

Correspondence

"The Question Is Peril"

To the Editors: Re: "A View of the World," *Worldview*, November. There were more questions than peril in that brief item ("The Question Is Peril") about the National Council of Churches condemning the United States for deporting Haitians.

The first question that comes to mind is, if it is the Haitian Government that is jailing or killing Haitians, why did the NCC condemn the U.S. for "violation of human rights"? Why not a resolution against the Haitian Government?

Secondly, the implications of that resolution *and* the article (The U.S. cannot deport illegal aliens unless it will guarantee their safety) are staggering. For example, it is entirely possible that a country that is already overpopulated will not want its refugees back; all the government has to do is threaten them and the U.S. is stymied. Or if the U.S. must guarantee the safety of all refugees from everywhere, the U.S. is right back to being "Policeman of the World." The NCC would be the first to condemn the U.S. for even trying to play that role.

The United States does have a *moral* right to enforce its immigration laws—the most generous in the world. Controlling the borders is a basic responsibility of government in any country. The NCC and, unfortunately, *Worldview's* correspondents, have muddled the issue: Deportation and persecution are not the same thing. If an illegal immigrant is likely to be persecuted in his home country, the U.S. has always offered to deport him (or her) to any third country that will accept him (or her) as a legal immigrant.

The choice of who comes in, and how many at a time, must remain within each country—and the United States is not an exception. For a government to abdicate that control is morally irresponsible, for an open border in an overpopulated world is an invitation to destruction. It is suicide.

The United States will continue to take in as many political and economic refugees as it can without endangering its citizens, to whom it owes *primary* responsibility. The present administration has some ambivalence about its *right* to enforce the law, which is unfor-

tunate. It is teetering on the ledge of a high building, and the National Council of Churches is saying, "Jump!"

Sharon Lynn

*The Environmental Fund
Washington, D.C.*

To the Editors: We are extremely concerned by the alarmist, overly simplistic, historically and legally inaccurate response by the Environmental Fund to the item, "The Question Is Peril" in "A View of the World."

As legal counsel representing the National Council of Churches in their concern for Haitian refugees, the International Human Rights Law Group for the past several months has been investigating allegations of denial of due process and violations of basic human rights. It is evident from a thorough examination of the situation that the U.S. Government, in its present treatment of Haitian refugees seeking political asylum, is acting in contravention of constitutional principles, federal statutes, administrative regulations and obligations imposed by international treaty. This disregard for domestic and international standards of fair and just treatment of refugees poses potentially dangerous consequences for Haitians who may be unjustly deported.

Apparently, the Fund, as well as the Immigration and Naturalization Service, has proceeded not from an analysis of the facts involved or the legal obligations imposed, but from a theoretical premise that the very arrival of these refugees on our shores poses an irreconcilable conflict of interest and inherent danger to the U.S. public. This posture permits neither an analysis of cause nor a prescription for solution—only a continuation of the problem. We respond to the major points raised in the Fund's letter in light of our factual investigation and legal analysis of the current situation in Miami.

1. Initially, it should be noted that the National Council of Churches has already filed a complaint against the Haitian Government for its violations of human rights with the Inter-American Commission on Human Rights of the Organization of American States in May, 1976. New information continues to be submitted as it is received. It now becomes apparent that international censure will be necessary to force the

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WORLDVIEW

Statement of Purpose

The purpose of *Worldview* is to place public policies, particularly in international affairs, under close ethical scrutiny. The Council on Religion and International Affairs, which sponsors the journal, was founded in 1914 by religious and civic leaders brought together by Andrew Carnegie. It was mandated to work toward ending the barbarity of war, to encourage international cooperation, and to promote justice. The Council is independent and nonsectarian. *Worldview* is an important part of the Council's wide-ranging program in pursuit of these goals.

Worldview is open to diverse viewpoints and encourages dialogue and debate on issues of public significance. It is edited in the belief that large political questions cannot be considered adequately apart from ethical and religious reflection. The opinions expressed in *Worldview* do not necessarily reflect the positions of the Council. Through *Worldview* the Council aims to advance the national and international exchange without which our understanding will be dangerously limited.

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for personnel to be employed in Czechoslovakia. This program helped his parents to come West for the first time in over thirty years. Comparing the fate of Czechoslovakia's 1968 experiment with the contributions of transnational corporations to Mazrui's convergence, I conclude that planetary well-being is more likely to be aided by sensitivity training for Western, Communist, and Third World personnel of IBM and other globe-encircling builders than by prescriptions for world order—especially if they entail socialism for the North, nationalism for the South, and three languages for all!

The importance of Mazrui's book and the other World Order studies lies less in their substantive content than in their contribution to a confederal world culture in which individual thinkers model their values and policies interactively. Alas for committee projects, Sakharov's one-man manifesto in 1968 calling for U.S.-Soviet cooperation and East-West convergence to deal with the world's ills has probably evoked more commentary and critical feedback than all the World Order Models Project studies combined.

CONTRIBUTORS

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U.S. as well to examine its own compliance with human rights norms.

2. The Fund maintains that there would be "staggering implications" if the U.S. were to stay deportation of Haitian refugees until their safety could be assured. On the contrary, given the fact that the Haitian Government made

grandiose statements of "détente" and welcome for returning exiles in 1973 and 1975 and then followed these with mass arrests in 1974 and 1976, it would seem the implications for deporting Haitian refugees in contravention of the law are staggering and fatal.

Furthermore, in stating that "if any illegal immigrant is likely to be persecuted in his home country, the U.S. has always offered to deport him (or her) to any third country that will accept him (or her) as a legal immigrant," the Fund completely disregards historical fact. The U.S. has consistently sacrificed refugees to its foreign policy considerations. Perhaps the best-known case was pre-World War II, when the U.S., operating on the principle of isolationism, forced the return of Jews to Europe and to eventual massacre by the Third Reich. Since then Dominicans, Iranians, Nicaraguans, Haitians, and many others have been not only rejected, but forcibly returned to their home country and consequently imprisoned. The major problem here is that the U.S. State

Department refuses, as it did with the Jews, to acknowledge the existence of human rights violations by its allies, i.e., any non-Communist nation. The result is that refugees from these countries are not legally recognized as refugees and are therefore not given the option of deportation to a third country.

Requiring an assurance of safety for returning refugees is not what characterizes the U.S. as the world's policeman. It is by continuing to provide military arms and training to such a notoriously abusive and arbitrary military apparatus as that in Haiti that the U.S. clearly maintains its negative reputation as the "policeman" of the world and insures that the repressive conditions that generate the refugees continue.

3. The Fund advocates as a moral priority the enforcement of immigration regulations, saying that it would be "suicide" to abolish controls on immigration, because an open border is "an invitation to disaster." In this instance it is precisely the enforcement of existing regulations that is being sought. The



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regulations are intended, however, not only to protect our borders, but to safeguard the rights of every refugee seeking asylum at our shores—another moral principle receiving highest priority throughout our nation's history.

If the Fund is saying that to abdicate regulations guaranteeing due process will result in abdicating control over immigration, we would agree. It appears, however, that they are confusing "regulations" with "restrictions" and therefore are advocating that the U.S. has a moral responsibility to restrict the immigration flow in order to protect U.S. citizens from the supposed dangers of an alien population.

This proposition suffers from two serious flaws. The Haitians, whose number are comparatively small, are refugees seeking political asylum. The U.S., bound by its own laws as well as by international obligations imposed by ratification of the U.N. Protocol Relating to the Status of Refugees, has a moral and legal responsibility toward these refugees that is profound, concrete, and not subject to imagined threats.

The second flaw in the Fund's proposition that the U.S. has a higher duty to protect against the influx of aliens is that the statement is based on a factually incorrect premise. Innumerable studies, such as those done by the Labor Department and the Department of Health, Education, and Welfare, have demonstrated that the current immigration flow, both documented and undocumented, provides many more benefits than liabilities to the U.S. economic and social infrastructure.

In conclusion, we find the position of the Fund on this issue to be morally, factually, and legally untenable. It is more irresponsible than naive to put our heads in the sand and close our borders to the suffering of others. Such action indicates a regression to narrow nationalism at a time when it is becoming increasingly obvious that our welfare is dependent on the welfare of the rest of the world and when, as in this particular instance, national and international standards demand nothing less than strict adherence to the law.

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“Creation Teaching”

To the Editors: Father John Hawley begins his discussion of my book *Love and Sex: A Modern Jewish Perspective* (*Worldview*, November, 1978) with an edifying selection from Bruce Jay Friedman's novel *Stern*, in which the Jewish hero urinates in the snow and is frightened by the imaginary danger of emasculation. Thus the reviewer has laid the groundwork for a new, up-to-date model of the mysterious Wandering Jew, who is completely different from his fellow men and hence a potential menace to them. This figure Father Hawley has conjured up from “contemporary Jewish novelists,” who are thus a breed apart from their Christian colleagues. He then proceeds to psychoanalyze my own “ambivalence, verbalized in a mixture of guilt and hauteur,” which is expressed in “an aggressive...disparaging of divergent experiences and ideologies.”

Obviously, Father Hawley is distressed by my admittedly brief summary of the traditional Christian sex code, with which Catholic and Protestant theologians and laity are valiantly struggling today in order to have it answer to contemporary needs and problems. Equally obviously, he has no desire to establish either the motivation or the thrust of my work.

Instead, he stigmatizes various statements in my book as “irresponsible,” “bald,” “outrageous,” and motivated by hostility to Catholicism. This is nonsense. I have always had a high respect for the achievements of Christianity and sympathy for its problems, as is clear from this book and all my work.

That Father Hawley's approach to the book may tell us as much about the reviewer as about the subject is clear by contrasting his reaction with that of Dr. Seward Hiltner, professor of Theology and Personality at Princeton Theological Seminary. In a review written for *Christianity Today*, Dr. Hiltner describes the argument in my book as “posed in a relaxed and good-humored way,” and concludes by saying: “As kindly as it can be done, he has challenged Christian theologians to arrest, at least temporarily, our fancy footwork about human sexuality in our past and to take another look at the creation teaching we have borrowed from the Jews.”

Here is the nub of the basic difference I have with Father Hawley. As a

student of a religious tradition two millennia older than that of Catholicism, I am well aware of the variations in viewpoint, the distinctions and limitations, and the refinements of casuistry that find expression during the long history of tradition. This is true of Judaism, as it is of Christianity, and the fact is explicitly noted in my book with regard to both. However, as any unprejudiced reader of the book will note, I was not concerned to present a detailed survey of Christian sexual ethics with all its elaborations in the discussions of theologians and the distinctions of canonists. Since my aim was to delineate the background of the new morality, my concern was to present the *perception* of the classic Christian teaching on sex as seen by the men and women of the Western world during the past nineteen centuries. It is this perception that has determined the outlook of love and sex in Western society for many centuries and that continues to influence and color the behavior patterns of men and women in the present. To cite one instance, Ernst Renan, in his memoirs, reports that his teachers in the seminary compared woman to a loaded revolver, which must be avoided as dangerous. Perhaps some of his preceptors could have cited texts and footnotes to rebut this notion, but the perception was real.

Today, some Christian thinkers are seeking to revise—or reinterpret—significant elements in this complex of attitudes and practices that affect many within the church and many outside of it. Father Hawley refers to the *Proposals on Human Sexuality* commissioned by the Catholic Theological Society of America. This statement seeks to bring traditional Church teaching into harmony with newer insights into the nature of man/woman and man's/woman's relationship to God. But the uninstructed reader would not learn from Father Hawley's reference that these *Proposals* are far from being official Catholic doctrine. All honor to these intrepid thinkers! Their cause, however, is not advanced by Father Hawley's tactics, to which we may apply Professor Hiltner's apt description, “fancy footwork about human sexuality in our past.”

This is not all. In all candor, I must insist that the popular perception of the classical Christian doctrine is not an imaginary construct taken out of the thin air, but is rooted in the sources. Father Hawley rails against my state-

ment that divorce is generally prohibited, which is based on Matthew 5:32; Mark 10:11, 12; Luke 16:18. He declares: "According to Catholic doctrine, divorce is neither sinful nor does it result in excommunication." Thousands of divorced American Catholics today, many of whom are organized to win the right to participate in the rites of the Church, have evidently been under a misconception.

Father Hawley denies the truth of my statement, "Sexual relations are permissible only when they lead to the begetting of children." What then is the basis of the Church's objection to birth control that has been reaffirmed time and again to the present?

He cannot contain his wrath at my statement, "In classical Christianity, the attitude toward sex is decidedly negative;..." But was it not Saint Paul who said: "It is well for a man not to touch a woman. But because of the temptation to immorality, each man should have his own wife and each woman her own husband. I wish that all were as I myself am. To the unmarried and the widows I say that it is well for them to remain single as I do, but if they cannot exercise self-control, they should marry" (I Corinthians, chap. 7).

Or, to cite one statement from Saint Augustine: "The act of generation...is sin itself and determines the transmission *ipso facto* of the sin of the new creature." The objections of Pelagius to Augustine's views were ruled out by the Church as heretical.

Father Hawley conveniently does not cite the clear statement in my book of ameliorating tendencies in the Church:

"Medieval scholars, such as Thomas Aquinas, John Duns Scotus, and Pierre Abelard, tempered the rigor of Augustine's views in varying degree. The Council of Trent (1545-63) declared the view of Aquinas authoritative, according to which Adam's Fall deprived man only of his original righteousness or his superadded grace.

"The Reformers, however, notably Martin Luther and John Calvin, reasserted several elements of Augustine's position which Catholic scholasticism has modified. They stressed the innate depravity of human nature and declared that sexual desire per se partook of the nature of sin. Thus, both Protestant theology, which maintained the extreme form of the doctrine, and the Roman Catholic Church, which had modified

its position, agreed in regarding man's nature as inherently corrupted by Adam's sin. To be sure, some modern Christian thinkers have sought to reinterpret these doctrines or to limit their applicability."

Let me be fair—he does refer to this passage, describing it as consisting of one sentence.

Father Hawley ignores the relevance of Protestant teaching to our subject, but Protestantism is also Christianity. Luther's view is embodied in the *Confession of Augsburg*, written in 1520 by Philipp Melanchthon as a presentation of Luther's case, before the Diet of Charles V. Article II on "Original Sin" reads as follows:

"They teach that after the fall of Adam all men, born according to nature, are born with sin, that is, without the fear of God, without confidence towards God and with concupiscence...that whatever is in man, from intellect to will, from the soul to the flesh, is all defiled and crammed with concupiscence; or, to sum it up briefly, that the whole man is in himself nothing but concupiscence...."

Father Hawley may deplore the record, but he cannot expunge it and should not be allowed to distort it.

I am well aware of the current practice of describing as "simplistic" any position, the essential validity of which cannot be challenged successfully. I submit that I have given a fair description of the major thrust of Christian teaching and its impact on Western man....

It is undeniable that for understanding current attitudes the general perception is more important than the precise formulations of individual scholars, but I submit that I have been basically fair to both.

Father Hawley's review ends on the same lofty note on which it began: "A truly balanced 'Modern Jewish Perspective' on love and sex might demand a ménage à trois: Gordis's book, *Portnoy's Complaint*, and *Annie Hall*." Would he be outraged if, following his example, one were to suggest that a "balanced modern Christian perspective on love and sex might demand a ménage à trois consisting of the Epistles of Paul, Boccaccio's *Decameron*, and *Fanny Hill*?"...

Editor, Judaism
New York, N.Y.

Robert Gordis

John Hawley, S.J., Responds:

Rabbi Gordis was apparently nettled by my review, as I was nettled by his book. The topics his book discussed went beyond his 256 pages of text, and my review worried as much about what was not said as about the text itself.

It was unfortunately imperative that various misrepresentations be addressed, even if this focused attention on an aspect of the book which could have been (but was not) minor. As Gordis notes, rabbinic sources, too, refer to sex as "the evil impulse." Throughout its historical development Judaism was more consistent in its emphasis on the positive value of sexual pleasure, but both traditions have had to reevaluate their norms and proscriptions. The truth of Gordis's contention that the historical development of Christianity carried with it a suspicious attitude toward sexual pleasure is an old horse by now; if the author hoped to make a contribution in this field, the least that could have been reasonably expected was a more adequate presentation of the influence of apocalyptic thinking on Paul, and anti-Gnostic emphases in early Christian theology. Such a reasoned presentation of the motivating factors in the two traditions has been succinctly detailed by Margaret A. Farley in her excellent entry on sexual ethics in the recently published *Encyclopedia of Bioethics*. Without such a focus, the truth of many of Gordis's statements (those mentioned in my review, and others) becomes distorted through overstatement and lack of nuance.

Rabbi Gordis insists that his intention was not to present a scholarly thesis but rather a discussion of "perceptions." It is unfortunate, therefore, that he apparently finds my review's proposed ménage insulting: the work of Philip Roth and Woody Allen is at least as reflective of contemporary American Jewish sexual mores as Gordis's book. Likewise, the Catholic Theological Society's *Proposals on Human Sexuality* is at least as reflective of contemporary American Catholic sexual mores as *Humanae Vitae*. I would suggest that love and sex, more than most issues, demonstrate the inadequacy of an ecclesiology too narrowly focused on institutions. I agree with Dr. Hiltner's estimation of the book as "relaxed and good-humored," but I would emphasize the first adjective.