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What Now?

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Our title was meant to head a reflection on the outcome of the May Referendum, and to focus on the challenges the result has brought for those who opposed repeal of the Eighth Amendment and for the leadership of the Irish Catholic Church. But the visit of Pope Francis has prompted a widening of the lens, for it carried seeds of renewal even if it, and the event which occasioned it, were shadowed by clouds that won't easily dissipate. What now and what next in aid of the sacredness of life are part of a larger question about the future of the Catholic Church in Ireland, and the outcome of the Referendum and aspects of the entire experience have a bearing on the answers.

So what follows are some remarks on the campaign and its aftermath from a vantage-point within Catholic theology, arrived at in reflecting upon the Pope's visit and all that happened around it. The Church's future is in God's hands - a truth of faith to be kept in mind these days - and in another sense in the hands of all its members. But leadership ultimately is a special ministry of bishops, *episkopoi*, overseers literally, of the work of the Gospel, and their role in particular will occupy us here. The bishops' role is exercised in engagement not just with Catholics and in matters of doctrine and life, but also with the wider society, and in ways that concern relationships between church and state, and the place of religious discourse in the public square. Something of what that society is like, and what it makes of these relationships, may be gleaned from media treatment of the Referendum debates, and this will interest us too. There are positive and negative things to say under both headings; what's offered here isn't meant in a spirit of fault-finding, and the conclusion, linking again to the visit of Pope Francis, is hopeful.

A word about language and terminology. 'Pro-life' and 'Pro-choice' are the labels conventionally attached to ideas which issue in attitudes and actions regarding law and public policy on

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abortion. They're convenient labels and I shall use them here, but of course they're simplifications, and their unthinking use is harmful, not least when it gets in the way of recognising common ground. More problematic is the use of the word 'Church'. It's a cliché that the Church is 'not just the pope and the bishops', yet the term continues to be used in reference to them and religious and priests. Conventional and convenient though it may be, this usage has a distorting impact on intra-Church conversation about matters so fundamental as the Church's very mission, as well as on how that mission and the Church are perceived in the secular world.

THE DEBATE

London's *Tablet* and France's *La Croix* both thought the debate 'civilised', as indeed by and large it was, if one disregards the more barbarous inhabitants of the social media and extremist voices on both sides. Leading advocates were generally temperate and respectful of alternative viewpoints, though there was little real engagement with each other's arguments. The Yes campaign was 'media-driven', which in itself isn't necessarily objectionable, though it sometimes led to a representation of viewpoints which was less than balanced, and we had our share of tv and radio debate in which presenters – one might have expected them to at least affect neutrality – appeared to think that only an idiot could imagine that there was anything to be said for the retention of Article 40.3.3.

More troubling was the quality of some of the formally political debate. The session of the Oireachtas Committee at which experts in relevant fields were questioned was at times embarrassing. There were of course good questions and valuable exchanges, but some members treated experts favourable to repeal with a deference reminiscent of a forelock-tugging peasant in a novel by Somerville and Ross. William Binchy by contrast was treated as though a defendant in a criminal case, a dimwit, 'no help' to the Committee because his submissions weren't 'evidence-based'. (There's room for a glossary in which terms such as evidence-based and theocracy are defined for the benefit of those who insist on using them.) More troubling still was that some senior politicians, including cabinet members, seemed to think that repeal of the Eighth Amendment was no more than an overdue step in the process of Ireland's entering the twenty-first century. The shallowness of contributions like these must confirm worries about the direction of Irish higher education during the past few decades, with its side-lining of the Humanities and diminishing provision for training in critical thinking.

THE RESULT

And so to the Referendum and its result, surprising in its decisiveness even to those who anticipated success for Yes. Commentators lamented or rejoiced in what they saw as a rejection of Catholic influence on the law of the land, and more than one interpretation saw it as rejecting the teaching of the Bishops' Conference in particular. This however ignores the fact that since the Conference began to intervene in debates about law and morality in the wake of the *McGee* case in 1973, only twice— out of more than a dozen instances – has the view espoused by the Conference prevailed. The first was the occasion of Eighth Amendment in 1983, the second the 1986 Referendum on divorce, and in each of these cases there was a context important for an interpretation of their significance. The Eighth Amendment had the support of both the Taoiseach and the Leader of the Opposition, and it was commonly and plausibly thought that the reason that the 1986 Referendum failed was that no provision had been made regarding the disposition of property or succession. An adequate assessment of the prospects for any episcopal presence in the public square would have to take account of the fortunes of interventions since the early Seventies.

On another narrative, favoured by a section of the Pro-Life movement, the Conference's submission to the Citizens' Assembly and subsequent public statements are criticised for not proclaiming that every Catholic was bound in conscience to oppose repeal. The fact is that as a matter of Catholic theology it wasn't open to them to do so. They were clear and firm, as they had to be, about the teaching of the Church's *magisterium* on the morality of abortion, and their endorsement of a No vote was unequivocal. But the tradition out of which church *magisterium* works includes a nuanced account of the relationships between morality, law, and politics; it acknowledges what the Second Vatican Council called a 'legitimate autonomy of secular affairs'; and it recognises that law-making is in the end a matter for the conscience of legislator and citizen.

So what of the conscience of Catholics who voted for repeal of the Eighth Amendment? Mere 'cultural' Catholics, if Catholic at all, secularised, without a sense of the sacredness of human life, dupes of a clever media manipulation? Irish society is undoubtedly secularised, and – what is not the same thing – there is a secularism which rejects religion, and some of it is militant. But it's a mistake to think that there weren't people, morally serious people, who were genuinely conflicted, thinking especially of the 'hard cases', and in the end unpersuaded that Article 40.3.3. should be kept.

All of which is to say that the context in which the seeds of a

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renewal might ripen is complex, and the task of church leaders is daunting. For, not only do they carry the burden of past sins and failures but their credibility is further undermined by factors over which they have no direct control. The dark shadow cast by the McCarrick affair and the Pennsylvania Report was in evidence at the weekend of the visit of Francis, and then there was the bizarre intervention of Archbishop Viganò. So there's a question of what ground there is to stand on, from where might fresh thinking proceed.

SO WHAT NOW?

A good place to start is the Taoiseach's speech of welcome to Pope Francis, rightly widely praised for its balance and honesty. It was good to hear him praise Catholicism's positive contributions, praise which in a strange way rang more true because he didn't mince words in describing the harm also done under the aegis of the institution. Nor did he leave any doubt about how changed Ireland is: ethnically and religiously pluralist, 'understanding that marriages do not always work, that women should make their own decisions, and that families come in many forms including those headed by a grandparent, lone parent or same-sex parents or parents who are divorced'. But he takes it for granted that religion will still have an important place, and he addressed Pope Francis in memorable words: 'I believe that the time has now come for us to build a new relationship between church and state in Ireland – a new covenant for the 21st Century. It is my hope that your visit marks the opening of a new chapter in the relationship between Ireland and the Catholic Church'.

I think the Taoiseach should be taken at his word. How the new chapter will be written depends of course on many factors, and it raises important questions for Catholic theology: about the relationship between church and state, obviously; more generally, the relationship between religion and society; the relationship between morality and law and politics; the place of religion in the public square; most fundamentally, the self-understanding of the Catholic Church. These are themes familiar in many parts of the western world, but they need to be explored more fully in their reference to Ireland than they have been up to now, and not just by theologians but also by political and social theorists and by Ireland's public intellectuals. And they are questions for the church and the churches and faiths, and not only their leaderships; but the hierarchy in the Catholic Church has a special ministry, and here I offer a few remarks regarding the role of church leaders and especially the bishops.

Archbishop Éamon Martin has spoken of a ‘culture of engagement’ – the expression is that of US theologian Cathleen Kaveny, who sees it as a way forward out of conservative-progressive polarisations such as dog the Church in the United States at present.¹ We have been spared, so far, the sort of culture war that has aggravated polarisations in the *Ekklesia* in the US, but we have a few debilitating ecclesial polarisations, and we can benefit from Kaveny’s thinking. Reflecting on its potential application here, Archbishop Martin elaborates: a culture of engagement will require that ‘two-way, critical interaction and conversations need to take place between religious traditions and the broader culture, including constructive critiques of social, political, legal, and economic practices’.²

A pivotal locus of interaction is politics, and the conversation is not with politicians only but also with the people whom the politicians represent. The Taoiseach’s words imply an openness to conversation with the churches and the faiths, and it would be a great mistake for the Catholic Church through its leaders not to respond. And it would be a pity if a positive response is inhibited through mistrust or defensiveness, or through being trapped in reaction to real or perceived hostilities. The response of Bishop Denis Nulty to the result of the Referendum strikes the right note; an eloquent advocate of a No vote himself, he nevertheless declared that the electorate’s decision must be respected, whilst encouraging those who worked for retaining the Amendment to play an ongoing role: ‘we must work even harder to strengthen a culture that values all life and advocates for all who are in need of protection in our society’.³

AND HOW?

A response if it is to be real bespeaks listening, and listening doesn’t always come easy to someone whose role is to teach, though of course it’s a pre-condition of effective teaching and of genuine learning; and a teacher learns in interaction with the taught. Catholic leadership needs to listen to the Catholic faithful – needs to listen to them especially – as well as to interlocutors in the public sphere. And some of the necessary listening – to survivors of abuse, to women, to the people we refer to now as LGBTQ – is at this stage urgent. The need to listen is another theme of Pope

1 Cathleen Kaveny, *A Culture of Engagement: Law, Religion and Morality*, Washington DC: Georgetown University Press 2016

2 Annual Newman Lecture, University of East Anglia, 8/5/17. Text available at <http://www.catholicbishops.ie>. Accessed 13/9/18

3 *Leinster Leader*, 31/5/18.

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Francis, and his encouragement of synodality points in a direction in which listening may take concrete form. The technical term is opaque, off-putting perhaps, but what's behind it can be glimpsed when its Greek roots are uncovered, calling up an image of being on a road together. And the synodality of which Francis speaks applies at every level of church life, a fact which in Ireland has hardly begun to be explored.⁴

Pro-life activists will doubtless seek to influence the Oireachtas debates on the detail of the proposed legislation, and there is scope, and it is an important task. And there are specific challenges, importantly the question of conscientious objection on the part of doctors and other health workers, and especially GPs. For the bishops, though, the task is best seen as part of a larger task, that of strengthening a culture that values all life and advocates for all who are in need of protection, to echo Bishop Nulty's description. Commitment to a vision of the sacredness of life from conception to natural death must include a care for the conditions of human living from the cradle to the grave, as Pope Francis repeatedly insists, and the teaching and example of Jesus make plain.

In the decades since the *McGee* case the Conference has evolved an approach to issues of morality and law which (a) distinguishes between morality and law, (b) sets out church teaching on the moral issue, (c) makes the case for their own view of the measure proposed, but (d) recognises that it is the right and responsibility of lawmakers and citizens to decide what the law is to be. As intimated earlier, there are solid reasons in Catholic theology for taking this approach. Recognition of conscience's rights has in most instances been explicit; not so a few times recently, and not in individual bishops' statements about the repeal of the Eighth Amendment.

The Conference's approach has generated criticism from both sides of the various debates, one side holding that the bishops should say that Catholics are obliged in conscience to vote for the view the bishops favour, the other side accusing them of disingenuously trying to get their way. Critics of the first kind were critical of the Conference's position on the Eighth Amendment for not insisting that Catholics must vote against repeal, whereas another view read the omission of a reference to conscience to imply that a No vote was binding Catholic doctrine; a view which seemed confirmed when some bishops later spoke of a Yes vote as sinful,

4 The concept is elucidated, with valuable reflections on its application to Ireland, in Gerry O'Hanlon SJ, 'Ireland and the Quiet Revolution in the Catholic Church', *The Furrow* (May 2017), 259-267, and Éamonn Fitzgibbon, 'Together on the Way', *The Furrow* (October 2017), 532-539. A comprehensive account is in Gerry O'Hanlon SJ, *The Quiet Revolution of Pope Francis: a Synodal Catholic Church in Ireland?* Dublin: Messenger Publications 2018.

or said that a Catholic who voted Yes should consider going to Confession.⁵

Earlier Conference statements were open to a different kind of criticism: that they were issued as if from a height, paternalistic, didactic and often patronising in tone; a case of ‘them’ telling ‘us’. That cannot be said, I think, of the submission of the Conference to the Citizens’ Assembly, or its *viva-voce* presentation at an Assembly session, or of their pre-Referendum statement. The submission is well argued, relying, as does Catholic moral theology generally, on rational argument as well as considerations deriving from Christian faith, and offered ‘in the hope that we can be of assistance to the Citizens’ Assembly in its task of reflecting on the right to life’⁶. And most of the statements made by individual bishops in the run-up to voting day were reasonable and moderate in their presentation of the case for retaining the Amendment.

One wonders, though, about the need for statements further to those issued by the Conference, apart from situations where it is plainly necessary or useful to elaborate something generally stated. There was some sense of overkill in the run-up to the Referendum, a sense that the case for keeping Article 40.3.3 was being pushed on people, and one had the sense of a corresponding push-back. And there was puzzlement and confusion when a bishop said something that seemed to take a noticeably different line from that of the Conference, or didn’t reflect its spirit. Of course each bishop has a special responsibility and the requisite canonical authority to teach in his diocese, and in current canon law he has a stronger position than does the Conference, and the theology of episcopal Conferences is notoriously underdeveloped. But presumably what issues from a Conference comes out of a consensus, and from debate and discussion in which everyone is entitled to make his mind known. To an observer unfamiliar with canon law – most of the people addressed – any break with consensus must seem strange.

What I’ve wanted to say in essence is that the outcome of the Referendum need not be regarded as disaster but a *kairos*, a

5 Aside from its doubtful pastoral value, raising the question of Confession in connection with a Yes vote is difficult to understand, in view of the discipline which has prevailed since 1551 by Decree of the Council of Trent. Put briefly, this is that recourse to the Sacrament of Penance is a matter of obligation when one is aware of having committed a mortal sin (Catechism of the Catholic Church, 1457). Elsewhere the Catechism states: ‘For a sin to be mortal, three conditions must together be met: “Mortal sin is sin whose object is grave matter and which is also committed with full knowledge and deliberate consent”’ (1487). Much will have had to be presumed before the conclusion is warranted that a Catholic who voted Yes should go to Confession.

6 Text available at <http://www.catholicbishops.ie>. Accessed 13/9/18

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moment of opportunity in the work of witnessing to the Gospel and its values, in which Irish Catholics are moved to look at how best now to contribute to the creation of a culture of life. We must be careful not to misinterpret the result, and careful to search for common ground, inside and outside the Church, with people who came to a different conclusion about the Eighth Amendment. The search will be part of a larger quest, one that reckons with the changed times, and asks what the Gospel of Jesus Christ now can bring to Irish society. And we might take note of something that according to a spokesman for the Taoiseach he said privately to the Pope: that there are many who have faith in their heart but feel excluded and alienated, who want to believe again. The visit, in all its variegated light and shadow, was a *kairos* too. Or perhaps we should think of our time, the times in which we live, the infancy of a millennium, as the *Kairos*.

Transfiguration

*'And when they raised their eyes
they saw no one but only Jesus.'*

Matthew 17

Christ is more, much more,
more than the prophets and the law.
He touched the disciples
from the cloud,
transformed their vision.
From that day,
life for them was changed
in every way.
They knew, deep down,
how life could be transfigured;
the power of love that flows,
that our cross now leads
through grace to glory.
Christ has shed new light
on the everyday,
how we should relate
in love and truth,
without fear, transparent
to each other.