

origins

CNS documentary service

Deus Caritas Est: Encyclical

Pope Benedict XVI

“Love is possible, and we are able to practice it because we are created in the image of God. To experience love, and in this way to cause the light of God to enter into the world — this is the invitation I would like to extend with the present encyclical,” Pope Benedict XVI says in his first encyclical, “Deus Caritas Est” (“God Is Love”), released Jan. 25. It is described as an encyclical “on Christian love.” The encyclical’s first part clarifies “essential facts concerning the love which God mysteriously and gratuitously offers to man, together with the intrinsic link between that love and ... human love.” The second, “more concrete” part, “treats the ecclesial exercise of the commandment of love of neighbor.” The meaning of “eros,’ a term to indicate ‘worldly love,”

“Love of God and love of neighbor have become one: In the least of the brethren we find Jesus himself, and in Jesus we find God.”

and of “agape,’ referring to love grounded in and shaped by faith” are explored in the first part. “Fundamentally, ‘love’ is a single reality, but with different dimensions. ... Yet when the two dimensions are totally cut off from one another, the result is a caricature or at least an impoverished form of love,” Pope Benedict says. He discusses how the eucharist unites love of God and of others. He examines Catholic social teaching; the relationship of church and state in building a just social order; the independence of Christian charitable activity from “parties and ideologies”; humility in the face of “the immensity” of needs and the necessity of prayer. Charity, the pope says, is “an indispensable expression of [the church’s] very being.” A Vatican translation of the encyclical follows, copyright © 2005 by the Libreria Editrice Vaticana.

1 “God is love, and he who abides in love abides in God, and God abides in him” (1 Jn. 4:16). These words from the First Letter of John express with remarkable clarity the heart of the Christian faith: the Christian image of God and the resulting image of mankind and its destiny. In the same verse, St. John also offers a kind of summary of the Christian life: “We have come to know and to believe in the love God has for us.”

We have come to believe in God’s love: In these words the Christian can express the fundamental decision of his life. Being Christian is not the result of an ethical choice or a lofty idea but the encounter with an event, a person, which gives life a

continued on page 542



contents

- 541 *Deus Caritas Est: Encyclical by Pope Benedict XVI*
- 557 *What Is Baptism? by Pope Benedict XVI*
- 560 Datebook
- 560 On File

February 2, 2006
Volume 35
Number 33

"God is different," Pope Benedict XVI said Aug. 20, 2005, during a World Youth Day gathering in Cologne, Germany. The Magi who visited the newborn Jesus discovered that God is different, the pope said, which meant "that they themselves must now become different; they must learn God's ways." The pope's text appeared in the current volume of *Origins*, pp. 200ff in the edition dated Sept. 1, 2005.

The pope said in Cologne that "absolutizing what is not absolute but relative is called totalitarianism. It does not liberate man but takes away his dignity and enslaves him. It is not ideologies that save the world, but only a return to the living God, our Creator, the guarantor of our freedom, the guarantor of what is really good and true. True revolution consists in simply turning to God, who is the measure of what is right and who at the same time is everlasting love. And what could ever save us apart from love?"

The Magi "had to change their ideas about power, about God and about man, and in so doing they also had to change themselves," said the pope. "Now they were able to see that ... God's ways are not as we imagine them or as we might wish them to be. ... [God] contrasts the noisy and ostentatious power of this world with the defenseless power of love. ... Yet it is this same love which constitutes the new divine intervention that opposes injustice and ushers in the kingdom of God."

The Magi had "to learn that their lives must be conformed to this divine way of exercising power, to God's own way of being," Pope Benedict said. "They must become men of truth, of justice, of goodness, of forgiveness, of mercy. They will no longer ask, How can this serve me? Instead they will have to ask, How can I serve God's presence in the world?"

continued from page 541

new horizon and a decisive direction. St. John's Gospel describes that event in these words: "God so loved the world that he gave his only Son, that whoever believes in him should ... have eternal life" (3:16).

In acknowledging the centrality of love, Christian faith has retained the core of Israel's faith while at the same time giving it new depth and breadth. The pious Jew prayed daily the words of the Book of Deuteronomy which expressed the heart of his existence: "Hear, O Israel: the Lord our God is one Lord, and you shall love the Lord your God with all your heart, and with all your soul and with all your might" (6:4-5).

Jesus united into a single precept this commandment of love for God and the commandment of love for neighbor found in the Book of Leviticus: "You shall love your neighbor as yourself" (19:18; cf. Mk. 12:29-31). Since God has first loved us (cf. 1 Jn. 4:10), love is now no longer a mere "command"; it is the response to the gift of love with which God draws near to us.

In a world where the name of God is sometimes associated with vengeance or even a duty of hatred and violence, this message is both timely and significant. For this reason, I wish in my first encyclical to speak of the love which God lavishes upon us and which we in turn must share with others. That, in essence, is what the two main parts of this letter are about, and they are profoundly interconnected.

The first part is more speculative since I wanted here — at the beginning of my pontificate — to clarify some essential facts concerning the love which God mysteriously and gratuitously offers to man, together with the intrinsic link between that love and the reality of human love. The second part is more concrete since it treats the ecclesial exercise of the commandment of love of neighbor. The argument has vast implications, but a lengthy treatment would go beyond the scope of the present encyclical. I wish to emphasize some basic elements so as to call forth in the world renewed energy and commitment in the human response to God's love.

I. Unity of Love in Creation And in Salvation History

A Problem of Language

2. God's love for us is fundamental for our lives, and it raises important questions about who God is and who we are. In considering this, we immediately find ourselves hampered by a problem of language. Today, the term *love* has become one of the most fre-

quently used and misused of words, a word to which we attach quite different meanings. Even though this encyclical will deal primarily with the understanding and practice of love in sacred Scripture and in the church's tradition, we cannot simply prescind from the meaning of the word in the different cultures and in present-day usage.

Let us first of all bring to mind the vast semantic range of the word *love*: We speak of love of country, love of one's profession, love between friends, love of work, love between parents and children, love between family members, love of neighbor and love of God. Amid this multiplicity of meanings, however, one in particular stands out: love between man and woman, where body and soul are inseparably joined and human beings glimpse an apparently irresistible promise of happiness. This would seem to be the very epitome of love; all other kinds of love immediately seem to fade in comparison. So we need to ask, Are all these forms of love basically one, so that love, in its many and varied manifestations, is ultimately a single reality or are we merely using the same word to designate totally different realities?

"Eros" and "Agape" – Difference and Unity

3. That love between man and woman which is neither planned nor willed but somehow imposes itself upon human beings was called *eros* by the ancient Greeks. Let us note straight away that the Greek Old Testament uses the word *eros* only twice, while the New Testament does not use it at all: Of the three Greek words for love, *eros*, *philia* (the love of friendship) and *agape*, New Testament writers prefer the last, which occurs rather infrequently in Greek usage. As for the term *philia*, the love of friendship, it is used with added depth of meaning in St. John's Gospel in order to express the relationship between Jesus and his disciples.

The tendency to avoid the word *eros*, together with the new vision of love expressed through the word *agape*, clearly point to something new and distinct about the Christian understanding of love. In the critique of Christianity which began with the Enlightenment and grew progressively more radical, this new element was seen as something thoroughly negative. According to Friedrich Nietzsche, Christianity had poisoned *eros*, which for its part, while not completely succumbing, gradually degenerated into vice.¹ Here the German philosopher was expressing a widely held perception: Doesn't the church, with all her commandments and prohibitions, turn to bitterness the most pre-

cious thing in life? Doesn't she blow the whistle just when the joy which is the Creator's gift offers us a happiness which is itself a certain foretaste of the divine?

"It is neither the spirit alone nor the body alone that loves: It is man, the person, a unified creature composed of body and soul, who loves. Only when both dimensions are truly united does man attain his full stature."

4. But is this the case? Did Christianity really destroy *eros*? Let us take a look at the pre-Christian world. The Greeks — not unlike other cultures — considered *eros* principally as a kind of intoxication, the overpowering of reason by a "divine madness" which tears man away from his finite existence and enables him, in the very process of being overwhelmed by divine power, to experience supreme happiness. All other powers in heaven and on earth thus appear secondary: "*Omnia vincit amor*," says Virgil in the *Bucolics* — love conquers all — and he adds, "*et nos cedamus amori*" — let us, too, yield to love.² In the religions this attitude found expression in fertility cults, part of which was the "sacred" prostitution which flourished in many temples. *Eros* was thus celebrated as divine power, as fellowship with the divine.

The Old Testament firmly opposed this form of religion, which represents a powerful temptation against monotheistic faith, combating it as a perversion of religiosity. But it in no way rejected *eros* as such; rather, it declared war on a warped and destructive form of it because this counterfeit divinization of *eros* actually strips it of its dignity and dehumanizes it. Indeed, the prostitutes in the temple, who had to bestow this divine intoxication, were not treated as human beings and persons but simply used as a means of arousing "divine madness": Far from being goddesses, they were human persons being exploited.

An intoxicated and undisciplined *eros*, then, is not an ascent in "ecstasy" toward the divine but a fall, a degradation of man. Evidently *eros* needs to be disciplined and purified if it is to provide not just fleeting pleasure but a certain foretaste of the pinnacle of our existence, of that beatitude for which our whole being yearns.

5. Two things emerge clearly from this rapid overview of the concept of *eros* past and present. First, there is a certain relationship between love and the divine: Love promises infinity, eternity — a reality far greater and totally other than our everyday existence. Yet we have also seen that the way to attain this goal is not simply by submitting to instinct. Purification and growth in maturity are called for; and these also pass through the path of renunciation. Far from rejecting or "poisoning" *eros*, they heal it and restore its true grandeur.

This is due first and foremost to the fact that man is a being made up of body and soul. Man is truly himself when his body and soul are intimately united; the challenge of *eros* can be said to be truly overcome when this unification is achieved. Should he aspire to be pure spirit and to reject the flesh as pertaining to his animal nature alone, then spirit and body would both lose their dignity. On the other hand, should he deny the spirit and consider matter, the body, as the only reality, he would likewise lose his greatness.

The epicure Gassendi used to offer Descartes the humorous greeting, "O Soul!" And Descartes would reply, "O Flesh!"³ Yet it is neither the spirit alone nor the body alone that loves: It is man, the person, a unified creature composed of body and soul, who loves. Only when both dimensions are truly united does man attain his full stature. Only thus is love — *eros* — able to mature and attain its authentic grandeur.

Nowadays Christianity of the past is often criticized as having been opposed to the body; and it is quite true that tendencies of this sort have always existed. Yet the contemporary way of exalting the body is deceptive. *Eros*, reduced to pure "sex," has become a commodity, a mere "thing" to be bought and sold or rather, man himself becomes a commodity. This is hardly man's great yes to the body. On the contrary, he now considers his body and his sexuality as the purely material part of himself, to be used and exploited at will. Nor does he see it as an arena for the exercise of his freedom but as a mere object that he attempts, as he pleases, to make both enjoyable and harmless.

Here we are actually dealing with a debasement of the human body: No longer is it integrated into our overall existential freedom; no longer is it a vital expression of our whole being, but it is more or less relegated to the purely biological sphere. The apparent exaltation of the body can quickly turn into a hatred of bodiliness.

Christian faith, on the other hand, has

*Pope Benedict also spoke about the type of God Christians believe in and the consequences of this during a July, 25, 2005 speech. "The world cannot live without God, the God of revelation — and not just any God: We see how dangerous a cruel God, an untrue God, can be," Pope Benedict said, when he spoke to priests, religious and deacons in the Valle d'Aosta region of Italy where he was vacationing. He said: "We believe that God exists, that God counts; but which God? A God with a face, a human face, a God who reconciles, who overcomes hatred and gives us the power of peace that no one else can give us." (A transcript of the pope's text appeared in *Origins*, the current volume, pp. 181ff in the edition dated Aug. 18, 2005.)*

*For another past text of current interest in relation to the new encyclical by Pope Benedict XVI, see: "The Eucharist, Sacrament of Unity," by Pope Benedict, in the current volume of *Origins*, pp. 85ff in the edition dated June 23, 2005. Christ in the eucharist "makes us come out of ourselves to make us all one with him. In this way he also integrates us into communities of brothers and sisters, and communion with the Lord is always also communion with our brothers and sisters." The pope said, "If we want to present ourselves to him, we must also take a step toward meeting one another."*

always considered man a unity in duality, a reality in which spirit and matter compenetrates and in which each is brought to a new nobility. True, *eros* tends to rise “in ecstasy” toward the divine, to lead us beyond ourselves; yet for this very reason it calls for a path of ascent, renunciation, purification and healing.

6. Concretely, what does this path of ascent and purification entail? How might love be experienced so that it can fully realize its human and divine promise? Here we can find a first, important indication in the Song of Songs, an Old Testament book well known to the mystics. According to the interpretation generally held today, the poems contained in this book were originally love songs, perhaps intended for a Jewish wedding feast and meant to exalt conjugal love.

In this context it is highly instructive to note that in the course of the book two different Hebrew words are used to indicate *love*. First there is the word *dodim*, a plural form suggesting a love that is still insecure, indeterminate and searching. This comes to be replaced by the word *ahabà*, which the Greek version of the Old Testament translates with the similar-sounding *agape*, which as we have seen becomes the typical expression for the biblical notion of love. By contrast with an indeterminate, “searching” love, this word expresses the experience of a love which involves a real discovery of the other, moving beyond the selfish character that prevailed earlier.

Love now becomes concern and care for the other. No longer is it self-seeking, a sinking in the intoxication of happiness; instead it seeks the good of the beloved: It becomes renunciation and it is ready and even willing for sacrifice.

It is part of love’s growth toward higher levels and inward purification that it now seeks to become definitive, and it does so in a twofold sense: both in the sense of exclusivity (this particular person alone) and in the sense of being “forever.” Love embraces the whole of existence in each of its dimensions, including the dimension of time. It could hardly be otherwise, since its promise looks toward its definitive goal: Love looks to the eternal.

Love is indeed “ecstasy,” not in the sense of a moment of intoxication but rather as a journey, an ongoing exodus out of the closed inward-looking self

toward its liberation through self-giving, and thus toward authentic self-discovery and indeed the discovery of God: “Whoever seeks to gain his life will lose it, but whoever loses his life will preserve it” (Lk. 17:33), as Jesus says throughout the Gospels (cf. Mt. 10:39; 16:25; Mk. 8:35; Lk. 9:24; Jn. 12:25). In these words Jesus portrays his own path, which leads through the cross to the resurrection: the path of the grain of wheat that falls to the ground and dies and in this way bears much fruit. Starting from the depths of his own sacrifice and of the love that reaches fulfillment therein, he also portrays in these words the essence of love and indeed of human life itself.

7. By their own inner logic, these initial, somewhat philosophical reflections on the essence of love have now brought us to the threshold of biblical faith. We began by asking whether the different, or even opposed, meanings of the word *love* point to some profound underlying unity or whether on the contrary they must remain unconnected, one alongside the other. More significantly, though, we questioned whether the message of love proclaimed to us by the Bible and the church’s tradition has some points of contact with the common human experience of love or whether it is opposed to that experience. This in turn led us to consider two fundamental words: *eros* as a term to indicate “worldly” love and *agape*, referring to love grounded in and shaped by faith. The two notions are often contrasted as “ascending” love and “descending” love. There are other similar classifications such as the distinction between possessive love and oblation love (*amor concupiscentiae* — *amor benevolentiae*), to which is sometimes also added love that seeks its own advantage.

In philosophical and theological debate, these distinctions have often been radicalized to the point of establishing a clear antithesis between them: Descending, oblation love — *agape* — would be typically Christian, while on the other hand ascending, possessive or covetous love — *eros* — would be typical of non-Christian and particularly Greek culture. Were this antithesis to be taken to extremes, the essence of Christianity would be detached from the vital relations fundamental to human existence and would become a world apart, admirable perhaps, but decisively cut off

from the complex fabric of human life. Yet *eros* and *agape* — ascending love and descending love — can never be completely separated. The more the two in their different aspects find a proper unity in the one reality of love, the more the true nature of love in general is realized.

“Were this antithesis to be taken to extremes, the essence of Christianity would be detached from the vital relations fundamental to human existence and would become a world apart, admirable perhaps, but decisively cut off from the complex fabric of human life. Yet ‘eros’ and ‘agape’ ... can never be completely separated.”

Even if *eros* is at first mainly covetous and ascending, a fascination for the great promise of happiness, in drawing near to the other it is less and less concerned with itself, increasingly seeks the happiness of the other, is concerned more and more with the beloved, bestows itself and wants to “be there for” the other. The element of *agape* thus enters into this love, for otherwise *eros* is impoverished and even loses its own nature. On the other hand, man cannot live by oblation, descending love alone. He cannot always give; he must also receive. Anyone who wishes to give love must also receive love as a gift. Certainly, as the Lord tells us, one can become a source from which rivers of living water flow (cf. Jn. 7:37-38). Yet to become such a source, one must constantly drink anew from the original source, which is Jesus Christ, from whose pierced heart flows the love of God (cf. Jn. 19:34).

In the account of Jacob’s ladder, the fathers of the church saw this inseparable connection between ascending and descending love, between *eros* which seeks God and *agape* which passes on the gift received, symbolized in various ways. In that biblical passage we read

how the patriarch Jacob saw in a dream, above the stone which was his pillow, a ladder reaching up to heaven on which the angels of God were ascending and descending (cf. Gn. 28:12; Jn. 1:51).

A particularly striking interpretation of this vision is presented by Pope Gregory the Great in his *Pastoral Rule*. He tells us that the good pastor must be rooted in contemplation. Only in this way will he be able to take upon himself the needs of others and make them his own: “*Per pietatis viscera in se infirmitatem caeterorum transferat.*”¹⁴ St. Gregory speaks in this context of St. Paul, who was borne aloft to the most exalted mysteries of God, and hence, having descended once more, he was able to become all things to all men (cf. 2 Cor. 12:2-4; 1 Cor. 9:22). He also points to the example of Moses, who entered the tabernacle time and again, remaining in dialogue with God, so that when he emerged he could be at the service of his people. “Within [the tent] he is borne aloft through contemplation, while without he is completely engaged in helping those who suffer: *Intus in contemplationem rapitur, foris infirmantium negotiis urgetur.*”¹⁵

8. We have thus come to an initial, albeit still somewhat generic, response to the two questions raised earlier. Fundamentally, *love* is a single reality but with different dimensions; at different times, one or other dimension may emerge more clearly. Yet when the two dimensions are totally cut off from one another, the result is a caricature or at least an impoverished form of love. And we have also seen, synthetically, that biblical faith does not set up a parallel universe or one opposed to that primordial human phenomenon which is love, but rather accepts the whole man; it intervenes in his search for love in order to purify it and to reveal new dimensions of it. This newness of biblical faith is shown chiefly in two elements which deserve to be highlighted: the image of God and the image of man.

The newness of biblical faith

9. First, the world of the Bible presents us with a new image of God. In surrounding cultures the image of God and of the gods ultimately remained unclear and contradictory. In the development of biblical faith, however, the content of the prayer fundamental to

Israel, the *Shema*, became increasingly clear and unequivocal: “Hear, O Israel, the Lord our God is one Lord” (Dt. 6:4). There is only one God, the Creator of heaven and earth, who is thus the God of all. Two facts are significant about this statement: All other gods are not God, and the universe in which we live has its source in God and was created by him. Certainly, the notion of creation is found elsewhere, yet only here does it become absolutely clear that it is not one god among many but the one true God himself who is the source of all that exists; the whole world comes into existence by the power of his creative word. Consequently, his creation is dear to him, for it was willed by him and “made” by him.

The second important element now emerges: This God loves man. The divine power that Aristotle at the height of Greek philosophy sought to grasp through reflection is indeed for every being an object of desire and of love — and as the object of love this divinity moves the world⁶ — but in itself it lacks nothing and does not love: It is solely the object of love. The one God in whom Israel believes, on the other hand, loves with a personal love. His love, moreover, is an elective love: Among all the nations he chooses Israel and loves her — but he does so precisely with a view to healing the whole human race. God loves, and his love may certainly be called *eros*, yet it is also totally *agape*.⁷

The prophets, particularly Hosea and Ezekiel, described God’s passion for his people using boldly erotic images. God’s relationship with Israel is described using the metaphors of betrothal and marriage; idolatry is thus adultery and prostitution. Here we find a specific reference — as we have seen — to the fertility cults and their abuse of *eros*, but also a description of the relationship of fidelity between Israel and her God. The history of the love relationship between God and Israel consists at the deepest level in the fact that he gives her the Torah, thereby opening Israel’s eyes to man’s true nature and showing her the path leading to true humanism. It consists in the fact that man, through a life of fidelity to the one God, comes to experience himself as loved by God and discovers joy in truth and in righteousness — a joy in God which becomes his essential happiness: “Whom do I have

in heaven but you? And there is nothing upon earth that I desire besides you. ... For me it is good to be near God” (Ps. 73:25, 28).

10. We have seen that God’s *eros* for man is also totally *agape*. This is not only because it is bestowed in a completely gratuitous manner, without any previous merit, but also because it is love which forgives. Hosea above all shows us that this *agape* dimension of God’s love for man goes far beyond the aspect of gratuity. Israel has committed “adultery” and has broken the covenant; God should judge and repudiate her. It is precisely at this point that God is revealed to be God and not man:

“How can I give you up, O Ephraim! How can I hand you over, O Israel! ... My heart recoils within me, my compassion grows warm and tender. I will not execute my fierce anger, I will not again destroy Ephraim; for I am God and not man, the Holy One in your midst” (Hos. 11:8-9).

God’s passionate love for his people — for humanity — is at the same time a forgiving love. It is so great that it turns God against himself, his love against his justice. Here Christians can see a dim prefigurement of the mystery of the cross: So great is God’s love for man that by becoming man he follows him even into death, and so reconciles justice and love.

The philosophical dimension to be noted in this biblical vision, and its importance from the standpoint of the history of religions, lies in the fact that on the one hand we find ourselves before a strictly metaphysical image of God: God is the absolute and ultimate source of all being; but this universal principle of creation — the Logos, primordial reason — is at the same time a lover with all the passion of a true love. *Eros* is thus supremely ennobled, yet at the same time it is so purified as to become one with *agape*.

We can thus see how the reception of the Song of Songs in the canon of sacred Scripture was soon explained by the idea that these love songs ultimately describe God’s relation to man and man’s relation to God. Thus the Song of Songs became both in Christian and Jewish literature a source of mystical knowledge and experience, an expression of the essence of biblical faith: that man can indeed enter into union with

Feb. 20-23

Annual National Convention of the National Organization for the Continuing Education of Roman Catholic Clergy. Theme: "Communio in the Presbyterate Today: Resistances, Graces, Practical Possibilities." Hilton Scottsdale Resort and Villas. Scottsdale, Ariz. www.nocerc.org

Feb. 21-23

Northeastern Regional Conference of the Catholic Campus Ministry Association. Theme: "The Body of Christ: Sustenance and Growth." Hotel Hershey. Hershey, Pa. www.ccmnet.org

March 1-2

Conference: "Catholic Health Care Ethics: The Tradition, Current Challenges and Justice." Sponsors: Neiswanger Institute, Loyola University Medical School and the Catholic Health Association. Loyola University Medical School. Maywood, Ill. <http://bioethics.lumc.edu>

March 5-8

Annual Convention of the Conference for Pastoral Planning and Council Development. Crowne Plaza Anaheim. Anaheim, Calif. www.cpcpd.org

*March 14-16

Meeting of the U.S. Conference of Catholic Bishops Administrative Committee. USCCB Headquarters. Washington, D.C. www.usccb.org

*March 16-19

Symposium on the Spirituality and Identity of the Diocesan Priest. Sponsors: Institute for Priestly Formation and University of St. Mary of the Lake/Mundelein Seminary. Theme: "Good Shepherd: Living Christ's Own Pastoral Authority." USML Conference Center. Mundelein, Ill. ifp@creighton.edu

*signifies new entry

On File

The U.S. Supreme Court Jan. 18 reversed a lower court's ruling that struck down New Hampshire's parental notification law. The opinion, written by retiring Justice Sandra Day O'Connor, sent back to the appeals court the issue of the law's lack of an exception in cases where the teen's health is at imminent risk from continuing the pregnancy. Lower courts had declared the New Hampshire law invalid because it lacked a health exception. But the Supreme Court said that problem could be addressed without throwing out the statute.

The court made clear it was not addressing abortion precedents, only the question of remedies in cases of medical emergencies. "The lower courts need not have invalidated the law wholesale," wrote O'Connor. "Only a few applications of New Hampshire's parental notification statute would present a constitutional problem. So long as they are faithful to legislative intent, then in this case the lower courts can issue a declaratory judgment and an injunction prohibiting the statute's unconstitutional application."

The 2003 law has been blocked from taking effect by legal challenges. It requires pregnant teens to notify a parent or guardian 48 hours before obtaining an abortion. The law allows a judge to bypass this notification under certain circumstances and to waive the requirement if the pregnancy puts the young woman at risk of dying. It

does not provide for exceptions when the girl's health is otherwise at risk. The state, arguing that such a provision is unnecessary, said the judicial bypass and other state laws would cover those situations. The high court said that the District Court and the 1st U.S. Circuit Court of Appeals "chose the most blunt remedy" by blocking enforcement of the statute and thereby invalidating it entirely.

O'Connor said that conclusion "is understandable, for we, too, have previously invalidated an abortion statute in its entirety because of the same constitutional flaw." In *Stenberg v. Carhart* in 2000, the court struck down Nebraska's law banning partial-birth abortion because it lacked a health exception. But, she noted, "the parties in *Stenberg* did not ask for, and we did not contemplate, relief more finely drawn." In the New Hampshire case, the state recognized "the possibility of a modest remedy," O'Connor wrote, with the attorney general conceding at oral argument that "carefully crafted injunctive relief may resolve this case."

The ruling said, "Only a few applications of New Hampshire's parental notification statute would present a constitutional problem." It noted that 44 states have laws requiring parental notification or consent when minors have abortions; New Hampshire is one of four states that do not provide exceptions for health risks.

ISSN 0093-609X, Origins, CNS Documentary Service, is published weekly (except biweekly during July, August and December's last week) by Catholic News Service, 3211 4th Street N.E., Washington, D.C. 20017-1100. Copyright © 2006 by Catholic News Service/U.S. Conference of Catholic Bishops. Periodical-class postage paid at Washington, D.C. Director, Tony Spence; Editor, David Gibson; Associate Editor, Mary Esslinger; Assistant Editor, Maureen E. Daly; Graphics, Kevin Parsakia. Telephone (202) 541-3284.

Subscriptions: One year, \$109; two years, \$189; three years, \$269; foreign postage additional. Single copy: \$5. Back issues: Inquire for availability and rates. Attach mailing label to change of address requests and subscription correspondence. Postmaster: Send address changes to Origins, CNS Documentary Service, 3211 4th Street, N.E., Washington, D.C. 20017-1100. Circulation: (202) 541-3290 - www.originsonline.com.

Documentation in Origins is selected on the basis of interest and usefulness in reference to current issues. Publication does not signify endorsement by Origins or its sponsoring body, the U.S. Conference of Catholic Bishops.