THE EPISTEMOLOGICAL ROOTS OF ECCLESIASTICAL CLAIMS TO KNOWLEDGE

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Enlightenment is mankind’s exit from its self-incurred immaturity. Immaturity is the inability to make use of one’s own understanding without the guidance of another. Self-incurred is this inability if its cause lies not in the lack of understanding, but rather in the lack of the resolution and the courage to use it without the guidance of another. Sapere aude! Have the courage to use your own understanding! is thus the motto of the enlightenment.

Immanuel Kant, An Answer to the Question: “What is Enlightenment?” (Kant 1784)

Abstract

In theoretical matters, ecclesiastical claims to knowledge have lead to various conflicts with science. Claims in orientational matters, sometimes connected to attempts to establish them as a rule for legislation, have often been in conflict with the justified claims of non-believers. In addition they violate the Principle of Autonomy of the individual, which is at the very heart of European identity so decisively shaped by the Enlightenment. The Principle of Autonomy implies that state legislation should not interfere in the life of individual citizens, as long as his or her actions do not violate the rights of others.

This paper – using the example of the theory of evolution – rejects ecclesiastical claims to theoretical knowledge as completely unfounded and preposterous. In the case of orientational knowledge – using the example of euthanasia – ecclesiastical claims to (universalizable) knowledge are shown to be unfounded as well. The Church’s position with respect to euthanasia and a range of other bioethical topics, such as pre-marital sex, contraception, abortion, indissolubility of marriage, and homosexuality, rests on a very peculiar ethical position. This ethical position is the natural right theory, which - far from being universalizable – is shared by very few people. Among other things, this position presupposes the belief in God as the creator of nature, and the assumption that ethical norms can be derived from this premise.

1 I am grateful to the Netherlands Institute for Advanced Study (NIAS) for providing me with the opportunity, as a Fellow-in-Residence, to complete this paper. I gratefully acknowledge the great support of my work by this wonderful institution, especially the help of Petry Kievit-Tyson B.A. who edited the text. I furthermore would like to thank Francesco Coniglione (Catania) for his critical reading of the text and his valuable suggestions.

2 «Aufklärung ist der Ausgang des Menschen aus seiner selbst verschuldeten Unmündigkeit. Unmündigkeit ist das Unvermögen, sich seines Verstandes ohne Leitung eines anderen zu bedienen. Selbstverschuldet ist diese Unmündigkeit, wenn die Ursache derselben nicht am Mangel des Verstandes, sondern der Entschließung und des Mutes liegt, sich seiner ohne Anleitung eines anderen zu bedienen. Sapere aude! Habe Mut dich deines eigenen Verstandes zu bedienen! ist also der Wahlspruch der Aufklärung» (Kant 1784, A 481).
Thus ecclesiastical knowledge claims, cannot be justified in a way which could be reasonably supposed to be universally acceptable. Kant (see the quote) was the first to require this sort of justification. Claims that fail to implement Kant’s stipulations should be eliminated by what I would like to call “Kant’s razor”.

1. Ways of Knowing

1.1 The Secular European Way

Et ipsa scientia potestas est - «knowledge, too, is power» wrote Francis Bacon (1561-1626) in the meditation “De haeresibus” of his *Meditationes Sacrae* of 1597. Claims to privileged knowledge tend to justify privileged power, one may add.

But one may add still something else: It is part of the European identity in its latest stage of development forged during the Enlightenment of the 17th and 18th centuries that both exerting political power and claiming to know require *legitimation* or *justification*. It is, however, not the very idea of legitimation/justification, which is new but rather the ways of understanding or interpreting it. For, already in antiquity as well as in medieval and modern times political power always tried to legitimate itself in one way or other: from the democracy of the Greek *polis* to the Roman republic, from the Roman empire to the empires, kingdoms and republics of the Middle Ages and modern times. Even Greek *tyranneis* began with a later tyrant arguing that the actual ruler or the actual form of ruling had failed for some reason, e.g. economically, and, therefore, had to be abolished. “Tyrannical” became the regime of tyrants only when they themselves failed for some reason and refused to step back.

The typical form of legitimation of political power in Europe for about a century has been democratic consent, based on equal voting rights for all citizens. Despite all relapses (e.g. Fascism and Nazism) and actual shortcomings

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3 Bacon 1597, p. 14. The context of this little piece deals with the knowledge of God.
4 “Europe” in this respect includes, of course, the United States and Canada and other extra-european democratic countries, even if the US only in 1865 abolished slavery and also later found ways and means to exclude parts of its black citizens from voting. Only the “National Voting Rights Act” of 1965 put legally an end to discriminatory practices. The last actual attempt, however, to prevent black, or to use the typical “politically correct” “African”, Americans from voting occurred, by the way, in Florida on the initiative of the Governor Jeb Bush prior to 2000 and paved the way for the “victory” of his brother G. W. Bush in this state that, in turn, was decisive for winning the presidential election in 2000. – This is at least the assessment of the “Veterans of the Civil Rights Movement”. See their web page at: http://www.crmvet.org/info/votehist.htm – In Europe itself it was also a long way to equal voting rights. For a long time voting rights in almost all European countries was made dependent on property, sex, religion or whatever. In Switzerland, for example, – in many respects the most democratic of all European countries – the voting right for women on a federal level was introduced only in 1971, and it is less than 20 years (1990) that women, finally, were also allowed to vote in the canton of Appenzell-Innerhoden. But this result was
(e.g. "mediacracy" Berlusconian style) this form of legitimation of political power has now proved for more than half a century enormously successful, both with respect to economic well-being and international peace.\(^5\) It is, therefore, no wonder that Europe is the major destination for migration from parts of the world, where European style democracy does not exist at all or exists only as a formal pretence.

Let us now turn from political power to the power of knowledge. Here again the idea of legitimation of knowledge is as old as the reflection on knowledge itself. Pre-Socratic Philosophy and Science started with the idea that one needs a \textit{universally accessible and reproducible} "proof", in order to make claims to know something.\(^6\) This stipulation of proof, as different from authority, tradition, revelation etc., in order to justify claims to knowledge has remained a stable element of science for more than twenty five centuries now. It has led to the breathtaking ascent in Europe of science and science-based technology that began in the early 17\(^{th}\) century and is enduring until the present day. Our European societies are fittingly called "knowledge based societies", in order to make clear to what enormous extent scientific knowledge pervades private and societal life.

The forms of "proof" in science have changed as has the meaning of "science". What has remained is the idea that science gives us the most reliable information about the world that is available, and that science’s reliability rests on the norm that the justification of scientific propositions has to be independent of place, time and personality of the researcher and to be repeatable by everybody. This \textit{intersubjectivity} of true scientific research is the basis of the \textit{objectivity} of its results.

1.2 The Ecclesiastical Way

Let us now turn to that special form of knowledge, which is claimed by Christian religion. Christianity, in fact, has always demanded not only to be in the possession of knowledge, but to even dispose of \textit{privileged} knowledge. The privileged character of this knowledge is justified by its \textit{source}: Holy Scripture as written under divine inspiration and/or its authoritative interpretation, whose truth, in turn, is guaranteed by divine providence.

Whereas scientific knowledge got its power largely through successful explanations and predictions and particularly through technical applications, religious knowledge was rather directly transformed into political power. From its very beginnings, indeed,\(^7\) Christianity has not hesitated to \textit{exert} such privileged power, when the political circumstances allowed it. The darkest

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\(^5\) I am aware, of course, that the latter does not hold without reserve e.g. for the US and particularly its war in Iraq.

\(^6\) See Mittelstraß (1970), who gives (\textit{ibid.} § 1) an illuminating account of this topic.

\(^7\) At latest, when Christendom became state religion under emperor Theodosius I in 380, after it had become tolerated already in 313 by emperor Constantine’s \textit{Edict of Milan}. 

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periods of the history of the Church, in fact, are characterized by the almost unlimited exertion of such power. For this one may take the horrors of the crusades and the inquisition as an example. In the wake of the Enlightenment ecclesiastical claims to privileged knowledge have been contested – quite in the sense of Kant’s famous dictum about the enlightenment (see the motto above) – and considerably reduced and so has power of Churches to enforce them. Since the end of the Papal States in 1870 even the Catholic Church can exert Her power directly only on the faithful, indirectly, however, via Her possible influence on State legislation also on non-believers.

From what I have said so far it seems reasonable to restrict my considerations in this paper to the Catholic Church, which regards Herself as the only real Church anyway. Mutatis mutandis, however, everything I am saying may be applied to all other big Christian denominations.

1.3 Facts and Orientations: Two Ways of Knowing

The privileged religious or ecclesiastical knowledge claimed by the Church covers the realm of the factual (“theoretical”) as well as the realm of meaning, norms and values (“practical”). We could also say that ecclesiastical claims relate both to factual and to orientational knowledge. Factual knowledge and orientational knowledge must be clearly distinguished. Factual knowledge gives us an account of what there is, while orientational knowledge tells us how to act or how to value objects, institutions, events, and the like.

“After the enlightenment” factual as well as orientational knowledge have changed their context of justification. Before the erosion of the spiritual and the political power of the Church brought about by the Enlightenment the Roma locuta – causa finita (“Rome has spoken – the matter is finished”) was supposed to count as supreme justification in factual as well as in orientational matters. In the process of enlightenment, however, more and more rational justifications were required, first for asserting matters of fact, then, with a certain delay that is still going on, also for moral and valuation issues.

Philosophers know that all attempts at strictly defining (factual) “knowledge” have failed so far. Nonetheless, it has been widely accepted to understand knowledge as justified true belief. In our context everything depends on what exactly can be regarded as justification of a belief.

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8 One should keep in mind that there is no exclusive right of the Catholic Church to the horrors of inquisition. Also Protestant countries knew various forms of inquisition and were particularly active in witch hunting.

9 See SCDF (2007). There Cardinal Levada, Prefect of the “Congregation for the Doctrine of the Faith”, gives the following dry answer to the self-posed question why ecclesiastical pronouncements do «not use the title of “Church” with regard to those Christian Communities born out of the Reformation of the sixteenth century»: «these Communities do not enjoy apostolic succession in the sacrament of Orders, and are, therefore, deprived of a constitutive element of the Church. These communities […] cannot […] be called “Churches” in the proper sense.» – About the Orthodox Churches, which qualify as “Churches” even in the Roman understanding, I know too little to include them in this analysis.

10 The definition of knowledge as justified true belief goes as far back as to Plato’s dialogue Theaetetus (201d-210a), where it is dismissed, however. Recent discussion has been
In the orientational case the above characterization of “knowledge” is not applicable. First of all, normative or evaluative statements cannot be true or false in the strict sense, as they do not relate to states of affairs in the real world, so that we could start an enquiry to find out whether they hold or not. In other words, in the realm of the evaluative and the normative “true” or “false” cannot be applied as criteria of the respective success or failure of a statement. Rather, those statements attach a label to states of affairs to the effect that such states are to be regarded as good or bad, adequate or inadequate, beautiful or ugly, desirable or undesirable and the like. But such labels do not describe anything in the world. That normative statements do not denote or describe states of affairs is shown already by their grammatical form. “Thou shalt not kill!”, for example, is not a description of something but rather an imperative or a command not to perform a certain action. The evaluative case is grammatically less clear. Here the non-descriptive character of respective statements is concealed by their indicative form. The “is” in “helping other people is good” suggests that this statement describes a state of affairs as in “the cat is on the mat”. But moral goodness (as well as beauty and similar values) is not anything that we could empirically find out there in the world but is rather a property we ascribe to certain actions or states of affairs that we experience.11

What, then, might constitute a justification of claims to orientational knowledge? Without going into detail about various ethical theories, it might be said that a minimal requirement for justifying orientational knowledge is firstly its social sustainability, and secondly its compatibility with basic moral intuitions. Both requirements are to be understood not as relating to actual particular social conditions and individual intuitions but instead as relating to ‘universalizable’ conditions and intuitions. That is, they should be reasonable for and acceptable to everybody concerned. I will soon say more about this kind of universality by universalizability.

Let us now get back to factual knowledge. In order to clearly delineate possible lines of conflict between scientific and ecclesiastical knowledge claims one should distinguish in the realm of the factual two different dimensions: 1) the metaphysical dimension, and 2) the empirical dimension. The metaphysical dimension, as it is understood here, comprises those components of Faith, which have no empirical referents, e.g. the existence of God, paradise, hell, and so on. Such metaphysical items are not object of scien-

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11 This holds as long one does not subscribe to the theory of an objectively existing realm of norms and/or values. - With respect to beauty this evaluative and non-descriptive aspect is aptly expressed in the popular saying “beauty is in the eye of the beholder.”
tific\textsuperscript{12} study, and, therefore, not a possible source of conflicts with science. The \textit{empirical} dimension, however, relates to those components of Faith, which do, in fact, state propositions about the empirical world, be it about its nature or be it about its history. Such propositions – we will soon encounter examples – are not justified by recourse to established procedures of scientific or historical research. The claim is, rather, that they hold because of their divine revelation in the Scripture or because of the authoritative interpretation the Church has given thereof. In this case scientific or historical \textit{evidence} might get into conflict with religious \textit{interpretation}.

In the case of orientational knowledge conflicting claims do not come as a great surprise – somewhat different from factual knowledge. In the orientational case religion does not compete with scientific findings but rather with rival conceptions of meaning, value, or norms, coming from other religions, from common sense or from philosophy, i.e. they might clash with what might be termed \textit{orientational knowledge} deriving from other sources.

At the end of this section I would like to repeat something that was already said earlier: scientific knowledge is confined to the realm of facts. Science, as a matter of principle, cannot deliver any justification of norms, values or meaning. Science describes and explains the world or gives us valuable predictions but cannot tell us how to morally act or how to value things.\textsuperscript{13}

1.4 “\textit{Kant’s razor}”

As in the case of its famous model, “Ockham’s razor”, the neologism Kant’s razor is intended to eliminate unjustified claims. In the case of \textit{Ockham’s razor} the unjustified claims relate to the existence of certain entities; in the case of \textit{Kant’s razor} the unjustified claims relate to power and knowledge. Such unjustified claims have one characteristic in common: they lack what has been called “universalizability” by Kant scholarship.\textsuperscript{14} In this paper, as noted, “universalizability” is used in a wider sense. One might speak about “generalizability” instead of “universalizability”. Generalizability relates to rules, which are reasonably supposed to be valid for \textit{everyone} and, thus, constitute universality in a normative way. Generalizability can, thus, be used as a test criterion for universality in its various forms.

\textsuperscript{12} “Scientific” is used throughout this paper in the English sense of the word, i.e. relating only to the natural sciences as distinguished from the social sciences and the humanities (theology included).

\textsuperscript{13} This does not mean that scientists not often \textit{believe} (for examples see Wolters 1999) they \textit{could} derive norms or values from scientific findings. But such belief rests on a category mistake called the “naturalistic fallacy”, i.e. the fallacious attempt of inferring norms from facts.

\textsuperscript{14} I am well aware that the concept of universalizability in a strict sense relates only to Kant’s \textit{ethics}, where the categorical imperative accordingly states that moral rules are valid only when they are suited to become general law. In this paper ‘universalizability’ is used in a wider sense, which also encompasses political power and theoretical knowledge. The best exposition and critique of Kant’s conception is still Wimmer (1980), unfortunately never translated into English.
In the political context universality means equal voting rights, which give everybody a chance to realize his or her interests in the political process. In the case of theoretical knowledge it is – as noted – the objectivity of knowledge. To elaborate, universality in theoretical knowledge is being independent of the person and the place of the researcher. This is arrived at by the requirement of intersubjectivity, which, in turn, is realized by applying proven and tested standard methodological rules in producing scientific results.

In the case of orientational knowledge it is moral principles, which ensure that moral rules hold for everybody in the same way under comparable circumstances. This type of universality holds for principles like the Categorical Imperative in its many understandings and reformulations as well as for the Utilitarian Principle in its various forms or for Aristotelian type virtue ethics.

In what follows I will deal in the first part with claims of the Church with respect to factual knowledge, taking the theory of evolution as an example. The second part will examine ecclesiastical claims to moral orientation, taking the case of euthanasia as an example.

2. Science and Religion Conflicting about Facts

2.1 Relationships between Science and Religion

To most people it might sound surprising that the Church still raises claims with respect to factual matters. Such claims seem so devious, for not to say ridiculous after the enlightenment and the triumph of science during the last almost four centuries that one hardly can imagine anybody raising them. The surprise is the greater because the first big attempt of the Church in modern age to interfere with science, i.e. the Galileo Affair, failed so gloriously and miserably that one might have expected it to be the last.

Before going into details about evolution some general considerations seem to be appropriate in order to locate our topic in the contemporary discussion. The relationship between the Catholic Church and the theory of evolution is, to wit, a specific area of research within the increasingly popular field of Science and Religion. Science and Religion is, in turn, a special facet of the Reason and Faith debate that has featured prominently in the teachings of the Church from the very beginning. The corresponding relationships

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15 I am following here Wolters (2009).

16 This topic is also particularly dear to the heart of Pope Benedict XVI. It was during his tenure (1981-2005) as Prefect of the “Sacred Congregation for the Doctrine of the Faith” (SCDF) that Pope John Paul II. promulgated the Encyclical Letter Fides et Ratio (September 14, 1998) (John Paul II 1998). Apart from that there is e.g. an interesting exchange between Cardinal Ratzinger and Jürgen Habermas on this topic (Habermas and Ratzinger 2005). – Pope Benedict has addressed it furthermore in important speeches, e.g. in his lecture (“Faith, Reason and the University: Memories and Reflections”) at the University of Regensburg, Germany, on September 12, 2006, which stirred much controversy and violence in the Muslim world (see Benedict XVI 2006) or in the lecture he planned to give during a visit to the
have always been very complex. The interaction between science and religion can take on four basic forms. 17 1) Science and religion can conflict with each other; 2) they can be complementary, "each answering a different set of human needs’’. 18 3) they can be cooperative, working “to the advantage of both”. If I am not mistaken, this is the position Pope Benedict advocated at a conference meeting when he discussed the «cooperation (Zusammenspiel) of various dimensions of reason» (Horn and Wiedehöfer 2007, p. 150) with his former students. Finally the interaction between science and religion may be 4) incommensurable, where each side talks about fundamentally different things, or about the same things but in a fundamentally different way, so that mutual agreement becomes impossible. 19 There is much to be said about each of these views. The confines of this paper mean that can deal only with the type of interaction between science and religion that is characterised by conflict.

2.2 Two Types of Conflict

Right at the outset, we must distinguish two different types of conflict. The first is a doctrinal conflict in which science and religion hold conflicting, mutually exclusive, views about a particular factual situation. The scientific view is based on scientific evidence and expertise, whereas the religious one is based on Scripture and its authoritative interpretation by the Church. The most important example of this sort of doctrinal conflict was the case of Galileo and, in his honour, I would like to call these kinds of conflict, Galilean conflicts. The most recent example of such a Galilean conflict is the debate surrounding evolutionary theory.

The second type of conflict is not so much about a certain scientific teaching itself. It is rather about scientists’ attempts to refute that religion is a phenomenon in its own right and give “naturalistic” or “scientistic” explanations of it. In this vein, Karl Marx described religion as the “opium of the people”, Freud viewed it as a collective neurosis and now some modern brain researchers regard religion as an illusion produced by the limbic system. Others, in turn, see religion as an important component of the evolution of social behaviour; while others like Richard Dawkins explain religion as a by-product of evolution. Because in all these approaches religion appears as illusory, I would like to call this type of conflict Freudian conflicts, because the word “illusion” appears in the title The Future of an Illusion of Freud’s book on the topic. 20

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18 This is basically the content of the famous, for not to say notorious NOMA (NON-overlapping MAGisteria) conception of Stephen Jay Gould (cf. Gould (1999)).
19 A protagonist of this view is the philosopher Ludwig Wittgenstein (1889-1951)
20 Freud (1927) (Die Zukunft einer Illusion). – Freud’s psychoanalytic explanation of religion, however, is in my view far from being convincing.
In any debate about the relationship between science and religion, two central questions need to be asked: 1) What should be done if scientific findings contradict the Word of the Bible? 2) What should be done if there are contradictions between science and the teachings of the Church? St. Augustine already gave an answer to the first question in his commentary on the book of Genesis (De genesi ad litteram) although his view has been largely ignored in almost all Galilean conflicts. St. Augustine recommends an allegorical, i.e. figurative understanding of the respective texts in cases where a literal reading of the Holy Scripture would lead to contradictions or be at variance with “highly certain results of reasoning or with empirical evidence” (certissima ratione vel experiential). Augustine’s guideline, basically, advises not becoming embroiled in Galilean conflicts because this can only make religion look ridiculous (deridetur), which in turn could jeopardize its propagation.

With respect to the second question about whether science contradicts the teachings of the Church, things are somewhat more complex, because the teachings of the Church are binding to very different degrees. They can even be infallible. Needless to say, a collision between a supposedly infallible teaching of the Church and a piece of scientific theory confirmed by evidence will create very special epistemological problems, but certainly not just epistemological problems, theological, political and other issues as well.

3. Galilean Conflicts on Evolution

3.1 Evolution in the Aftermath of the Galileo-Affair

The Galileo affair has been an embarrassment for the Church since the second half of the 17th century when it became clear to practically everybody even in Rome that Copernicanism was far from being “philosophically absurd

21 Aurelius Augustinus (1961/1964). - Particularly instructive is book I, chapter 19 (quotation there), where Augustine distinguishes central tenets of faith (he mentions the resurrection of Christ and the hope for an eternal life) from what is said about the material world. For Augustine there is "nothing more embarrassing, dangerous and to avoid" (turpe est autem nimis et perniciosum ac maxime cavendum) than insisting on wrong statements about matters of fact with reference to the Bible. - In parts of Protestant theology, e.g. Rudolf Bultmann, the allegorical reading extends also those parts of the Bible, whose literal understanding is – different from e.g. astronomical matters of fact - essential for the Catholic Faith. This holds, for example, for the resurrection of Christ from death.

22 There are basically three types of teachings, which under certain conditions are regarded as infallible: (1) Pronouncements of ecumenical councils; (2) Papal proclamations ex cathedra, and (3) teachings of the “ordinary and universal magisterium” of the college of bishops while dispersed throughout the world, but maintaining the bond of communion among themselves and the Pope. Whereas the first two types of infallible teachings, which form the extraordinary magisterium, are comparatively easily identifiable, there is with respect to the third much dispute about the lack of clear identity criteria, i.e. criteria that allow to identify a certain teaching as infallible. – A general critique of Papal infallibility gives Küng (1970).
and false”, as the sentence of the Holy Inquisition stated.\textsuperscript{23} However, the embarrassment seems to stem more from the part of the verdict that stated that Copernicanism was “formally heretical”\textsuperscript{24}. The reason is that this would mean that the Church had erred with respect to a matter that was held to be directly pertinent to faith and this, in turn, could undermine pronouncements that lay at the very core of faith. This was far more serious than the disbelief in Copernicanism.

Evolutionary theory, when it spread across the educated world during the second half of the 19\textsuperscript{th} century, was received in most Catholic circles just as another threat coming from supposedly materialist science against the faith.\textsuperscript{25}

Despite this sort of visceral aversion, typical for the attitude of the Church towards science in the 19\textsuperscript{th} and much of the 20\textsuperscript{th} centuries, the ecclesiastical authorities had obviously learnt from the Galileo Affair. During the first hundred years of Darwinian evolutionary theory they kept largely their noses out of science. A look in the Vatican Archives confirms this assessment. Almost all expert opinions of the so-called “consultors” of the Congregation of the Index refer as a warning to the case of Galileo, when it comes to censuring scientific matters.

Generally, one can say that “there was, in a sense, no policy at all” on the side of Vatican authorities with respect to evolutionary theory. They «responded to particular circumstances, not to a carefully designed plan.»\textsuperscript{26} Furthermore, one could say that the authorities maintained a low-key policy. Moreover, the only official criticism of evolutionary theory from Vatican authorities could not be identified as such by anybody who was not involved in the discussions of the Congregation of the Index because the publicized final

\textsuperscript{23} The respective passage reads: «That the earth is neither the center of the world or motionless but moves even with diurnal motion is philosophically equally [i.e. compared to the assumption that the sun is at the center and motionless] absurd and false, and theologically at least erroneous in the Faith.» (Finocchiaro 1989, p. 288).

\textsuperscript{24} This passage, in turn, reads: «That the sun is the center of the world and motionless is a proposition which is philosophically absurd and false, and formally heretical, for being explicitly contrary to Holy Scripture.» (Finocchiaro, ibid.) ~ This relates to the notorious passage Joshua 10,12f. where Joshua after consulting with the Lord is reported as saying: «Sun, stand thou still upon Gibeon; and thou Moon, in the valley of Ajalon. And the sun stood still, and the moon stayed.» – The standstill of sun and moon upon command logically implies that there are normally in motion, and this, in turn, is regarded as divine revelation. – St. Augustine’s views about how to read the book of Genesis seem very far away here.

\textsuperscript{25} The charge of “materialism” is a recurrent theme in the archival materials in the Sacred Congregation for the Doctrine of Faith (SCDF).

\textsuperscript{26} Artigas et al. 2006, p. 4. – The authors give a careful analysis of documents preserved in the Archive of the SCDF, which contains material both from the former Congregation of the Index of Prohibited Books and the former “Holy Office” (which is the follow-up institution to the Holy Inquisition, and which preceded the SCDF). The authors, furthermore, relate these documents to publications in the leading Jesuit journal Civiltà Cattolica that fiercely opposed evolutionism. They address the policy issue extensively in the last chapter of the book (p. 270ff.)
result of such discussions contained only the titles of the books banned but
gave no reason why they had been put on the Index.27

There were three kinds of objections that the Consultors could make that
would lead to the condemnation of a book, the first two of which show rival
claims between Church and science with respect to factual knowledge:

(1) Most votes against evolutionism were, «on the basis of Scripture and
Church tradition, focusing on a very few, narrowly defined issues such as the
origin of Adam, or whether Adam’s body, along with his soul, had to be cre-
ated directly, immediately, and simultaneously by God, or whether his body
might have been previously prepared to receive a soul by a natural process
like evolution» (Artigas et al. 2006, p. 92). This displays the typical structure
of a Galilean conflict: science says $G$, the Church on the basis of Bible and tra-
dition says non-$G$. – Typically, those Catholic authors who tried to reconcile
Faith and evolution and had come to the attention of the Congregation of the
Index, accepted evolution in the animal kingdom as being fact but, rather ar-
bitrarily, exempted Adam from evolution and conceded his special creation
by God. But this concession did not save their books from being condemned.

(2) The Consultors not only answered issues by recourse to Scripture or
Tradition, they often also put forward supposedly scientific arguments. This
reminds us of the case of Galileo where the Church condemned Copernican-
ism as being “philosophically absurd and false”. Among the scientific argu-
ments put forward by the Consultors we find an argument for the fixity of
species, which is based on hybridity. There are non fertile hybrids (in the
animal kingdom). Therefore, the consultants conclude, the formation of new
species is impossible. This argument rested mainly on the erroneous ideas
that speciation is related to individuals, rather than to populations, and that
the concept of species is typological or essentialist, i.e. expressing a fixed set
of immutable characteristics. On the contrary, the modern concept of species
is associated with populations of organisms rather than individuals and re-
fers to the dynamic distribution of characteristics in populations and to a va-
riety of speciation processes.28

(3) Furthermore, we find condemnations of the hermeneutic principles
used by the authors.

Whereas the discussion of hermeneutic principles that direct the reading
and the interpretation of the Bible certainly falls within the competence of
the Church (and of theology) one cannot see, which evidential contribution
the Church could ever give to purely factual questions about speciation or –
as we will see presently – the monogenic origin of humankind. What we no-

27 Raffaello Caverni, whose De’ nuovi studi di filosofia. Discorsi a un giovane studente
(1877) was put on the Index because of its “evolutionism”, believed until his death that he
had finished on the Index because of his critique of the Jesuits. See Artigas et al. 2006, ch. 2.
28 An example of such a process is the so called allopatric speciation that occurs when a
small group is geographically separated from the main population and quickly becomes re-
productively isolated from the source population, thus becoming a new species or “founder
population”. – Comprehensive information about the present state of the art on speciation
one finds in Coyne and Orr 2004.
tice instead is that, exactly as in the Galileo Affair, the Church authorities claim to supersede factual scientific findings by recurring to the Scriptures or traditional teachings. There are, however two remarkable differences between evolution and the case of Galileo. 1) In the case of evolution the Church has great and easily understandable interest in the evolutionary topic of humanization because this is linked to the central theological doctrine of the Original Sin, which, in turn, seems to render necessary the redemption by Jesus Christ. 2) In the case of evolution there was never an official condemnation. What happened was that respective books were put on the Index of Prohibited Books. But this did not amount to a public condemnation of evolutionary theory because, as stated already earlier, only the titles of the prohibited books were publicly announced, not, however, the reason why the had finished on the Index.

Excursus: in all Galilean conflicts, there is the question of who has the expertise and is competent to judge on questions about facts, either historical or about the natural world. Stephen Jay Gould’s already mentioned NOMA principle, which assigns the world of facts to Science and the realm of meaning, values and norms to Religion, would seem, at first glance, to have solved all problems: it leaves factual knowledge to science and orientational knowledge to religion. However, this division of labour does not work for two reasons. There are, firstly, aspects of the teachings of the Church that are of a factual nature. For example, in the Catechism of the Catholic Church of 1994, one finds a thesis on the monogenic origin of humankind. Here the Church is – with reference to the Acts of the Apostles 17, 26 – advancing a thesis that, incidentally, coincides with the available scientific evidence. The question is what would happen, if in the future sufficient evidence emerged to support multiple origins of humankind. Other fact related teachings by the Church are the historicity of the so-called original sin, the resurrection of Jesus Christ.

29 The “Original Sin” is the theological teaching that the sinful behavior of Adam and Eve that led to their expulsion from paradise was “inherited” (hence the German term Erbsünde) to all of humankind.

30 Catechism 1994, Nr. 360, p. 82. – The encyclical Humani Generis (Pius XII 1950, no. 37) makes it clear that polygenism is not compatible with Catholic Faith, and that “the children of the Church” do not have the liberty to embrace it. More on Humani Generis will be said below.

31 «And [God] hath made of one blood all nations of men for to dwell on all te face of the earth.»

32 Practically no fact related ecclesiastical thesis, however, runs the risk of actually being falsified empirically. Take, for example, the historicity of Adam’s fall (Catechism 1994, nos. 397ff., p. 89ff.); or the historicity of the resurrection of Christ from death (ibid. no. 639, p. 146). The resurrection, however, is in conflict with what biology and medicine has to say us about death. – This problem is basically the same that we encounter in the case of miracles in general. Belief in miracles, however, does not create a Galileo conflict, because, e.g. in the case of the resurrection of Christ, no faithful puts into doubt biological and medical regularities. Belief in miracles insists rather on the possibility of having them broken by supernatural intervention. As a consequence, belief in miracles leads to a possible conflict between religion and epistemology or philosophy about their possibility, but not to a conflict with science proper.
from death, and the possibility of miracles in general. The clearly tangible highly problematic character of supporting statements about facts by reference to Scripture and tradition has led some Protestant theologians to abstain from factual claims altogether, thus taking up a position similar to NOMA. However, I do not believe this option to be available to Catholic theologians.

Secondly, NOMA assigns the realm of norms, values and meaning to religion. To be sure, Gould makes “most emphatically” clear that there are non-religious ways of establishing these things, “much of philosophy, a part of literature and history, for example. But human societies have usually centered the discourse of this Magisterium upon an institution called “religion”» (Gould 1999, p. 56). – I am not going to contest Gould’s factual claim that diachronically as well as synchronically religion in its vast variety of forms has shown itself as principal source of orientational knowledge. What I doubt, however, is whether religious claims in the orientational Magisterium can rationally, i.e. in an argumentative way, justified. I will say more about this in section V.

3.2 The Church’s coming out on evolution

The first official document of the Church that gives an evaluation of evolutionary theory is the Encyclical Humani Generis, promulgated by Pope Pius XII in 1951. Given the Church’s deep mistrust as to “materialist” evolutionary theory, this Encyclical, on the whole, expresses despite its apprehensive and cautionary tone a rather relaxed position with respect to evolution. It does

33 Catechism 1994, no. 397ff., p. 89ff. – The historicity of Christ’s resurrection from death (no. 639, p. 146) is certainly in conflict with what biology and medicine tell us about death. This, however, does not amount to a Galileo conflict, because the teachings of the Church do not generally reject bio-medical laws. They rather claim a miraculous exception to their action in the case of Christ’s resurrection from death. The issue of miracles, however, is not a scientific issue, but rather an epistemological one. Two epistemological conceptions about miracles are in opposition to each other.

34 Rudolf Bultmann’s program of demythologization seems to be a first step in this direction.

35 Gould, who obviously has the political objective to get science in general, and evolutionary theory in particular, out of the line of fire by American Creationists does not touch this sensitive topic.

36 Here is the text of the relevant passages: «35. It remains for Us now to speak about those questions which, although they pertain to the positive sciences, are nevertheless more or less connected with the truths of the Christian faith. In fact, not a few insistently demand that the Catholic religion take these sciences into account as much as possible. This certainly would be praiseworthy in the case of clearly proved facts; but caution must be used when there is rather question of hypotheses, having some sort of scientific foundation, in which the doctrine contained in Sacred Scripture or in Tradition is involved. If such conjectural opinions are directly or indirectly opposed to the doctrine revealed by God, then the demand that they be recognized can in no way be admitted. 36. For these reasons the Teaching Authority of the Church does not forbid that, in conformity with the present state of human sciences and sacred theology, research and discussions, on the part of men experienced in both fields, take place with regard to the doctrine of evolution, in as far as it inquires into the origin of the human body as coming from pre-existent and living matter – for the Catholic faith obliges
not instigate a Galilean conflict, although it does intimate possible such conflicts. We can observe in the text of the Encyclical with respect to the Church’s teaching on evolution the following main points:

(1) Evolutionary theory is accepted as a scientific theory as long as it does not contest God’s creation of the human soul or the monogenic origin of mankind.

(2) Pope Pius XII invites us to scrutinize carefully whether the evidence for various evolutionary hypotheses is sufficient, in order to class them as “clearly proved facts” or only as “hypotheses”. He seems to assume that evolutionary hypotheses do not belong to the category of “proved facts”.

(3) Evolutionary “hypotheses” have to be «submit(ted) to the judgement of the Church.» Whether this also holds for “proved facts”, remains unclear.

(4) Pope Pius XII does not speak out on whether he thinks that evolution is a fact of the history of the earth. 37

(5) The Encyclical’s distinction between empirically “clearly proved facts” and “hypotheses” has no basis in present philosophy of science. I translate it for the current situation as the distinction, which is standard in the philosophy of science, between hypotheses that have been supported or confirmed by empirical evidence and those hypotheses that have been put forward but have not yet been endorsed in a satisfactory way by empirical evidence. The Encyclical assumes that these two types of hypotheses can be distinguished. In the philosophy of science, however, there are no clear criteria for doing this. Nonetheless, there is among scientists a high degree of consensus about what counts as sufficiently evidence-based, and thus confirmed, hypothesis or theory.

Of particular interest apart from the claims to factual knowledge with respect to the monogenic origin of humankind is the pretension in (3) that evolutionary hypotheses have to be submitted «to the judgement of the Church». The Church, thus, claims to have the last word about pieces of factual knowledge in evolutionary theory. Looked at (3) as a matter of principle it is clearly a severe interference with factual matters that are exclusively within the us to hold that souls are immediately created by God. However, this must be done in such a way that the reasons for both opinions, that is, those favourable and those unfavourable to evolution, be weighed and judged with the necessary seriousness, moderation and measure, and provided that all are prepared to submit to the judgment of the Church, to whom Christ has given the mission of interpreting authentically the Sacred Scriptures and of defending the dogmas of faith. Some however, rashly transgress this liberty of discussion, when they act as if the origin of the human body from pre-existing and living matter were already completely certain and proved by the facts which have been discovered up to now and by reasoning on those facts, and as if there were nothing in the sources of divine revelation which demands the greatest moderation and caution in this question.» (Pius XII 1951)

37 I wonder how Gould (1999, p. 80) could celebrate Pius XII as accepting the NOMA principle of the two non-overlapping Magisteria of science and religion, when the Pope states that the hypotheses of the «positive sciences, are [...] more or less connected with the truths of the Christian faith» and that the Church has the last word in case of contradictions of scientific hypotheses to the Catholic Faith. These claims of the Pope constitute a major incursion into and, therefore, overlap between the two Magisteria.
competence of science. Nonetheless, nothing came out of it, for to the best of my knowledge nobody has submitted so far any evolutionary hypothesis to the «judgement of the Church» and, thus, the Church so far had no reason to interfere.

The caution and apprehension that still characterized *Humani Generis* seems to be thrown to the wind in a famous letter by John Paul II to this Academy on October 22, 1996. In this letter the Pope confirms the position taken by Pius XII in *Humani Generis*, but with one decisive qualification:

Today, almost half a century after the publication of the Encyclical [*Humani Generis*] new knowledge has led to the recognition of the theory of evolution as more than a hypothesis. It is indeed remarkable that this theory has been progressively accepted by researchers, following a series of discoveries in various fields of knowledge. The convergence, neither sought nor fabricated, of the results of work that was conducted independently is in itself a significant argument in favour of this theory.

I read this quote, as other passages not quoted here, as follows: 1) Pope John Paul II acknowledges the theory of evolution to be an adequately confirmed theory or, as formulated in Vatican epistemological terminology, it has risen above mere “hypothesis” and is beginning to be something like a “proven fact”. 2) Only the monogenetic origin of mankind and God’s direct creation of the soul remain as possible points for a Galilean conflict. As I have already mentioned, the thesis of the monogenetic origin of mankind is pretty much in accordance with scientific evidence while the question of the soul is a conceptual issue in *metaphysics* that, to the best of my knowledge, the pertinent sciences are not at all concerned about.

The result of this short analysis of Galilean conflicts in the context of evolutionary theory is that since the letter by John Paul II there seems hardly any room for such conflicts. In addition, John Paul II, as is well known, had taken great pains to lay Galileo's Galilean conflict to rest. For an outsider like me it seems Pope John Paul II had a clear, and in my view wise, epistemological

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38 The whole text of the letter is in: Pontifical Academy of Science (2003, pp. 370-374). Embarrassingly enough the English translation («new knowledge has led to the recognition of more than one hypothesis in the theory of evolution») of the French original of this passage is wrong. The original text is: «de nouvelles connaissances conduisent à reconnaître dans la théorie de l'évolution plus qu'un hypothèse.»

39 This evaluation is, however, – again in the terminology of Vatican epistemology – bluntly contradicted by Pope Benedict, who maintains that John Paul II «had reasons, when he said this [“evolution more than a hypothesis”]. But it holds at the same time that the theory of evolution is not yet a complete scientifically verified theory.» (Horn and Wiedenhöfer 2007, p. 151). – Whatever the Pope may mean – as is well known, there is no “verification” of theories – he certainly wants to play down the evaluation of his predecessor – and, he does so, given the usual Vatican language, in a rather outspoken way. I will discuss this and other recent Vatican ambivalences in the next section.

40 This has been emphasized, for example, by the Chancellor of the Pontifical Academy of Sciences, Marcelo Sanchez-Sorondo (2008).
strategy to get the Church out of the line of fire and withdraw from a battle-
field where there is little to be gained but a lot to lose.

3.3 Recent ambivalences

Therefore, it is most surprising that recently the Church, in the person of
one of its most senior Cardinals, seems to have taken up arms again and is
marching head long back on to this battlefield. In an article Christoph Cardi-
nal Schönborn (2005) was perceived to side with the most recent incarnation
of American Creationism, the so-called Intelligent Design Theory, ID for short.
As this paper focuses on epistemological issues, I will not address all of the
many other interesting aspects of this article but I will concentrate here on
two pertinent quotations regarding “evolutionism”:

[1] The Catholic Church, while leaving to science many details about the history
of life on earth, proclaims that the human intellect can readily and clearly discern
purpose and design in the natural world, including the world of living things.

[2] Evolution in the sense of common ancestry might be true, but evolution in the
neo-Darwinian sense – an unguided, unplanned process of random variation and
natural selection – is not. Any system of thought that denies or seeks to explain
away the overwhelming evidence for design is ideology not science.

As to the first quotation, I should remark that one of the founding meth-
odological principles of modern science and a precondition of its success
since the time of Galileo is its methodological materialism, I underscore methodological materialism. This implies that science exclusively looks for
natural causes when explaining natural phenomena. Evolutionary biology in
the course of its 150 years of existence has been able to explain thousands of
design-like structures in living beings in terms of evolution, of which natural
selection, as proposed by Darwin, is the most important but not the only fac-
tor. Before the advent of evolutionary theory such structures were believed
to have been drafted by an omnipotent designer.41 To answer Cardinal
Schönborn’s first point in just one sentence: the human intellect, indeed, is
able to discern purpose and design in the natural word, but explains this sci-
entifically in terms of natural selection.

As to second point, tens of thousands of biologists all over the world will
be astounded to hear that by relying on the two principles of evolutionary
theory: random variation and natural selection, they are ideologists rather
than scientists. Taking Cardinal Schönborn’s assessment seriously and dis-
missing random variation and natural selection would put an end to both
evolutionary biology and most other areas of biology.

41 Well known in this context is William Paley’s famous analogy argument for design that
contends that the perfections of living nature can as little be explained as having been devel-
oped by chance as can a watch that is found on a beach. This argument was convincing be-
fore evolutionary theory offered a third way of explanation, i.e. natural selection.
In his contribution to a meeting on evolution of the former students of Pope Benedict a year later, Cardinal Schönborn basically reiterated in more elaborated form the position he took in the article in the *New York Times*. Here he says about evolutionary theory:

I dare say that at present there does perhaps not exist any scientific theory, which is subject to so many grave objections and which at the same time is defended as sacrosanct by many people. ("Fides, Ratio, Scientia. Zur Evolutionismusdebatte", in: Horn and Wiedenhofer 2007, p. 96)

Cardinal Schönborn then lists several such supposed objections that are well known from American Creationist literature and that by their mantra-like repetition do not get closer to the truth:

1) the supposedly missing “missing links” between species.
2) «the often admitted fact that until now no evolution beyond the species level has been proved».
3) The supposed impossibility of a transition from living systems like reptiles to birds by small mutations.
4) The problematical status of the concept of survival of the fittest.

Both evolutionary biology as well as the philosophy of biology have dealt with these objections and have disproved them on countless occasions – to no avail.

When we now ask ourselves: is the Church in the person of Cardinal Schönborn, and possibly also Pope Benedict, back to the Galilean battlefield? The answer is “yes and no”. Let us first consider the “no”. It seems that the target of Schönborn’s critique is less evolutionary theory than rather what he calls “evolutionism”. “Evolutionism”, in turn, seems to relate by and large to what I have called Freudian conflicts. On the other hand, Schönborn does, in fact, launch a Galilean conflict, because when supposedly fighting a Freudian conflict he avails himself, as we have seen, of the supposed argumentative arsenal used by creationists in their Galilean conflicts.

It is interesting to note in this context that neither Schönborn, nor the Pope subscribe to the literal reading of the Bible that renders Creationism so obsolete. Although Schönborn in the *New York Times* article showed an al-
most unconditional support for ID he shortly afterwards distanced himself from a literal understanding of the Bible.\textsuperscript{46}

One could, of course, lean back and say that creationist Galileo-wise attacks on evolution should not be taken seriously, because their proponents do not have the expertise and competence to launch them. If the struggle were about science only one could and should take such a stand and regard creationists like those people who claim to have squared the circle, have built a \textit{perpetuum mobile} or proved special relativity false. This sort of critics of science – they are often called “cranks” – need not be taken seriously. Indeed, as has been shown over and over again by many authors creationism or ID are either not scientific or just blatantly failed science. They have nonetheless been with us for quite some time only because they serve certain political, social, educational and psychological purposes. These purposes that in the U.S. are firmly connected with right wing conservative politics are the real issue of creationists, not science.\textsuperscript{47} It is perhaps no incident that also in Italy during recent years the teaching of evolutionary theory was cancelled in 2005 in the \textit{scuole medie} by one of the various Berlusconi governments. Recent attempts to introduce creationist positions in science classes in the German state of Hesse and in biology textbooks in the Swiss canton of Berne have failed, however.\textsuperscript{48}

4. Freudian Conflicts on Evolution

4.1 Pre-evolutionary Freudian conflicts

Freudian conflicts arise, when a particular science tries to explain away religion as a phenomenon in its own right. They do not specifically affect the Catholic Church, but religion in general. From whatever scientific background a Freudian conflict is launched, there are two important methodological tasks: First, to delineate the notoriously complex concept of religion. All examples of Freudian conflicts that I have come across so far have failed to achieve this and display very narrow, one-dimensional concepts of religion. The second task that Freudian warriors fail to fulfil is adducing sufficient evidence for their rather substantial claims.

\textsuperscript{46} In one of his “catecheses” in the Vienna \textit{Stephansdom} later that year or in 2006 he declared: «To believe in God, the creator is not identical with the attempt of certain Christian circles to understand the six days of creation, which the first chapter of the book \textit{Genesis} speaks about, as a sort of protocol report as six chronological days, and then with all means attempt to prove that the earth is six thousand years old» (Schönborn 2007, p. 38).

\textsuperscript{47} It might be no coincidence that Cardinal Schönborn in his contribution to the Castel Gandolfo conference takes also sides with the political agenda of American creationism: «It is not acceptable, why it should be forbidden (this is the debate in the U.S.A.) to put the question about God in science classes in school, and at the same time never ask, why it is allowed to teach materialism (which is a highly arguable Weltanschauung) together with Darwin’s theory.» (in: Horn and Wiedenhofer 2007, p. 85).

\textsuperscript{48} The Hesse state minister of education had to resign and the Berne textbook did not go into print.
Marx’s attempt at explaining away religion, for example, understood religion very narrowly as the hope for a happy afterlife. Accordingly, religion is explained away as the last resort of people who live a materially and socially miserable life. This explanation, however, has been refuted by empirical evidence: take the United States, for example. The U.S. are on the whole an affluent country, in which nonetheless religion blooms. – Freud’s conception of religion as a collective neurosis suffers from all the defects and shortcomings of his psychoanalytical theory that have been laid bare mercilessly already long ago by Adolf Grünbaum (1984).

4.2 Evolutionary Freudian Conflicts

The first Freudian conflict in the context of evolution has been launched by the Harvard entomologist Edward O. Wilson in the mid-seventies of the last century. Wilson regards religion in the usual one-dimensional way as nothing else than a behavioural adaptation, which intensifies the internal cohesion of groups. He fails, however, to give worthwhile empirical or other evidence for this view. He does deliver instead what Stephen Jay Gould has aptly called an «adaptationist just-so-story».

The adaptationism of just-so-stories takes each identifiable characteristic of an organism automatically and without any proof as an adaptation. Therefore, religion as a clearly distinguishable behavioural trait is per se an adaptation and has to be explained by evolutionary arguments, based on natural selection. One has only to find or invent a halfway plausible evolutionary story about what sort of adaptation might apply in the case of religion and how it might have come about by the workings of natural selection. The story that Wilson tells us falls far behind any evidential standards that are required in natural science. He delivers hypotheses without evidence, and he never puts into question his a priori conviction of religion as a behavioural evolutionary adaptation.

Similar things are true for other such undertakings. I will, in concluding this section, only mention Richard Dawkins, whose controversial God Delusion has stirred much controversy recently. In Chapter 5 (“The Roots of Religion”) Dawkins has obviously a difficulty to identify a direct adaptational value of religion, which had not been a problem for Wilson. After having rejected explanations based on group selection Dawkins starts with the confession: «I am one of an increasing number of biologists who see religion as a by-product of something else» (Dawkins 2006, p. 174).

Generally speaking, the idea of by-product, i.e. the idea that a structure that had evolved according to certain selective pressures is later used for other purposes than the one it was selected for, is not alien to evolutionary biology. The phenomenon is called “exaptation” of a structure as distinguished from its adaptation. Dawkins now has a bold idea: «natural selection builds child brains with a tendency to believe whatever their parents and tri-

49 I have dealt with this more extensively in Wolters 1997, p. 148ff.
bal elders tell them. Such trusting obedience is valuable for survival» (ib., p. 176). Religion is just a by-product of this brain structure. What now follows is a just-so story that abounds with "might", "could" and similar linguistic indicators of speculation. If natural science were conducted that way there would be no natural science as we know it and love it. To tell the truth, Dawkins is well aware of the weakness of his position. «I must stress – he admits – that it is only an example of the kind of thing I mean, and I shall come on to parallel suggestions made by others. I am much more wedded to the general principle that the question should be properly put [i.e. religion as a by-product of the evolutionary process], and if necessary rewritten, than I am to any particular answer.» (ib., p. 174). To this I would like to reply that also and above all the principles that underlie scientific research have to be supported by evidence. What is missing in this case is the evidence for Dawkins’s claim that religion is a «by-product of something else».

But even if “Freudian warriors” succeeded better and were actually able to adduce sufficient evidence for identifying and explaining a behavioural disposition of religion as a result of natural selection, not much would have been gained. A believer could easily maintain that the evolutionary explanation of such a disposition does not discard the contents of the respective religious beliefs nor render them illusory. In pretty much the same way an evolutionary explanation of special perception or of logical reasoning does not show that geometry or logic is illusion.50

5. Science and Religion Conflicting about Orientations: the Case of Euthanasia

5.1 The Church’s claims to orientational knowledge

In the first sections of this paper I have dealt with the Church’s claims to competence in factual matters. In the ensuing conflicts with science religious interpretation of texts is claimed to have precedence over scientific expertise and evidence. This rather preposterous claim has not many supporters outside creationist and narrow minded ecclesiastical circles. – How do things look like in the normative realm? Does the Church have more to say here than in realm of the factual? Does exist something like a divine command theory? Gould’s NOMA principle seems to exactly support such a theory, when assigning the orientational realm to religion. We will see, however, that this assignment can hardly be upheld.

The most important argument to this effect we find already in Plato’s dialogue Euthyphro. This dialogue is about piety. At one point Euthyphro sug-

50 In the background here is the important philosophical distinction between the genesis of a phenomenon and its validity. So one could, for example, psychologically and culturally explain how Franz Josef Gall in the early 19th century arrived at his phrenology. Such an explanation would, however, not be a (dis)proof of this wild theory that alleges a correlation between the form of the skull and mental faculties.
gests that «the pious is what all the gods love, and the opposite, what all the gods hate is the impious». Socrates’ question however points to a very important dilemma that does not only regard piety but also ethics: «Is the pious loved by the gods because it is pious, or is it pious because it is loved by the gods?» (Plato, Euthyphro, 10a). If we now substitute “pious” by “morally good” Socrates’ question would turn to: “Are morally good acts willed by God, because they are morally good, or are they morally good because they are willed by God?”. In the latter case, i.e. where the morality of acts is defined by their being willed by God we are left with the fact that we find in the Bible a whole host of intuitively appalling divine moral commands, among them the command to wage war against other ethnic groups, commands to raping and killing, the killing of women, children and old people included.51 The New Testament does, of course, not promote genocide as the Old Testament almost habitually did because Christianity other than Judaism has not been a tribal religion and strives towards a universal enlargement. In the New Testament it is, rather, the “other” that comes into the focus of pious aggression: women, the mentally and physically handicapped and above all non-believers or heterodox people.52 We immediately intuit that such sometimes murderous divine commands cannot be morally right. Consequently moral imperatives cannot be defined by recurring to their being commanded by God, because in the Scripture God often commands actions that most, if not all of us regard as crimes.

Therefore, as the Euthyphro paradox goes, God wills morally good acts, because they are morally good. Consequently, the source for their being morally good cannot be God’s will, as we have seen, but something different. So God does not help in determining the morally good and is, in this sense, superfluous.

There exist differing conceptions about what constitutes the morally good. For example, the Aristotelian conception of the virtues of life in the polis, or various other conceptions that have been developed in philosophy, e.g. utilitarianism, which in its simplest form declares morally good such action norms, which further the happiness of the largest number of beings concerned, or the Kantian position of the categorical imperative, according to which such moral rules are good that could function as universal laws.

From all this we may infer that the Church has no prerogative whatsoever not only in factual but also in orientational matters. She represents just one ethical position among others and has to convince by Her arguments. Thus, the teachings of the Church or of any religion whatsoever may not be allowed to serve as a rule for state legislation, which is supposed to hold also for non-believers.53

51 E.g. Num. 21,2f; 25, 16f.; 31,1-25; 32, 27; Ps. 2,7-9; 18, 38-48; 44,6; Deut. 2,30-34; 7,1f.; 20, 10-17; Ex. Kap. 11f.
52 E.g. Gospel of St. John 8,44; Letters to Rom. 1, 29-32; 2nd Thess. 2, 12-16; Tit. 1, 10-16; 2nd Petr. 2, 10-14; 2nd John 10f.
53 A well reasoned ejection of all claims of this sort is given in Hoerster 1998, ch. 9.
When we now find the Church trying to influence legislation in bioethical matters in practically all countries where this is possible, this seems at first sight a legitimate undertaking in a democratic state. But at the same time Her pronouncements claim to express the ultimate divinely revealed truth in orientational matters. These “truths” – sometimes they are actually repugnant – are based on a teaching that was developed above all by St. Thomas Aquinas: the theory of “natural law”. Given the controversial character of natural law theory the unconditional and absolute claims the Church connects with this theory seem to be ill founded.

5.2 Orientational knowledge in the debate on euthanasia

In order to show the failure of ecclesiastical claims to orientational knowledge in a concrete case let us have a quick look at (voluntary) euthanasia, i.e. assisted suicide of terminally ill persons, which is so much contested in various countries, above all in Italy, where two cases have recently lead to agitated controversies. In the Netherlands, Belgium and Luxemburg legislation permits physicians under strictly defined conditions to end the life of terminally ill patients upon their request.

54 As one example for many I recall the case that occurred in Brasil in March 2009, when both the mother of a nine year old girl and the doctors involved were excommunicated by the Archbishop of Olinda and Receife (José Cardoso Sobrinho) because they had agreed to or carried out respectively, an abortion on the child that had been raped by his stepfather.

55 As far as ethics is concerned the theory of natural law rests on the highly controversial claim that there exist non-conventional ethical norms that (1) express a natural law, given by god, that is authoritative over all human beings, and (2) can be known by all human beings. Natural law theories of ethics are incompatible with both consequentialist (e.g. utilitarian) and deontological (e.g. Kant-type) ethics and contradict also Aristotelian ethics. A good introduction is Mark Murphy’s (2008) entry (“The Natural Law Tradition in Ethics”) in the Stanford Encyclopaedia of Philosophy.

56 The writer Piergiorgio Welby (1945-2006) was diagnosed with a form of muscular dystrophy in his late teens. For years Welby fought for his right to die. After he, finally, succeeded the Church refused a catholic funeral. – Reliable and well documented information is in the Italian Wikipedia entry on Welby: Welby (2006) is a moving document of his long fight for the right to die. – Whereas Welby’s case is a clear case of voluntary euthanasia, the second case, i.e. that of Eluana Englaro (1970-2009), who died after 17 years of a vegetative state after a traffic accident, was built on the reports of her family on her ideas about life and individual dignity. After a decision of the highest Italian court her father was allowed to have feeding and hydration suspended. – Both cases, regardless of their serious individual, moral and legal implications, fell victim of the unconditional (some say: cynical) pursuit of personal political interests that has characterized much of Italian policy in recent years. In the case of Eluana Englaro Silvio Berlusconi himself had his government giving consent to a decree to force doctors and family of Englaro to continue the treatment. Giorgio Napolitano, the president of the Italian Republic, however, refused to sign this decree (see Corriere della Sera, February 10, 2009). After this failure to intervene by decree Berlusconi started an accelerated legislative process for the case, which was only thwarted by the death of Eluana Englaro. (for a detailed presentation of the case see http://www.repubblica.it/2009/02/dirette/sezioni/cronaca/eluana/6-febbraio/index.html)

57 An excellent report about the present situation in the Netherlands and Belgium as well as an overview about the legal situation in various European countries is Griffith et al. 2008.
Ecclesiastical authorities have objected categorically to assisted suicide on several occasions. I will restrict myself here to No. 27 of the Pastoral Constitution Gaudium et Spes, promulgated in 1965 on the Second Vatican Council and above all the “Declaration on Euthanasia” of the “Sacred Congregation for the Doctrine of the Faith” (see SCDF 1980). I shall concentrate on the latter, because it is the most succinctly argued of all those documents.

First of all we should ask ourselves, which people are the addressees of the document. The answer is given at the end of the introduction. The main addresses are «in the first place all those who place their faith and hope in Christ», i.e. all Christians and not only Catholics. The document addresses, however, also «those who profess other religions» and then even reaches out to «many people of good will, who, philosophical or ideological differences notwithstanding, have nevertheless a lively awareness of the rights of the human person». Because all these people defend the universality of human rights the “Declaration” states: «since it is a question here of fundamental rights inherent in every human person, it is obviously wrong to have recourse to arguments from political pluralism or religious freedom in order to deny the universal value of those rights.» – This appeal to the universality of human rights seems to be a clever move, because this universality is taken to support a very particular ethical view on human rights in the immediately following section on the “Value of Human Life”, when the moral evaluation of euthanasia is at stake.

Here is the core of the argumentation given in the “Declaration”: 

1) Human rights are universal; 
2) The right to life is the most important of human rights; 
3) «Most people regard life as something sacred and hold that no one may dispose of it at will». For Christian believers life is even «a gift of God’s love». Therefore: 
4) «No one can make an attempt on the life of an innocent person without opposing God’s love for that person, without violating a fundamental right.» 

Up to this point the argumentation could be read as an argument against murder. But now comes an interesting turn, which few people will regard as adequate. The document morally equates murder and suicide: 
5) «Everyone has the duty to lead his or her life in accordance with God’s plan. [...] Intentionally causing one’s own death, or suicide, is therefore equally wrong as murder.»

6) Euthanasia is a form of suicide. 

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58 This does, however, not hold for theologians. See Küng in: Jens and Küng 2009, pp. 21-84 for a well-reasoned view that dissents from the ecclesiastical one. 
59 The definition given is: «By euthanasia is understood an action or an omission which of itself or by intention causes death, in order that all suffering may in this way be eliminated. Euthanasia’s terms of reference, therefore are to be found in the intention of the will and in the methods used.» – To this definition should be added in any case that euthanasia is carried out at the request of the person killed. – In order not to complicate matters I am not dealing here with the distinction between voluntary euthanasia and assisted suicide. – For a
7) **Therefore** euthanasia is murder and morally not acceptable.

The flaws of this argumentation are easily visible.

1) The very concept of human rights implies their being valid for all human beings. Now, we find the right to life already in Article 3 of the “Universal Declaration of Human Rights”, proclaimed by the General Assembly of the United Nations in 1948. But nowhere can be found a corresponding duty to life of the individual person. The duty corresponding to the individual’s right to life is, rather, with national governments, namely the obligation to protect this right. Being forced live is not universally regarded as a human right: This holds even more so in cases, when staying alive means immense suffering. Staying alive in such cases looks, rather, like a violation of a fundamental right, i.e. a violation of personal autonomy, one of the greatest achievements of the Enlightenment and the basis of other human rights. The idea of personal autonomy is, indeed, one of the determinants of European identity. Authoritarian systems of all denominations have scorned autonomy and have fought it, from the tyrannies in Greek antiquity over the pre-Enlightenment Church to the Wahhabis and Taliban of nowadays.

2) Although the “Introduction” of the Declaration gives ambiguous hints as to its truly universalizable character, its argumentative force rests, finally, on very particularist ideas about the God-given character of the Human life and the moral obligations connected with it. In a sense one can say that the ecclesiastical argument on euthanasia exploits the universal respect for human rights in an attempt to cash in on a very particularist, faith-dependant position. There is no universalizable argument, and, therefore, from the standpoint of moral philosophy the ecclesiastical position does not deserve much respect. It is much less about bioethics but rather about biopolitics.60 And, in fact, in various European countries the Catholic Church possesses enormous influence on state legislation and curtails the freedom and the rights of non-believers to a degree that by no means is required for the proper functioning of state and society.61 This brings us to the last section about the epistemic character of orientational knowledge and its role in state legislation.

5.3 **Oriental knowledge and its role in legislation**62

Among the few things both epistemologists and philosophers of science agree upon is the fallibility of all our theoretical knowledge: all laws of sci-
ence have to be regarded as hypotheses and open to revision. How about orientational knowledge? Is orientational knowledge also fallible as a matter of principle?

In order to answer this question one should distinguish between simple orientations and justified orientations. This distinction reflects the difference of "morals" as a system of actually existing norms and "ethics" as systems of justified moral norms.

The first question we have to ask here is: how can orientational knowledge be justified? In order to arrive at an answer let us have a quick look at the justification procedures of factual or theoretical knowledge. The most important justification of a scientific hypothesis is its empirical confirmation by successful empirical testing. In addition to empirical testing there are other justifying factors, e.g. compatibility with our best confirmed hypotheses and theories. But there are no algorithmic procedures to decide about the degree of confirmation that is reached by successful testing or about the degree of consistency with other hypotheses or theories or about any of the other justifying properties theories might have. In short, there are no proofs and even less absolute proofs of scientific hypotheses. Accepting or rejecting a hypothesis is, rather, an act of judgement that has to take into consideration and weigh against each other various justifying factors. Despite this apparently "weak" basis there is relatively little controversy about accepting or rejecting scientific hypotheses.

Accepting orientational knowledge shares with accepting factual knowledge this ineluctable judgemental component. What parameters should now shape our orientational judgements? Clearly, empirical testing and other justification procedures used in the case of factual knowledge are not available in the orientational realm. Things are even worse: different from what is standard in science there is not even an agreement on what could count as justification of orientational knowledge. Following Friedrich Kambartel (1989, ch. 1) I think that it is hopeless to aim at defining a concept of justification, which holds in all times and cultures. What is called "justification" is related to communal forms of life and to the orientations that have always been present within them. This as it were "local" understanding of justification of orientational knowledge does not at all compromise its obligation. Suppose we are convinced to have justified a certain Orientation O, e.g. that girls should receive schooling like boys, the obligatory character of this justified

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63 This holds for simple logical reasons already. The laws of science have the logical form of universal statements ("for all x holds y"). Apart from very special cases we can never empirically verify a universal law, because only single cases can come under scrutiny. We can test the law of free fall in many single cases and find that it holds. There remain, however infinitely more possible instances that remain untested. We are, therefore, not in a position to say "the law of free fall is true". What we may justifiably say is that this law possesses an extremely high degree of empirical confirmation.

64 An extensive list of such properties that by its very nature cannot be exhaustive gives e.g. Kosso 1992.
orientation is not affected by the fact that in the orientational system of the Taliban non-O is a justified norm.

It is important to distinguish individual (family and small groups included) from public orientations. It is one of the primary components of European thinking and policy since the Enlightenment that individual orientations are a completely private matter as long as not legally protected interests of other people are concerned. The private character of individual orientations is grounded in the autonomy of the individual, which is – I would like to emphasize again – the conceptual basis of European identity. In European democracies, on the one hand, the state has to be neutral with respect to individual orientations in the sense that it cannot prescribe them. To this orientational neutrality of the state corresponds, on the other, that individuals do not have any right to force their personal orientations on others – however grandiose they might be.

Public orientations should be distinguished in enforceable and unenforceable ones. Enforceable is an orientation, when legal regulations prescribe it. Unenforceable are all public orientations, which are grounded in tradition, shared wisdom and ethics and are not regulated by law. The selection criterion for enforceable public orientations in our democratic societies is their being essential to secure social life. In addition to this they have to be universalizable in the sense that they hold for everybody concerned, and that their legitimation may be presumed as acceptable for everybody. They, furthermore, have to prove their efficacy in securing peaceful living together.65

The set of orientations that are regarded essential for social life is open to revision. Think e.g. of homosexuality. Homosexual contacts (among adults) were forbidden und punishable by law in probably all European countries until a few decades ago. These days sexual orientations – as long as they do not interfere with protected interests of others66 – have completely moved into the private realm.

One can read the social and legal history of the last century also as a continuous shift of individual (religious) orientations, forced on the society at large by law, into the private realm. One may take the cohabiting of unmarried partners, birth control, abortion, homosexuality, suicide and the like as examples.

What we now observe in many countries is the attempt of the Church to reverse this trend and transform again Her individual (group) orientations in public ones, enforceable on the rest of the society. The case of euthanasia is just one fitting example for this; the legal status of homosexual couples another. The attempt at re-Christianizing Europe seems to be closely connected with the rise of Islamic fundamentalism, but turns out to be a form of funda-

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65 These properties of justified enforceable orientations might be regarded as an analogon of the properties of well-confirmed scientific hypotheses.
66 I think particularly of pedophilia.
mentalism itself.\textsuperscript{67} It is basically nothing else than the attempt to reinstall theocracy as we know it from medieval and early modern times. The last theocratic traces have not yet vanished completely from the European scene, whereas we can observe theocracy in full bloom in almost all Islamic countries.

6. Conclusion

To conclude: in the case of euthanasia as well as in the case of evolution one can discern the common feature of interference of the Church with the life of people, who are not heir members, without giving universalizable arguments. In the first case, evolution, it is clear that – as far as scientific matters of fact are concerned – the Church has no authority whatsoever. As far as naturalistic claims in form of Freud conflicts are concerned, the arguments of the Church would have to follow the standards of anti-naturalistic arguments given in philosophy, in order to convince people that are not strictly catholic believers. Similar things hold for bioethical and other related questions. In order to convince the Church would have to use universalizable arguments. But her well known positions not only with respect to euthanasia, but also with respect to abortion, stem cell research and so on are not universalizable. The rest is biopolitics. In my view one has to resist the attempts of the Church to cast her particularist ethical views into state law, when we care about freedom, autonomy and social peace.

\textsuperscript{67} This is made clear in an unequivocal way by Coniglione (2005) in his critique of positions taken by the philosopher Marcello Pera, who served as President of the Italian Senate for the Berlusconi party \textit{Forza Italia}, and who has been fighting (sometimes hand in hand with the present Pope) what they call European “relativism” and “multiculturalism”. Coniglione rightly remarks that Pera’s project of “cultural integration” of muslims in Europe presupposes «first to regard religion as a private affair that should not pretend to transform itself into public morality; secondly a conception of a secular (\textit{laico}) state that has to remain completely indifferent and neutral with respect to all particular religious traditions, which cohabitate in it.» (ib., p. 604).
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