

Theology and Ethics: Reflections on the Revisions to Part Six of the ERDs

John A. Gallagher, Ph.D.

Ongoing episcopal guidance for a ministry of the church is essential. The church's social ministries serve as mediators between the kerygma, the basic beliefs of the church, and its work in the world. Catholic health care, for instance, is not simply a social welfare organization, it is not simply a medical center or a hospital. It is at once a ministry of the church and a social institution that provides a variety of health services to a community. Since approximately the 1990s, Catholic health care has entered into multiple arrangements with non-Catholic providers such as mergers, acquisitions, partnerships, etc. Given this history, it is hardly surprising that the American bishops should be concerned to maintain the vitality of the religious, the ministerial dimension of Catholic health care. The recent revisions to Part Six of the ERDs articulate and clarify episcopal involvement in the formation of such arrangements and on-going oversight subsequent to the completion of a transaction.

“U. S. Bishops Revise Part Six of the *Ethical and Religious Directives*”¹ focuses on the practical implications of the revisions for the ministry and the ethical guidance they propose. Its authors also briefly allude to the introduction of some new theological language that the bishops have employed as well as a Vatican document

which supports such language. This essay intends to extend the discussion initiated in “U.S. Bishops Revise” by reflecting upon the implications of this emerging theological language for the health care ministry as well as on the significance of ecclesiology and systematic theology for health care ethics.

THEOLOGICAL ADDITIONS TO PART SIX

The bishops' revision to Part Six draws upon a document from the Congregation for the Doctrine of the Faith entitled, “Some Principles for Collaboration with Non-Catholic Entities in the Provision of Health Care Services.”² The opening paragraph of the Congregation's document reads, in part: “From the Church's earliest days, certain Christians, as part of their prophetic witness to the Faith, have dedicated themselves to the care of the sick... As history progressed, the same evangelical spirit led to the founding of institutions for the provision of healthcare, clinics, hospitals, homes for the elderly, hospices and so on.” “Prophetic,” in this instance, refers to the teaching office of the church, as distinguished from its priestly (worship) and kingly (governance) functions. The phrase “prophetic witness” also occurs in #10 of the Congregations' document to specify the theological and religious harm caused by

scandal. Scandal contradicts, misleads or diminishes the prophetic witness of the church.

The bishops' revision of Part Six uses the phrase the "Church's witness to Christ and his saving message" in the conclusion to the Introduction. It is listed as one of the components of a transaction that leaders of Catholic health care need to consider in evaluating the suitability of a collaborative arrangement. Can a potential collaborative arrangement support and contribute to the church's witness to Christ? The abbreviated formulation "church's witness" occurs in Directives 67, 71 and 76. In the first two of these, the concern is that an inappropriate transaction could "undermine the Church's witness." Directive 76 stipulates that representatives of Catholic health care institutions serving on boards of non-Catholic organizations ought not give their approval to immoral procedures conducted by such an entity. "Great care must be exercised to avoid scandal or adversely affecting the witness of the Church."

Why is the introduction of new theological language in documents from the Congregation of the Faith and the U.S. Conference of Catholic Bishops significant? The Congregation's document refers to "prophetic witness," the Bishops' document refers to "the Church's witness to Christ and his saving message." Are these two distinct theological terms or are they an abbreviation or conflation of one with another? Is there a context in Catholic theology that can enable the reader to appropriately construe the meaning and significance of these terms? In commenting on the documents of Vatican II, John O'Malley argued that modifications of theological language in church documents suggest "that a

model shift has occurred or, better, is struggling to occur."³ Can the emergence of terms such as "prophetic witness" or "Church's witness to Christ" and their significance for Catholic theology be found within the sort of shift to which O'Malley has made reference?

The origins of this modal shift in Catholic theology begin in the documents of Vatican II and in particular with the *Dogmatic Constitution on the Church (Lumen Gentium)*, and the *Church in the Modern World, (Gaudium et Spes)*. What these two documents have in common is the goal of articulating a contemporary ecclesiology, a theological understanding of what the church is and what the church does. The church is defined as the Pilgrim People of God and the Mystical Body of Christ, on a journey through the world, time, life, history and culture. The role of the church is depicted as bringing the Kingdom of God into the world, to engage "the joys and hopes, griefs and anxieties of men of this age."⁴ The church is to be in solidarity with and to give witness to its respect and love for the entire human family. The role of the church is not limited to the sanctification of its members, but extends to the existential well-being of all of humanity, both its temporal and spiritual well-being. The Kingdom of God language associated with the role of the church in the modern world is related to evangelization, "the announcing of Christ by a living testimony as well as by the spoken word (that) takes on a specific quality and a special quality in that it is carried on in the ordinary surroundings of the world."⁵ In a variety of papal writings since the Council, from Paul VI to the present pope, evangelization has emerged as the dominant theological category through which the church expresses its role in the world. The new evangelization was the central theme of the third synod of bishops

which resulted in Paul VI's publication of *Evangelii Nuntiandi* and remains a central theological category for Pope Francis.⁶

Vatican II's teaching regarding what the church is and what the church does signifies a theological modal shift in Catholic thought. An ecclesiology that construes the church as the People of God engaged in the world and culture, as participating in "the joys and hopes, griefs and anxieties" of all of humanity is strikingly distinct from the traditional hierarchical and juridical models of the church.

Further evidence of such a modal shift can be detected in the Council's call for a new theology. The Fathers of the Council invited theologians "to seek for more suitable ways of communicating doctrine to the men of their times, for the deposit of faith or the truths are one thing, and the manner in which they are enunciated in the same meaning and understanding, is another."⁷ Clearly, the bishops assembled in a Council of the church were encouraging articulations of the tradition, of the core truths of the Catholic faith, in an idiom that would resonate with the "joys and hopes, griefs and anxieties" of contemporary men and women. Such a theology engaged with the ordinary, concrete lives of men and women in the world, in cultures, would strive to discern what the tradition means, what its concrete significance is for life in the world. "Joys and hopes, griefs and anxieties" are not theoretical, they are concrete and existential.

The Council also established some new theological language. It provided clarification, if not definitions, of two key terms, "world" and "culture." The world refers to "the theater of man's history and the heir of his energies, his tragedies and his triumphs, that world which

the Christian sees as created and sustained by its Maker's love, fallen indeed into the bondage of sin, yet emancipated now by Christ."⁸ The word "culture" indicates "everything whereby man develops and perfects his bodily and spiritual qualities, he strives by his knowledge and his labor to bring the world under his control."⁹ The world and culture are recognized as the human milieu in which ordinary life is lived and as the human context in which the church's prophetic witness, the church's witness to Christ and his saving message ought to be brought to bear. Instead of paired theological categories such as nature/grace or faith/reason, theological categories such as grace/world, faith/culture emerge as expressive of the Church's engagement with modern cultures and the world.

In *Ecclesiam Suam*, Paul VI reiterated the call for a new theology as part of the church's mission to the world. He indicated that the church's dialogue with the world needed to be intelligible. "Is it easy to understand? Can it be grasped by ordinary people? Is it in current idiom?"¹⁰ The Kingdom of God and the Catholic faith were to be articulated in a manner that would enable the Christian message to be injected into "the stream of modern thought, and into the language, cultures, customs and sensibilities of man as he lives in the spiritual turmoil of this modern world."¹¹ More recently, Pope Francis has encouraged a "theology - and not just a pastoral theology - which is in dialogue with the sciences and human experience." Such a theology would enable evangelization to discern "how best to bring the Gospel message to different cultural contexts and groups."¹²

Vatican II's definitions of what the church is and what the church does, its call for a new

theology to communicate the meaning of the Kingdom of God into the language and into the stream of modern thought, cultures, customs and sensibilities, its clarification of the theological meaning of terms such as “world” and “culture” are individually, but above all collectively, signs that a modal shift in Catholic theology “has occurred or, better, is struggling to occur.” “Prophetic witness” and the “Church’s witness to Christ” are theologically grounded in this modal shift. They are images of what the church does in the world. More specifically, these theological categories are instances of theological language associated with the new theology and the role of evangelization as the defining dimension of the church’s role in the world.

THE ETHICAL LANGUAGE OF THE REVISIONS TO PART SIX

“The revisions are in clear continuity with previous editions of the ERDs,” write the authors of “U.S. Bishops Revise Part Six,” and with the Catholic moral tradition. In our view they do not contain any new teaching.”¹³ A theological reading of this document, however, suggests that possibly something new, something innovative is occurring. In the final sentence of the Introduction to the revised Part Six the bishops write: “They (ministry leaders) must do everything they can to ensure that the integrity of the Church’s witness to Christ and his Gospel is not adversely affected by a collaborative arrangement.”¹⁴ A theological standard - prophetic witness, the church’s witness to Christ - has emerged as the definitive standard by which assessment of a transaction between a Catholic and non-Catholic entity should be determined.

The centrality of the church’s witness is also evident in the Directives contained in the new Part Six. In the first Directive (67), bishops are assigned the responsibility to determine whether a collaborative arrangement might involve “wrongful cooperation, give scandal, or undermine the Church’s witness.” Directive 71 requires ministry leaders to assess “whether scandal might be given and whether the Church’s witness might be undermined.” Even a collaborative arrangement that is morally licit “may need to be refused because of the scandal that may be caused or the Church’s witness might be undermined.” Finally, Directive 76 instructs leaders of Catholic health care serving on boards and committees of a non-Catholic entity that, “Great care must be exercised to avoid giving scandal or adversely affecting the witness of the Church.”

The primary norm by which a Newco is to be evaluated is its capacity to provide a platform, a social institution supportive of the witness of the church, the church’s prophetic witness. The principle of cooperation has become secondary. In this context it serves as a tool or instrument to assess the capacity of a new arrangement to contribute to the church’s witness or to determine that such an arrangement would constitute scandal. These Directives are primarily about what the church is and what the church does. The people of God, laity, religious and clergy, bear the responsibility to communicate the kerygma, the prophetic witness, the church’s witness, to evangelize the world. The principle of cooperation has become an instrument for the determination whether a particular engagement within the world and culture is appropriate or foments scandal. The language of “witness” clarifies the goal, the virtue if you will, to be pursued in collaborative arrangements as well as

the vice, the evil, scandal, to be avoided. The revised Directives provide clarification of what the goal of a collaboration ought to be an enhancement, a vehicle for the church's prophetic witness. What the church strives to accomplish in its ministry to the world and culture has become the centerpiece of the discernment process.

The previous edition of the ERDs referred to the manner in which collaborative arrangements might "help implement Catholic social teaching."¹⁵ The revised Directives refer to the fact that Catholic health care has worked collaboratively with other providers "in serving the common good." Further on in the Introduction, the bishops propose that "in pursuit of the common good" ministry leaders may need to seek non-Catholic partners.¹⁶ Catholic social teaching and the common good are inherently interrelated and complementary. Why, then, the shift from one term to the other? The common good is used in this context because it is concrete, it is the actual systems, religious, economic, social, political, educational, etc. that provide, or fail to provide, the goods and services essential to the well-being of persons in community. The common good is in the world and in culture. *The Church in the Modern World* depicted the common good as "the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to the goods essential to their own fulfillment..."¹⁷ ready access to the goods essential to the full range of human flourishing and the human dignity of all persons. The common good supports the temporal welfare of persons in community living within the world and culture. It is concerned with their physical and psychosocial needs. But the common good is simultaneously committed to

the spiritual flourishing of persons in the world. It is always both/and, it is never one or the other. The common good is a term that derives much of its meaning in reference to the kerygma, the prophetic witness, and the church's witness. Such witness is for the spiritual lives of men and women, but also and at the same time, their material welfare in the world. It means bringing "the Good News into all the strata of humanity, and through its influence transforming humanity from within it and making it new."¹⁸

CONCLUSION

Church documents are read for the light they shed on the current life of the people of God. How do such documents nurture, support and guide the Pilgrim People of God in their journey to the end time? They seek at some level to foster the hopes and to allay the griefs, fears and anxieties of women and men living ordinary lives in the world and their respective cultures. Such documents confirm the rationale for joys and celebrations associated with life in the world as well as guidance for the uncertainty and perplexity that are part of the Christian life.

The significance of a text does not lie in the mind(s) of its author(s). The quest for the author's intent is usually a futile journey. The original intent or goal of documents composed by committees and approved by a group is virtually impossible to determine. What is of theological and religious significance in the revision of the Part Six is not the intent of the authors, but rather the manner in which the document is received, read, and appropriated as guidance by health care leaders. The modal shift referred to by John O'Malley, the new theology called for by Vatican II and

subsequent papacies, the new understanding of what the church is and what the church does are all part of the current theological and religious milieu among American Catholics into which the revisions of Part Six are received.

In the bishops' recent revision to Part Six there is something new coming forward. What the church is and what the church does frames its engagement with the world and culture. Ecclesiology is the theological centerpiece of these revisions. In the past, systematic theology provided the Catholic community with categories in which the relationship between nature and grace, faith and reason could be thought through and articulated. For contemporary theology, the world and culture are the realities to which grace and faith need to be both juxtaposed and related. These Directives are not primarily about the principle of cooperation nor are they principally about the discernment of moral evils, although these remain elements of an appropriate discernment of the church/world, faith/culture tension. The revisions to Part Six of the ERDs are primarily concerned to ensure that prophetic witness, the church's witness to Christ, the new evangelization are vitally engaged in the world and culture through the health care ministry.

Citations from the documents of Vatican II and papal writings are taken from these documents as they appear on the Vatican web page.



JACK A. GALLAGHER, PH.D.
Ethicist, Retired
New Buffalo, MI
ethicsgallagher@gmail.com

ENDNOTES

¹ C. B. and N. H., “U.S. Bishops Revise Part Six of the *Ethical and Religious Directives*,” *Health Care Ethics USA*, Summer, 2018, 12 - 15.

² *National Catholic Bioethics Quarterly*, Summer, 2014, 337 - 340

³ John O’ Malley, S. J., *What Happened at Vatican II*, (Cambridge: The Belknap Press of Harvard University Press, 2008), 49.

⁴ *Gaudium et Spes*, #7.

⁵ *Lumen Gentium*, #35.

⁶ *Evangelii Gaudium*.

⁷ *Gaudium et Spes*, #62.

⁸ *Ibid.*, #2.

⁹ *Ibid.*, #53.

¹⁰ Paul VI, *Ecclesiam Suam*. #81.

¹¹ *Ibid.*, #61

¹² Francis, *Evangelii Gaudium*, #133.

¹³ “U.S. Bishops Revise Part Six, 12.

¹⁴ *Ethical and Religious Directives for Catholic Health Care Services*, 6th edition, 24.

¹⁵ *Ethical and Religious Directives for Catholic Health Care Services*, 5th edition, 34.

¹⁶ ERDs, 6th edition, 23.

¹⁷ *Gaudium et Spes*, 26.

¹⁸ Paul VI, *Ecclesiam Suam*, #18.