.

# Internet Feudalism, Digital Maoism, and Structural Ethical Debt: The Moral Person and Embodied Freedom

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ABSTRACT: In 1996, during the adolescence of the World Wide Web, John Perry Barlow issued a “Declaration of the Independence of Cyberspace.” Barlow’s independence was largely predicated on the disembodied nature of online community. Over the ensuing decades, Jaron Lanier, *WIRED* magazine, and others adopted a very different outlook. These realists lamented the “hive mind” that the Internet had become and sounded the alarm on “Internet feudalism,” the consolidation of online power into the hands of a very few “lords” who had made us their “vassals.” In this paper, I argue that the Internet will always produce vassals because the disembodied nature of the Internet creates ethical debt and leads to a loss of creaturely freedom, which can be realized only in the body. I close by suggesting a return to lived, embodied community as a way to avoid ethical debt and enjoy human freedom, especially the freedom to choose the good.

## I. Introduction

IN 1996, IN THE EARLY DAYS of the Internet, John Perry Barlow (1947-2018)<sup>1</sup> posted “A Declaration of the Independence of Cyberspace.”<sup>2</sup> Barlow suggested that online freedom would be realized because “[o]ur identities have no bodies, so, unlike you, we cannot obtain order by physical coercion.” (By “you,” Barlow meant “Governments of the Industrial World.”) “We believe,” Barlow continued, “that from ethics, enlightened self-interest, and the commonweal, our governance will emerge.”<sup>3</sup>

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<sup>1</sup> See Mike Godwin, “The Insanely Eventful Life of Grateful Dead Lyricist John Perry Barlow,” *Reason* (July 2018): 60-61.

<sup>2</sup> <https://www.eff.org/cyberspace-independence> (last accessed August 21, 2022).

<sup>3</sup> *Ibid.*

This optimism did not last long.<sup>4</sup> Just ten years after Barlow's Declaration, Internet philosopher Jaron Lanier wrote "Digital Maoism: The Hazards of the New Online Collectivism."<sup>5</sup> The disembodied selves that Barlow thought would yield to "ethics, enlightened self-interest, and the commonweal" had become, for Lanier, anonymous bits of "hive mind" given to herd behavior and unthinking swarming. "The beauty of the Internet," Lanier wrote, "is that it connects people. The value is in the other people. If we start to believe the Internet itself is an entity that has something to say, we're devaluing those people and making ourselves into idiots."<sup>6</sup> Maoism was the collectivist erasure of "other people." What was needed was to see the real human beings behind the screen names.

Even these hopes, for an Internet of person-to-person connection, quickly faded. So-called technologies of the self,<sup>7</sup> ways of accentuating one's presence online, gave way to a virtual enslavement to a planetary oligarchy unrivaled and unprecedented in reach, wealth, or power. Indeed, by 2006 the contours of an "Internet feudalism" were emerging. *WIRED* magazine would describe this phenomenon in 2012 in this way: "Some of us have pledged our allegiance to Google, Apple, Microsoft, Amazon, or Facebook: These vendors are becoming our lords, and we are becoming their vassals. In this 'feudal' model of computing, we give up a certain amount of control. But in exchange, we trust that our lords will both treat us well and protect us from harm."<sup>8</sup> What began as a literally utopian (as in, located nowhere) dream of freedom had, in a decade and a half, turned into the metaphorical unfreedom of the Middle Ages.

In this paper, I return to Barlow's 1996 euphoria over the coming freedom he thought would emerge from disembodied, ethical selves.<sup>9</sup> I argue that there is a direct and unbreakable connection between the disembodiedness of the Internet (whether anonymous or not) and the Digital Maoism lamented by Lanier. The Internet cannot connect people because the Internet radically denatures human persons from embodied, moral subjects into nondimensional avatars, stripping the human person of his or her human

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<sup>4</sup> See, for example, Jonathan E. Hillman, *The Digital Silk Road: China's Quest to Wire the World and Win the Future* (New York: Harper Business, 2022), 7-10.

<sup>5</sup> [https://www.edge.org/conversation/jaron\\_lanier-digital-maoism-the-hazards-of-the-new-online-collectivism](https://www.edge.org/conversation/jaron_lanier-digital-maoism-the-hazards-of-the-new-online-collectivism) (last accessed August 21, 2022).

<sup>6</sup> Ibid.

<sup>7</sup> Luciano Floridi, *The 4<sup>th</sup> Revolution: How the Infosphere Is Reshaping Human Reality* (Oxford: Oxford University Press, 2014), 59.

<sup>8</sup> <https://www.wired.com/2012/11/feudal-security/> (last accessed August 21, 2022).

<sup>9</sup> Some have referred to Barlow's statement as a form of "cyber exceptionalism" akin to American exceptionalism. See James Shires and Max Smeets, "'Cyber Exceptionalism': Contesting 'Cyber,'" *New America* (December 7, 2017), 7.

subjectivity and reducing him or her to a placeless, faceless, defenseless individual (not person) in an infinite set. The result is “Internet feudalism,” the unethical clustering of disembodied individuals around “feudal lords” of tech dominance which promise to order the online anticommons (a place where nothing is freely available and everything, contrary to belief, is owned—the Internet is a proprietary system) and provide security and even belonging to the disembodied.

This is not merely a tendency of being online. It is the very *being* of online. The danger of disembodiment and therefore depersonalizing is built into the Internet. And it is getting worse. On both the centralized versus distributed axis (that is, “whether the physical resources being accessed for some service are located at a single machine [at one extreme] or dispersed across many machines all over the planet [at the other]”) and the democratic versus feudal axis (that is, “whether the authority over the service and machines providing a service is spread across many individuals or organizations or held by a few”), the Internet is shrinking, coming under the control of a nondistributed few.<sup>10</sup>

This very system, the Internet of feudal serfdom, generates ethical debt. Ethical debt means diminishing the value of other people by treating them as means to an end, which in turn detracts from one’s own dignity, leaving an absence, a debt, that must be made whole through virtuous action instead. But this reversal of ethical debt can never be accomplished online. It is not possible to interact with human persons on the Internet, because the Internet necessarily disembodies us. This does great violence to our integrity as human persons and sets up a cascade of disrespect and denial of humanity—a black hole, as it were, of unethical behavior into which we but sink deeper the longer we are online.

The Internet itself is the black hole. Online, however much we think of ourselves as forming a virtual “community,” we become like Adam Basanta’s art installation *All We’d Ever Need Is One Another* (2018),<sup>11</sup> wherein “a custom software randomizes the settings of two mutually facing flatbed scanners so that in every scanning cycle, each captures a slightly altered mix of the facing scanner’s light and its own unfocused scanning light reflected off the opposite scanner’s glass plate.”<sup>12</sup> An algorithm then sorts the resulting

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<sup>10</sup> Tai Liu, Jay Chen, Zain Tariq, and Barath Raghavan, “The Barriers to Overthrowing Internet Feudalism,” HotNets-XVI (November 30–December 1, 2017), n.p.

<sup>11</sup> An overview and video are available at <https://www.adambasanta.com/allwedeeverneed> (last accessed August 21, 2022).

<sup>12</sup> Dejan Grba, “Deep Else: A Critical Framework for AI Art,” *Digital 2* (2022): 4.

images.<sup>13</sup> We are always already at the mercy of nonpersons, and not-even-things, in the online antiworld. In a disembodied nonplace such as the Internet, our lonely, one-dimensional nonselves reflect, without seeing, the nonother in a hellish configuration of mirrored nothingness.<sup>14</sup>

I therefore argue for a return to the embodied world in order to pay down ethical debt through virtuous interpersonal interaction, and also for a full deanonymization of unavoidable online interactions, with names and faces readily visible as reminders of the ethical debt being generated and the need to continue to counter that debt with personal encounter. Personhood, in the body, is the key to preventing the kind of hell I have described in this introduction.<sup>15</sup>

## 2. What Is Freedom?

*The Genesis of "Cyberlibertarianism."*<sup>16</sup> John Perry Barlow's "Declaration of the Independence of Cyberspace" is a heady tract. The obvious rhetorical corollary, apparent from both Barlow's title and the high-flown language in the text itself, is Thomas Jefferson's (1743-1826) 1776 manifesto announcing America's independence from England and providing various axiomatic reasons justifying that independence. "Governments are instituted among Men, deriving their just powers from the consent of the governed," wrote Jefferson.<sup>17</sup> "Governments derive their just powers from the consent of the governed," wrote Barlow. "You have neither solicited nor received ours."<sup>18</sup> There are many other similarities, even resonances and likenesses, besides these. Future historians may well rediscover Barlow's writings and refer to him as the Pseudo-Jefferson.

On closer inspection, however, Barlow's understanding of independence, of freedom, appears to be radically different from the eighteenth-century Virginian's. Barlow, for his part, asserts that "cyberspace," or what he refers to as "our world," "consists of transactions,

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<sup>13</sup> Ibid.

<sup>14</sup> Note that this nothingness is entirely different from cenobitic, even eremitic, solitude. See Takeo Doi, *The Anatomy of Self: The Individual Versus Society*, trans. Mark A. Harbison (Tokyo: Kodansha International, 1986), 118-22.

<sup>15</sup> See Murray Shanahan, *The Technological Singularity* (Cambridge, MA: The MIT Press, 2015), 181.

<sup>16</sup> I find the term "cyberlibertarianism" in Michael Buozi's, "Making Common Sense of Cyberlibertarian Ideology: The Journalistic Consecration of John Perry Barlow," Muhlenberg College Special Collections and Archives.

<sup>17</sup> "Declaration of Independence: A Transcription," National Archives, <https://www.archives.gov/founding-docs/declaration-transcript> (last accessed August 21, 2022).

<sup>18</sup> <https://www.eff.org/cyberspace-independence> (last accessed August 21, 2022).

relationships, and thought itself, arrayed like a standing wave in the web of our communications. Ours is a world that is both everywhere and nowhere, but it is not where bodies live.”<sup>19</sup> There are no constraints in cyberspace. The physical has been overcome, or at the very least left behind. Hence: “Your legal concepts of property, expression, identity, movement, and context do not apply to us. They are all based on matter, and there is no matter here.”<sup>20</sup> Furthermore, “in our world, whatever the human mind may create can be reproduced and distributed infinitely at no cost. The global conveyance of thought no longer requires your factories to accomplish.”<sup>21</sup> This rousing roundelay to liberty concludes with what could almost be set to the tune of the *Marseillaise*:

We must declare our virtual selves immune to your sovereignty, even as we continue to consent to your rule over our bodies. We will spread ourselves across the Planet so that no one can arrest our thoughts. We will create a civilization of the Mind in Cyberspace. May it be more humane and fair than the world your governments have made before.<sup>22</sup>

This is a stirring tribute to freedom. In many ways, it also appears to be *sui generis*. Unlike Jefferson’s declaration from 220 years prior, Barlow’s posits a noncorporeal world, a mind-only cyberspace, where no governments can seize any bodies and thereby control any thoughts or freedom of expression.

There are problems with this kind of liberty, however. As media and literature scholar Wendy Hui Kyong Chun points out, Barlow’s rendition of the Internet as cyberspace, drawing from “a fictional concept coined by William Gibson in 1983,” envisions a “free and fearless space in which race/gender/class/sexuality/power did not matter.”<sup>23</sup> True, Chun allows, such a perspective seems “hopelessly naive” from the perspective of a post-Edward Snowden world.<sup>24</sup> Readers will surely recall that Snowden’s leaks, and the data leaks of others as well, pulled aside the curtains of the Internet’s global stage to reveal insidious government actors manipulating data in real time.<sup>25</sup> However, Chun continues, “hypertext and the Internet more generally

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<sup>19</sup> <https://www.eff.org/cyberspace-independence> (last accessed August 21, 2022).

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Wendy Hui Kyong Chun, “Big Data as Drama,” *ELH* 83, no. 2 (Summer 2016): 364.

<sup>24</sup> *Ibid.*

<sup>25</sup> Patrick D. Anderson, “Of Cypherpunks and Sousveillance,” *Surveillance and Society* 20, no. 1 (2022): 1-17.

have been framed as literalizing Barthes and poststructuralism.”<sup>26</sup> By this she refers to French semiotics and literary theorist Roland Barthes (1915-1980), who

described the writerly text as an ‘ideal’ text in which ‘the networks are many and interact, without any one of them being able to surpass the rest... the codes it mobilizes extend *as far as the eye can reach*, they are indeterminable.... [T]he systems of meaning can take over this absolutely plural text, but their number is never closed, based as it is on the infinity of language.’<sup>27</sup>

And yet, while the Barthesian “ideal” of the text seems to be the spirit in which Barlow issued his ringing endorsement of freedom, it is clear that, as Chun writes, something is wrong with the way the Internet operates. “The current Internet,” she argues,

has revealed the gap between participation and democracy, participation and equality: we all allegedly post and speak and the world is not yet right. Indeed, the Internet is filled with vitriol and coercion, and the conflation of diversity of opinion with democracy has led to a bizarre situation in which hate speech becomes evidence of democratic engagement.<sup>28</sup>

It is difficult to argue with this assessment. Barlow saw the flatness of the online world as one that left nearly infinite space for sprawling out and being free. However, as Chun observes, this is not what has happened at all. There is a kind of stickiness to online discourse. The flatness breeds, not freedom, but contempt.

What’s more, this contempt has produced a whole industry—perhaps we might even just call it “the Internet” itself—which feeds off of this contempt, and actually encourages it. The “hive mind” huddles, but the logic of Internet monetization dissipates, all while pitting one against another. It is a recipe for feudalism, for total control, and would seem to have very little to do with freedom on any definition. Chun continues:

[N]ew media runs on differences. Algorithms need mistakes—deviations from expected or already known results—in order to learn. Singular events or crises are thus not exceptions, but rather opportunities to improve: they feed the algorithm. Deviations are encouraged, rather than discouraged; deviant decoding makes better encoding possible. Constant participation grounds surveillance. The erasure of the separation between reading and writing—reading as a writerly process—has not liberated, but rather domesticated.<sup>29</sup>

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<sup>26</sup> Chun, “Big Data as Drama,” 367.

<sup>27</sup> Ibid., 366, emphasis in original.

<sup>28</sup> Ibid., 367.

<sup>29</sup> Ibid.



This phenomenon of divide, conquer, surveil, and control has led to not just what China scholar James Leibold terms “blogging alone,” a possible “democratic illusion” in the heavily policed online world of the People’s Republic of China.<sup>30</sup> As of 2011, Leibold writes, “the Sinophone internet is now the world’s largest cyber-community.”<sup>31</sup> And yet, this increase in Internet use in the People’s Republic of China has enabled only more state repression. Far from leading to an increase in freedom, the Internet has facilitated the perfection of Jeremy Bentham’s Panopticon.<sup>32</sup>

There is an even deeper reason for this. Barlow’s disembodied liberty, on closer inspection, turns out to be no liberty at all. Consider D. C. Schindler’s argument in his 2017 book *Freedom from Reality*.<sup>33</sup> Schindler presents a view of liberty here that is an inversion of the celebratory mode one finds in Jefferson, Barlow, and other praisers of liberal ideology. Schindler finds that modern liberty is “diabolical,” a word that has a great deal of significance for Schindler’s portrait of the world overall. Why liberty on the modern, ideological understanding should be diabolical has very much to do with Internet feudalism, Digital Maoism, and the general unfreedom of disembodied online interaction carried out in a spiral of ethical debt.

A very good place to start in comprehending Schindler’s argument is another book, one Schindler quotes from in his own work. Speaking of “philosopher and mechanic” Matthew B. Crawford’s 2009 book *Shop Class as Soulcraft: An Inquiry into the Value of Work*, Schindler argues that

*genuine hands-on work connects* the worker, not only with the object worked on, but with a particular place, with a community, with the ideals that bring a community together, and, in short, with reality itself.... To say that such work *connects* one in all of these ways is to say it is *symbolical*, to conceive of freedom in real terms.<sup>34</sup>

What we must understand here is that there can be no symbolism, on the original Greek understanding, in the modern technical sphere. This is a devastating point for Barlow’s dreams of online freedom. Schindler continues:

It is crucial to see that the technological device, insofar as this detachment from the actual conditions and qualities of both man and nature is built into its essence, reveals itself to be diabolical in its very structure or inner logic.... A *technē* mediates

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<sup>30</sup> James Leibold, “Blogging Alone: China, the Internet, and the Democratic Illusion?” *Journal of Asian Studies* 70, no. 4 (November 2011): 1023.

<sup>31</sup> Ibid.

<sup>32</sup> See also Guobin Yang, “Technology and Its Contents: Issues in the Study of the Chinese Internet,” *Journal of Asian Studies* 70, no. 4 (November 2011): 1048.

<sup>33</sup> D. C. Schindler, *Freedom from Reality: The Diabolical Character of Modern Liberty* (Notre Dame, IN: University of Notre Dame Press, 2017).

<sup>34</sup> Quoted in *ibid.*, 247-48.

between man and nature in a manner that depends on their actuality, their real presence. Technology, by contrast, tends to stand alone, in relative independence, not as a *mediator* between an agent and a patient, but as a pseudoagent itself.<sup>35</sup> The typical emphasis on the essential ‘neutrality’ of technology only underscores this detachment and independence: it is *not actually* ordered to some reality, but in itself a potency with its own intelligibility separate from any possible such ordering.<sup>36</sup>

Internet feudalism, *mutatis mutandis*, is just this. It is not a “mediator,” it is a “pseudoagent itself,” a false actor that (not “who”—never “who”) isolates all others who (not “that”—never “that”) attempt to form any kind of “community” in the nonplace of the online antiworld.

It is for this reason that online we are never free. We cannot be free. We lose our humanity online, the moment we access any form of (anti)social (non)media and attempt to communicate with one another. A “pseudoagent,” an it that pretends to be a who, blocks us, and then claims to act in our name. As Schindler writes:

In this respect [that is, of the sheer potency of *technē*], the technological device is indifferent to any number of possible uses, some good, some—perhaps—bad. But... this relative indifference to ends, this separation and isolation of means, tends to make the means an end in itself.... We wish to set into relief the specifically diabolical character of this power.<sup>37</sup>

When the “means [is] an end in itself,” then we become means with it. The media is the message.<sup>38</sup> And there is no message at all. There cannot be. There are no human persons online, so there can be no communication whatsoever. It is a form of hell, a place where we can never be a we, where there is no community at all, no prospect for accessing the Logos in order to know the other as a fellow human being.

The hellishness is real. Ethical debt can have permanent consequences. Internet feudalism is not just physical bondage but potential eternal perdition. To wit, Schindler’s use of the word “diabolical” here is meant to be in contrast with “symbolical.” German philosopher Hans-Georg Gadamer’s

<sup>35</sup> This point is reinforced in Jacques Ellul, *Propaganda: The Formation of Men’s Attitudes*, trans. Konrad Kellen and Jean Lerner (New York: Random House, 1965), 102, and Edward Bernays, *Propaganda* (New York, NY: Ig Publishing, 2005), 161–68.

<sup>36</sup> Schindler, *Freedom from Reality*, 248. See also Jerry Mander, *In the Absence of the Sacred: The Failure of Technology and the Survival of the Indian Nations* (New York: Random House, 1991), cited in Stephen L. Talbott, *The Future Does Not Compute: Transcending the Machines in Our Midst* (Sebastopol, CA: O’Reilly & Associates, Inc., 1995), 57.

<sup>37</sup> Schindler, *Freedom from Reality*, 248–49.

<sup>38</sup> Marshall McLuhan, *Understanding Media: The Extensions of Man* (New York: McGraw-Hill, 1964).

explication of symbols, Schindler explains, uses “*tesserae hospitales*, pieces of bone or pottery broken apart and distributed to members of a bond formed in an act of hospitality, able to be rejoined by those members or their descendants in a future act, which is both a remembrance of the original generosity and a new event itself.”<sup>39</sup> Borrowing from French philosopher Paul Ricoeur, Schindler then says that in the “symbolical,” the “‘premodern’ cosmos,”<sup>40</sup> “all things are tokens of the good that stands at the origin as first cause, and so all have a certain aptness for a fundamentally generous and generative unity.”<sup>41</sup>

However, over and against this symbolism (and recall here that the Eucharist is also a symbol in this deeply generous sense, a means by which God will know us through the body, blood, soul, and divinity of his only begotten Son), stands the diabolical, the divisive or set-at-odds.<sup>42</sup> There are six criteria to the diabolical:

- (1) The diabolical presents a deceptive image that substitutes for reality.
- (2) It is characterized by an essential negativity.
- (3) It renders appearance more decisive than reality, and indeed, better than reality according to the measure of convenience and efficiency.
- (4) It has a supraindividual dimension that is nevertheless impersonal: that is, it tends to take the form of an essentially self-referential system.<sup>43</sup>
- (5) It is “soulless” in the sense of lacking an animating principle of unity.
- (6) It is essentially self-destructive.<sup>44</sup>

In light of these criteria, and of Schindler’s discussion of the nonmediating, antipersonal quality of technology, one rereads Barlow’s 1996 manifesto with a considerably enhanced degree of skepticism, if not outright misgiving and fear.

*Étienne Gilson’s Methodical Realism: A Response.* In his 1935 book *La réalisme méthodique*, French realist philosopher Étienne Gilson writes, under the heading “The Thomistic Method,” that “[t]he scholastics,” said Spinoza,

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<sup>39</sup> Schindler, *Freedom from Reality*, 7.

<sup>40</sup> See also “Before and After the Scientific Revolution,” in *A Barfield Reader: Selections from the Writings of Owen Barfield*, ed. G. B. Tennyson (Hanover, NH: Wesleyan University Press, 1999), 103-06.

<sup>41</sup> Schindler, *Freedom from Reality*, 7.

<sup>42</sup> Ibid.

<sup>43</sup> Cf. Douglas Hofstadter, *I Am a Strange Loop* (New York: Basic Books, 2007).

<sup>44</sup> Schindler, *Freedom from Reality*, 7.

‘start from things; Descartes from thought; I start from God’.”<sup>45</sup> “He could not have said anything more true,” Gilson continues.

Between the Christian God and things there is a metaphysical fissure, separating the necessary from the contingent. The world exists only by a free ordinance of God; consequently, it cannot be deduced from God. In fact, it is the opposite that is true, which shows how impossible the thing is. Not only can one not deduce the existence of the world from the existence of God but, equally, because we are ourselves part of the world, our knowledge comes up against the same metaphysical breach as our being.<sup>46</sup> The human mind cannot have God as its natural and proper object. As a creature, it is directly proportioned only to created being, so much so that instead of being able to deduce the existence of things from God, it must, on the contrary, of necessity rest on things in order to ascend to God.<sup>47</sup>

“Created being” means, for humans, being in the body, the life we live with our minds working from the fleshly organs of sight, touch, and so forth. There is no other way for us to be in this world. To put it bluntly, we are either ensouled meat, or we are not humans at all.

There is, therefore, profound wisdom in this short observation of Ludwig Wittgenstein: “I am as a rule recognized by the appearance of my body.”<sup>48</sup> Although Wittgenstein may not have recognized it as such, his short statement points to a much deeper truth about the human body, one with profound ramifications for the human person and how we are to live in the world. As Jesuit and philosopher James B. Reichmann observes:

Although the human is born with a mental power for obtaining limitless knowledge, still human behavior is limited. This limitation derives, however, not from the mind so much as from the conditions of the human body and the material conditions of that which is known. Put another way, the constraints of time and space and the physical laws of nature profoundly affect the manner in which the human acquires the knowledge he needs to lead a human life.<sup>49</sup>

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<sup>45</sup> Étienne Gilson, *Methodical Realism: A Handbook for Beginning Realists*, trans. Philip Trower (San Francisco: Ignatius Press, 1990), 52.

<sup>46</sup> Cf. Gen 1:26, “Let us make man to our image and likeness,” and 1 John 3:2, “When He shall appear we shall be like to Him,” cited by St. Thomas Aquinas in *Summa Theologiae* I, q. 4, a. 3, referenced in Erich Przywara, *Analogia Entis: Metaphysics: Original Structure and Universal Rhythm*, trans. John R. Betz and David Bentley Hart (Grand Rapids, MI: William B. Eerdmans, 2014), 41.

<sup>47</sup> Gilson, *Methodical Realism*, 52-53.

<sup>48</sup> *The Wittgenstein Reader*, ed. Anthony Kenny (Oxford: Blackwell Publishers, 1994), 191.

<sup>49</sup> James B. Reichmann, S.J., *Philosophy of the Human Person* (Chicago: Loyola Press, 1985), 94.

There is simply no way around life in the body. Barlow's putative freedom is no freedom at all, because it entails, necessarily, the loss of our humanity as its price.

One can go further and say that it is the body that is the original Internet, the original cyberspace where we are able fully to be free. Barlow need not have sought the denatured freedom of pin-balling electrons and interlaced binary code. He could have had freedom—he did have freedom—in the body God gave him. Fr. Reichmann continues:

To this end the body can be seen... to mirror in a spectacular way the limitlessness of the human intellect; for lacking a specialized structure itself, it stands ready to respond to the myriad demands placed upon it by the human mind. Thus the human body, after its own fashion, shares in the universality of the human mind and is able in a truly remarkable way to complement and even to share in the intellectual activity of the human knower.<sup>50</sup>

Even more important is that the body is a mark of the soul's individuality.

The soul has its existence only from the moment it actually informs a body and becomes individualized by it at the very moment of its union.... Since individuality is ineradicably communicated to soul by this particular body, it is ordered to this body alone and thus is permanently coded to 'reject' union with all other bodies.<sup>51</sup>

This means that "the individuality of the human person lies on the side of the body and its material characteristics."<sup>52</sup>

The "methodical realism" of Étienne Gilson is precisely the embodied life we live as human beings. There can be no substitute for this life. There can be nothing but "ethical debt," that is structural and ineluctable sin, in the attempt to escape it.

### 3. Internet Feudalism and Ethical Debt

Internet feudalism, as conceived by the editors of WIRED and defined in the introduction above, describes the vassalization of those of us who use the Internet (meaning, as of April 2022, some 63 percent of the world's population).<sup>53</sup> Almost everyone online serves a tech lord—often a gigantic conglomerate such as Google or Amazon or Facebook—in a way

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<sup>50</sup> Ibid.

<sup>51</sup> Ibid., 254. See also D. Q. McInerney, *Philosophical Psychology* (Elmhurst Township, PA: The Priestly Fraternity of St. Peter, 2016), 308-09.

<sup>52</sup> Reichmann, *Philosophy of the Human Person*, 253.

<sup>53</sup> "Global digital population as of April 2022," Statista, <https://www.statista.com/statistics/617136/digital-population-worldwide/> (last accessed August 20, 2022).

that is aptly characterized as “feudal.”<sup>54</sup> There are very few “freeholds” in cyberspace. There are almost no unvassaled “netizens.” Contrary to John Perry Barlow’s early and exuberant declaration of independence, the Internet has proven to be the most powerful method ever discovered for throttling information exchange and thereby restricting, if not eliminating, even basic constitutional rights such as freedom of expression, assembly, and worship.

One of the ways this happens is through the centralized control of cyberspace that the Internet “lords” have amassed. This has been done in a most insidious way. Harvard Business School professor emerita Shoshana Zuboff writes in *The Age of Surveillance Capitalism*, for instance, of Google’s plan to capture the world’s data and use it to engineer human desires. By extracting “behavioral surplus” and establishing a hidden but ubiquitous surveillance regime, Google, writes Zuboff, was largely realizing the premise of Harvard psychologist Burrhus Frederic (“B.F.”) Skinner’s *The Behavior of Organisms* (1938), *Walden Two* (1948), *Beyond Freedom and Dignity* (1974), and other works, namely, to replicate German-born American psychology scholar Max Friedrich Meyer’s and German physicist Max Planck’s “caution” that “freedom is merely ignorance waiting to be conquered.”<sup>55</sup> The Internet “lords” do not wish our freedom. In fact, they could not be “lords” if we were free. The feudalization of the Internet is not just a structural feature. It is also willed by social engineers conducting mass experiments on more than half of humanity without our permission or even our awareness.

Another method of control is via what has come to be called the “online mob” or the “Twitter mob.” As Michael Rectenwald lays out in his 2019 book *Google Archipelago*, these online mobs are functions of Jared Lanier’s Digital Maoism.<sup>56</sup> These online mobs are not unfortunate byproducts of the “Google Archipelago” but are factored in to how the “hive mind” of the Internet operates.<sup>57</sup> From heedlessness to mindlessness, social engineering to antisocial online hooliganism, the Internet is inherently hostile to human freedom or flourishing. It is, to repeat my assertion, a vision of hell.

The portrait of the Internet that emerges is therefore of a feudalism that is much more pernicious than any serfdom of the Middle Ages. Serfs under landed feudalism were, it is true, tied to manors and often incapable of working their way out of their rooted servitude. But however the system of

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<sup>54</sup> See Thomas E. Kadri, “Digital Gatekeepers,” *Texas Law Review* 99, no. 5 (2021): 951.

<sup>55</sup> Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (New York: Public Affairs, 2019), 87, 91, 366.

<sup>56</sup> Michael Rectenwald, *Google Archipelago: The Digital Gulag and the Simulation of Freedom* (Nashville, TN: New English Review Press, 2019), 76-77.

<sup>57</sup> *Ibid.*, 89-92.

landed feudalism was arranged or justified, the work that the serfs under that system performed was not inherently immoral. There is nothing deleterious to the human soul about working on a farm. Naturally, those who benefitted from serf labor, especially if one accepts that that labor was exploited, were in a much more perilous moral position. But there was no sin on the part of those at the bottom of the hierarchy. They retained their personal integrity.

Those vassalized under Internet feudalism, by contrast, participate in a nefarious and often antipersonal, even evil, arrangement. Almost any participation in the Internet comes with serious ethical and moral risk. I say “almost,” because I do not view the Internet as a gravity field which draws everyone in equally. It is possible to use the Internet to access papers and books, for example, or to send and receive e-mails and even phone calls. The mere fact that something is done on a screen does not make that action bad (or good). It is not the exchange of information that I find productive of ethical debt. What I mean by “the Internet” is not the use of wires to find scholarship or to make contact with other human beings. What I mean here is the surrender of the soul to the logic of the Internet, to the disembodied rationale that is said to be conducive to freedom but is in reality destructive of it. There is a qualitative, even ontological, difference between Google Scholar and Google Meet. There is a universe—more—of difference between Proquest and Facebook. When we download information, we merely download information. But when we upload our selves into cyberspace, when we come to believe that we are actually living our life, or part of our life, online, then we are in the ethical debt spiral. There is no way not to be dehumanized under such conditions.

Some have proposed that merely using the Internet in a different way can stave off the worst excesses of Google and other would-be masters of the online world. George Gilder, for example, writes in his engaging 2018 book *Life after Google* that blockchain technology has the potential to “restore a centrifugal internet.”<sup>58</sup> In part, Gilder looks to the “unbundling” of the traditional roles of money as a way to, in turn, help unbundle “the increasing agglomerations of economic power.”<sup>59</sup> However, there seems to be little prospect for what Gilder envisions. As Gilder admits, Google and other Internet powerhouses have strong relationships with states. It is well known, for example, that Google helped the Chinese Communist Party design a search engine (Dragonfly) tailored to that party’s desire to restrict the flow of information to the Chinese people, thereby shoring up central government power. In this same vein, Kai-fu Lee’s 2018 book *AI Superpowers* also does

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<sup>58</sup> George Gilder, *Life after Google: The Fall of Big Data and the Rise of the Blockchain Economy* (Washington, DC: Regnery Gateway, 2018), 171.

<sup>59</sup> *Ibid.*, 259.

not inspire much confidence that a truly “centrifugal internet,” such as Gilder seeks, will be possible.<sup>60</sup> States will always capture nonpersonal, antipersonal technology and use it to subjugate human persons ever more inhumanly.

The “substitutability principle” may be helpful here in thinking through why the Internet is always likely to congeal into a strong centralized node of control. The substitutability principle is a concept from the field of global governance and is used, as political scientist Daniel W. Drezner writes, to understand the effect of globalization in that area.<sup>61</sup> “States,” Drezner argues:

can and will substitute different governance structures, and different policy tools to create those structures, depending on the constellation of state interests. Great-power options include delegating regime management to nonstate actors, creating international regimes with strong enforcement capabilities, generating competing regimes to protect material interests, and tolerating the absence of effective cooperation because of divergent state preferences.<sup>62</sup>

Drezner posits that states will remain the key players in even a globalized regime—which, indeed, they are.<sup>63</sup> But even a globalized world government transcendent of states would probably have at least as much power to restrict freedom—possibly much more.<sup>64</sup> In 2013, then CIA director Michael Hayden said publicly that, post-9/11, the CIA “could be fairly charged with the militarization of the world wide web.”<sup>65</sup> Hayden likely doesn’t know the half of it.<sup>66</sup> Even those who argue putatively in favor of freedom and against government tyranny advocate using the government to control government overreach.<sup>67</sup>

The Internet itself is also a domain that the Internet is used to police. This antimeta, self-referential flatness seems also to preclude any Barlovian “freedom” in cyberspace. “A whole industry now tracks global threats against

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<sup>60</sup> Kai-fu Lee, *AI Superpowers: China, Silicon Valley, and the New World Order* (Boston: Houghton Mifflin Harcourt, 2018).

<sup>61</sup> Daniel W. Drezner, “The Global Governance of the Internet: Bringing the State Back In,” *Political Science Quarterly* 119, no. 3 (Fall 2004): 478.

<sup>62</sup> Ibid.

<sup>63</sup> But see Cosmina Moghior, “European Digital Sovereignty: An Analysis of Authority Delegation,” *Romanian Journal of European Affairs* 22, no. 1 (June 2022).

<sup>64</sup> Jason Morgan, “Can Government Solve Inequality?” *New Oxford Review* 88, no. 10 (December 2021): 38-44.

<sup>65</sup> Zuboff, *The Age of Surveillance Capitalism*, 114.

<sup>66</sup> Jason Morgan, “Book Review: War and Anthropology: A Review of David Price’s *Anthropological Intelligence* (Duke, 2008), *Weaponizing Anthropology* (AK Press, 2011), and *Cold War Anthropology* (Duke, 2016),” *Mankind Quarterly* 61, no. 4 (June 2021).

<sup>67</sup> Bill Gertz, *iWar: War and Peace in the Information Age* (New York: Threshold Editions, 2017), 313-54.



the internet,” writes communication studies scholar Fenwick McKelvey.<sup>68</sup> “Arbor Networks, a network security and monitoring firm, runs the Active Threat Level Analysis System (ATLAS) initiative. ATLAS provides real-time threat monitoring by aggregating data generated from more than 330 installations of its equipment by ISPs.”<sup>69</sup> This kind of scale-up metagovernance could conceivably go on forever, empowering governments (national and world) beyond any attempts by nonstate forces to rein them in.

This condition of mind-heaviness or mind-preference, leading to not freedom but repression, has been studied at length. In a 2020 RAND Corporation study, for example, David Ronfeldt and John Arquilla posit the “noosphere” as related to “noopolitik,” and find for it a lineage tracing through, for instance, Pierre Teilhard de Chardin.<sup>70</sup> It was John Perry Barlow himself, Ronfeldt and Arquilla note, who argued in 1998 that “the point of all evolution to this stage is to create a collective organism of mind. With cyberspace, we are essentially hardwiring the noosphere.”<sup>71</sup> This would seem directly to contradict the freewheeling noncommunity of ultralibertarian, disembodied individuals that Barlow had romantically conjured just two years prior in his rousing manifesto.

The tendency for disembodied mind to collectivize both itself and all else has been noted elsewhere. In 2009, Ronfeldt and Arquilla note, *WIRED* co-founder Kevin Kelly

predicted an ‘emerging global superorganism’ he called the *technium*—‘the area where we have the maximum machine connection and maximum human connection’—and he said it will engulf the noosphere[, producing . . .] ‘the vigorous hybrid of both all human minds and all artificial minds linked together. It is the pan-mind. At this juncture the nodes are anything that generates a signal—either humans or machines’.<sup>72</sup>

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<sup>68</sup> Fenwick McKelvey, *Internet Daemons: Digital Communications Possessed* (Minneapolis: University of Minnesota Press, 2018), 98.

<sup>69</sup> Ibid.

<sup>70</sup> David Ronfeldt and John Arquilla, “Propagation of the Noosphere Concept in Recent Decades,” *Whose Story Wins: Rise of the Noosphere, Noopolitik, and Information-Age Statecraft* (RAND Corporation, 2020), 13. See also John Arquilla and David Ronfeldt, “Recognition of the Noosphere,” in John Arquilla, David Ronfeldt, Dionne Barne-Proby, Elizabeth Williams, and John Christian, *The Emergence of Noopolitik: Toward an American Information Strategy* (RAND Corporation, 1995), 14–15.

<sup>71</sup> Ronfeldt and Arquilla, “Propagation of the Noosphere Concept in Recent Decades,” 14.

<sup>72</sup> Ibid., 14–15.

This is a concept that was envisioned by H. G. Wells, as Kelly notes, but the Internet itself now appears to be moving it to the sphere of reality. “In response to the 2010 Annual Question [posed by Edge.org]—‘How Is the Internet Changing the Way You Think?’” Ronfeldt and Arquilla write,

psychologist Mihaly Csikszentmihalyi replied, ‘The development of cooperative sites ranging from Wikipedia to open-source software... makes the thought process similar to what Teilhard de Chardin anticipated over half a century ago as the “Noösphere,” or a global consciousness that he saw as the next step in human evolution’.<sup>73</sup>

The disembodied, the spirit of the Internet which is the antithesis of the human spirit, drives us from our bodies and into a “hive mind” that collectivizes at a seemingly ever-increasing pace.

This inescapable and unstoppable collectivization is directly and ineluctably the result of having surrendered our bodies and migrated our experiences to the Internet. “The unmooring of mind from body has left people adrift,” writes feminist author Josephine Bartosch, speaking in the context of Barlow’s 1996 declaration, “navigating a turbulent world without the reassuring markers humans evolved to recognise.”<sup>74</sup> This can have devastating consequences, Bartosch notes. Some examples include, I argue, gender ideology, extreme plastic surgery, and the widespread, arguably pandemic, proliferation of pornography, which is filmed sexual abuse and monetized sexual exploitation. Along these lines, Bartosch describes a woman who turned to Internet pornography to pay for her drug addiction. Such stories are surprisingly common.<sup>75</sup> As Bartosch writes, echoing the arguments of D. C. Schindler presented above:

Technology is not neutral. It is an industry where the libertarian views of Silicon Valley’s founding fathers meets [sic] with the commercial imperative. The result is a space where sexual freedom of men is paid for by women’s bodies.... From selfies to sexting, the mobile phone has reduced too many women’s online experience[s] to a sexualised performance for an online audience.<sup>76</sup>

Technology is, indeed, not neutral. It is laden with ethical debt. It is, in the online variety, a system for multiplying that debt and for trapping human

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<sup>73</sup> Ibid., 15. See also William Westerman, “Epistemology, the Sociology of Knowledge, and the Wikipedia Userbox Controversy,” in *Folklore and the Internet: Vernacular Expression in a Digital World*, ed. Trevor J. Blank (Logan, UT: Utah State University Press, 2009), 123–58.

<sup>74</sup> Josephine Bartosch, “Phil’s Stock World: The Dehumanizing Danger of Social Media,” ZeroHedge (December 12, 2020).

<sup>75</sup> Jason Morgan, “Sex Dolls and Pandemic Loneliness,” Human Life Review Blog, August 21, 2018 (last accessed August 20, 2022).

<sup>76</sup> Josephine Bartosch, “Phil’s Stock World” (December 12, 2020).

souls in that debilitating dharma. The only solution is to switch off, to refuse to go online in any personality-uploading capacity at all.

And Bartosch—and I—are not alone in sensing that all is not well online. Jaron Lanier has continued to advocate for basing one's life in lived, physical reality, such as in his 2011 book *You Are Not a Gadget: A Manifesto*.<sup>77</sup> “Jaron Lanier,” writes Ron Rosenbaum, “was one of the creators of our current digital reality and now he wants to subvert the ‘hive mind,’ as the web world’s been called, before it engulfs us all, destroys political discourse, economic stability, the dignity of personhood and leads to ‘social catastrophe’.”<sup>78</sup> Lanier’s warnings are well taken and welcome. But correctives such as these, animated by a strong sense of moral imperative as they surely are, seem more remote now than ever. Media and communication scholar Michael Buoziš argues, speaking of John Perry Barlow, that

his vision of an Internet that would liberate its users from the prisons of the body and of their identities was based in the same ahistorical sense of privilege that enabled him, and other cyberlibertarians, to ignore the ways in which the Internet would be used to reiterate the structures of power that grant freedom to some and perpetuate oppression for others.<sup>79</sup>

Buoziš’s point about “privilege” probably connotes that Barlow’s race and sex gave him special wherewithal to presume that freedom on his terms would and should be freedom for all. The complexity of the issue and the aptness of the caution Buoziš raises is exemplified by news that, in 2016, it was reported that Amazon Prime wrote Black neighborhoods out of its service compass in major cities across the United States.<sup>80</sup> In an age of seemingly increasing racial tensions, perhaps embodiment, and not further disembodiment, can be an answer to our social ills.

But there is another kind of “privilege” at work—the privilege of having a body. This “ahistorical” privilege will, does, give us the matrix for our human freedom, if only we choose to avail ourselves of it.

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<sup>77</sup> Jessamyn West, “Toward a Human-Centric Internet,” *Library Journal* 135, no. 2 (February 1, 2010).

<sup>78</sup> Ron Rosenbaum, “The Spy Who Came In from the Cold 2.0,” *Smithsonian* 43, no. 9 (January 2013): 24.

<sup>79</sup> Michael Buoziš, “Making Common Sense of Cyberlibertarian Ideology: The Journalistic Consecration of John Perry Barlow,” Muhlenberg College Special Collections and Archives (n.d.), 4.

<sup>80</sup> Anon Collective, “Where Do the Data Live? Anonymity and Neighborhood Networks,” in *Anon Collective, Book of Anonymity* (Santa Barbara, CA: Punctum Books, 2020), 226.

#### 4. An Alternative: Embodied Freedom through Strong Interpersonal Bond

It is the embodied other we seek. Online, not finding him or her, and losing also ourselves, we wither—we are, online, already unhuman, already sinning, already dead. Learning to see the other means, almost axiomatically at this point, getting off the Internet and going outside to meet other embodied human beings. Nothing else will do. Even “name registration” and other methods to stymie the seemingly default mode of anonymity online will merely shift the problem from one nonplace on the Internet to another.<sup>81</sup> These strategies simply assume that more storage and platforms will solve the problem of Internet feudalism.<sup>82</sup> But this is a category error. Without bodies and a life lived in them, we are doomed to perdition in cyberspace.

One clue as to how a world of true freedom in our bodies can be realized comes from rural Japan. From 2016 to 2022, Nihon Zaidan and the prefectural government of Tottori (located in the southwest of Japan, on the Sea of Japan side of the main island of Honshu) collaborated on a project called “Everyone Working Together to Make Tottori Prefecture the Best Place to Live in Japan” (*Minna de tsukuru ‘kurashi Nihon ichi’ no Tottori-ken*).<sup>83</sup> Tottori might be seen as an unlikely place to “work together,” given that it is the least populated and, arguably, most rural Japanese prefecture. Tottori Prefecture’s governor made a lighthearted comment about his home prefecture when he stated in 2014, truthfully, that “Tottori Prefecture doesn’t have a Starbucks, but we do have sand dunes.”<sup>84</sup> This line includes a play on words in Japanese, but for many urbanites it is no joke. For many big-city dwellers in Japan, the mere mention of “Tottori” conjures up images of unimaginable isolation and deprivation. No Starbucks? However, what seems even more unbearable than to have no easy access to lattes is to be faced with the embodied other, to have what in Japanese are called “kizuna” (絆) or person-to-person bonds. The project in Tottori Prefecture aimed to foster just that, *kizuna*. Under the banner of what in Japanese is known as “machizukuri” (町作くり), or “building up a town” (a concept that includes at least as much a focus on the building-up of interpersonal relationships as it does on the physical building of structures and infrastructure), project leaders set about humanizing places that had been dying due to population drain and overall neglect.

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<sup>81</sup> Tai Liu, Jay Chen, Zain Tariq, and Barath Raghavan, “The Barriers to Overthrowing Internet Feudalism.”

<sup>82</sup> Ibid.

<sup>83</sup> Kida Satoshi, *Minna de tsukuru ‘kurashi Nihon ichi’: ‘Tottori-ken x Nihon Zaidan kyōdō purojekuto’ kara manabu machizukuri no hinto* (Tokyo: Fusōsha Shinsho, 2022), 2.

<sup>84</sup> Ibid., 2-3.

Using the power of art, for example, project leaders created “new chemical reactions” in a boarded-up former commercial district.<sup>85</sup> Returning to what had once been the physical center of a withered town and humanizing it with physical artworks led to “new encounters” between formerly isolated people.<sup>86</sup> This encounter, this rehumanization, was the whole point—project leaders wanted to make a place where people could feel “safe and at home,” a place with place-ness where people’s “hearts and minds would be supported.”<sup>87</sup> And the connections are embodied. The body, the physical presence, is the basis of the initiative.

To that end, I think, one of the highlights of the project is the onsen (温泉), or hot spring, in the middle of one of the Tottori towns. A Japanese onsen is, as Kida Satoshi, the author of *Minna de tsukuru 'kurashi Nihon ichi'* states, a “luxury.”<sup>88</sup> It is indeed. Soaking in hot water after scrubbing the naked body squeaky clean in a plenitude of “o-yu” (お湯), watery warmth, is a luxury unlike any I have ever known. It is perhaps the simplest possible luxury. One needs only one’s body and a rocky hole in the earth filled with volcanically heated water. An onsen requires, theoretically, zero investment in resources, although of course soap and buckets come in very handy, as do towels and shampoo. But the emphasis on the created human form, the real luxuriating in it in its unadulterated givenness, is a psychological corrective, a healing gift. In a way that is utterly mysterious and beyond all words, steam calms the mind. One remembers that one is made of matter, that one is a body inside of a soul.

Made of matter, we must also have things to sustain us. One of the indignities of the Internet, and of other kinds of poverty, is not having the material sustenance that our bodies require. The Tottori project leaders wanted to overcome the “cratering” of planned subdivisions, caused by population loss, by creating gathering places for *kaimono nanmin* (買い物難民), “shopping refugees.” A “shopping refugee” is someone who lives in a place in Japan that, due to depopulation, has suffered the closure of shops and stores, making it difficult to buy basic necessities. But the gathering places in Tottori did more than just provide places to buy goods. The gathering places are not so much to shop as to meet friends.<sup>89</sup> This is not just any kind of gathering place but somewhere where, as Kida writes, people are “o-sekkai” (お節介) or “busybodies,” “those who are nosy about other people’s

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<sup>85</sup> Ibid., 41.

<sup>86</sup> Ibid., 50.

<sup>87</sup> Ibid., 53, 60.

<sup>88</sup> Ibid., 82.

<sup>89</sup> Ibid., 124-30.

affairs.”<sup>90</sup> What Kida wants is what he calls “koi kizuna” (濃い絆), “thick human bonds.”<sup>91</sup> And the only way to have these is to be in the body together, in the same place, sharing the same world. Shopping is not the objective of the new gathering places. Shopping is a side activity to meeting the other, to knowing the other in his or her physical createdness.

An added bonus to all of this is that the “thick human bonds” and presence of so many “busybodies” creates a shared world that seems naturally pro-life. One of the sponsors, Nihon Zaidan, made a point to welcome everyone, regardless of age or physical or mental ability. The handicapped were welcomed as equals, as assets and friends.<sup>92</sup> The art created to enliven the boarded-up commercial center was made by those with various disabilities.<sup>93</sup> I myself have witnessed this phenomenon in Japan. Over the past few years, I have been able to interview on a couple of occasions a remarkable artist named Kanazawa Shōko. She is a world-famous calligrapher who keeps a studio in a Tokyo suburb and has had exhibitions at some of the biggest galleries and most prestigious temples in Japan. She has traveled around the world promoting her art. Ms. Kanazawa also has Down syndrome. Her mother told me that the area where they used to live was becoming a “shatta-gai” (シャッター街), the Japanese term for a boarded-up (“shuttered”) shopping district. But Shōko changed that. She would go sit in cafes and just talk to people, her mother says. She would wander into shops and chit-chat with the owners. Her area is blossoming now. I call it the “Shōko Effect.”<sup>94</sup> The calligrapher’s art is embodied. It is splashed with ink, smudged with vermilion putty, misted with perspiration, bedeviled by torn paper and ruined tabi socks. Shōko, in her art and life, reminds us that we are alive now, here, in this body and in this place. It is a joy to know this, to remember something that so many of us forgot and did not even know we once had.

## 5. Conclusion

The Internet is a place where all are predator and prey. It is an inhuman world, a Jurassic Park of cyber-retrogression. We don’t find avatars online, but atavism. In Tottori, by contrast, “people are unfailingly kind to the weak.”<sup>95</sup> Human beings live in one another’s company and, more important,

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<sup>90</sup> Ibid., 194.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid., 32-37, 178.

<sup>93</sup> Ibid., 40-44.

<sup>94</sup> Jason Morgan, “Shoko Kanazawa: A Down Syndrome Child’s Long Road to the Light,” JAPAN Forward (January 4, 2018), <https://japan-forward.com/shoko-kanazawa-a-down-syndrome-childs-long-road-to-the-light/> (last accessed August 21, 2022).

<sup>95</sup> Ibid., 19.

live with one another, learn to put up with one another and even treasure one another as gifts. Amazingly, in an embodied world families grow. Husbands and wives have children, and more children. Children run in the fields and catch minnows in streams. The land is freehold. And those who don't own land can rely on the kindness of friends.

This suggests that there is something untrue, even unattainable, about John Perry Barlow's 1996 paean to online freedom. To my mind, "online freedom" is an oxymoron, a contradiction in terms. There is no freedom online. There is only disembodiment, which leaves us vulnerable to Internet feudalism, an unfreedom such as no tyrant before the digital age was ever able to achieve.

The remedy to this, to Internet feudalism, and to the ethical debt that accumulates from our participating in a dehumanizing, unhuman, inhuman nonworld, is to unplug, to live life in the body instead of online. There is no virtue in the virtual world. There is no world there at all.<sup>96</sup>

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<sup>96</sup> I thank Deacon Stephen Frezza (PhD, PSEM), Matthew D'Antuono, Dr. James Wessel, and everyone at the SW/Cyber Engineering Ethics Conference (SWEEC) "Virtue in a Virtual World" project for their patience and guidance over the course of my involvement with the initiative. I also thank my friend Mark Ramseyer for reading a draft of this essay and providing many helpful comments. All errors and interpretations herein are my own.

# Catholic Social Thought as Critique of Ideology

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**ABSTRACT:** Catholic social thought has often developed a critique of ambient ideologies it considers erroneous and dangerous for the Church and the common good. The decades of the 1970s witnessed a combative version of this ideological critique. Paul VI warned of the dangers of Marxism and neoliberalism as twin manifestations of materialism. The Dominican theologian Chenu warned that Catholic social thought itself had often veered into sectarian ideology.

**D**URING THE 1970s, ideology emerged as a principal concern among both practitioners and critics of Catholic social thought. In this paper I will analyze the critique of ideology developed by two prominent Catholic authors during the decade.

The first is Pope Paul VI. In *Octagesima adveniens* (1971), an apostolic letter to Cardinal Maurice Roy commemorating the eightieth anniversary of *Rerum novarum*, Paul VI criticized Marxism and neoliberalism as ideological temptations for contemporary Christians committed to social justice.<sup>1</sup>

The second is the French Dominican theologian Marie-Dominique Chenu. In his essay *The Social Doctrine of the Church as Ideology* (1979), Chenu criticizes Catholic social thought as its own species of ideology inasmuch as it attempted, especially in its early phases, to create a sectarian society where the Church would refind the social power and prestige it had lost in the secularizing battles of modernity.<sup>2</sup>

The two documents are not unrelated to each other. If Chenu criticizes Catholic social thought for its alleged hegemonic strategy of recreating

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<sup>1</sup> See Pope Paul VI, *Octagesima adveniens*, [https://www.vatican.va/content/paul-vi/en/apost\\_letters/documents/hf\\_p-vi\\_apl\\_19710514\\_octogesima-adveniens.html](https://www.vatican.va/content/paul-vi/en/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens.html). Hereafter cited as *OA*.

<sup>2</sup> See Marie-Dominique Chenu, *La doctrine sociale de l'Église comme idéologie* (Paris: Cerf, 1979). Hereafter cited as *DSE*. Translations from the French original are by the author of this article.



Christendom, he praises *Octagesima adveniens* for its more inductive and contextual approach to questions of social justice.

*Paul VI, Marxism, and Liberalism*

Paul VI does not provide a definition of ideology in *Octagesima adveniens*. But he does develop a critique of two particular ideologies: Marxism and liberalism. (Liberalism here is to be understood as the Continental version, with its emphasis on individual rights, free enterprise, and free trade.) The focus on these two particular ideologies is shaped by the pope's pastoral concern that contemporary Christians would be tempted by ideologies incompatible with the Christian faith and thus join political movements destructive of basic moral principles. The era's ecclesiastical controversies over emergent liberation theology and the divisions within Catholic Action are never far from the surface of the apostolic letter.<sup>3</sup>

Both Marxism and liberalism are unacceptable for Christians because both ideologies contradict the Christian faith and the concept of human nature embedded within that faith. Paul VI identifies the errors of Marxism that make it unbaptizable by Christians: "The Christian cannot adhere to Marxist ideology, to its atheistic materialism, to its dialectic of violence and to the way it absorbs individual freedom in the collectivity, at the same time denying all transcendence to man and his personal and collective history."<sup>4</sup> The Pauline censure of Marxism condemns it on multiple levels: the metaphysical (for its materialism), the theological (for its atheism), the ethical (for its cult of revolutionary violence), and the political (for its denial of individual freedom with its attendant civil liberties). Most emphatically, it condemns Marxism for its false anthropology. The denial of human transcendence grounds the totalitarian politics that springs from the Marxist matrix.

Paul VI also condemns the errors found in neoliberal ideology:

Nor can the Christian adhere to the liberal ideology which believes it exalts individual freedom by withdrawing every limitation from it, by stimulating it through exclusive seeking of interest and power, and by considering social solidarities as more or less automatic consequences of individual initiatives, not as an aim and a major criterion of the value of the social organization.<sup>5</sup>

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<sup>3</sup> For a representative anthology of Latin American liberation theologians, see Alfred T. Hennelly, *Liberation Theology: A Documentary History* (Maryknoll, NY: Orbis books, 1990). For an ecclesiastical critique of liberation theology, see Congregation for the Doctrine of the Faith, *Instruction on Certain Aspects of Liberation Theology* (1984), [https://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19840806\\_theology-liberation\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_en.html).

<sup>4</sup> *OA*, 26.

<sup>5</sup> *Ibid.*

Admittedly, this censure of liberalism is murkier than the earlier censure of Marxism. But it does suggest that liberalism errs in exaggerating the value and extent of individual freedom, that it exaggerates the political value of economic self-interest, that it fails to grasp the common good as the telos of political society, and that it fails to perceive how deeply rooted in human nature are such social entities as the family. Pope Paul also seems to suggest that the unbridled individual liberty championed by some liberal ideologies ignores the constraints and asceticism necessary to live virtuously in civil society.

While focusing on the seductive dangers of Marxist and liberal ideologies, Paul VI sketches several dangers of ideological thought in general. Ideological thought is often abstract and overly theoretical, dangerously divorced from historical reality. The pope writes, "Sometimes it leads political or social activity to be simply the application of an abstract, purely theoretical idea."<sup>6</sup> The terrors of Jacobin or Communist rule spring from an ahistorical model of ideal society that is then imposed upon an actual society through a violent eradication of the past. Paul VI devotes particular attention to the rebirth of utopian thought and experiments in the ferment of the late 1960s. He recognizes the positive value of such utopias inasmuch as social reform always springs from imagining a better future for a given society. But he also recognizes the danger that dreams of the future can become ideological fantasies and divert one from one's immediate moral duties. "The appeal to a utopia is often a convenient excuse for those who wish to escape from concrete tasks in order to take refuge in an imaginary world. To live in a hypothetical future is a facile alibi for rejecting immediate responsibilities."<sup>7</sup>

Ideological thought also bears the danger of becoming instrumentalist. "It is thought which becomes a mere instrument at the service of activity as a simple means of a strategy."<sup>8</sup> In this context ideology loses the commitment to truth. Its claims of truth are simply tools to bring about the victory of the particular ideology's interests. Truth, as well as history, is ignored in the ideological exercise of power.

The gravest danger of ideological thought is a theological one. It can lead to idolatry, to substituting a social program or a political policy for God. The ideological creature dethrones the Creator: "The Christian faith is above and sometimes opposed to the ideologies, in that it recognizes God, who is transcendent and the Creator, and who, through all levels of creation, calls on man as endowed with responsibility and freedom."<sup>9</sup> Ideological thought closes the adherent to transcendence. A finite, fallible, and distorted social

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<sup>6</sup> *OA*, 27.

<sup>7</sup> *OA*, 37.

<sup>8</sup> *OA*, 27.

<sup>9</sup> *Ibid.*

vision is substituted for the living God. When ideological systems ground a violent and totalitarian political society, they become particularly dangerous and inimical to the Christian.

Paul VI recognizes that contemporary Christians rarely confront ideologies in a pure state. Soviet Communism, Italian Eurocommunism, and Tito's nonaligned, decentralized Communism are not identical. The radically individualistic liberalism of Ayn Rand is not the same as the reformist, welfare-state liberalism of John Kenneth Galbraith. Christians must practice a careful discernment of whether and to what extent they may participate in movements inspired by or shared with representatives of Marxist or liberal ideologies. The pope warns his readers that participation in ideologically fueled movements is often dangerously naïve. One cannot practice Marxist social analysis or pursue a just cause in a Marxist organization and maintain the proper distance from the ideology's atheism, materialism, violence, and totalitarian politics. The seductive power of ideology must be confronted and resisted.

While the term "ideology" is relatively recent in ecclesiastical documents, the critique of the ideologies of Marxism and liberalism has been central to the project of modern Catholic social thought from its inception. Leo XIII's *Rerum novarum*, the object of *Octagesima adveniens*'s commemoration, condemns both socialism and "the Manchester school" (the leading liberal free-enterprise, free-trade school of the time).<sup>10</sup> As an alternative, Pope Leo champions a neomedieval corporatist reform of society, grounded in the restoration of the vanished occupational guilds of the medieval town. As our next author will point out, Paul VI's alternative to the misguided utopias of the Marxist and liberal cities will not be a Christian utopia or a dream of restored Christendom.

### *Chenu and Catholic Ideology*

In *The Social Doctrine of the Church as Ideology*, Marie-Dominique Chenu criticizes modern Catholic social thought. (In Chenu's perspective, "Catholic social doctrine" is a more solemn and invasive version of Catholic social thought.) Chenu contends that from Leo XIII to John XXIII, the Church promoted a model of social organization that was highly ideological in nature. In this ideological program, truth claims concerning social justice and the plight of industrial workers enhance the power of the Church to direct civil society and to influence civil society through a network of confessional institutions under strict hierarchical control. The ideological character of this thought is also apparent in its deductive, ahistorical quality. Universal

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<sup>10</sup> See Leo XIII, *Rerum novarum* (1891), esp. 4 and 42, [https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf\\_l-xiii\\_enc\\_15051891\\_rerum-novarum.html](https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html).

abstract principles, enunciated by Church authority in a neoscholastic framework, are to be applied under ecclesiastical direction to resolves issues of injustice in industrial society.

*Rerum novarum*'s ideology appears in its efforts to reconstruct society along the lines of the medieval guilds. Leo XIII envisions confessional unions and other professional organizations as the ideal instrument for the organization of work in the industrial economy. Nonconfessional unions are to be avoided when possible.

The text on professional organizations provoked bitter controversies concerning confessional unions, considered by many to be a model of Christendom. They are opposed to a declericalization in which the defense of workers is organized on the workers' own terrain and on a neutral professional basis, thanks to which economic and social realities maintain their own autonomy, beyond moral and religious finalities.<sup>11</sup>

For Chenu, the unionization of workers serves as a locus for Church authorities to confessionalize the workers' movement under the control of the clergy and of the Church's social theories, rooted in neoscholastic philosophy. The autonomy of economic life and the freedom of Christian workers to collaborate with others on works of social reform is suppressed.

Pius XI's pontificate is especially representative of an ideological Catholic social doctrine. His encyclical *Quadragesimo anno* (1931) presented a detailed model of the corporatist economic institutions that the pope believed were the only possible antidote to the misery of the Depression. The Church would now provide the blueprint for the political-economic organization of all societies. Although earlier popes had condemned the emergence of confessional parties, prominent ecclesiastics now urged the creation of political parties rooted in Catholic social doctrine. "They sought through a Catholic party the restoration of a Christendom undermined by the secularization of society."<sup>12</sup> The political dream would be fulfilled in the postwar emergence of powerful Christian Democratic parties. If the Church could no longer expect most nations to recognize Catholicism as their state church—even though such recognition remained a political ideal according to the magisterium of the time—it could heavily influence civil society through a thick network of schools, hospitals, social welfare agencies—and now, confessional unions and political parties. Instituted in 1925, the Feast of Christ the King ritually celebrated "the social reign of Christ," in which the Church's claims of social hegemony would be proclaimed. For Chenu, Pius XI's use of concepts of social justice and solicitude for workers was clearly at the service of the aggrandizement of the Church's power to mold and minimize secular society.

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<sup>11</sup> *DSE*, 20-21.

<sup>12</sup> *DSE*, 28.

According to Chenu, the social teaching of the Church makes a radical change at Vatican II. *Gaudium et spes* (1965) makes only a passing reference to Catholic social doctrine. Its focus lies in reading the signs of the times and summoning the Church to discernment of patterns of justice and injustice in the world. Such an approach places a greater emphasis on history, on the social sciences, and on the role of the local church in discerning questions of justice in its own region. The sources of discernment would now be drawn from evangelical, biblical sources rather than the philosophical principles of natural law. The Church would now encourage her members to join with other people of good will in working for social reform rather than being cordoned off in sectarian parties, unions, and other groups. Inductive reasoning would replace the older deductive reasoning of the social thought of Leo XIII and Pius XI.

In this context Chenu praises *Octagesima adveniens* of Paul VI as a model of the more inductive, collaborative approach to social justice and the abandonment of the more ideological approach of earlier versions of modern Catholic social thought. Chenu writes:

[Paul VI] offers a declaration while, in continuity with social teaching, he reverses in fact the method used up to this point in this teaching. It is no longer 'social doctrine' taught in order to be applied to changing situations; rather, these changing situations themselves become a theological locus to engage in a discernment of the 'signs of the times.' It is an inductive, and no longer a deductive, method.<sup>13</sup>

Chenu further praises Paul VI for welcoming political pluralism, stressing the role of independent lay judgment, and admitting the incapacity of the Church to provide authoritative guidance on every social controversy. For Chenu, Paul VI's model of ethical-social discernment, with its attention to history and change, is far from the ideological models of a restored Christendom offered by his predecessors.

### *Conclusion*

What is to be drawn from this critique of ideology in the context of Catholic social thought? One easy conclusion would be that just as one person's cult is the other person's church, one person's ideology is another person's philosophy or political program. But both Paul VI and Chenu point to certain traits of ideological thought that distinguishes it from more realistic philosophies and political programs.

For both authors, ideology is a type of curdled idealism. The abstractions and ideals promoted by ideological programs are often distant from historical reality. Rather than reflecting reality, ideology attempts to force reality to conform to some abstract ideal of justice. When violence

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<sup>13</sup> *DSE*, 80.

accompanies this coercion, the extermination camp and the Gulag are not far off. This distorted idealism is also present in the ideologue's taste for deductive rather than inductive reasoning. Ideology employs an intellectual command economy where "what must be" according to the ideologue's scale of values is forced onto society. Empirical facts are to be ignored or discounted.

I think that Chenu is correct in his account of a humbler and more inductive model of social analysis in the postconciliar Church, illustrated by the "signs of the times" and discernment model used in *Octagesima adveniens*. But this more inductive approach contains its own perils to which Chenu does not allude.

The inductive approach risks reducing the Church to a type of *tabula rasa*. The Church is exhorted to observe and to listen to the signs of the times within a given society. The Church is summoned to make a prophetic critique of these signs, but the source of this critique is often thin. Chenu's praise of a social theology that abandons philosophical analysis in favor of biblical themes is an odd encomium from one of the twentieth century's eminent specialists in the thought of Thomas Aquinas. If some critics like Chenu praised this inductive version of Catholic social thought, other critics like Xavier Thévenot attacked its vagueness.<sup>14</sup> At best, the theological discernment of the signs of the times leads to a moralizing critique of emerging social movements within a given culture. At its worst, it simply baptizes or censures these movements according to one's political options or, ironically, one's ideology. The danger of reducing the Church to a social mirror emerges.

Such a humbled, inductive approach can lead to an impoverished version of Catholic social thought. If the Church offers only a critical reading of the signs of the times, it has no positive social vision of its own to offer its members or the broader society. Reviving the term Catholic social doctrine and using a more deductive version of it—according to his critics Charles Curran, Kenneth Himes, and Thomas Shannon—even John Paul II often opts for the more modest model of discerning the signs of the times.<sup>15</sup> In *Sollicitudo rei socialis* John Paul II argues that Catholic social doctrine is not

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<sup>14</sup> See Xavier Thévenot, *Morale fondamentale: Notes de cours* (Paris: Desclée De Brouwer, 2017), 150-52.

<sup>15</sup> See Charles E. Curran, Kenneth R. Himes, and Thomas A. Shannon, "Commentary on *Sollicitudo rei socialis*," in *Modern Catholic Social Thought*, 2<sup>nd</sup> ed., ed. Kenneth R. Himes (Washington, DC: Georgetown University Press, 2018), 429-49.

a third way between capitalism and socialism.<sup>16</sup> That claim would come as a surprise to earlier architects of Catholic social thought, such as the corporatists in France, the distributists in England, and the solidarists in Germany, who thought they were developing an economic alternative to capitalism and socialism.<sup>17</sup>

Despite the risks of ideology and nostalgia, the Church has a pressing duty to propose its own positive model of a just society. It can challenge the binary politics of American culture, which reduces society to a tug-of-war between the isolated, heroic individual and the centralized, bureaucratic state. Catholic social thought rightly draws our attention to the centrality of the family, and not the individual, as the cornerstone of the polis. It defends the transcendent origin and rights of the Church vis-a-vis the state. Through the principle of subsidiarity, it defends the integrity of a thousand intermediate bodies, which are neither the creatures of the state nor the creations of one person of genius. At its most robust, Catholic social thought offers an alternative and challenge to liberalism and socialism. It does not confine itself to criticism of their ideological illusions. Offering a critical theological commentary on the passing social parade is not sufficient.

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<sup>16</sup> See John Paul II, *Sollicitudo rei socialis*, 41, [https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_30121987\\_sollicitudo-rei-socialis.html](https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html).

<sup>17</sup> Led by François René de La Tour du Pin (1852-1924), the corporatists advocated for the creation of industry-wide “corporations” (unions) in which management and labor would negotiate salaries, benefits, and working conditions. The distributists advocated for the most widespread distribution of private property in society, with particular attention to the capacity of families to own their own homes. Prominent distributist theorists included G. K. Chesterton (1874-1936), Hilaire Belloc (1870-1953), and Vincent McNabb (1868-1943). Led by the Jesuit Heinrich Pesch (1854-1926), the solidarists defended an organicist theory of society, in which the state would coordinate various intermediate bodies in service of the common good.

IN MEMORIAM

Fr. Joseph Koterski, S.J. (1953-2021),  
Witness to Life

*John J. Conley, S.J.*

When Fr. Joe Koterski died suddenly in last August, many of his colleagues wrote tributes to his extraordinary service as a teacher, scholar, preacher, editor, and spiritual director. Everyone emphasized his immensely hard work and his incomparable generosity. Years ago I wrote the citation for Joe when he received the Teacher of the Year award at Fordham. I said, “He is the first to open his door at 7 AM and he is the last to close the door of his dorm room or office near midnight. No one is turned away.”

As we gather for our annual University Faculty for Life conference, I would like to give a tribute to Fr. Joe as a committed member of the pro-life movement and as a personal friend. He served us for decades as a board member of UFL and as the indefatigable editor of our *Life and Learning* series of scholarly papers.

I first met Fr. Joe in 1992, when he joined the Fordham Philosophy Department as an Assistant Professor. I had been a department member since 1988.

We quickly become good friends, often praying the divine office and the rosary together—and often forming alliances in the thousand battles we face in academe, especially in schools with a thinning Catholic identity.

As our friendship deepened, we shared how we had been called into the pro-life movement. Joe had moved into the movement by intellectual conviction, becoming an activist with the rescue movement during his graduate studies in St. Louis. My own pro-life convictions also matured by logical argument during my undergrad days, but I always think that the



deeper source of my pro-life convictions was my work as a counselor at a day camp for children with mental disabilities during my high school and college summers. The culture of death in the form of abortion, infanticide, or euthanasia always comes for people with disabilities first. At the end of a long day—Fr. Joe and I lived in the same residential college for freshmen at Fordham—we would often ask each other what we had done for “the great cause” that day. Between us, there was no need to translate the term “the great cause.”

We also discussed the price we had to pay as pro-life writers and activists before we entered the Jesuits. Joe had been involved with pro-life nonviolent civil disobedience in St. Louis. Several friends bitterly criticized him and withdrew their friendship over this. For Joe, it was especially painful to see the local Catholic bishop denounce the nonviolent protests. By nature, Joe was inclined to respect authority; this rejection by the bishop cut deeply. I shared with Joe my own experience as an undergrad journalist and editor at Penn. When I wrote my first article criticizing abortion, I faced an angrier opposition than anything I had experienced before. Two teachers I deeply admired expressed their astonishment that I could have written something so benighted and no longer spoke with me. A friend tipped me off that most of the other editors of the newspaper had met in private to discuss whether to dismiss me as editor-in-chief because of my article. The crisis passed, but I had tasted the disdain reserved for the pro-life advocate in the groves of academe.

As soon as Joe arrived at Fordham, he invited me to become a member of UFL. At first, I demurred. I told him that I found pro-life groups rather dull. He said, “UFL is really exciting. Wait ‘til you meet the Cassidys!” So, I attended my first UFL conference at Yale in 1993 and had a great time at the party run by the Cassidys.

I was well aware of Joe’s hard work as a UFL board member and the editor of our annual proceedings. We would spend the occasional weekend proofreading the papers for the new annual edition. But I came to realize that Joe’s most important work was hidden behind the scenes. He was a respected spiritual director and counselor. At UFL meetings Joe would often meet privately with someone who sought his advice. Part of his mission—a very priestly mission—was to provide spiritual counsel and consolation to pro-life activists. We all know how easily the culture of death and the venom of our opponents can overwhelm us. An especially important part of this spiritual pro-life ministry was his work as chaplain to the Sisters of Life, the religious order founded in New York City in 1991. In a thousand quiet ways he fostered courage and prudence in the resistance we must conduct against our culture on behalf of human life.

During our time together as Jesuits, we continued to pay the price for our support for the pro-life cause. In 1993 I shared with Joe the draft of an

article I was writing for the *National Jesuit News* entitled “The Silence of the Society.” In it I pointed out how in recent years, the national offices of the American Jesuits (formally, the Society of Jesus) had released social justice statements on immigration, capital punishment, health care, and a myriad of other issues. But they had said nothing on abortion. I criticized this silence as a serious moral omission. After I had read my draft aloud to Joe, I asked him what I should change. He said, “Nothing. It’s perfect.” I told him that I thought I could get into trouble for such criticism. He said, “Yes, you will get into trouble. But it will be good for you. Besides, John, you can talk all your critics to death.” When the article was published, it did cause controversy. Some Jesuits accused me of a lack of loyalty to the order. But other Jesuits wrote or called to express their quiet support. In 2003 the national office of the American Jesuits released a pro-life manifesto *Standing for the Unborn*. I cannot help but think that the persistent witness of pro-life Jesuits—men like Joe and dear Fr. King at Georgetown—had pushed our order beyond complacency on the issue.

In 2012, Joe and I attended the conference of UFL at Brigham Young University in Provo, Utah. One night we went out to dinner. Joe wanted a beer. Now, finding a beer in Provo, Utah, is quite the challenge. There was a long wait list at several restaurants serving alcohol. We finally found a Benihana and a cold Sapporo. I knew that Joe had applied for promotion to full professor. I was no longer at Fordham; I had transferred to Loyola Maryland. I told him over dinner that I had heard through the grapevine that he had been turned down for the promotion. He said he was angry when he heard the news but after a week, he had accepted it. I told him *I* was still disturbed by it. Joe said the promotion committee had found a problem in his scholarly profile. I said that was baffling. Joe had published a fine handbook on medieval philosophy, many edited books—I had worked with Joe as a coeditor of two volumes on John Paul II—and more than a hundred articles in scholarly journals and collections, and hundreds more in more popular venues. Although I was not privy to the committee’s deliberations, I suspected that his religious and political views, perhaps especially his stalwart commitment to the pro-life cause, may have been a factor in the decision. That evening in Provo I witnessed Joe’s humility. He quietly accepted this professional disappointment because he was devoted to a greater truth.

When I told Joe in 2006 that I was being transferred from Fordham to Loyola, his first question was, “Does that mean you won’t be going to UFL?” I replied, “Joe, I was a committed pro-lifer long before I met you. UFL is a beloved scholarly home, and we all need the moral support it gives.” At the time I found his question odd. But now I think it was telling. It showed how deeply the pro-life cause and UFL itself lived in Fr. Joe’s heart.

May we all accept the contradictions that come to us in virtue of simply being a pro-life scholar. May Fr. Koterski guide us in accepting this opposition with grace and in courageously defending the great cause of human life with hope.

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† *Requiescat in pace* †

In addition to Fr. Koterski's generous service to the University Faculty for Life, he was active in other organizations including of course the Fellowship of Catholic Scholars, serving as President (2008-2014) and subsequently as Editor of the FCS *Quarterly* from 2016 (vol. 39, nos. 3/4) until his death in 2021. It is thanks to Fr. Koterski that the *Quarterly* acquired its current format as a proper journal (beginning with vol. 41, no. 1, Spring 2018).

A generous editor and teacher, Fr. Koterski was a sought-after speaker and board member, and was invited to record lectures for the highly selective Teaching Company series, publishing courses on Aristotle's *Ethics* (2001; twelve lectures), on *Natural Law and Human Nature* (2002; twenty-four lectures), and on *Biblical Wisdom Literature* (2008; thirty-six lectures). His numerous instances of lifetime recognition include the Maritain Medal for Scholarly Excellence from the American Maritain Association (2008), the Award for Life Contributions to the Cause of life from the Society for Catholic Social Scientists (2012), and the Founders Award from the Fellowship of Catholic Scholars (2015).

A prolific scholar, Fr. Koterski published hundreds of articles, essays, book reviews, and encyclopedia entries. Even here, his scholarly life testifies to his heart for teaching and professional collaboration. He authored a teaching textbook, *An Introduction to Medieval Philosophy: Basic Concepts* (Malden, MA: Wiley-Blackwell, 2009), and coedited books on a variety of philosophical and theological topics:

- With Graham Oppy: *Theism and Atheism: Opposing Viewpoints in Philosophy* (Detroit: Gale Cengage, 2019).
- With Ron Begley: *Medieval Education* (New York: Fordham University Press, 2005).

- With John Conley, S.J.: *Creed and Culture* (Philadelphia: St Joseph's University Press, 2004) and *Prophecy and Diplomacy: The Moral Teaching of Pope John Paul II* (New York: Fordham University Press, 1999).
- With David Ruel Foster: *The Two Wings of Catholic Thought: Essays on Fides et Ratio* (Washington, DC: The Catholic University of America Press, 2003).
- With Raymond J. Langley: *Karl Jaspers on Philosophy of History and History of Philosophy* (Humanity Press, 2003).

Fr. Koterski's tremendous service to Catholic scholarly life, as teacher, writer, editor, and institution-builder, will be sorely missed.

— Joshua P. Hochschild

## Book Reviews

*An Yves R. Simon Reader: The Philosopher's Calling.* Edited by Michael D. Torre, with John W. Carlson and Anthony O. Simon. Notre Dame, IN: University of Notre Dame Press, 2021. xv + 496 pp. Hardcover, \$125.00; Paperback, \$45.00.

*Reviewed by D. Q. McNerny, Our Lady of Guadalupe Seminary*

The form and matter of this book complement one another perfectly, making a work that provides an impressively comprehensive account of the philosophical thought of Yves Simon. The book is composed of twenty chapters and an epilogue. Each of the chapters and the epilogue contains extensive selections of Simon's writings, representing his thought on the subjects identified by the chapter titles. The collection of Simon's writings in each chapter is prefaced by an introduction written by a noted Thomist scholar. The judiciously chosen assemblage of Yves Simon's writings, representing the heart of the book, satisfyingly ample in number, and inclusive in the subjects they cover, give the reader the groundwork for arriving at a substantive understanding of the main contours of Simon's thought, the special value of which he will unfailingly come to appreciate. The insightful and illuminating commentaries on Simon's philosophy, written by twenty-one scholars fully conversant with his thought, adds appreciably to the value of the book. In all, the work is an impressive achievement, and does full justice to the singularly important philosopher it is honoring.

My approach in reviewing the book will be to offer what I take to be a representative gathering of the ideas, themes, issues, and modes of reasoning that have figured promptly in Simon's thought, as relating to the fields of metaphysics, epistemology, moral philosophy, and political philosophy. I will be quoting Simon copiously, so as to take full advantage of his clear and particularly pointed manner of communicating his ideas.

Rare would be the philosopher who works within the Aristotelian-Thomistic tradition and does not give considerable attention to the concept of analogy, and Yves Simon was no exception in this regard. "The understanding of analogy," he writes, "begins when we realize that between likeness and difference there is such a link, such a relation of interdependence that if the differential is removed, the like is removed also and nothing is left." To that he adds: "Thus, every analogical term conveys the togetherness of resemblance and difference, of affirmation and negation, though in a variety of ways." Analogical thinking is a more refined form of thinking comparatively. It is the reflective regarding of at least two things and noting

what they have in common and how they differ. Of the three formal ways of thinking analogically, the analogy of extrinsic attribution, the analogy of metaphor, and the analogy of proper proportionality, it is the third way that Simon favored, for what he saw as its metaphysical reach. Symbolically expressed, the analogy of proper proportionality can be stated as follows:  $A : C :: B : C$ , where  $C$  is the analogue,  $A$  and  $B$  the analogates. Simon points out that what is significant in the analogy of proper proportionality is that the analogue “is predicated properly of each and every analogate,” a very important implication of which is that “absolute perfections such as being, one, good, just, etc.” can be predicated both of God and creatures. We can say, keeping the structure of the analogy of proper proportionality in mind, that man is good in a way that resembles the way that God is good. To be sure, the difference to be recognized here, in comparison to the resemblance, is vast, is in fact infinite; nevertheless, it does not negate the resemblance, which is real. If it were not real, we would be unable to speak intelligibly of the existence of God, of his unity, of his goodness, of his justice.

Another issue of major metaphysical significance that Simon raises in a number of different contexts is the pervasive neglect, if not the downright repudiation, of final causality. This pervasive intellectual aberration can be traced to the scientific revolution of the seventeenth century, following upon its effectively total abandonment of metaphysics. Both Galileo and Descartes, the commonly acknowledged fathers, respectively, of modern science and modern philosophy, dismissed final causality. For Simon, these were futile gestures on the part of both, notwithstanding their status in Western intellectual history. “Wherever there is movement or process there is finality by metaphysical necessity.” *Omne agens agit propter finem*. He makes the interesting observation that “in contemporary atheism the non-finalistic pattern is applied regardless of the cost, to the totality of human affairs.” The atheist denies man’s final end, his very *raison d’être*.

Simon singled out the prevalence of mathematics, especially in the sciences, as an important explanation for the failure to acknowledge the reality of final causality. It is the nature of the abstraction on which mathematics depends that sets the stage for “the exclusion of finalistic notions.” This is because “objects treated mathematically have lost the relation to existence that desirability implies.” Simon showed particular interest in the radical transformations in mathematical thought that began in the early twentieth century, and the dangers they posed for the stability of rational thought in general. For centuries mathematics had served as the model for sound reasoning, and that was because of the soundness of the principles on which mathematics was based. “Ever since the time of the Greek geometers the axioms of mathematics had been held to constitute the clearest and most unmistakable examples of rational necessity.” But that situation was altered as a result of “the fantastic developments in the last

hundred years or so [when] mathematicians no longer seem sure what mathematics is all about,” with the result that “the term axiom, which used to convey the inflexible necessity and absolute primacy of the self-evident propositions has come to be taken as a mere synonym of postulate.” In summarizing what he sees as general subjectivist way of thinking in modern times, he writes “that it is easy to detect in the common discussion of the most important subjects the underlying theory that, since the first principles of mathematics from being axioms have become postulates, there can be no domain of thought where principles escape the condition of mere assumptions selected by the human mind with the same degree of arbitrariness.” According to this precarious way of thinking, perhaps it would be preferable to consider the first principles of metaphysics as mere assumptions.

Simon identified the liberalism that emerged in the nineteenth century as major source of the subjectivist thinking that has now become prevalent, but in this case the subjectivism took a more radical form. He cites the thought of Charles Renouvier (1815-1903) as representative of the phenomenon. For Renouvier “there is no longer such a thing as necessitating obviousness: even the first principles have become objects of free belief.” Simon explains that this “theory of a free domination over obviousness itself,” according to which one is entitled to accept or reject the obvious, had its source in moral and social attitudes, and haunts the liberal movement to this day.

In the richly informative investigations Simon made within the field of epistemology he gives much attention to the fact that human knowledge, both sensual and intellectual, are instances of immanent activity, having their origin and finality within the individual. Each form of knowledge has no term other than itself, thus displaying “vitality,” which is “acting upon oneself.” Immanent activity is sharply contrasted to transitive activity in that, unlike the latter, it is not productive. Watching a sunset, understanding a geometric proof, are self-contained experiences. The power and range of human intellectual knowledge cannot be exaggerated; Simon calls it a manifestation of “superexistence,” by reason of the fact that it “triumphs over the potentiality of being and provides certain creatures with an opening upon the infinite not available to the rest of nature.” Remarking on the arresting claim made by Aristotle in *De anima* that “the soul is in a way all things,” Simon regards the truth the claim communicates to be at once elevating and humbling, for it calls attention to the contrast “between the narrowness of what we are and the amplitude of what we know.” There is no limit to that amplitude of knowledge, for “the infinity characteristic of ‘to know’ becomes ontological in the Supreme Being,” for the proper object of human knowledge is being, the source of which is God.

Simon fruitfully explores and illuminates a number of epistemological issues in the focused attention he gives to the distinction between “thing,” as an extramental object, *res in mundo*, and the mental object of that thing, the idea that encompasses its essence because of the union that has been forged between the substantial form of the thing and that of the subject who knows the thing. The idea is the means through which the mind knows the thing; it “has no being of its own save as needed for its representative function.” It is the thing, not the idea of the thing, that is the proper object of the mind, a truth the philosophical idealist has yet to learn. Simon stresses that point in saying, “there is more in the thing” than in the idea, but his putting it in those terms is not intended to diminish the critically important role of the idea, nor to slight the intimate, inseparable relation it has to the thing. The two are clearly distinct, are unambiguously two, and yet are made one by dint of the epistemological marriage that takes place between substantial forms and that allows us to say that the knowing subject becomes, in a sense, what he knows.

In his epistemology, as well as in his moral philosophy and his political philosophy, Simon has much to say about the nature of human freedom. In treating the subject of individual freedom, specifically manifested in freedom of the will, he first dismisses the “cheap postulates” relating to it. “The whole framework of the epistemological problem changes when we come to realize, in spite of common prejudice, that the free will is not less but is more of a cause than the univocally determined nature, that a free process is superdeterminate rather than indeterminate, that freedom is an intense, excellent, and overflowing powerful mode of causality, that it is not accident or chance, and that the mystery of free events, in spite of appearances, is opposite in character to the mystery of chance.” Human freedom, the exercise of free choice, is a principal causative factor in human affairs, certainly on the individual level, but also, and very importantly, on the social level as well. One of the criticisms Simon has of the social sciences, specifically sociology, is the tendency to adopt a mechanistic point of view in describing and analyzing the workings of human society. This tendency is accentuated by the failure to recognize human freedom as a dynamic causal force, giving shape and direction to any given society. The interpretation of nature at large provided by the social sciences is essentially mathematical, with the result that the interpretation given “is not a philosophy of physical reality,” and that is because it excludes finality. That particular view bears close relationship to his judgment that “[t]he philosophy of nature has been replaced by modern physics.”

In moral philosophy, Simon asserts with emphasis, “[J]udgment enjoys primacy over concept,” and that is because “moral philosophy considers not only natures but also human use.” Of course “concept” is absolutely necessary; a person must be illumined and guided by prudential *recta ratio* so as to know the good that is to be done and the evil to be eschewed, but it



cannot stop there: The knowledge must be acted upon, and that is where practical judgment comes into play. Practical judgment effects a synthesis, by conjoining nature (“moral essences”) and use, acting in accordance with the knowledge of those moral essences. The special efficacy of this knowledge follows from the fact that it is knowledge by affective conaturality, which is “prudential knowledge, justified by the inclination of the virtuous will.” The quality of the knowledge that accompanies any of the moral virtues—prudence, fortitude, temperance, justice—all of which “are knitted together in prudence,” does not simply enlighten, it enables. A person possessing the virtue of fortitude *acts* courageously. Virtuous acts are necessarily voluntary acts, which Simon describes as “from withinness”; they are free in the sense that they manifest “*actuality in causal power*.” By the observation that “freedom of choice properly consists in the indifference of the practical judgment,” Simon is calling attention to the fact that practical judgment is not predetermined to follow any particular line of action. The practical judgment sets the stage for use, the virtuous act, because it is “the formal cause of the appetite that follows upon it,” which is the desire to attain a particular good.

But the apprehension of any particular good and the desire to attain it, immediately explained by the workings of practical judgment, has its ultimate explanation in, derives its essential intelligibility from, the foundational orientation toward goodness as such that is integral to human nature. All men, as St. Thomas taught, are naturally inclined to virtue, because at the most basic level they are ordered toward the good. Simon expresses this truth poignantly when he speaks of “the spontaneous, natural, necessary, and non-voluntary adherence of the will to the comprehensive good.”

Aristotle’s classic definition of happiness, as “a life lived according to virtue,” is consonant with the general description Simon gives of happiness as “agreement with nature,” for if a man is living according to virtue he is following a natural inclination. Properly so-called, happiness involves real achievement that is accompanied by joy. “We call real achievement the state of affairs constituted by the union of natural tendency with its object.” Man, as a rational animal, has a natural tendency to know the truth “so the satisfaction of the urge toward truth brings about the joy of knowing.” Man’s final end is that toward which all his moral activity is ordered. “It is the same constitutive necessity that every voluntary act involves adherence to the good, adherence to happiness, and adherence to the final end.”

The fact that Yves Simon wrote extensively on political philosophy had much to do with his conviction that “human communities are the highest achievement of nature, for they are virtually unlimited with regard to diversity of perfection, and virtually immortal.” The most emphatic way human beings manifest their nature as social animals is by forming communities. What ensures the coherence, stability, endurance of any human

community is adherence to a good that is acknowledged and adhered to by all of the members that make up that community—the common good. Simon specifies that “a good is common if, and only if, it is of such a nature as to call for common pursuit and common enjoyment.” Where there is not common action, involving the community as a whole, there is no common good. The common good is made up of a variety of what he calls “public goods,” a specific example of which would be public safety. Authority is crucial to the general welfare of the community, specifically as it relates to the common good. Thus understood, authority is “the power in charge of unifying common action through rules binding for all.” Its most essential function is “the issuance and carrying out of the rules expressing the requirements of the common good considered materially.” Simon gives much stress to the point that the common good depends on authority, for “it is only by the operations of authority that the person enjoys the benefit of an orderly relation to the common good understood with regard to form and with regard to matter.” It is unity of judgment that informs the unity of action that founds the common good. Where there are several means to achieve the common good, it is the function of authority to provide the unity of action to realize that achievement. “Authority is needed for the survival and development of the mature person.”

The liberals who tout the crucial importance of liberty for a social community are in that entirely right, but they are quite wrong in regarding authority as contrary to liberty, supposing that it necessarily implies “absolutism and exploitation.” Ironically, they oppose that without which there can be no liberty, failing to realize that “a society in which authority breaks down is a society in which liberty is on its deathbed.” Liberty is a dominant feature of any society in which a substantial portion of the individuals who compose it have attained the terminal perfection of freedom. This is not to be equated with freedom of choice, which is primitive or natural freedom. The perfection of freedom is what Simon calls “freedom of autonomy.” Freedom of choice “contains the possibility of making bad choices. Freedom of autonomy, in the measure in which it is actually realized, excludes that dreadful possibility.” This freedom of autonomy “is constituted by the presence of the law within liberty. It is won by a process of internalization of the law.” The person possessed of this liberty is autonomous, not in the sense that he is free from, but rather in the sense that he is one with, the law. Following this line of reasoning Simon concludes, “Freedom, rightly understood, is the most ordered thing in the world.”

“The concept of work depends on man’s essentially social nature,” and it is therefore integral to any society. What is work? “To qualify as work, an activity must not only be honest but also socially productive.” Work is “honest” if it is intrinsically valuable, good in itself. Who qualifies as a worker? There is a “specifically sociological concept” of the worker,

understood as one who belongs to distinct social communities identified as “working classes,” or “labor groups,” but the activities these individuals engage in should not be taken as “an overall definition” of what constitutes work. Some social theorists, guided by too narrow notions of work and worker, have mistakenly excluded soldiers, statesmen, judges, and clergymen from the category of workers. We must recognize that “people engaged in what we have called works of the mind—technical, social, and purely intellectual work”—are very much workers, though not in the narrow sociological sense of the term. Anyone who engages in activities that are honest, and are beneficial to society, qualifies as a worker.

The condition of industrial workers today is vastly improved from what it was in the early days of the industrial revolution, thanks in great part to the union movement that took shape and blossomed in the nineteenth century. However, with increased mechanization, and particularly with the introduction of the division of labor, the industrial worker has been deprived of the opportunity to engage in what Simon described as architectonic functions, that is, with working on wholes. Most industrial workers today are limited to working on parts, which invariably turns out to be boringly repetitive and unimaginative labor. As a result, the worker has suffered a loss of autonomy and thus is “deprived of a chance to govern himself in the process of labor.” Simon saw deleterious effects of this state of affairs that extend beyond the workplace, for the worker will now “have a hard time learning to govern himself in moral and social life.” The quality of the work a man engages in can affect the quality of his entire life.

Economics, for Simon, is not a “value free science,” and economists are wrong to believe “there is no distinction between desire and need.” In his treatment of economic justice Simon attached special importance to the issue of equal exchange in commerce. Alienation is the general effect of unequal exchange, which represents a major instance of “the exploitation of man by man.” This alienation takes many forms, as “in the case of consumers who pay excessive prices for any commodities or services.” When we say that a worker “is ill-paid, we imply his wage is not equal to his work.” It is commutative justice, which has to do with the relationships among individual members of a society, that demands “*strict equality* between the exchanged values” in any commercial transaction. If those values are equal it is axiomatic that the exchange is just, and the parties are treating one another as equals, thus “both are free from alienation and exploitation.” Simon defines a just price for any good as “a total made of (1) the cost of production and (2) a surplus for the purposes of capitalization and free distribution.” Free distribution refers to allotments made to the poor or needy, the handling of which, in accordance with the principle of subsidiarity, is best left to private associations rather than to the state. “The more there is of state management, the less imaginative are the people.” Private property is requisite for any

society because it “embodies autonomy” for the members of the society. Also, and more importantly, it is comparable to the role of authority in that, without it, there can be no liberty. As Simon put it, “much should be forgiven to property on account of what it does for liberty.”

A prominent feature of Simon’s political philosophy, one that has special application to the disoriented times in which we now live, is the theory of culture that he developed by building upon and elaborating a theory initially proposed by Aristotle. Simon calls the theory “intellectual culture,” aptly so because, following Aristotle, it is founded upon the five intellectual virtues. Simon begins his presentation of the theory with the following statement, which I quote in full, not only for the particulars it contains regarding his approach to the subject of culture, but also because it reflects his general methodology, the deliberate, carefully framed approach he takes in dealing philosophically with any subject that commands his attention. He writes: “Next, let us approach our subject analytically. We have no ready-made definition, but there are common nouns about what culture means, which we can use to begin to work toward a definition. Again, I do not promise that we will be able to put one together, but it will be enough if we get started on the right track.”

In committing himself to an analytic approach to his subject he follows closely in the footsteps of his mentor and friend, Jacques Maritain, doubtless mindful of his motto, *distinguer pour unir*, which may be liberally translated as, “analyze carefully to ensure a sound synthesis.” Simon was keenly aware of the value and need of reliable definitions in philosophical reasoning. Final success in formulating definitions is measured not so much in linguistic as in metaphysical terms. Evident throughout Simon’s writings is his concentrated concern with coming to terms with natures, with essences, and analysis and definition are the principal means by which that is successfully done. He tells us in the introductory statement quoted above that he cannot promise he will be able to put together a definition of culture, that it would be good enough if he were to get started on the right track. This was an expression of the philosophical judiciousness that was typical of him. As it turned out, in this case he more than got started on the right track.

Simon saw the philosopher’s calling as an especially demanding one, particularly when it involves the process of analysis: “One reason why philosophy exists in a perfectly rigorous and scientific condition is that the complete analysis of a philosophic term is an operation involving such strain that few people can stand it.” He showed himself to be eminently capable of standing the strain.

In developing his theory of culture Simon first cites two broad understandings of the subject under study. On the most basic level culture can be identified, negatively, as something that is not produced by nature; it is “something superadded to the effects of nature by the energy of the human

will and reason.” The sweeping meaning of culture employed by anthropologists and ethnologists is: “anything and everything added by human initiative to the biological results of human existence.” What we call “civilization” is certainly brought about by “the energy of the human will and reason.” Would this justify the conclusion that culture and civilization are essentially the same thing? Jacques Maritain favored that point of view, but Simon thought differently. Civilization, he argued, has to do “with the whole range or relations embodied in constitutions, laws, and legal and political practice.” These matters do not pertain to culture, unless we are regarding it in a broad sense, but that would be to deprive it of the precisely defined meaning for it which a proper understanding of its nature demands.

The distinguishing feature of Simon’s intellectual culture was that it was composed, as was Aristotle’s theory, of the five intellectual virtues: understanding, science, wisdom, art, and prudence. These five intellectual virtues constituted what Simon identified as the structure of his theory. As operatively present within a given society they will be the fundamental explanatory causes for its attaining the status of a virtuous society, one in which the common good reflects the universal good. Simon takes care to spell out the proper meanings of the intellectual virtues.

Understanding is “the faculty by which we perceive the truth of immediate propositions”; it is the human mind’s capacity, without having to reason over the matter, to see basic self-evident truths as being simply that: a whole is greater than any one of its parts. Science is “the intellectual quality by virtue of which the mind is at ease in the field of demonstrable conclusions.” Knowing that all men are mortal and that Socrates is a man, science recognizes that it necessarily follows that Socrates is mortal. Wisdom is the ordering capacity, the ability “to put everything in its proper place.” The wise man knows that prayer takes precedence over play. Art is “the intellectual quality which renders a man at ease in the domain of things to be made.” An artist is one who has the ability to make a thing that is an exemplary instance of the kind of thing it is. Prudence “renders a man at ease in the domain of things to be done.” A prudent person is one who lives according to virtue.

Here Simon makes some important qualifications and distinctions. The intellectual virtues have been called “virtues” ever since the time of Aristotle, for that is what he called them, speaking loosely, Simon comments. But, strictly speaking, only one of the five qualities that constitute the basic structure of intellectual culture is a virtue, and that is prudence. Simon reminds us that the peculiar character of a virtue, what makes it so potent and valuable a possession, is that it ensures that its possessor will act in accordance with the nature of the virtue he possesses. Someone having the virtue of justice not only knows what justice is all about but also consistently acts justly. Prudence is the chief of the moral virtues, and the person

possessing the virtue will consistently behave in a morally upright manner, doing good, avoiding evil; moreover, the person possessing prudence possesses the other moral virtues as well—justice, fortitude, temperance.

Though the other constituent qualities that make up the structure of intellectual culture are not virtues in the strict sense, that does not mean they are not qualities of a very special sort. Simon uses the Latin term *habitus* to give them proper identification. He explains that for thirty years he fought against the common practice of translating the Latin *habitus* as “habit,” a glaring mistranslation; a *habitus* is not a habit. *Habitus* (the term is now anglicized), as defined by Bernard Wuellner, is “an acquired quality added to a power of a rational being that is relatively permanent and inclines the agent to perform different types of acts with ease, accuracy, and consistency.” Simon makes a significant addition to this definition in describing *habitus* as “qualities which owe their character of certainty to be grounded in a necessity of an objective nature.” The specific import of their being “built on objective necessity” is that they are rooted in reality, are totally antithetical to subjectivist idealism, and pertain “to what is serious in human life... constituting the structure of culture, its hard core.” Importantly, because prudence, which governs the whole of man’s moral life, is a constituent of the structure of intellectual culture, arguably the chief constituent, it could be reasonably supposed that it would have a beneficial influence on the exercises of the other *habitus*—understanding, science, wisdom, and art.

Simon’s incorporating the concept of work into his theory of intellectual culture represents its most original feature, and the most telling. He takes exception to the central thesis of Josef Pieper’s *Leisure: the Basis of Culture*, interpreting the basic message of the book to be that “in order to do things cultural we need time to do them.” This is undeniably the case, but “if we call leisure the time left after biologically necessary functions and duties have been fulfilled,” then it is apparent that “we need leisure for work every bit as much as for culture.” The question to ask is this: “Is culture necessarily centered on a life free from work . . . ?” It is not. This becomes evident if we reflect on the fact that the culture that has been created by gentlemen of leisure has been for the most part something incidental, not essential, “all decoration, all flowers.” In contrast to this, “[t]he structural components of intellectual culture, its hard core of intellectual *habitus*, does not seem to require a life of leisure, at least not necessarily.” Simon stresses the importance of adopting the inclusive understanding of work that he had developed elsewhere. Manual labor can be acknowledged as the primitive form of work, but it does not exhaust the category. Teachers, philosophers, social workers, scientists of various stripes, “none of these people belong to the working class but they are not members of the leisure class either... they spend their lives working—that is, engaging in activities of legal fulfillment that are not only honest but also socially useful.” He states his position

clearly: "I have never believed that social leisure—that is, freedom from any kind of work—is an essential requirement of culture." Lives of leisure did not show themselves capable of producing anything substantial, reflecting the seriousness of life, but only "a few flowerlike ornaments" of culture. Being aware of this, "we can now see much more clearly that, instead of a life of leisure the real basis of culture—its support structure and hard core—is to be found rather in activities in the performance of which a workmanship disposition is indispensable."

Having described the basic framework of his theory of culture, Simon proposes the basic approach to be taken for it to be realized. "The immediate task before us, therefore, appears to be the development of a theory of culture centered not on leisure but on work in the broadest sense, including moral, social, and intellectual, as well as technical and manual work." He was fully aware of the difficulties that would be faced in attempting to accomplish that task, given "the nihilistic monster that plagues, today, the oldest civilizations of the West and threatens to deliver them up to barbarism." Should those civilizations completely abandon those principles that "make up the deep life of the soul"—life, nature, energy, work, certainty, necessity—they will "bring about a vacuum in which some kind of devastating frenzy will develop." Any attempt to develop a culture cut off from those principles which "make up the deep life of the soul" would be disastrous. "Erecting such a culture into an ideal inevitably leads to a disorderly exaltation of the flowery element of culture, and this makes for subjectivism, arbitrariness, and an attitude of frivolous aversion to nature and its laws." The only preventative against such a disaster is strict adherence to the truth. "Therefore we must insist that knowledge of truth, not possession of culture, be our regulating ideal." This total commitment to truth as regulating ideal will not be an obstacle to the erection of an intellectual culture, but just the opposite; "if truth is sought according to its own laws and to its own spirit culture also will be attained."

Simon suggests that "our best immediate chances to begin to develop the culture with a contemplative ideal many be in promoting collaboration between all kinds of technical work and the fine arts." Furthermore, and interestingly, he suggests that modern technology, "traditionally held to be hostile to culture," could, "if its creative possibilities are fully recognized," contribute toward the development of "a truly humanistic culture."

However, his settled attitude toward modern technology and its potentially positive prospects in relation to an intellectual culture would seem to have become less sanguine as he comes increasingly to appreciate the primacy of the contemplative. At one point he pens the somber observation, somewhat scriptural in tone, that "[m]an is often dragged, by the sheer heaviness of his techniques, where he does not want to go." And this has all the signs of a problem that will not readily go away, even should significant

progress be made in developing an intellectual culture. "Within the system of our intellectual culture, what should be obedient often is heavy, and the freedom of the higher energies never can be taken for granted; again, it is the spirit of poverty, the spirit of the freedom from an attachment to things inferior, that preserves the order of human salvation and removes the danger of man's being crushed by the weight of his ideas, his systems, his experiences, his erudition, his constructs, his methods, and his postulations."

What will release man from these crushing weights that burden him, that curb "the freedom of the higher energies" that are his by nature? Simon responds: "But the inspiration derived from mystical life, and ultimately from the sovereign simplicity of mystical contemplation, is precisely what humanism needs in order to be vitally Christian and to ensure, in all domains and at all levels, the freedom of man from the weight of man's creations."



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Jeremy Beer. *Beyond the Devil's Road: Francisco Garcés and the Spanish Encounter with the American Southwest*. Norman: University of Oklahoma Press, 2024. (In cooperation with the Academy of American Franciscan History.) 457 pp.

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Kevin Wells. *The Hermit: The Priest Who Saved a Soul, a Marriage, and a Family*. 231 pp.

Matthew Wiseman. *The Two Jerusalems: My Conversion from the Messianic Movement to the Catholic Church*. 212 pp.

# Fellowship of Catholic Scholars Quarterly

ISSN 1084-3035

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*The Fellowship of Catholic Scholars Quarterly* is a publication of the Fellowship of Catholic Scholars, which is grateful to Mount St. Mary's University for editorial and administrative support.

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