

t as a careful delineation of the value crisis produced by the thrust toward development and a plea that Christian ethicists not yield to any simplistic reductionism that makes politics, revolution, or economic well-being into the only touchstones for policy. In responding to Goulet's paper, Lochman indicated his own *Sitz in Leben* as a person living in the "Second World" and suggested that the inertia of people in that world is as great as in the "First World." Calling for Christian ethicists in both situations, the "consumer mentality" that dominates in both perspectives, Lochman asked that they develop a theological perspective that places the solidarity of all the human race at the center of concern, that they provide a critical prophetic vision opposing all naive or arrogant identification of the human with the patterns of any one culture, and that the values of an innerworldly restraint be rediscovered as a foundation for living in mutuality with others in the world. Lochman argued that the world must rediscover that the way of self restraint is the way of survival.

Two years after Goulet spoke to the Society, Professor Ronald Mueller of American University spoke to another Sunday morning plenary session on "Global Interdependence, Social Stability, and the Future of U.S. Democracy: The Deterailing of Ethics and the Human Sciences." As is true of too many of the guest presentations, this has not been made part of the record, and the benefits of having such a guest expert have been limited to those who attended the session. In 1977 a panel with James Will and James Finn was held on the subject, "The Future of East-West Relations: Is 'Detente' Dead?" There may have been more detente at that panel than there would be if these two individuals were to engage in the same discussion today, since the disagreements about the wisest way to deal with the polarized world situation have become considerably sharper in the intervening years.

Along the way two sessions have been devoted to the teaching of peace concerns. These will be reported on in the chapter dealing with teaching. Moreover, there has been a good deal of attention paid to human rights as an international concern. The papers dealing with that subject will be treated in the chapter on the Society's thinking about politics and law.

## 8

## Politics, Law, and Human Rights

Christian ethicists have generally made the study of political affairs an important focus of attention. Indeed, political considerations thread their way through many of the papers that have already been discussed in previous chapters, as for example, in those papers that examine how power is used as an instrument of oppression and in those papers that explore the relationships between Christian theology and Marxist thought. But a significant group of papers given before the Society has focused more directly on the nature and function of politics as a subject of exploration in its own right. These will be discussed in the first section of this chapter.

Another group of papers to be considered in this chapter has been concerned with the nature of law. There is a curious relationship between politics and law. Both are concerned with the ordering of society. Both are concerned with the achievement of justice. Both pay attention to how interactions between individuals and groups can be made to serve certain ends. Both can be instruments of corruption and be used in less than honorable ways, so that the terms "politicized" and "legalistic" have equally unflattering connotations. Yet, the study of politics differs from the study of law. Politics is concerned with gaining and holding control over government for the attainment of specific ends. Law is concerned with establishing and maintaining legitimacy for the system of government in its entirety. The final appeal in politics is the election booth; in law, the courtroom. Politics depends on persuasion and coercion while law depends upon precedent and legitimation. Politics is more operational than law; law is more procedural than politics. In politics power is used as a means of control in law one of the more important concerns is to control power. In politics, partisanship is crucial and advocacy is the servant of causes; in law, advocacy is a means of obtaining justice and is considered a special trust that stands above partisanship. Thus, while political philosophies

and legal philosophy bear a close resemblance, they cannot be collapsed into each other without doing violence to the central characteristics of each. The adequately informed ethicist must be at home with the discourse and insights of both.

A third part of this chapter will deal with human rights. The protection of human rights may be the highest calling of both politics and law, and the discussion of human rights, a unique place for ethics, politics, and law to interact with one another.

*The Treatment of Politics in the Programs of the Society*

The 1961 meeting of the Society was opened with a panel on "Religion and the Political Order, 1960." G. McLeod Bryan, George W. Forell, E. Clinton Gardner, T. B. Maston, and John W. Turnbull were scheduled to participate, but only Gardner and Maston were able to attend. Even so, all five submitted materials that were included in the 1960-61 Yearbook.

The situation which these four persons addressed was an unprecedented one. John F. Kennedy had been elected the first Roman Catholic president of the United States less than three months before this meeting. The Society was by no means the only group discussing the implications of this event, but the amount of space given to the discussion of this topic on the program of the 1961 meeting indicates the importance of the issues it raised. Gardner gave several reasons for judging the election of the first Roman Catholic to the White House to be a most significant event, and suggested how it revealed the complexity of voting patterns in America and the diversity of religious influence on those patterns. Bryan, less sure Kennedy's success signaled a permanent victory for religious tolerance, described some of the hate mail that had been distributed during the campaign and indicated grave doubts that the antagonisms it revealed would be quickly dissipated from our national life. He decried the great silence of many Protestant leaders, who should have been offering light to counter the hate. Maston, surveying the teaching of pre-aggiornamento Roman Catholicism on church/state issues, wondered whether the presence of a Catholic layman in the White House would lead the Catholic hierarchy to modify the traditional rhetoric about the duty of those possessing the "truth" to determine policy irrespective of popular will. Turnbull noted how quickly the issues that were felt so acutely during the campaign had ceased to agitate the public once the choice was made, and saw the results to involve a secularizing of the political realm in a way that would make a candidate's religious affiliation less and less a divisive factor in forthcoming campaigns. Forell reported on reactions among

people in the Lutheran Church, in which there had been some isolated instances of blatant bigotry during the campaign. He also commented on a statement issued by twenty Lutheran theological school professors declaring that to vote against a candidate solely because of his religious affiliation would be a breach of the tradition of separation of church and state.

Except for this panel there is a noteworthy paucity of papers dealing directly with political themes all through the 1960s. The Society did not pick up the interest in political theology that was increasingly manifest in Europe during the late 1960s and early 1970s. No paper given at any of its programs used the phrase "political theology" -- a phrase that was beginning to be widely used in Europe -- though by 1974 we do find a session announced with the title: "Biblical Politics and the Transfiguration of Revolution." This was the occasion at which Paul Lehmann's forthcoming book, *The Transfiguration of Politics* (Harper and Row, 1975), was discussed at a Sunday morning plenary session. Parts of Lehmann's book had been reproduced and distributed to members attending the meeting, and even more of the book had been made available to three members of the Society acting as panelists. Because that portion of the manuscript distributed on the general basis contained only limited clues to the argument as a whole, one of the designated respondents, Edward L. Long, Jr., provided an overview of the book at the beginning of the session. Then, the other respondents, Charles E. Curran and Bruce Morgan, gave more analytical critiques, and Long also posed questions to Lehmann. Long's brief synopsis of the argument, the critiques by Curran and Morgan, and the questions formulated by Long were included in the mimeographed materials distributed to the entire Society after the meeting.

Lehmann had developed a highly dialectical treatment of revolutionary politics which defended the legitimacy of revolution while at the same time indicating that the Christian faith must save revolutions from their own undoing. In contrast to many political theologians of the time that were focusing on eschatology as the locus for defending revolutionary change, Lehmann utilized the doctrine of the Incarnation for thinking about revolution. He also suggested that freedom is prior to order, reversing the traditional assertion that order is of primary importance. Lehmann strongly implied that all past revolutions had been unsatisfactory in one way or another. In the discussion that followed Charles Curran pressed Lehmann to show why using the Incarnation as the center of political thinking could render future revolutions less subject to undoing than have been past revolutions. He challenged Lehmann to be more articulate about

the problem of means in revolutionary situations, particularly to spell out the criteria Lehmann would apply to determine when violence might be legitimate. In light of the record of *laissez-faire* capitalism, which puts a certain kind of freedom ahead of human need, Curran wanted further clarification of the contention that freedom is prior to order. Morgan drew a distinction between "ethics of casuistry, or measured calculation," and "ethics of inspiration, or prophetic vision." He characterized Lehmann's work as an impressive example of the latter, but wondered whether an ethics of that sort can ever hope to answer the concerns that are important for ethics of the first sort. He also asked Lehmann to be more explicit in spelling out what his code words of "submission and silence, supplication and transfiguration" would actually mean to a person faced with violence as a moral problem. Long asked Lehmann to be more explicit in defining what he meant by revolution, and to give clearer indications of the role of the theological ethicist in making distinctions between revolutions that are transfiguring and those that are merely self-serving.

The presidential address in 1974 was given by Charles West and was entitled "Religion, Revolution and the Task of Ethics." West examined the relationship between secularization and religion on the one hand, and faith and ideology on the other. Making reference to the experience of Dietrich Bonhoeffer, West summarized the benefits that have come about when religious people have learned to recognize and support the service of humanity and justice from whatever sources it comes, whether or not identified with the proper metaphysical and ecclesiastical warrants. West then observed that this theological stance, despite its eloquent defense from thinkers like Harvey Cox, had given way before movements that were heavily ideological in character and went after their goals with all the vehemence of true believerism.

"The poise and tension of secularized existence collapsed because it was understood, not as an expression of faith, not as a theological perception of faith, not as a theological perception in society, but as a humanistic proposition, as secularism. . . . West observed that Christian realism had produced people on both sides of the Vietnam conflict, those who had taken us step by step into the conflict and those who had opposed involvement with great vehemence. According to West, the fact that Christian realism had functioned ideologically to bolster particular political judgments rather than as an expression of an underlying faith caused it to lose the very theological power it could have exercised had it kept the affirmation of redeeming reality as central to its concerns as it had kept alive the principle of criticism and analysis. The other

reason the theological vision of a secularized existence proved unable to carry the burden of the times was because civil religion, for all the values Bellah rightly saw in it, lacked the capacity to respond to a transcendent God. According to West these considerations make the question of faith crucial to the task of Christian ethics. West argued that the discipline of Christian ethics cannot be merely a descriptive enterprise that brackets the issue of faith. Only a revelatory encounter with a transcendent God who corrects both ideology and experience by forcing us to see the other human person in light of the ultimate Other (who is God at work among us) can save the Christian ethicist from the fate that has befallen so much of the contemporary religious world. There is something strangely similar between the arguments of Lehmann and those of West, though their analytical frameworks are so different that the similarity does not leap out and demand attention. Each was speaking of a kind of continuing transfiguration of existence that cannot be neglected if Christians, or the political order of which they are a part, are to be made whole, and which cannot be worked out merely by balancing competing interests in a political process that has no central value commitments compatible to a Christian perspective.

The issues raised by West were pivotal, though perhaps they were so pivotal that they could not be dealt with adequately with the analytical tools that were by their very nature sources of the problem. Indeed, if the diagnosis West made was on target, then the very possibility of having a revelatory faith experience at the center of the ethical enterprise as commonly pursued is indeed remote. The task of realizing the kind of a world Bonhoeffer commended theologically as the locus of such an experienced reality is one which we generally are not equipped to handle.

But the issue, for all its complexities, would not go away. It has haunted the deliberations of the Society about political matters, even in papers that may not have been conscious of exploring it. Several papers or panels in subsequent years can be interpreted as exploring (probably unwittingly) the problem which West had identified. These presentations did not always agree with West. Sometimes they illustrated the very tendencies he had sought to delineate.

In 1975, one of the concurrent sessions consisted of a panel, composed of Alan B. Anderson, William S. Minor, and Douglas Sturm, which examined the relationship between "the Public Interest and Ultimate Commitment." Sturm's contribution to this panel is printed in *The Selected Papers*, and Anderson's is available in the archives. Minor furnished an outline of his talk and pointed to the relevance of his

essay "The Public Interest and Ultimate Commitment," in *Nomos V: The Public Interest*, Carl J. Friedrich, ed. (Lieber-Atherton: 1962).

Anderson subtitled his part in the panel "A Semantic Analysis." He acknowledged the lack of any general agreement as to what is meant by the word "public" and the even greater uncertainty as to what is meant by "ultimate". Following a methodology appropriated from Richard McKeon, he looked at how the term "public" is used in four contemporary works: Walter Lippman's *The Public Philosophy*; Hannah Arendt's *The Human Condition*; Edwin C. Banfield's and James Q. Wilson's *City Politics*; and John Dewey's *The Public and Its Problems*. His presentation clearly documented the fundamental differences. In his paper Sturm acknowledged the fact that the term "public interest" has long been devoid of any substantial meaning. He noted how Cicero could speak of the public good or the interest of the people because public life was felt to be grounded in right reason and true law. But the meaning of the term that Cicero cherished has long since been obliterated in modern Western industrial society. Also referring to both Lippman and Dewey, Sturm asked how the notion of the "public interest" is to be recaptured. Outlining a complex set of interrelationships between various levels of public identity, diverse interests that need to be considered, and different foci of concerns that have to be borne in mind, Sturm contended that at this juncture the procedural task of facilitating communication may be the greatest challenge we face.

The concern for the meaning of public purpose and the necessity to understand the nature of our common life was canvassed in the opening plenary of the 1976 meeting. Richard John Neuhaus was asked to address the Society on the title, "The Prospect of Democracy." Neuhaus suggested that the prospects for liberal democracy are not good because it faces a crisis of meaning. A few months later he published an article entitled "Democratic Prospect," in *Worldview* 19 (July to August 1976): 13-20. In that article he observed that many nations of the world are calling themselves democracies, but that constitutional democracies which cherish "liberal" ideas deserve religious and ideological support. Neuhaus has subsequently become increasingly prominent in calling attention to the value of democratic freedom as an arena for working out a sense of American purpose.

In another concurrent session in 1975, Richard Taylor, of The Movement for a New Society, described the commitments and the agenda of that group. Clues to the approach of the group, which has an intentional agenda, may be found in "Peace Makers: Faith and Obedience through Non-violent

Direct Action," *Post American [Sojourners]* 4 (October to November 1975): 16-21. The contrast between the presentations in the panel with Anderson, Sturm, and Minor, the plenary by Neuhaus, and the presentation by Taylor show how quickly the church/sect (or the culture-embracing vs. culture-rejecting) dichotomy will appear whenever the political question becomes a matter of theological scrutiny.

Since 1975 there have been only three papers dealing with political issues in a direct or theoretical manner. In 1978 George A. Chauncey announced for the program: "Influencing Public Policy: A Case study," but the paper was more accurately titled (as it is on a written version): "Theological Reflections on an Ecumenical Effort to Influence Public Policy." Chauncey gave an account of the work of the Interreligious Task Force on U. S. Food Policy, which he had a key role in organizing and which he chaired. This was a group brought together by the staffs of some twenty national religious groups having Washington offices. Its purpose was to create a joint witness on the problem of world hunger. Chauncey's paper, which assesses both the accomplishments and failures of the task force, outlines the lessons which he learned from this undertaking. Chauncey saw the work of the group as highly successful when judged as an ecumenical venture, exceedingly diligent in its preparation of policy recommendations, and well respected by policy-makers. But he noted the inability of the task force to mobilize grass-roots support from the sponsoring constituencies, and the difficulties (if not impossibilities) of a largely voluntary association mastering the technical competence needed to produce an outstanding level of inquiry and analysis of the issues. Chauncey urged the members of the Society to become more concerned with the ways in which their technical competence can be brought to bear on the decision-making processes in our government.

Returning to the historical roots of our political heritage, Robin Lovins presented a paper at the 1979 meeting on "Natural Law and Popular Sovereignty: The Constitutional Theory of James Wilson (1742-1798)". Wilson, though lesser known than Jefferson or Madison, was an important founding father of the United States, and in addition to participating in the drawing up of the Constitution, served on the Supreme Court after the new government was established. Wilson, something of an American Blackstone, was possibly the most learned of his contemporaries and joined belief in a theory of natural law with a commitment to popular sovereignty. It is this latter factor that intrigued Lovins. Wilson was able to bring together two ideas that are often regarded as in tension, if not indeed as irreconcilable, because his Scottish training in the "moral common sense"

theories that were then in vogue made it possible for him to believe that the people would cherish a moral right and thus provide a reliable safeguard against "every distemper of government."

It is somewhat surprising to see how many of the papers dealing with political thought have been intrigued by the notion of "peoplehood" or the "public" consciousness. This has interested more presenters of papers as the crucial factor in politics than has the nature of power, and was the focus of a paper given by William W. Everett in 1982 with the title "Toward God's Perfect Public." Suggesting that the symbol of the Kingdom of God has lost its appeal because the monarchical model is no longer normative (even for many authoritarian regimes) Everett examined the possibilities in the symbol of God's Republic. The paper moves through a wide range of theological reflection--from the Bible and Augustine to Rauschenbusch, Reinhold Niebuhr, and contemporary writers to suggest the plausibility of using the idea of a republic in place of the idea of a kingdom to symbolize the nature of Christian corporate existence. In this concept the ideal of the public is important. It is an idea that transcends the individualism of much existential thought yet does not relegate all significance to the political or economic structures of state or corporation. Everett delved rather extensively into personality theory as well as political theory in developing an understanding of salvation as the struggle for public viability.

#### Thinking About the Nature of Law

The subject of law has received considerable attention in the programs of the Society. Perhaps this is because several of its members have engaged in the special study of law as a way of extending their conceptual horizons. Perhaps it is because a few teachers of law have been closely associated with the Society. Perhaps it is because the subject of law is inherently more conservative in its implications than the subject of politics. More likely it is because a Task Force on Religion and Law actively promoted the discussion of the relationships between these two kinds of learning and professional activity.

Except for one paper by Dean M. Kelley, given in 1964 on the subject "Differentiation of Church and State: Inhibition or Enablement," all of the sessions dealing with law have been on the programs of the Society in the last half of its history. The programs that were planned by the Task Force on the Hartsburg Conspiracy Trials in 1972 (see chapter three) were the first of a whole series of presentations dealing with legal matters. In 1975, Robert C. L. Moffat looked at the problems related to "The Legal Enforcement of

Morality." He considered the debate that had raged for many years between Patrick Devlin and H. L. A. Hart about the legal enforcement of morals and cited several philosophical and legal writers whose thinking was significant for understanding the issues posed by that debate.

In 1974, James Childress studied "Appeals to Conscience in Moral, Religious and Legal Discourse". Published in *Ethics* 89 (July 1979): 315-335, this paper concentrates on the problems created when individuals invoke their own consciences to justify conduct that is not in keeping with normal mores or legal standards. Childress argued that we should start with the presumption of liberty of conscience, and require the state to bear the burden of proof that its interests are so overriding as to make it important to deny the right of the individual to act or refuse to act on the basis of that individual's private judgment as to the moral good. In 1977, Leslie Rothenberg's paper, given at the meeting as "Law, Ethics, and Theology," but published in *The Selected Papers* as "The Role of Judges and the Courts as Definers of Ethical Values," used three different court cases to show how judges are increasingly assuming a role in making ethical norms. His extensive comments about the Karen Ann Quinlan case are a contribution to biomedical ethics as well as to thinking about the relationship between religion and law. The 1977 meeting also had a panel on "Law and Ethics." Frederick Garney, and two guests, Justice Patrick Hart, and Dean Thomas Shaffer participated, but like the substance of so many panels the content was not preserved in written form.

Considerable attention was paid to issues of religion and law in 1979, and members of the Society who wished to do so could hear a number of papers on this topic. Immediately before the regular meeting of the Society, a conference on "Legal and Ethical Dimensions of Religious Freedom" was sponsored by the Institute of Social Ethics, an agency of the School of Religion and the Center for the Humanities of the University of Southern California. The conference, not officially conducted by the Society, featured addresses by Harold Beraman and Alan Dershowitz of Harvard Law School, Richard Delgado of the University of Washington Law School, Austin Straus of Amnesty International, and Hillel Levine of Yale University. The regular program of the Society had four papers dealing with the relationship of Religion and Law, two (to be noted below) addressed specific issues. Raymond Decker, Director of Research, Development, and Planning of the Archdiocese of San Francisco, who had just spent a year at the Harvard Law School examining religious presuppositions of criminal law, agreed to address a panel sponsored by the Task Force on Religion and Law on the topic

"Crime As Sin: Religious Assumptions in Criminal Law." Decker tried to find some congruity between sin and crime by suggesting that both are in some way disorderly and intentional. He argued that the development of American criminal law has been heavily influenced by Christian ethical doctrine; he indicated that the acknowledgement of subjective liability in American law gives it common ground with Christian teaching; and he contended that the understanding of punishment as (at least in part) retribution makes American civil law closer to a natural law than to a positivist orientation. In responding, Douglas Sturm acknowledged some validity to these points but felt that stringent qualifications were necessary in order not to destroy important distinctions between crime and sin. Leslie Rothenberg also responded to the paper, but his remarks are not found in the archives. In another paper at the 1979 meeting, R. Kenneth Manning, Jr. looked at a line of appellate cases, including several from the United States Supreme Court, in which natural law reasoning had been operative. The paper is published in *The Selected Papers* under the title "Due Process and Individual Rights in Court Decisions on Property and Liberty." In 1980 John Langan gave a paper on "Punishment and Morality in Thomas Aquinas."

In addition to the papers dealing with broad foundational issues concerning law and religion, a number of papers given since 1978 have examined a particular social issue or problem in connection with which legal considerations are pivotally important. Except for 1981, every year from 1978 to 1983 there have been at least two, and sometimes three, papers presented on the subject of law. In 1978 L. Harold Dewolf, participating with Joseph Fletcher in a panel on "Continuity and Change in Ethics," looked at the Criminal Justice system. The same year, Barbara and Alan Andolsen directed attention toward "Privacy, Confidentiality, and Information Systems." Taking note of the increasing rate at which information is gathered about individuals in modern society, the Andolsens contended that present laws are inadequate to protect individuals against abuse. They enunciated certain procedures that should be observed to guard the rights of individuals and proposed certain checks to be placed on the methods by which data are gathered. Warren Copeland examined "The Ethics of Welfare Reform," looking at specific proposals for improving the system and citing six criteria for an adequate welfare program. His paper was published in *The Selected Papers* for 1978, but even before it appeared in that form it was published as an article in *The Christian Century* 95 (May 31, 1978): 580-581, with the title "Welfare Reform and Social Change."

Two papers were included in the program for 1979 that

dealt with specific applications of the law in the social process. Edward A. Malloy considered the problems involved in police work, particularly the possibility that law enforcement officers may have to employ violence. In "Ethics and Police Intervention in Domestic Violence," he indicated the wide discretionary powers that lower echelon law enforcement officers frequently have in deciding when and under what conditions to employ their fire arms, and presented sixteen propositions--drawn to a large extent from a modification of just war teaching--for deciding which uses of force are morally appropriate. The paper urged a serious and intensive effort to achieve a professional image of police work as rapidly as possible. William W. Everett presented a paper entitled "Land Ethics," which developed a systematic account of issues that should be taken into account in determining land use. This paper is printed in *The Selected Papers*.

In 1980 James F. Smurl examined the extent to which there is "A Right to Legal Services," and Glen Stassen discussed "Issues in the Death Penalty Debate." According to Smurl's paper, although the Constitution affirms the right of every accused person to competent legal counsel, this principle was given only lip service in America until 1963, when the Supreme Court gave explicit definition for implementing it. Commenting on the significance of this great gap between ideals and practice, Smurl emphasized the need for legal ethics to take structured conditions into account, not merely the good will or personal qualities of lawyers. He also argued the necessity of grounding legal ethics in humanistic and not merely scientific considerations, and the importance of challenging and not merely accommodating to existing cultural mores. Stassen's paper, which was printed in *The Annual*, was an autobiographical account of his role in presenting testimony before Kentucky juries in death penalty cases--testimony that seems to have been effective in persuading juries not to demand the supreme penalty.

In 1982 Richard H. Hiers delivered a paper on "Title VII and Judicial Policy-Making 1971-81," a comprehensive analysis of efforts to end racial and gender based discrimination in employment under the Civil Rights Act of 1964. Hiers concluded that by and large courts have been quicker to recognize and correct violations based on racial than on sexual discrimination. This paper appeared a year after it was delivered in the Professional Resource Section of *The Annual* for 1983. In 1982 Edward Malloy did a paper on "The Isolation of the Criminal Agent: The Christian Rationale for Imprisonment." Malloy reviewed the main theories of criminal punishment (the retributive temperament, the general deterrence rationale, the rehabilitative perspective, and

the isolating, or "special deterrence" view) and argued that the last could be most satisfactorily reconciled with the Christian perspective. Only criminals who threaten the common good because of demonstrated tendencies for impulsive and predatory aggression need to be imprisoned (that is, isolated from society for the protection of society). The third paper in 1982, given by Janet Dickey McDowell, was entitled "The Ethical Foundation of Bilingual Education Law." This paper examined the 1974 Supreme Court decision, *Lau v. Nichols*, which gave the force of law to regulations of the Department of Health, Education, and Welfare requiring school districts to provide special programs for pupils deficient in English because of their backgrounds. Such programs were designed to make the benefits of general instruction more equally available to all pupils. The decision is based on a welfare rather than a just due concept of equality and, according to McDowell, is thoroughly consistent with Christian ethical understandings of justice. The paper indicated at the end how the administrative policies of the Reagan administration have undercut the significance of this decision.

The considerable diversity in the topics covered under the rubric of law indicates how many ethically important issues are touched upon by the function of law. The future will probably find many more issues dealt with under this rubric.

#### Treatment of Human Rights

The subject of human rights has been discussed in papers given before the Society nine times, but all nine of these times have been in the last six years of the Society's history. In 1978 the opening plenary session was devoted to a discussion of human rights. William P. Thompson, Stated Clerk of the United Presbyterian Church in the USA, and Congressman Robert Drinan of Massachusetts were guests of the Society to present this theme in an opening plenary session. Herbert Richardson was scheduled to give a paper on "Human and Civil Rights in the 'New Religion'" but was not able to attend the meeting. The next year John Pawlikowski gave a paper on "Human Rights in the Catholic Tradition." The paper, published in *The Selected Papers*, gave a historical account of Roman Catholic teaching and examined some contemporary efforts to come forth with an adequate formulation on this issue. At the same meeting Aurelia Rule discussed "Human Rights: Aspects and Questions," and Richard Roach, "Theology and Ethics in Human Rights Arguments." In 1980 George R. Lucas, Jr. examined "The Inviolability Principle: Human Needs and Human Rights." Lucas pointed to the fundamental difference between a libertarian tradition

that thinks of human rights primarily as guarantees against governmental interference in personal lives, and those perspectives that look at human rights in terms of the fair allocation of resources insuring the survival and well-being of each member of society. The first of these views might be said to tolerate ghettos as the price of freedom while the second, to tolerate gulags in order to pursue economic planning that attempts to care for all. According to Lucas, the best contemporary thinking about human rights seeks to avoid this sharp dichotomy and speaks about "the right to have vital needs fulfilled at the same time as freedom is cherished." Acknowledging that "needs" cannot always be equivalent to "rights," the paper sought to develop an adequate theological concept of how these two ideas are related. The overriding consideration is that the humanity of persons not be violated, a consideration Lucas found alive in the early writing of Karl Marx and the contemporary writing of the Czech theologian Milan Machovec, as well as in thinkers in the libertarian tradition. The inviolability principle precludes both the infringement of thought or speech and the deprivation of essential needs such as food, education, and health care and requires societies to be concerned about both. This paper was published in *Encounter* 45 (Winter 1984): 1-10. On at least two occasions Lucas has also provided members of the Society attending the annual meeting with copies of excellent bibliographies on human rights issues.

In 1982 Ronald Stone looked at the relationship between "Christian Realism and Human Rights." Stone has been working hard to distance Christian realism from the "realpolitik" and reductionistic militarism so rampant in recent years. In this paper he was critical of tendencies to use human rights only as an ideological factor in a cold war. His paper showed how much the thinking of Reinhold Niebuhr has affected both sides in some of the debates. It provided a careful and detailed analysis of the hearings before the Senate Foreign Relations Committee on the nomination of Ernest E. Lefever to head the Human Rights Division of the U. S. Department of State. Those hearings brought to light sharply divergent views about the human rights question even among those holding a realist position.

The twenty-fourth annual meeting of the Society in 1983 had two papers dealing with human rights issues. One was given by John Langan on the subject: "Roman Catholic Theological Anthropology as a Basis for Human Rights." Langan outlined the current conversation as to whether the advocacy of human rights requires a grounding in theological anthropology—as Max Stackhouse has argued in a chapter on this issue in a book edited by Alfred Hemmely and John Langan

(*Human Rights in the Americas: The Struggle for Consensus*, Georgetown University Press, 1982). Langan contended that Roman Catholicism has come to an appropriate position on human rights more from historical experience than from a logical unfolding of the implications of a theological anthropology—a fact that makes it difficult to hold that theological reflection about human nature is the main, if not sole, source of this social concern. But Langan also recognized that theological anthropology has a contribution to make in understanding human rights. Consequently, "Christians need both to ground human rights norms in their own theology and to acknowledge the positive contribution of non-Christian and non-religious individuals, movements, and institutions in formulating, applying, and defending human rights norms against the excesses of inhumanity which mark the troubled progress of humanity." The other 1983 paper, by James Will, looked at "Church and Theology in the Struggle for Human Rights in Poland." Drawing on the insights of Paul Tillich about social conditions under tyranny, it examined the political and economic power of Marxism in Poland, the rise of groups like Solidarity, and the role of the Church in relation to attempts of Polish society to solve its economic problems.

There is an instructive contrast between the theoretical considerations presented in Langan's paper and the historical and descriptive account of an actual situation in the paper by Will. One paper got to experience by raising a theoretical question and the other got to theory by looking at a historical situation. Perhaps that very contrast is a clue to the nature of Christian ethics and the uniqueness of the Society in holding together two very necessary aspects of a momentous task.

## 9

### Economics, Technology and Vocational Ethics

All of the presentations to be considered in this chapter are concerned with how the pursuit or provision of goods and services affects the human condition. The first set of papers to be discussed concerns economic matters; the second, technology and the problems it poses; the third, ethical issues that arise while earning a living or engaging in a professional career.

#### Economics

While the Society opened its very first meeting with a panel on "A Christian Ethic for an Affluent Society," (see chapter one), it was eight years before the program again focused attention on the ethical issues related to economic policy. But a topic long left untouched would then get attention from several directions. A session with Senator Eugene McCarthy had been scheduled in 1967 on the topic, "Some Aspects of Ethics in Government." When McCarthy was unable to keep the commitment, President Victor Obenhaus was able to get Frank McCollough of the National Labor Relations Board to substitute. Another session that same year featured Hyman H. Bookbinder, Assistant Director of the Office of Economic Opportunity, who spoke on the "Ethical Philosophy of the Poverty Program." Shortly after speaking to the Society, Bookbinder jointly authored (with Lorrard K. Shulz), "Lovers' Quarrel Over the Poverty Program," *The Christian Century* 27 (July 24, 1967): 177-79.

The presidential address for 1967, given by Victor Obenhaus, was on "The Ethics of Income Distribution." Obenhaus noted that while much attention was then being given to the amelioration of poverty, relatively little was being devoted to the closely related, but distinctively different, problem of income distribution. The address was laced with statistics concerning the patterns of income that prevailed at the time, and reviewed the provisions of various plans, both private and public, that were being suggested to alleviate the plight of those without sufficient income.