

Excommunicate Bad Drivers?

John C. Ford



EVERY HOUR, DAY AND NIGHT, four people are killed on American highways. Every hour, 150 people are injured. During 1955, there were 38,300 persons killed and 1.3 million injured, often because someone was careless. By now, the automobile has killed more Americans than have all the wars we ever fought.

Recent proposals that Catholic bishops impose some kind of ecclesiastical penalty (possibly even excommunication) on criminally careless drivers have caused quite a stir in the press. The idea seemed to gain momentum when the Holy Father himself, speaking on October 4, 1955 to the International Highway Federation, pleaded for caution and courtesy on the highways. Many persons, especially those who think of the Church as old-fashioned and more concerned with ancient problems than with modern ones, were pleased that the Pope should thus take notice of an urgent contemporary question. Many thought it a fine idea that bishops should take action against traffic offenders.

Such proposals, however, come from those who misunderstand the real mission of the Church. To a theologian, it seems unthinkable that our bishops would ever invoke special ecclesiastical sanctions against traffic violators. Too many obvious objections immediately present themselves.

For one thing, the Church traditionally reserves its punitive measures for graver mortal sin. Now, most highway deaths are caused by accidents; and accidents, by definition, cannot be in themselves sinful. Many traffic accidents, of course, result from gross carelessness, and persons guilty of such carelessness may sin against the Fifth Commandment. But wilful violations of the Fifth Commandment already carry severe penalties prescribed by God Himself.

To understand ecclesiastical penal law, it is necessary to distinguish between a *sin* and a *crime*. A sin is any wilful violation of a law which obliges in conscience, whether it be natural, divine or human law; whether the violation be by thought, word or deed.

A crime in ecclesiastical law is an external, mortal sin to which an ecclesiastical penalty has been attached, either by the Pope himself or by the local bishop. The Church wisely uses this power of punishment sparingly, applying it only to rather few, very serious sins.

Theoretically it is not inconceivable that some local bishop might attach an ecclesiastical penalty to some particular violation of the highway code; to speeding, for instance. Or he might specify that the sanction apply only in cases where death or injury resulted directly from the violation.

But in practice, it is simply out of the question that any large number of bishops would do anything of the kind. And it is even more fantastic to suppose that any bishop would enact the whole traffic code of his community into ecclesiastical law for his diocese, providing a Church penalty for exceeding the speed limit, another for going through a stop sign, etc.

Certain considerations make such action utterly impractical. 1) Such sanctions would apply only to Catholics. 2) With over 125 different diocesan jurisdictions in the United States, we should have a decidedly confusing array of ecclesiastical penal laws. In a single metropolitan area like New York-Newark, for instance, we might have five or six different ecclesiastical speed laws. No significant reduction in the accident rate could possibly be expected from such juridical confusion, but there might well be a great increase in the confusion of consciences, especially among the scrupulous. 3) The Church, in any case, has no police force to bring offenders to book. And certainly no ecclesiastical court could possibly handle the great volume of business resulting from attempts at enforcement.

The statistics given at the opening of the article, terrible as they may appear, mean nothing unless they are related to the number of people traveling in cars and the number of miles traveled.

Certainly we deplore the increased number of highway deaths and must do something about it. But we should also feel definite satisfaction in the decreased rate at which these deaths take place nowadays. Though we now have six times as many motor-vehicles as we did in 1921, and though they travel eleven times as many miles, *the mileage death rate today is only one quarter what it was in 1921*. Then it was 25.3 deaths per 100 million miles traveled. Today it is 6.4 deaths per 100 million miles. This immense improvement has all been accomplished without any recourse to ecclesiastical penalties for traffic violators.

Nobody really thinks that all road accidents viewed *in globo* are preventable any more than human fallibility, human frailty and human perversity are prevent-

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able. In accepting the motor vehicle as part of our civilization, we necessarily accept certain risks that go with it, including those that stem from human imperfection.

Pope Pius XII, speaking on April 3, 1955 to the first World Congress for Prevention of Industrial Accidents, about the human and moral factors in industrial-accident prevention, said:

Every human work entails a certain risk, whether physical, economic or moral; this risk may, even must, be accepted, when it does not pass the limits set by prudence. Indeed, man finds a powerful psychological stimulus in this sort of challenge. On the other hand, no one may, without serious reason, endanger his own health or that of others, risk his own life or that of others.

The moral problem, then, posed by highway accidents is to determine right and wrong by trying to estimate what risks are reasonable, and what is the measure of guilt when unreasonable risks are deliberately taken. But yet another moral problem is involved: that of getting human beings to do right and avoid wrong, which is the perennial problem of motives, ideals and the grace of God; of the old Adam struggling against the new creature in Christ. Punitive sanctions imposed by the local bishop are not the most obvious solution to such a problem.

POPE ON DRIVERS' RESPONSIBILITY

But, one may ask, can the Church in no way raise her voice against the appalling carnage? Has she nothing to contribute to the reduction of the accident rate? The Church has raised her voice on the matter, at various times and places, but most notably through the Holy Father himself in his address before the International Highway Federation, referred to above.

The Holy Father did not emphasize sanctions and penalties. He spoke of highway safety as an important work of *social education*. He called for a better educated public opinion. The Church, he implied, can promote this education by lending both her prestige and her active encouragement. Such social education could include not only the training of young drivers but the development of an atmosphere of safety-mindedness on the highways.

In the United States, we could follow the Holy Father's advice by working to develop in young and old alike a mentality in which safe, courteous driving becomes the thing to do. We could take the prestige away from speed and put it on the side of safety. The drag racer, the unregulated hot-rod and those grownups who drive like juvenile delinquents would be censured by public opinion.

Listeners could not help noting that the Pope carefully refrained from making accusations of mortal sin. Rather, he called attention to the need for inculcating "in everyone a sense of his grave duty to respect the lives of others." This is simply the moral obligation that the natural law imposes on all of us, not to take unreasonable risks.

It is not necessary to threaten with mortal sin and eternal punishment in order to make a moral appeal. There is no evidence that such threats are more effective than a positive appeal to the Christian virtues of "courtesy, moderation and prudence." And such an appeal, unlike ecclesiastical penalties, can be made to reach beyond those subject to the laws of the Church to include all men of good will.

But among Catholics particularly, the Church can raise her voice through the confessional, the pulpit, the schools and the Catholic press, to educate and make sensitive those consciences that may be heedless of the moral responsibilities that come from taking the wheel of a car. A most potent ally for such teaching is the good example of parents, priests and others who command respect and authority.

The problem of highway accidents is so intricate and involves so many factors, both predictable and unpredictable, that many forces must join in working toward a solution. The automobile designer, the highway engineer, the policeman, the jurist, the teacher, the preacher and even the psychiatrist (since mental anxiety or illness causes many a traffic accident) all have a contribution to make.

Of one thing we can be sure: no matter what our efforts, "accidents will happen." But if we have reduced the mileage death rate to one-quarter of what it was in 1921, why can we not reduce it again to one-quarter of what it is today? Power and speed are major factors. Are they not definitely controllable factors?

So the realist accepts the inevitable and sets as his goal a reduction, rather than a total elimination, of the accident rate. Then he looks for helping hands wherever he can find them.

Pius XII on Careful Driving

[The International Highway Federation] carries on an important work of social education to which we are glad to pay tribute. We mean the formation of a highly developed sense of responsibility toward all users of the highway. . . . It is also necessary to inculcate in everyone his grave duty to respect the lives of others. A salutary fear of immediate and adequate repressive measures undoubtedly will contribute toward this end. But the police alone can not avert all the dangers created by drivers scarcely masters of themselves, carried away by the craze for speed or, at times, intoxicated. It is important to impose on one's self a strict discipline, conforming to established and generally accepted rules. The often dramatic effects of violating the traffic code give it an extrinsic obligation much more serious than people generally imagine. Drivers can not rely solely on their own skill and watchfulness to avoid accidents; they must maintain a proper margin of safety in order to cope with the careless driver and unforeseen difficulties.

