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EDITED BY
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especially Renzo Pegoraro and the Fondazione Lanza*

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10. See Gilberto Gutiérrez, "Veritatis Splendor y la etica consecuencialista contemporánea," in *Comentarios a la Veritatis Splendor*, ed. Gerardo del Pozo Abeijón (Madrid: BAC, 1994), 254.

11. Against the unilateral invocation made by Gutiérrez in "Veritatis Splendor y la etica consecuencialista contemporánea," 254–55.

12. The same affirmation is made by James Murtagh with regard to the pre-conciliar manuals in "Intrinsic Evil," (doctoral dissertation, Rome: Universidad Gregoriana, 1973), 60.

13. Louis Janssens, "Ontic Evil and Moral Evil," *Louvain Studies* 4 (1972): 120.

14. Giordano Muraro, "Procreación responsable," in *Nuevo diccionario de teología moral*, ed. Francesco Compagnoni et al. (Madrid: Paulinas, 1992), 1516.

15. See Martin Rhonheimer, *Ley natural y razón práctica* (Pamplona: EUNSA, 2000), 455–64; and idem, *La perspectiva de la moral* (Madrid: RIALP, 2000), 333–70; and idem, *Etica de la procreación* (Madrid: RIALP, 2004): 132–48. Referring to "ethical context" enables us to overcome many objections to the doctrine of *intrinsic malum*, such as an alleged reduction of the moral act to a "disembodied object" (see Marciano Vidal, *La propuesta moral de Juan Pablo II* [Madrid: PPC, 1994], 143).

16. Martin Rhonheimer, "The Truth about Condoms," *The Tablet* (October 7, 2000): 10–11; idem, "Contraception, Sexual Behavior, and Natural Law: Philosophical Foundation of the Norm of *Humanae Vitae*," *Linacre Quarterly* 56 (1989): 20–57.

17. Gustavo Irrazábal, "El teleologismo después de la Veritatis Splendor," *Moralia* 26 (2003): 31–57.

18. An analogous method for mediation between principles and consequences has been developed in the field of bioethics in Diego Gracia, *Fondamenti di bioetica* (Milan: San Paolo, 1993), 571–602.

Benedict XVI's *Deus Caritas Est*

An Ethical Analysis

STEPHEN J. POPE

Pope Benedict XVI's first encyclical, *Deus caritas est* (*DCE*), was generally appreciated for its positive tone. The encyclical's good reception was facilitated by its uncontroversial message that love, not hatred and violence, is at the heart of Christianity. The same is true of its claim that the church is called to demonstrate the practical meaning of divine love through concrete acts, both those done by individual Christians moved by charity and those routinely provided by ecclesial social service agencies around the world. Moral theologians praised the scriptural basis of the encyclical's vision and its focus on virtue and intentions rather than on rules and prohibitions.

The encyclical's treatment of its central theological affirmation that God is love (1 John 4) is divided into two sections — a more theologically speculative part dealing with the nature of love and a more practical section focusing on the "works of charity." Both sections have certain strengths, but I would like to highlight the more interesting issue of ambiguities in the document. This essay argues that the encyclical's clarity and persuasiveness is diminished by its treatment of the relations between two pairs of key theological and moral terms — first, agape and eros, and second, love and justice. The encyclical's assumption that agape is a special type of love that can be clearly distinguished from eros, as well as from other forms of love, gives a problematic status to natural love. Moreover, the encyclical's placement of charity "above" justice tends to give an insufficient appreciation to the importance of justice in its own right and obscures its value as a necessary condition of the former. This generates an unfortunate diminution of the ethical significance of large-scale, institutional settings. The conclusion of this chapter maintains that recent events in the life of the church underscore the responsibility of giving more, rather than less, attention to the demands of justice.

Agape and Eros

The first pair of terms recalls the theological and moral debate that has been going on for the better part of a century, beginning with Nygren's magisterial

work, *Agape and Eros*. Nygren's main target was what he took to be the infiltration of Greek into Christianity via Augustine's "Christianized" eros. Lofty eros, Nygren claims, persists in sinful self-seeking as much as hedonistic eros does and neither has any place in the unmerited love commanded by Jesus. True agape gives itself away and is completely unmotivated by its object's goodness or beauty. This dualist interpretation of Luther's two kingdoms was thoroughly critiqued and rejected by generations of Christian ethicists, but the typology was nevertheless retained, even by Nygren's critics. Thus, despite its inadequacies in enriching the Christian scriptures and significant streams of the Christian tradition, Nygren's position continues to influence Christian theology by providing the framework within which the discussion typically takes place. This is understandably, but lamentably, also the case with *Deus caritas est*.

Benedict certainly intends to oppose the kind of radical dualism of agape and eros advanced by Nygren, but unfortunately his encyclical actually shows the influence of the dualist paradigm it intends to critique. It is true that while Nygren sharply opposed agape and eros, Benedict, like his Catholic forebears in this debate, insists that agape and eros ultimately form a complementary and harmonious relation to the extent to which the former purifies the latter so that it serves the other and not just the self. Eros left to itself is corrupted by original sin and stands in need of grace. Benedict takes the Song of Songs to show that human love can move from being "insecure, indeterminate, and searching" to an orientation focused on "real discovery of the other, [and] moving beyond the selfish character that prevailed earlier" (*DCE* no. 6). Purified eros culminates in exclusive and permanent love expressed in marriage.

Benedict acknowledges that eros has been subjected to multiple interpretations based on quite disparate human experiences and textual traditions, and he concedes the difficulty of identifying which of these interpretations is most appropriate. Eros has been used to refer to sexual attraction to another person, to "falling in love," to yearning for psycho-sexual union with another person, etc. *Deus caritas est* speaks of eros in at least five ways: (1) as paradigmatically the love between a man and a woman (no. 3); (2) as a desire for happiness developed by the Greeks into religious intoxication (no. 5); (3) as "worldly" love, in contrast to the kind of love that is "grounded in and shaped by faith" (no. 7); (4) as "ascending" love, as opposed to the "descending" love (no. 7); and (5) as "receiving" from others, rather than as "giving" to others (no. 7). The encyclical treats these traits as more or less interchangeable.

One level of difficulty emerges with the question of whether self-gift is the natural outcome of the development of eros or made possible only by the influence of grace. Eros is described as desire that is naturally oriented to moral development: it starts out seeking the good in a self-centered way but

gradually moves to caring for the other for his or her own sake: "Even if eros is at first mainly covetous and ascending . . . [over time it] increasingly seeks the happiness of the other, is concerned more and more with the beloved, bestows and wants to 'be there for' the other" (*DCE* no. 7). Yet an ambiguity is introduced when it is said that as eros matures, an element of agape "enters into this love, for otherwise eros is impoverished and even loses its own nature" (*DCE* no. 7). The ambiguity here centers on whether agape corrects the defects of eros due to original or personal sin, or provides a new capacity for giving that is actually foreign to eros as such.

Benedict obviously does not want to say with Nygren that nature is replaced by grace, or agape by eros, but his use of the agape-eros duality makes this less than clear. Nygren regarded agape as a distinct "type" of love and certainly not as the grace-inspired perfection of all human love, whatever its object and whatever its mode of operation (ascending or descending, etc.). If agape is the perfection and elevation of natural love, then one would think that it is manifested in ascending as well as in descending love.

Benedict holds that because we are body and soul, and in need of receiving as well as giving, we should not dismiss eros as trivial any more than we should exalt it to divine status. Since "giving" and "receiving" are both essential aspects of natural love, Benedict's description of agape as "descending" love and of eros as "ascending love," and his categorization of eros as "worldly love" in contrast to love "grounded in and shaped by faith," obscures the natural moral capacity of human love, healed by grace.

According to Nygren, natural love in search of happiness ascends to God for the sake of the self, whereas divine love descends to others without concern for the self. Benedict, on the other hand, maintains that as natural love ascends to God it naturally grows in its capacity to give itself away and care for others. The former's account of natural love as inherently sinful leads him to call for its obliteration, whereas the Catholic position distinguishes between our created capacity for love, our sinful disorientation as fallen creatures, and the healing effect of grace on our nature. Benedict's distance from Nygren would have been made clearer if his treatment of love had incorporated the Thomistic distinction between integral nature, fallen nature, and healed nature.

If grace transforms all human love and does not issue only in purely self-sacrificial altruism, then love cannot appropriately be divided into "types" like agape and eros. Through grace, human love moves toward mutuality, friendship, and communion; it embraces self-love as well as brotherly and sisterly love; it encourages the believer to mystical contemplation as well as corporal and spiritual works of mercy; it is expressed in both the fellowship of the Lord's Supper as well as in the cross.

Justice and Love

The second ambiguity of this encyclical lies in its treatment of the relation between love and justice. Benedict cites the standard passage on giving to Caesar (Matt. 22:21) to emphasize the different responsibilities of church and state. The church works for the practical well-being of those who suffer, but it does not have the responsibility to administer justice in society because its mission is not political. Yet the claim that “a just society must be the achievement of politics, not the church,” need not imply quietism or irresponsible otherworldliness. Not remaining on the “sidelines,” the church must promote justice in society through using its pedagogical, moral, and pastoral resources. The church has a responsibility to form consciences and to train citizens in virtue (*DCE* no. 28), to promote reasoned debate in the public square, and to insist that political communities respect natural law, the common good, and human dignity. These roles explain how the church can be committed to giving public support to certain legislative proposals but not require Catholic support for particular candidates or political parties.

The ordained in particular should normally rise above partisan politics and be available to all believers rather than only those with whom they share particular political convictions.

One difficult aspect of this division of labor concerns Benedict’s way of relating love and justice. Whereas the state is responsible to provide justice for members of the political community, he argues, the church is a “community of love” whose actions manifest the inner life of Trinitarian love. Opposed to Marxist claims that the poor need justice, not charity, Benedict argues that the poor need both: justice from the state and charity from the church. Love addresses more significantly the deepest needs of the person, which is often ignored by state-run bureaucratic services.

The assumption that the church’s central moral concern ought to be charity rather than justice is troubling for two reasons — one external to the church and one internal. First, charity for the needy requires us to work for their rights and to address the causes of their suffering and therefore to struggle for justice in a collective, concerted way. Unfortunately, the church has at times either stood on the “sidelines” or even actively supported the oppressors. Indeed, the appeal to charity has been used to justify inaction or even complicity in oppression.

Martin Luther King Jr.’s famous “Letter from Birmingham City Jail” was written in response to critical clergymen who wanted King not to “stir up trouble” in an already divided city. Observing the church’s acceptance of segregation in his own day, King complained of white churches that “stand on the sideline and merely mouth pious irrelevancies and sanctimonious trivialities.” King’s words apply not only to the past: “Far from being disturbed by the presence of the church, the power structure of the average

community is consoled by the church’s silent and often vocal sanction of things as they are.”

Benedict’s encyclical does not meet King’s insistence that Christian love issue in concrete commitments to social justice that address the underlying structural causes of the suffering of the poor and not only their immediate needs. This might result from the fact that the pope thinks of human suffering as primarily the result of unmet material and spiritual needs — the kinds addressed in the Beatitudes and the corporal and spiritual works of mercy — rather than as resulting from pervasive and systematic human injustice. This assumption runs the risk of reinforcing complacency and what Judith Shklar called “passive injustice.”

The encyclical’s inattentiveness to structural injustice reflects the fact that it does not consider poverty from the point of view of those who are oppressed but rather from a transcendent vantage point “above” their struggles and historical location. But as John Paul II has written, the preferential option for the poor requires us to stand *with* the poor and oppressed and not just to offer them assistance — a stance that gives a sharp sense of urgency to one’s sense of the need to work for the transformation of the social order. Benedict is concerned that the personnel who work within the church’s charitable organizations “not be inspired by ideologies aimed at improving the world, but should rather be guided by the faith which works through love” (*DCE* no. 33). Yet faith can work through a form of love that promotes progress not as an ideology but as a way of addressing the plight of the poor. Instead of looking with suspicion on all appeals to social progress, the encyclical might have distinguished ideologically distorted views of social progress from those that are compatible with the gospel.

The pope insists that, “we contribute to a better world only by personally doing good now, with full commitment and wherever we have the opportunity, independently of partisan strategies and programs” (*DCE* no. 31). But it can also be the case that at times we contribute to a better world by promoting justice via partisan strategies that concretely advance the rights of the poor, for example, particular laws concerning the right to unionize, laws regulating factory emissions, etc. This would seem especially the case in those social contexts in which the church wields significant degrees of economic, social, and even political power. Assignment of justice to the state and charity to the church can obscure the church’s *de facto* possession of power and the potential it has to effectively promote justice or to be an obstacle to it.

The encyclical’s high praise for the superiority of charity can also create the impression that the church transcends justice and so need not be focused on it. Yet the concrete practice of the church, from local to the universal contexts, is different than the lofty theology with which it is sometimes described. Benedict, for example, proposes that the transparent character of Catholic organizations and “their faithfulness to the duty of witnessing to

love” can inspire greater virtue in the administration of civil agencies (*DCE* no. 30). The last four years in the United States, however, calls into question the validity of this generalization. A report of the Office of the Attorney General of the Commonwealth of Massachusetts issued on July 23, 2003, concluded that six decades of sexual abuse of minors by clergy members was “due to an institutional acceptance of abuse and a massive and pervasive failure of leadership.” Officers of the archdiocese made decisions, the form of which were repeated in many other locations in the country and elsewhere, to allow abusive priests to continue in active ministry even though their presence constituted a serious threat to the well-being of highly vulnerable children and juveniles. In one settlement agreed to in September 2003, the archdiocese of Boston agreed to pay \$85 million to more than five hundred victims; overall the archdiocese has paid about \$110 million to plaintiffs.

To their credit, the U.S. bishops adopted a child protection policy in 2002 entitled the “Charter for the Protection of Children and Young People,” which includes a requirement for permanent removal from ministry of any ordained person guilty of sexual abuse of a minor. The crimes of sexual abuse constituted a serious violation of justice that included issues of accountability, the duty to report crimes to the proper authorities, concern for the well-being of those over whom one has professional responsibility, and the protection of innocent people from sexual abusers — and, in some cases, even serial predators. The church’s concern with mercy for the clergy and love for its own public image allowed it to obscure the suffering of victims and ignore what, in retrospect, were some obvious imperatives of justice.

It should also be noted that the initiative for justice came not from the institutional leaders of the church but from civil authorities, politicians and lawyers, lay activists like Voice of the Faithful, advocacy groups, the media, and other kinds of popular pressure. Another cry for justice came from some accused priests who complained that the church had unfairly deprived them of their good names and ministerial status and allowed guilt by accusation to replace due process. What Reinhold Niebuhr observed of secular politics is in this case also true of ecclesiastical authorities: those holding positions of power do not voluntarily renounce their privileges and protections. Appeals to charity ring hollow when institutions ignore or evade basic standards of legal and moral justice. The hierarchy in Boston, to note one particularly egregious case, failed miserably in its exercise of justice, and few observers accepted its attempt to exempt itself from meeting its legal obligations to the victims of clerical sexual abuse.

This criticism in no way denigrates the charitable work of the church, but it does make it hard to resist the implication that the church should try to do more but at least *never do less* than justice demands. Heartfelt concern for directly encountered victims — Benedict’s central image of charity — is made real by just acts, including the policy changes brought about by the

U.S. bishops themselves. The whole episode underscores the fact that love and charity are not only limited in their moral scope but also have to be directed and corrected by justice.

The unmet claims of justice also underscore our collective Catholic need to keep alive John Paul II’s sense of repentance for the failures of the church to live up to its own ideals and even elementary moral norms. This includes not only the church’s failures in the crises of sexual abuse in various parts of the world, but also its grievous moral failures in places like Argentina during the “Dirty War” and Rwanda during the genocide of 1994.

Conclusion

Deus caritas est offers a strong message regarding the centrality of charity to the Christian life and underscores both its theological grounding and its practical ecclesial significance. The strength of the encyclical lies in its vision of agape informing both the human desire for happiness and love and the human commitment to justice. Yet its message could have been argued more effectively had the pope developed more careful distinctions. While seeking to support the unifying power of love, it unfortunately can be mistakenly interpreted to separate agape from both eros and justice.

The overarching vision of *Deus caritas est* can be promoted by understanding that grace perfects and elevates all forms of human love and inspires the exercise of justice in both interpersonal and more broadly social domains. Justice without love can be heartless, but love without justice can be radically irresponsible.