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"TO ERASMIANS, EVERYWHERE": REFLECTIONS ON THE LIFE
AND WORK OF JUDGE JOHN T. NOONAN, JR.

REVEREND MICHAEL SWEENEY, O.P.*

I regard it as a singular honor and privilege to have been invited to speak in celebration and in honor of the contribution to the Church and society of John Noonan.

I begin by noting that Judge Noonan dedicated his very important work on the development of moral teaching in the Church "[t]o Erasmians, Everywhere." When I first read his text I wondered of whom he was thinking: was it of Erasmus who was reluctantly consecrated as a religious and who, for the rest of his life, attempted to be a layman instead? Or was it of Erasmus the scholar who disdained scholastic conventions that overlooked the pure rendering of Scripture and the tradition that a deeper scholarship might afford? Or, perhaps, was it of Erasmus who, remaining aloof from the violence of his age, managed to disappoint everybody? Of course, John himself satisfied my wonder: "Erasmus must stand as one of those 'great minds,' recognized by John Paul II, as 'truly free and full of God,' who were in some way able to withdraw from the climate of intolerance [that characterized his age]. . . . Erasmus' lone voice was lost in the storm."¹

Judge Noonan's is not a voice to be "lost in the storm." At the same time, I suspect that we would do him insufficient honor were we to overlook the fact that he is very much as capable of being provocative as was Erasmus. I wish to call out two remarks of Judge Noonan that, in my view, open a horizon through which we can appreciate one aspect, at least, of the significance of his work on behalf of the Church. In his *A Church That Can and Cannot Change*, John remarks that, with the determination of Bl. John Paul II that slavery is intrinsically evil, the hierarchy had finally caught up with the moral consensus of the lay faithful. His remark invites us to wonder how it is that this recognition was so long in coming. Then, in the same work, he notes that the insistence upon the inviolability of human freedom articulated in *Dignitatis Humanae* was not accompanied by any sort of acknowledgment of the fact that such a freedom had been violated for centuries when the Church, both in theory and in practice, condoned capital punishment for heretics. Whence, he invites us to wonder, is the reluctance to admit that, in centuries past, the Church appears to have got it wrong? We might further wonder how it is that, after centu-

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1. JOHN T. NOONAN, JR., *A CHURCH THAT CAN AND CANNOT CHANGE: THE DEVELOPMENT OF CATHOLIC MORAL TEACHING* 153 (2005).

ries of having gotten it wrong, at Vatican Council II the Church finally got it right.

I propose that these rather troubling questions can be addressed by contemplating a realization on the part of the Council fathers that, most especially in their moral teaching, those who speak for the Church are only partially attentive to the ferment of the Spirit in the affairs of humanity when they neglect to consult the lay faithful. We can say, without a trace of hyperbole, that at Vatican II the hierarchy finally saw the necessity of consulting men like Judge Noonan and others who are preeminently competent to speak of secular things, because it is possible to speak of secular things with the authority of Christ. What, exactly, does this entail?

More than a decade prior to the Council, Fr. Yves Congar, O.P. had remarked that, in order for the contribution of the laity to be acknowledged, the Church had to come to a double realization: first, there is a world out there; and second, it is not the Church. I would propose a corollary realization: that the world out there will remain the world and should not be the Church; that the invitation Christ extends to all humanity to be gathered into his Body the Church does not mean that the world must cease to be the world. The world, according to the Council, is the dwelling place of the Church and, in some measure, defines her mission: the Church dwells in the world for the sake of the world. In other words, the worldliness of the world—the properly secular—is itself to be transformed in Christ and the Church and therefore has, according to the insistence of the Council and the subsequent papal magisterium, a properly secular dimension.

How are we to think of this properly secular dimension of the church? To borrow again from Fr. Congar: “The Church is one, but with a unity of fullness,”² and the fullness of the Church includes a properly secular dimension. As such, some elements of the body of the Church exist outside it: “[T]here exists a field . . . which is, by the essential condition of creation, a field of Christ, of the Church, a possession of Catholicism; but it is also, by its intrinsic nature, a field common to all”³ So we read in St. Paul to the Romans: “For creation was made subject to futility, not of its own accord but because of the one who subjected it, in hope that creation itself would be set free from slavery to corruption and share in the glorious freedom of the children of God.”⁴ If this is so, then the moral teaching cannot have as its sole concern the unity of the Church that is the first concern of its pastors, whether expressed in: the comportment of Christians toward participation in the sacramental life of the Church; or the creation of a secular society that conduces toward the sacramental life of the Church; or even participation in a secular society that is not inimical to the sacramental life of the Church. Rather, the vindication of the

2. YVES CONGAR, O.P., *CHRISTIANS ACTIVE IN THE WORLD* 148 (1968).

3. *Id.* at 151.

4. *Romans* 8:20–21.

destiny of the human family and with it the field of things that are common to all must remain a concern in its own right.

It is this field of things that are common to all that Judge Noonan both explicitly and implicitly addresses. He rightly points out that it is impossible to address these things apart from intimate participation in them. He notes:

The ordinary moral theologian makes available to his readers little of his life. The typical theologian, prior to 1960, was male, celibate, and ordained. He probably had not had the sexual odyssey of an Augustine or the military odyssey of a Håring, and he would not likely have had the intellect of an Aquinas. He would have in adolescence entered on study for the priesthood, and more likely than not would have been the member of a religious order, which had chosen him to study moral theology. As a priest he would, until recent times, have been subject to ecclesiastical censorship of what he wrote. . . . Limited by their training and by censorship, often with limited experience of the world, the moral theologians generally entered on the exposition of moral theology by following in the steps of their predecessors. In this way a tradition was constructed.⁵

I might add that the tradition constructed in this way does not sound terribly promising.

What is clearly lacking is an engagement with secular life. This matters. If I may, I will reflect for a moment from my own experience.

Several years ago I was invited by one of our students to visit with him at his family ranch in Arizona. While there, he took part in the various chores around the ranch and I offered my help. The "help" that I was able to afford him was, to put it in the very best light, well intentioned. Prior to my visit my idea of a cow was of a docile and rather stupid unhorned creature, languidly chewing its cud. These cattle were frisky, horned, and skittish toward dangerous. My friend, making a prudential judgment of my yet untested abilities, determined that a truck was a likelier, if more limiting, choice than horseback as a means of transportation. He suggested one afternoon that we go skeet shooting. I had never shot a rifle in my life and discovered, during that adventure, that I am left eye dominant; as I tried and failed to line up the site on the rifle, he informed me, with humiliating patience, that I had the wrong eye opened. I did shoot one skeet—on the ground as a target, not flying—by accident. Having entangled myself in rope fence closures, having been cautioned lest, moving too suddenly, I should cause a stampede—that, thankfully, was averted—and in myriad other ways demonstrating a complete lack, not only of competence but of aptitude for conducting myself on a ranch, I found myself more and more desirous of gathering my hosts and beseeching them to

5. NOONAN, *supra* note 1, at 205.

believe that there is an area of my life in which I am considered to have attained a modest degree of accomplishment. I am not at this or any moment contemplating a treatise on the moral requirements of life on the ranch.

While my example is admittedly trivial, the incapacity to which it speaks is not. What is the basis of this incapacity? As Judge Noonan has articulated, it consists in a failure of love. Immediately following his dedication “[t]o Erasmians, Everywhere,” he cites St. Paul to the Philippians, “And this I pray: That your love abound more and more [i]n knowledge and in insight of every kind [s]o that you test what is vital.”⁶ I am capable of esteeming, albeit from a great distance, the competence required to run a ranch. I am not capable of loving the ranch or, for that matter, the ranch hands in so far as they are ranchers. (I speak as a celibate male, ordained, a member of a religious order, lacking the intellect of Thomas Aquinas, exactly as Judge Noonan described me). Moreover, I am precluded by my very office of even the opportunity to come to know a ranch and the ranch hands insofar as they are ranchers—my office concerns teaching, sanctifying, and governing within the Christian community as a coworker of the Bishop—and as St. Thomas Aquinas insists, what I do not know I cannot love. Nor, I would add, am I capable of prudential moral judgment if love is lacking. Love concerns always what is particular, what is concrete, what is actual and never what is merely general, abstract, or notional. The moral order itself concerns human action and the term of every act is something particular, concrete, and actual. The love of Christ is a love that designates, elects, chooses, calls forth, names. If I am to have knowledge of what it is to ranch and what it is to love a ranch, then I am fully dependent upon the testimony of those whose knowledge is born of love, in this instance, the ranchers themselves. And it is to them that I must refer in any moral judgment I might make concerning the responsibility of ranchers.

But there is more. The Church dwells in the world for the sake of the world; the world and creation itself have a destiny that only Christ fully reveals, and he has entrusted that revelation to the Church; only knowledge of the world born of love can therefore satisfy the Church’s mission. For this reason, following the Council fathers, John Paul II did not hesitate to designate the lay function in the Church as a participation in the priesthood of Christ:

The lay faithful are sharers in the *priestly mission*, for which Jesus offered himself on the cross and continues to be offered in the celebration of the Eucharist for the glory of God and the salvation of humanity. Incorporated in Jesus Christ, the baptized are united to him and to his sacrifice in the offering they make of themselves and their daily activities. . . . “Thus as worshipers

6. *Id.* at vii (quoting *Philippians* 1:9–10).

whose every deed is holy, the lay faithful consecrate the world itself to God."⁷

This, it seems to me, is the crux of the matter: the popes and even the Saints who condoned slavery were, in one sense, incapable of seeing it. As Judge Noonan shows, the first interventions on behalf of slaves had to do, not with the fact itself of their condition as slaves, but with their participation in the sacramental life of the Church. Could a slave be fully a Christian? Certainly yes, on the authority of St. Paul. Many of the first Christians were, in fact, slaves. Should the sacrament of marriage be honored between Catholic slaves? A qualified yes. Should Catholic slaves be the property of non-Catholics? No, they should not. Concern was certainly expressed for the spiritual life of the slave. Yet, as Judge Noonan relentlessly points out, something essential was overlooked, not seen: ironically, the very fact of slavery itself. For Pope Gregory the Great, Judge Noonan writes: "In actual practice [slavery] is not an intrinsically evil but a usefully available institution. . . . Gregory is not upset by the enslavement of human beings."⁸ What is clearly missing in Gregory's view is an appreciation, born of love and therefore of knowledge, of life in the world for its own sake. True, Christ himself became a slave for our sake, but he did so freely. True, Pope and bishops are slaves of the Master, but their slavery is, as Judge Noonan insists, metaphoric. There is a difference between the office of standing *in persona Christi capitis* to govern, teach, and sanctify the Christian faithful and the exercise of the priesthood of Christ that consists in consecrating the world itself to God, the royal priesthood. That difference controls what is loved and therefore what is seen. It also suggests a difference in moral judgment.

That this is the case is, I believe, manifested in the fact that the difference persists. Just as there is a difference in function between the priesthood of the ordained and the priesthood that is common to the baptized, so there is a difference between religious and lay sensitivities. St. Teresa of Calcutta, possibly to a greater degree than anyone else in our generation, manifested a solicitude for the poor. Yet she refused participation in any program on their behalf. Her concern was not the alleviation of poverty as such but the dignity of each human person in whom she saw reflected the image of her Lord. Her sisters serve the Lord Jesus in the poorest of the poor. Yet the alleviation of poverty as such by means of a preferential option for the poor that necessitates change in economic and social policies is a requirement of government and a work that the pastors of the Church commend particularly to the lay faithful.

7. POPE JOHN PAUL II, CHRISTIFIDELES LAICI ¶ 14 (1988) [hereinafter CHRISTIFIDELES LAICI] (citations omitted), available at http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici_en.html.

8. NOONAN, *supra* note 1, at 40.

Judge Noonan has wonderfully manifested the exercise of the royal priesthood. It has required of him a double fidelity: to Christ revealing himself through the Church in her Scriptures and liturgy and to Christ offering himself for the sake of the world in order that the world might be redeemed in Him. Through the prism of participation in the common priesthood of Christ the world takes on an entirely different meaning and significance:

The “world” . . . becomes the place and the means for the lay faithful to fulfill their Christian vocation, because the world itself is destined to glorify God the Father in Christ. The Council is able then to indicate the proper and special sense of the divine vocation which is directed to the lay faithful. . . . [T]o be present and active in the world is not only an anthropological and sociological reality, but in a specific way, a theological and ecclesiological reality as well. In fact, in their situation in the world God manifests his plan and communicates to them their particular vocation of “seeking the Kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God.”⁹

Accordingly, for one possessed of the priestly character of Christ, life in the world is not a circumstance, but a divine vocation: each one is “called there by God.”¹⁰ We should note, in passing, that Bl. John Paul proposes that every Christian vocation is, in its naissance, secular in character.

To offer oneself for the sake of the world requires that one love the world for its own sake, to see it with Christ in whom the world came to be and in whom it will reach its fulfillment. This, in turn, requires the exercise of moral judgment and, as Judge Noonan has said, an appreciation of what can and cannot change.

In this regard, I would like to invite us to reflect upon what it is that unifies our moral judgment. The realm of morality is the realm of human action and the term of every act is an end that is particular. As St. Thomas taught, one cannot have a science of particulars. For this reason, what unifies our moral vision is the exercise of virtue—the virtue of prudence and then the virtue of justice—and therefore the exercise of habits. The just man or woman is one who habitually judges well concerning what is due to another. This is very precisely why justice must be born of love, that is, of an attentiveness to the particular, concrete, and actual circumstance of another who is appreciated for his or her own sake. The moral teaching is not the elaboration of an idea but a reflection upon the lived experience of the Church in time. It is an attempt to articulate principles of action. As such, and as Judge Noonan has insisted, the moral teaching

9. CHRISTIFIDELES LAICI, *supra* note 7, ¶ 15 (citation omitted).

10. POPE PAUL VI, LUMEN GENTIUM ¶ 31 (1964), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

not only admits of the possibility of development over time, but insists upon it.

Perhaps, ironically, what has most changed in the wake of Vatican Council II is a much deeper appreciation of what cannot change. In situating the role of the laity as a participation in the priesthood of Christ, the Council insisted upon the urgency to see and judge with him. For that reason, engagement with the world, which is preeminently the responsibility of the lay faithful, has as its measure the love of Christ. This is precisely where Judge Noonan directs us: "Development proceeds directly by this rule. The love of God generates, reinforces, and seals the love of neighbor. What is required is found in the community's experience as it tests what is vital. On the surface, contradictions appear. At the deepest level, the course is clear."¹¹

To stay the course requires both courage and competence. And, as a matter strict justice, courage, and competence invite, or rather require, our gratitude. We well know that there can be no fidelity without courage, for to be faithful requires that we look and not look away, that we remain, that we stay in relationship and we give witness to what we see, regardless of the cost. We would be lacking in our appreciation and our gratitude to Judge Noonan were we to fail to see his insistence upon engaging the world as a fully ecclesial act. Just as the ordained priest stands *in persona Christi* in his sacramental ministry, so the lay faithful stand *in persona Christi* as they embrace the world in all of its fallenness and thereby "work to renew the world from within, as a leaven." Precisely because each of the baptized participates in the one priesthood of Christ, in the exercise of the common priesthood, each is united with the whole Church.

*The reality of the Church as Communion is . . . the integrating aspect, indeed the central content of the "mystery[,"] or rather, the divine plan for the salvation of humanity. . . . The Church as Communion is the "new" People, the "messianic" People, the People that "has, for its head, Christ[;] as its heritage, the dignity and freedom of God's Children[;] for its law, the new commandment to love as Christ loved us[;] for its goal, the kingdom of God . . . established by Christ as a communion of life, love and truth."*¹²

The integrity that Judge Noonan has shown in the conduct of his office must be acknowledged as an act on behalf of the whole Church; he has acted for us and in our name.

Similarly, faithfulness to the world demands competence; the world must be engaged on its own terms. Like Erasmus, Judge Noonan stands among the most accomplished scholars of our generation. The gratitude that competence requires is best expressed in trust; we are invited or, better, required to seek his counsel.

11. NOONAN, *supra* note 1, at 222.

12. CHRISTIFIDELES LAICI, *supra* note 7, ¶ 19.

One who loves the world in the manner of Christ is one who is wedded to the truth—not merely the truth of propositions, but the truth about creation and the truth about the supernatural destiny of the human person. Yves Congar once remarked: “There are persons in whose presence it is not possible to lie.” Because he has committed himself to life in the world; because he has looked upon the world with Christ; because he has clearly seen the dignity of secular pursuits, how they are ordered to the human person, and has offered them through Christ to the Father; because he has been faithful to men and to women—that he has remained with them, that he has looked and has not looked away; precisely for these reasons, Judge Noonan has become one in whose presence the truth about the person is made known, one in whose presence it is not possible to lie. I can think of no greater tribute to John than to pray that when we are called to stand before the Father this might be said of each of us.