

'A Church That Can and Cannot Change': Dogma

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FOUR decades ago, Roman Catholics were hit over the head by revisions of church teaching and practice authorized by the world's bishops at the Second Vatican Council. If the language of the Mass, prohibition of meat on Friday and, most striking, the church's unrelenting contrast between its truths and the errors of every other religion could be altered, what couldn't be? Doctrine on contraception? Divorce and remarriage? Capital punishment? Same-sex relationships? Ordination of women?

If religions are alive, as Catholicism surely is, they change. But while some changes may reflect a justifiable, even necessary, adaptation to new knowledge or circumstances, others may be a trimming of religious truth. How do you tell the difference? It is a question brought into sharp focus again with the death of Pope John Paul II and the election of Benedict XVI.

Historically, Catholicism solved the problem of change simply by denying it. Understandings of the Trinity, the priesthood, the papacy, the Mass and the sacraments that emerged over a long time were projected back into New Testament texts. Theologians joked that when a pope or other official circuitously introduced a modification of church teaching, he would begin, "As the church has always taught. . . ."

Such denial, still widespread, means that examining change in official teaching -- or what became known in the 19th century as "development of doctrine" -- poses two challenges: first, to establish that alterations -- some more than minor -- have unquestionably occurred; and second, to show how they can be reconciled with the church's claim to preach the same essential message Jesus and his disciples did 2,000 years ago, presumably deriving criteria that can help distinguish legitimate evolution in the future from deviations or betrayals.

Among American Catholics, John T. Noonan Jr. is specially situated for this pursuit. He is a distinguished law professor; a judge on the United States Court of Appeals for the Ninth Circuit; and the author of many books on jurisprudence, legal history and ethics, and church law. In the 1960's, when a papal commission re-examined Catholic teaching on contraception, a magisterial 1965 study by Noonan, tracing the history of the doctrine, was widely used to support change. In the 70's, in equally learned arguments, he criticized the Supreme Court's ruling for a right to abortion and campaigned for a constitutional amendment to protect the unborn. On the appeals court since 1986, he is known for granting stays of execution to death-row prisoners. So he is impossible to place in the polarized geography of liberals and conservatives -- Catholic and non-Catholic.

In "A Church That Can and Cannot Change," Noonan drives home the point that some Catholic moral doctrines have changed radically. History, he concludes, does not support the comforting notion that the church simply elaborates on or expands previous teachings without contradicting them.

His exhibit A is slavery. John Paul II included slavery among matters that are "intrinsically evil" -- prohibited "always and forever" and "without any exception" -- a violation of a universal, immutable norm. Yet slavery in some form was accepted as a fact of life in both Hebrew and Christian Scriptures, in much Christian theology and in Catholic teaching well into the 19th century. Noonan says that Christianity achieved a radical transvaluation of slavery. Jesus presented himself as a slave; slaves became saints; slavery became a metaphor and model for Christian life. Yet neither Jesus nor his followers directly challenged the institution of slavery. The fathers of the church accepted the buying, selling and owning of human beings. So did the popes: Muslim slaves were manning papal galleys until 1800. So did religious orders: Jesuits in colonial Maryland owned slaves, as did nuns in Europe and Latin America. Even St. Peter Claver, who in Colombia befriended, instructed and baptized African slaves, bought slaves to serve as interpreters. Theologians challenged abuses of slaveholding but rarely the practice itself.

It was at the urging of Protestant Britain that the papacy condemned the slave trade in 1839. In 1888, after every Christian nation had abolished slavery, the Vatican finally condemned it -- with a kind of historical rewriting and self-congratulation that palpably offends Noonan's sense of honesty.

Noonan's other exhibits deal with **usury, religious freedom and marriage**. Lending money for interest, long condemned as usury, became accepted as lawful. In certain cases, modern popes have claimed the power to dissolve marriages once considered indissoluble. And instead of insisting on government's imposing legal penalties, including death, to uphold religious truth, today the church positively forbids it. Compared with Noonan's treatment of slavery, his accounts of these other areas are abbreviated -- most regrettably perhaps in the case of religious freedom. Vatican II's Declaration on Religious Liberty reversed a long-held position that "error has no rights," despite the fact that only a few years previously a theologian like John Courtney Murray, the Jesuit whose defense of American separation of church and state laid the groundwork for the decree, had been silenced. This kind of dramatic rehabilitation gives heart, rightly or wrongly, to critics of other teachings, like those on **women's ordination or sexual morality**.

NOONAN'S four case studies demonstrate beyond question **the fact and the extent of change**. But do they offer insights that might aid Catholics in distinguishing legitimate from illegitimate developments in doctrine? In a negative sense, yes. Noonan believes in an unchanging element in Catholic teaching, a core continuity from Jesus to today. But from his cases he can deduce no rules of thumb to determine what falls within this continuity. His cases contravene the organic image of a gradual unfolding of latent truth. Nor does he find that categories like "unnatural" or "intrinsic evil," meant to sort out the immutable from the mutable, make solid sense of past changes.

He insists that genuine development arises from experience deepened by empathy. "That your love abound more and more in knowledge and in insight of every kind so that you test what is vital," St. Paul wrote, and Noonan repeatedly refers to this linking of love, knowledge and insight. He closes with St. Augustine's rule of faith: a true understanding of divine revelation is one that will "build up that double love of God and of neighbor."

But are experience, empathy and love sufficient to unlock the puzzle of well-founded change? Too bad Noonan didn't test them against cases in which people might feel "development" went awry, like the mutation of ancient restrictive conditions for a just war into the medieval embrace of crusades, or cases in which Catholics hold very different ideas about what might be legitimate development, like the church's opposition to abortion. He might also have strengthened his book by giving more attention to recent theological debates and by drawing on his other areas of expertise, like the Supreme Court's evolving interpretations of the Constitution.

Murray declared 40 years ago that development of doctrine "is the underlying issue" of Vatican II. It remains fundamental for Catholicism, Islam and other faiths too. What Noonan brings to it in this invaluable book is unblinking honesty about the record of the church to which he is deeply devoted. That is a standard for anyone wishing to pursue the conversation.

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