

❖ Ad Veritatem ❖

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SPECIAL ANNOUNCEMENT: The Society Expands to Add an Evening Meeting!

In response to numerous requests, we are expanding to add an evening meeting on the third Monday of every month! The first of these evening meetings will be held at Saint John Neumann parish at 5101 Alton Parkway in Irvine (off the 405 frwy) at 7 pm on Monday, January 20, 1997. FR. HUGH BARBOUR, our chaplain, who has a Ph.D in philosophy, will lead the discussion at this first meeting entitled "FRIENDSHIP WITH CHRIST". We will still have the daytime meeting at noon on the third Thursday of every month. This month's noon meeting will be held on January 16th at the 12th Floor of Rutan & Tucker's offices at 611 Anton Blvd in Costa Mesa. TIM STAPLES, the Biblical Apologist, who taught his class to us through the summer will be back to answer questions! Even if you did not attend the class, please feel free to come! Copies of Tim's outstanding lecture series are available in a set of 12 tapes for \$58.32. For more information about the meetings or Tim's tapes, please call Anne Lanphar @ 641-3450, Dave Belz @ 347-0447, John Flynn @ 833-7800 or John Getz @ 653-0259.



"Only in God is my soul at rest... He is my rock and my salvation, my stronghold; I shall not be disturbed."

**Thomas More: A
Portrait of Courage**

**Editor's Note:
"Ad Veritatem" is
Latin for "toward the**

ANNOUNCEMENTS

Red Mass: Help is needed to plan the Red Mass. Please contact Dave Belz @ 347-0447

Our Retreat: June 6 -8, 1997 at Marywood, the Diocesan Center in Orange. Our Chaplain, Fr. Hugh Barbour, will be our retreat Director for a traditional, silent retreat with conferences and meditations taken from the writings of our patron, St. Thomas More. There will be opportunities for the Sacrament of Penance, Eucharistic Adoration and quiet time with the Lord. **WATCH FOR MORE INFORMATION NEXT MONTH!**

Law or Liberty: Several Catholic Approaches to Solving Practical Moral Doubts or Prudence Amidst the Probabilities

By: Fr. Hugh Barbour, O. Praem
Our Chaplain

Ever since the time of the Renaissance, when the autonomy and uniqueness of the individual began to receive such emphasis as to become the guiding principle for moral choices, law and liberty have been seen as opposing forces, the former restricting, and the latter freeing the individual. Practical moral doubts, concrete cases to which principles were applied, were dealt with almost exclusively in terms of the tension between law and freedom. Catholic moral philosophers accommodated themselves to this approach, and developed several theories on how to resolve a moral doubt while giving law and freedom each their due. Even today these approaches are taught as practical guides in Catholic seminaries which still follow a classical course of instruction. Lawyers, who deal so much with the interpretation of the law of the state, will find these systems interesting. They have analogous applications in the legal profession, even though they were designed for the

(Continued on page 4) **Law or Liberty**

Inside This Issue:

Chaplain's Message	Page 1
A Plank in Your Eye	Page 2
From the Library	Page 4
Mission Statement	Page 5
Scriptural Corner	Page 6

A PLANK IN YOUR EYE

By: Rich Neuland, Esq.

As attorneys we develop lots of skills that are particular to our type of work. One of those skills is learning to listen well. This is a skill that easily transfers into our private lives. Listening well to our spouse, children and friends can't help but enhance our relationships with them.

As attorneys we learn other skills. We learn to be suspicious. We are suspicious of anything the other side does or wants.

We lawyers also develop the skill of ascribing fault, ascribing blame, ascribing guilt, ascribing liability and ascribing responsibility - to others! We make these judgments and evaluations on organizations, parties, and individuals during the course of our work, whether it be contract law, family law, criminal, tort, or other civil matter. We get good at it and we can do it very quickly. Sometimes we can ascribe fault and blame without much thought or without even having facts sufficient to support our conclusion and judgment.

These last two skills don't translate well into our personal relationships. These skills are beneficial in our professional lives, but they can be devastating in our personal lives. While I am quick to ascribe blame and fault to those around me, even those whom I love the most, the result of such judgments when spoken aloud or written can injure others. The injury can be deep and long lasting.

I should also mention that while I can work very effectively, efficiently and quickly in determining the fault of others, it is interesting how much time I am willing to devote to the crafting of the excuse or excuses necessary to deflect any blame, fault, responsibility or liability from myself when my wife or children challenge my behavior. Often my defense will include a surging attack upon the individual who probes a little too close to the truth and attempts to overcome or run around my defense. My family, of course, suffers the consequences of my "skills".

I am certain that this behavior is not exclusive to lawyers nor to our generation for there are clear warnings about such conduct found both the Old and New Testaments. In the Old Testament Second Book of Samuel, Chapter 12, God calls the prophet Nathan to challenge King David. David was perhaps the most popular and powerful king Israel ever had. He was a devastating successful general, com-

manding the Israeli armies against their enemies. He was a swift and incisive insurgent when King Saul's own men looked to kill him. He was a marvelous administrator and an accomplished visionary who had the capability of not only seeing the vision but bringing it into reality. Most importantly, David loved God and was beloved by God.

Is it any wonder that Nathan was reluctant to tell David that God was unhappy with him? In his wonderful book, **That Man is You**, Louis Evely tells the story of Nathan and King David. Nathan, fortunately, had the gift of wisdom and chose to tell David a story rather than directly accuse him. The story Nathan told David goes like this:

Two men lived in the same town. One was rich; the other, poor. The rich man had a great many flocks and herds, whereas the poor man had only a little ewe lamb, which he raised in his own house along with his children. It shared his food, drank from his cup and even slept in his arms. It was like a daughter to him. One day, the rich man entertained a guest, but, instead of slaughtering one of his own animals, he stole the poor man's single ewe and served her up to the visitor.

David burned with anger against the man and could not contain himself further. He quickly ascribed blame and judgment and said to Nathan, "As surely as the Lord lives, the man who did this deserves to die! He must pay for that lamb four times over, because he did such a thing and had no pity." And Nathan said to David, "That man is

We also develop the skill of ascribing fault, ascribing blame, ascribing guilt, ascribing liability and ascribing responsibility - to oth-

you!"

In the New Testament, we find Matthew recounting Jesus' warning in Chapter 7, Verse 1-5: "*Do not judge. For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you.*" Boy, am I in trouble! When I read this, I want to employ another lawyer skill: that of interpreting the words contrary to what the words say. Jesus continues, "*Why do you look at the speck of sawdust in your brother's eye and pay no attention to the plank in your own eye? ...You hypocrite, first take the plank out of your own eye, and then you will see clearly to remove the speck from your brother's eye.*"

Just as Nathan used a tremendous word picture to help David understand his sin, so Jesus uses this picture to

(Continued on page 3) A Plank in Your Eye

(Continued from page 2) **A Plank in Your Eye**

illustrate several points which still have applicability for us today.

First, since sawdust and a plank are both made from wood, it suggests that the sin, or the basis of the sin, is the same. Perhaps this is why the speck is so easily recognized.

Second, we can look at the speck or sliver as well as the plank, in order to analyze and evaluate the difficulty of the fix or the effort it will take to cure the sinful habit. If we consider a speck of sawdust, we know that while it may be a source of irritation, it can easily be removed, sometimes simply by blinking. Certainly we can conclude that the speck represents those that we might call minor sin. On the other hand, the plank is clearly intended to represent a major sin in our lives and will take far more effort to be removed. This effort will have to be directed not only to cleaning out the plank but also the debris left over by the plank.

Third, it is also interesting to note that the relative size of the speck and the plank makes us wonder whether or not Jesus was also intending to mention the fact that we really had to look closely to find something wrong with our neighbor's conduct. This may be because our neighbor, like us, works hard at covering up those areas of our lives which provide the opportunity for others to find fault. Or, it may be that our neighbor is a genuinely good person. This certainly makes the warning, "*Judge not, lest ye be judged*" more fearsome.

Fourth, one of the most obvious thoughts that flows from Jesus parable is simply the comparison of the wrongs. The weight and magnitude of the plank when compared with the speck certainly makes the speck seem insignificant, trivial. It is almost as if Jesus is teaching us comparative negligence.

(As an aside, isn't it interesting how frequently our legal terms and legal concepts run through and parallel these religious or moral principles. For isn't that exactly what our practice and life's work is really about when we are lawyers? Isn't the law simply a statement of the behavior that God expects from us? You've heard the statement from the Bible: "*It is not what a man puts into his mouth, but what comes out of it, that defiles him.*" As a profession which uses words to a greater extent than any other (except perhaps writers), we are clearly in harm's way.)

Lastly, it is also interesting and important to note that with a plank in our eye, our entire vision is distorted. This plank or sin is not limited to the obvious area of our behavior which we term "sin" but impacts us enormously in much of what we do.

It is also clear that this is not simply a story intended to direct our efforts into self-examination rather than a critique of others. Fixing or correcting any sin, even the small one, can be painful but at least the fixing brings relief. So long as we continue to sin, even the small one, there will be continuing injury

and pain.

The purpose of recognizing the existence of the plank in our own eye is to then bring to bear our own efforts and talents to rid ourselves of the plank and its injurious affects. Like the story of the woman of John's Gospel who was found in adultery, Jesus dismissed all of those righteous men of the town who stood so arrogantly to condemn her through his writing in the sand and the challenge, "*if any one of your is without sin...*". Jesus forgives the woman and all sinners with the direction, instruction and admonition to "*Go, and sin no more*".

Most of us recognize that we don't just start with plank-size sin. It is a result that we have worked at over a relatively long period of time. Thus, the fix is likely to take some time and we will experience periodic failure in our efforts. What other purpose (than rectification) could there be in the recognition of our own plank?

Nearly all organizations that help individuals overcome addictive/abusive behavior have at least three things in common: (i) the recognition of God, or a transcendent being; (ii) the acknowledgement that you need help from others to get through the difficult parts of the recovery; and (iii) the recognition of the "plank in your eye" whether it be alcohol, drugs or whatever. While it may be self-deflating to acknowledge to yourself that the plank exists (and C.S. Lewis tells us that Satan will surely exploit this fact), it should also provide the opportunity for hope: because it is the first step toward healing.

As we end one calendar year and begin a new one, it is popular and fashionable to establish goals for the upcoming year. Let us resolve to do several things in both our professional and private lives:

- To listen more carefully.
- To be less suspicious.
- To use less frequently our skilled ability to find fault, ascribe blame and determine guilt.
- To begin the process of removing either the plank in our eye or one of several planks which we may acknowledge have taken up residence there.

Your Task:

Your task, to build a better world, God said. I asked him how? This world is such a large vast place, so complicated now. And I so small and useless am, there's nothing I can do. But God in all his wisdom said: Just build a better you.

**Remember:
It wasn't the nails
that kept Christ on the cross
but rather His love for you!**

(Continued from page 1) Law or Liberty

confessional. Professionally, too, they can help to clarify our moral reasoning, which is sometimes not as refined as our legal argumentation!

Theory #1: PROBABILIORISM ("more probable-ism" from the Latin *probabilior* comparative form of the adjective *probabilis*) When there is a choice between an action which favors the law or which favors individual freedom, then the opinion favoring freedom may (but does not have to) be followed only when it is more probable than the safer opinion favoring the law. Example: Mary is a fifteen year old whose parents have told her never to go anywhere with strangers. Her regular car-pool ride comes to pick her up, but instead of Mrs. Smith, the driver is Mrs. Smith's sister, Mrs. Jones, who is visiting from out of town to help her sister who has just had twins. Mary judges that it is more probable that her parents did not intend to include Mrs. Jones in the category of stranger, even though she does not know her, and so she takes the ride with the stranger. There is some risk involved in her choice, but it is so minimal given the probabilities, that Mary favors a greater probability to an overly cautious interpretation of her parents' rule. Probabiliorism is often identified with the Dominicans and Franciscans.

Theory #2: AEQUIPROBABLISM ("equally probable-ism") When there are opposing opinions which are both practically and equally probable one favoring freedom, the other the law, then the opinion favoring freedom may (but does not have to) be followed, as long as the question is of the existence of the law, and not of its cessation. Example: It is equally probable that I did and that I did not fulfill my sworn promise to give a certain amount of money in reparation for my past greed. Then I must give the money in case of doubt. But if I honestly cannot remember if I even made such a promise, and the reasons for and against my having promised are both probable, then I do not have to give on account of this doubtful promise, even though it may be laudable to do so. The former case regards the cessation of a law known to exist, the latter case the mere existence of a law. Aequiprobablism is the theory of Saint Alphonsus Ligouri, founder of the Redemptrists.

Theory #3: PROBABLISM (simply "probable-ism") When there is an opinion which is really and truly probable favoring the freedom to perform some act, then it may be followed without sin, even if the safer opinion to the contrary is really and truly more probable. Example: Bob is six feet three inches tall and knows that he can drink five beers over a full lunch and an afternoon of TV football without losing his reason or free will, so this afternoon he drinks seven, figuring that he can handle them (Of course, he's not driving anywhere). Prescinding from other issues of health and example, Bob can judge for himself about his own capacities, although it is clear even to him that he is taking matters to their limit. Probablism is usually identified with the Jesuits (!) It was against this system that Blaise Pascal wrote his famous Provincial Letters.

Although different moral philosophers identify themselves with these systems, just a little reflection will tell us that all three have some practical application according to the issues involved. Little Mary's parents wouldn't want her to use the theory of probablism to judge who is a stranger, while on the other hand it doesn't seem reasonable to hold big Bob to two beers using the theory of probabiliorism. Aequiprobablism works practically like either of the other two theories, depending on the issue discussed, but is especially helpful for questions of determining strict obligation.

The reason why all these theories have some application is simple. The real moral system which is not theoretical, but practical, and is to be used by all Catholics whether they follow More or Equally or Simple Probable-isms is the one taught by the Sacred Scriptures, Aristotle, and Saint Thomas Aquinas. It is the virtue of PRUDENCE whereby one judges under the light of reason and faith and with the help of God's grace what us to be done here and now. Neither Liberty or Law is the highest moral value, but rather Truth. Liberty and Law can come into conflict with each other, but nothing conflicts with the Truth about actions, intentions, circumstances, and capabilities. The Truth is the Truth, and it has no positive opposing principle. As we have briefly seen, Catholic moral teaching allows a great flexibility in working out solutions to moral dilemmas, but never at the expense of the Truth. A motto for Catholic moral thinking might be "Prudence amidst the prob-

From The Library:

The Gospel of Life ("Evangelium Vitae") by Pope John Paul II

Issued in the seventeenth year of his papacy in March 1995, The Gospel of Life is one of the most important messages yet delivered by His Holiness John Paul II. The Gospel of Life contains the complete text of the Pontiff's encyclical letter on the sanctity of life in the modern world. It gives the Vatican's authoritative position regarding abortion, euthanasia, the death penalty, ecology, and biological engineering.

The Gospel of Life grapples with what the Pope calls the dramatic struggle now taking place at the close of the twentieth century between the "culture of life" and the "culture of death." The values of Christianity, the Pope argues, are unalterably opposed to the modern secular culture of choice. Rooting his many arguments in the original precepts of the Gospel, Pope John Paul II urges us to honor the sacred value and inviolability of human life, and refuse forms of permissiveness that trample human rights, and which, if left unopposed, would destroy values that are fundamental not only for the lives of individuals and families, but for society itself.

THE MISSION STATEMENT OF THE ST. THOMAS MORE SOCIETY

The St. Thomas More Society of Orange County is an independent organization sponsored by lawyers and judges who are practicing members of the Roman Catholic Church.

IDEALS OF ST. THOMAS MORE:

The legal profession is a high calling with corresponding responsibilities to society.

- * *The principal objective of every lawyer is to promote and seek justice for all.*
- * *A Catholic lawyer must pursue truth even if the truth is contrary to contemporary society.*
- * *The duty of a Catholic lawyer is to remain faithful to Jesus Christ, His Church and its teachings at all times despite the personal consequences.*

PURPOSE: *The purpose and objective of the Society is:*

- * *To encourage its members to live a Christian life and apply the principals and ideals exemplified by St. Thomas More in their daily lives and encourage same in the legal profession.*
- * *To promote and foster high ethical principles in the legal profession generally and, in particular, in the community of Catholic lawyers*
- * *To assist in the spiritual growth of its members.*
- * *To encourage interfaith understanding and brotherhood.*
- * *To sponsor the annual Red Mass for elected and appointed officials and members of the legal profession*

MEMBER COMMITMENTS: *Each member of the Society will commit:*

- * *To strive to live a Christian life and apply the principals and ideals exemplified by St. Thomas More in their daily lives and encourage same in the legal profession.*
- * *To participate in the monthly Mass and/or prayer meeting of the Society.*
- * *To attend and support the Red Mass.*
- * *To recruit new members to the Society.*

LAWYER'S PRAYER:

GIVE ME THE GRACE, GOOD LORD, TO SET THE WORLD AT NAUGHT; TO SET MY MIND FAST UPON THEE AND NOT TO HANG UPON THE BLAST OF MEN'S MOUTHS; TO BE CONTENT TO BE SOLITARY; NOT TO LONG FOR WORLDLY COMPANY BUT UTTERLY TO CAST OFF THE WORLD AND RID MY MIND OF THE BUSINESS THEREOF.

St. Thomas More

Scriptural Corner:

“Whoever causes one of these little ones who believe in me to sin, it would be better for him if a great millstone were hung around his neck and he were thrown into the sea.” Mark 9:42

Comment from the Navarre Bible:*

"Scandal is anything said, done, or omitted which leads another to commit sin (St Pius X Catechism, 417). Scandal is called, and is, diabolical when the aim of the scandal-giver is to provoke his neighbour to sin, understanding sin as offence against God. Since sin is the greatest of all evils it is easy to understand why scandal is so serious and, therefore, why Christ condemns it so roundly. Causing scandal to children is especially serious, because they are so less able to defend themselves against evil. What Christ says applies to everyone, but especially to parents and teachers, who are responsible before God for the souls of the young. (Page 134)

* *The Navarre Bible is a renown edition of Sacred Scripture prepared by members of the Faculty of Theology of Navarre University.*

From St. Thomas More's Writings:

“What follows is another brilliant image to help us realize the nature of prayer. More suggests that we imagine we have "committed a crime of high treason" against a prince who is willing to commute or even cancel the death penalty if we show ourselves contrite. His irony then brings into high relief the absurdity of slothful prayer:

"Now when you have been brought into the presence of the prince, go ahead and speak to him carelessly, casually, without the least concern...Then yawn, stretch, sneeze, spit without giving if a thought, and belch up the fumes of your gluttony. In short, conduct yourself in such a way that he can clearly see from your face, your voice, your gestures, and your whole bodily deportment that while you are addressing him you are thinking about something else. Tell me now, what success could you hope for from such a plea as this?"

Wegemer, Gerard B. Thomas More: A Portrait of Courage Scepter Publishers (1995) page 207

Ad Veritatem**ST. THOMAS MORE SOCIETY****Anne Lanphar****c/o Rutan & Tucker****611 Anton Blvd #1400****Costa Mesa, CA 92626****alanphar@mcimail.com****(714) 641-3450****Next Daytime Meeting:****DATE: Thursday, January 16, 1997****TOPIC: Question & Answer Session****SPEAKER: Tim Staples****PLACE: Rutan & Tucker, 12th Floor****TIME: 12 noon****FOR INFORMATION: Anne Lanphar 641-3450****Next Evening Meeting:****DATE: Monday, January 20, 1997****TOPIC: Friendship with Christ****SPEAKER: Fr. Hugh Barbour, our Chaplain****PLACE: St. John Neumann Parish, Irvine****TIME: 7 PM****FOR INFORMATION: John Getz 653-0259**