

A MORALLY COMPLEX WORLD

Roman Catholic Fundamental Moral Theology

By

James T. Bretzke, S.J., S.T.D.

Last update: May 9, 2018

A MORALLY COMPLEX WORLD

Roman Catholic Fundamental Moral Theology

James T. Bretzke, S.J., S.T.D.

Table of Contents

I.	INTRODUCTION TO THE COURSE.	1
II.	INTRODUCTION TO BASIC PRESUMPTIONS OF MORAL THEOLOGY AND/OR CHRISTIAN ETHICS AS SUCH.	2
III.	INTRODUCTION TO THE FOUR SECTOR MODEL OF MORAL METHODOLOGY.	4
IV.	THE 6 “C’s” OF MORAL DISCOURSE.	5
V.	ELABORATION OF THE FOUR SECTOR GRID FOR ACCESSING THE SOURCES OF MORAL THEOLOGY OR CHRISTIAN ETHICS.	7
VI.	MEDIATION FACTORS OF ONE’S WORLD THEOLOGICAL VIEW.	13
VII.	THE HERMENEUTIC DIMENSION OF MEDIATION OF EXPERIENCE AND WORLD-VIEW.	15
VIII.	MODES OF MORAL DISCOURSE.	17
IX.	HISTORICAL CONTEXT OF FUNDAMENTAL MORAL THEOLOGY.	21
X.	EARLY STAGES OF MORAL THEOLOGY.	23
XI.	THE AUGUSTINIAN LEGACY FOR MORAL THEOLOGY.	24
XII.	THE INFLUENCE OF NOMINALISM.	26
XIII.	DEVELOPMENT OF MANUALIST MORAL THEOLOGY.	27
XIV.	DEVELOPMENT OF THE NOTION OF THE MORAL MAGISTERIUM.	33

XV.	DEVELOPMENT OF PAPAL INFALLIBILITY.....	35
XVI.	RENEWAL OF MORAL THEOLOGY IN THE 20TH CENTURY.	36
XVII.	VATICAN II AND MORAL THEOLOGY.....	37
XVIII.	POST-VATICAN II DEVELOPMENTS IN MORAL THEOLOGY.....	38
XIX.	A TAXONOMY OF CONTEMPORARY CHRISTIAN ETHICS AND MORAL THEOLOGY.	38
XX.	VARIOUS MODELS PRESENT IN CONTEMPORARY MORAL THEOLOGY, CHRISTIAN ETHICS, AND PHILOSOPHY	42
XXI.	CHRISTIAN THEOLOGICAL ANTHROPOLOGY OF THE MORAL PERSON	43
XXII.	KEY MORAL CONCEPTS.	52
XXIII.	PARADIGM SHIFT FROM PHYSICALISM TO PERSONALISM.	56
XXIV.	BRIEF INTRODUCTION TO CONSCIENCE.....	62
XXV.	CONSCIENCE IN TRADITIONAL MORAL THEOLOGY.	63
XXVI.	TRADITIONAL NOTIONS OF "RIGHT" AND "ERRONEOUS" CONSCIENCE	66
XXVII.	CONSCIENCE IN POST-VATICAN II MORAL THEOLOGY.	69
XXVIII.	SUMMARY OF CHURCH'S TEACHING ON SANCTITY OF CONSCIENCE.	71
XXIX.	BRETZKE'S "SPIRAL" OF CONSCIENCE-BASED MORAL LIVING.	72
XXX.	FUCHS' THEOLOGY OF CONSCIENCE AND MORAL ACTION.	73
XXXI.	CONSCIENCE IN LONERGAN'S TRANSCENDENTAL THEOLOGY/PHILOSOPHY.	74
XXXII.	CONSCIENCE AND THE SUPEREGO.	76

XXXIII.	FUNDAMENTAL OPTION.	77
XXXIV.	CONSCIENCE IN MORAL ACTION.	83
XXXV.	O'CONNELL'S THREE NOTIONS OF CONSCIENCE.	84
XXXVI.	TERMINOLOGICAL DISTINCTIONS BETWEEN GOOD/BAD & RIGHT/WRONG.	86
XXXVII.	THE FONTS OF MORALITY, STRUCTURE AND ENDS OF MORAL ACTION.	90
XXXVIII.	PRINCIPLE OF TOTALITY.	92
XXXIX.	INTRODUCTION TO THE THEORY OF PROPORTIONALISM.	93
XL.	KEY TERMINOLOGY FOR PROPORTIONALISM.	96
XL I.	REINTERPRETATION OF THE PRINCIPLE OF THE DOUBLE EFFECT	100
XL II.	PROPORTIONALIST VIEW OF THE STRUCTURE OF THE MORAL ACT	100
XL III.	PURPOSE OF THEORY OF PROPORTIONALISM.	101
XL IV.	PASTORAL GUIDELINES ON VALUE COMPARISONS AND DOING THE GOOD.	102
XL V.	THE NATURAL LAW AND MORAL NORMS.	103
XL VI.	HISTORICAL SKETCH OF APPROACHES TO THE NATURAL LAW.	105
XL VII.	PRE-LECTURE OF THOMAS AQUINAS' Summa Theologiae, I-II , q. 90-97.	106
XL VIII.	APPROACHES TO MORAL NORMS ON THE ETHICAL AXIS.	110
XL IX.	QUESTION OF "INTRINSICALLY EVIL" ACTS.	114
L.	THEOLOGY AND THE REFORMULATION OF LANGUAGE OF MORAL NORMATIVITY.	115

LI.	<i>EPIKEIA</i> AND THE NORMATIVITY OF THE NATURAL LAW.	116
LII.	LEGALISM AND CONFLICT IN MORAL APPROACHES.	118
LIII.	INTRODUCTION TO MORAL THEOLOGICAL UNDERSTANDINGS OF SIN	121
LIV.	SIN: TRADITIONAL VOCABULARY OF ORIGINAL AND PERSONAL SIN	125
LV.	SEDUCTION, SCANDAL AND COOPERATION IN EVIL.	129
LVI.	COMPROMISE AND TOLERANCE OF EVIL SITUATIONS.	132
LVII.	SIN IN CONTEMPORARY MORAL THEOLOGY.	135
LVIII.	SOCIAL SIN.	139
LIX.	SACRAMENT OF RECONCILIATION.	149
LX.	INTRODUCTION TO THE ROLES OF THE MAGISTERIUM AND CHURCH AUTHORITY.	152
LXI.	THEOLOGICAL REFLECTIONS ON THE NOTION OF RELIGIOUS AUTHORITY.	157
LXII.	THE MAGISTERIUM'S SELF-UNDERSTANDING OF ITS MORAL AUTHORITY.	159
LXIII.	THEOLOGICAL REFLECTION ON THE ROLE AND LIMITS OF THE MORAL MAGISTERIUM.	161
LXIV.	UNDERSTANDING OF INFALLIBILITY AND THE NATURAL LAW. . . .	165
LXV.	RESPONSE OF THE FAITHFUL TO THE MORAL MAGISTERIUM.	167
LXVI.	INTERPRETATION OF TEACHING OF THE MAGISTERIUM.	172
LXVII.	THEOLOGICAL UNDERSTANDINGS OF CRITICISM AND DISSENT. . .	175
LXVIII.	CONSCIENCE AND CHURCH AUTHORITY.	177

LXIX.	VIRTUE AND MORAL DISCERNMENT.....	179
LXX.	USE OF SCRIPTURE IN CHRISTIAN ETHICS.....	182
LXXII.	5-STEP METHODOLOGY FOR APPLICATION OF SCRIPTURE TO MORAL ISSUES.....	189
LXXIII.	INTRODUCTION TO SEXUAL ETHICS.	191
LXXIV.	<i>HUMANAE VITAE</i>	199
LXXV.	ANALYSIS & EVALUATION OF THE MAGISTERIUM'S SEXUAL ETHICS.	204
LXXVI.	DEVELOPING A RESPONSIBLE CATHOLIC SEXUAL ETHICS.. .	208
LXXVII.	OTHER RELATED ISSUES OF SEXUAL ETHICS.....	215
LXXVIII.	ISSUES OF FEMINIST ETHICS.	217
LXXIX.	INTRODUCTION TO BIOETHICS.	223
LXXX.	PRINCIPAL MODES OF DISCOURSE AND ARGUMENTATION IN BIOETHICS.....	228
LXXXI.	ORDINARY AND EXTRAORDINARY MEANS DISTINCTION.. .	228
LXXXIII.	ABORTION.....	235
LXXXIV.	GROUNDWORK FOR CONSIDERATION OF ONGOING TENSIONS, PROBLEMS, PROSPECTS IN MORAL THEOLOGY.....	236
LXXXV.	TIE-IN WITH THE LITURGICAL AND SACRAMENTAL LIFE OF THE CHURCH.	237
LXXXVI.	ROLE OF PRAYER AND DISCERNMENT IN MORAL THEOLOGY	240
LXXXVII.	DEVELOPING A SPIRITUALITY FOR MORAL THEOLOGY.	244
LXXXVIII.	APPROACH TO ADULT EDUCATION IN MORAL THEOLOGY	252

LXXXIX. BIBLIOGRAPHY SUGGESTIONS FOR ADULT EDUCATION.	254
XC. ONGOING PROFESSIONAL EDUCATION.....	254
APPENDIX I: GLOSSARY OF FUNDAMENTAL MORAL TERMS.....	257
APPENDIX 2: PASTORAL COUNSELING GUIDELINES.....	271
APPENDIX 3: EXEGESIS AND INTERPRETATION OF MAGISTERIAL DOCUMENTS.....	274
LIST OF WORKS CITED.....	279
INDEX.....	295

A MORALLY COMPLEX WORLD
Roman Catholic Fundamental Moral Theology
CE 2056

Jesuit School of Theology-at-Berkeley
James T. Bretzke, S.J., S.T.D.
(*For the use of students only*)

- I. INTRODUCTION TO THE COURSE (using Matthew 16:19-22 (The Rich Young Man), which was used in *Veritatis Splendor*, Pope John Paul II's 1993 Encyclical on fundamental moral theology. The passage introduces key words for opening up this passage in relation to moral theology
- A. **“Good”**: initially the rich young man asks a question about “doing” a “good deed,” but Jesus responds with a question of his own which indicates that the source, ground, and ultimate reference for our understanding of “goodness” is God the Father. A key theme of Matthew’s Gospel is the necessity of all (including Jesus) to be obedient to the will of the Father (who is all good). This question of Jesus also shows us that the key criterion of Christian ethics then is not just “doing” the good or right thing, but “being” in a right relation with God.
- B. **“Commandments”**: Remember that for the Jewish people the “Ten Commandments” were not primarily negative boundaries that limited their activities (cf. the cartoon of Moses coming down the mountain carrying the tablets and saying “It’s just a first draft, but we’re not going to get away with anything!”). Rather, for the Israelite nation the Ten Commandments were the Decalogue, the Ten Holy Words, which were a *gift* from God to God’s Chosen People. The Decalogue was a “code” in both senses of the word, i.e., a collection of laws, but more importantly a way of deciphering God’s own holiness. The context of the gift of the Decalogue is key to understanding how we are to view the Ten Commandments, namely given “on the way” (a pilgrimage, a holy journey) from slavery to freedom, as God’s revelation, and as a sign of God’s special relationship (the Covenant) with the Chosen People.
- C. **“Lack/Perfect”**: The question about what is lacking is answered by the desire “to be perfect” and this vocabulary needs to be carefully understand. “Perfect” is a Latin derivative and often connotes something that is absolutely complete, without any blemish or deficiency, e.g., a room that is in “perfect” order. This notion of “perfection” is rather static and certainly is *not* what the Greek text here primarily means to convey. The Greek term is derived from *τελειος* (*teleios*) and might be related best to the Hebrew concept of *shalom*. This notion is one of wholeness, harmony, health, peace, and in that combined sense “complete” and “perfect.” The Greek word is related to the moral theory of “teleology” which stresses the sense of moral striving, becoming, character, and virtue.
- D. **“Go, sell what you have”**: Jesus gives the rich young man a mission, not a moral norm. The Christian moral life should be understood in the sense of being on a God-given mission. “Sell what you have” has two meanings here for the young man. Jesus is inviting him to a new self-understanding that is not predicated on “possessions,” but a new and more authentic identity. Even without one’s “possessions” (whether these be material possessions, honors, accomplishments, etc.) the individual is still worthy in God’s eyes. Secondly, the meaning of divesting oneself of one’s possessions is not meant to leave one bereft of all means of livelihood, but is explained in the next phrase,
- E. **“And give to the poor”**: Care and concern for the poor is a key Gospel theme, and thus in

some sense should mark our Christian moral living. We might see this as an example of what later has become termed the “preferential option for the poor” but I think we can also understand this mandate in terms of a key insight in St. Ignatius’ meditation, the *Contemplation to Obtain the Love of God*, which comes in the 4th Week of the Spiritual Exercises. Thus, Ignatius suggest that true love is shown more in deeds than words, and that the one who “has” shares with those who have not. He suggests as a concrete example the sharing of knowledge.

- F. **“Treasure in Heaven”** In God’s economy there is no zero-sum game. The “selling” and “giving” of one’s possessions always enriches those who give. “Treasure” indicates a solid, lasting, and life-long richness. “Heaven” is used in Matthew’s Gospel often in the sense of the “Kingdom of Heaven” (βασιλεια τῶν οὐρανῶν) and thus serves as a short-hand expression for the Kingdom itself. The Christian moral life is essentially about living in accord with the values and expectation of God’s Kingdom to come.
- G. **“Come, Follow Me”** The mission given above to “Go, and sell your possessions” finds its completion in Jesus’ invitation to return and follow (after) him. The very “follow” in Greek takes as its object the preposition “after” and so literally means to come and “follow after” Jesus. This is the discipleship stance, following after Jesus. Discipleship, and not just “doing” the “right” action, really is the key to Christian moral living.

II. INTRODUCTION TO BASIC PRESUMPTIONS OF MORAL THEOLOGY AND/OR CHRISTIAN ETHICS AS SUCH

- A. 3 Beginning questions which will be helpful to frame the nature of the discipline and its study, namely 1) What is “moral theology”?; 2) How does it differ from philosophical ethics? And 3) How is it a part of “theology”? Try and keep these questions in mind throughout the course, and perhaps again at the time of preparation for the M.Div. Comprehensive examination.
- B. Methodological starting point and presupposition: There is an objective moral order (i.e., moral truth with an *ontological* basis), which can be known (i.e., moral truth with an *epistemological* basis), and which also can be done (i.e., moral truth with a *normative* basis), and which if lived will help us to be truly human and therefore truly free..
- C. Further presupposition from the standpoint of moral theology as theology is the belief that we can "theologize" about this objective moral truth. This presumes philosophical ethics, but integrates theology as well, and which can be conceptualized, formulated, and expressed in a number of ways, two of the most common being as a duty and/or as a goal.
- D. These two major ethical theories are usually called **deontology** and **teleology**, which expressions were first combined and contrasted in this sense by C.D. Broad in 1930 in his *Five Types of Ethical Theory* (New York: Harcourt Brace, 1930). For those unfamiliar with these basic philosophical terms it might be helpful to consult a dictionary of ethics such as James Childress and John Macquarrie’s *New Dictionary of Christian Ethics*.
- E. **Deontological** ethical theory: The word "deontological" comes from the Greek *δεον*, [deon] which means "duty." This duty expressed as moral norm usually comes from a grounding in an understanding of our moral nature, which enables us to perform those moral tasks and fulfill those moral responsibilities and obligations which are proper to our

particular nature. Deontological ethical theory stresses clear moral norms which establish parameters, or limits, of what must not be done (prohibitions and proscriptions) as well as prescriptions of what must be done. The latter are given as moral duties or responsibilities, and often indicate at least a certain basic minimum set of expectations as to what we must achieve in our moral life.

- F. **Teleological** ethical theory: This is the realm of moral goals, sometimes also called moral "ends" and/or moral ideals. "Teleological" comes from *τέλος*, [telos] the Greek word for "end." In general teleological ethics stresses two aspects of a moral telos, end-as-goal, which should orient proper moral action, and end-as-ideal, which furnishes a goal and a vision which supports us in our ethical growth and moral striving. Teleological ethical theory stresses therefore the identification of the "end" proper to each moral being or aspect (e.g. "faculty") of each moral being, as well as what will lead to the attainment and fulfillment of that proper end, and what will obstruct or frustrate the realization of that proper end.
- G. Teleological ethical theory also will stress the "becoming" aspect of our moral nature, such as genuine moral growth and integration, often expressed in terms of moral character, and what aids this process, such as an understanding of our moral identity (e.g. as disciples of Jesus), coupled with a guiding moral vision, which in turn is sustained and nourished by the virtues to be cultivated and the vices to work against and to root out.
- H. Teleological ethics as guide to moral discernment and moral decision-making: In moral conflict situations: i.e., in cases when one is confronted with the dilemma of having two or more "evils," one must always choose the lesser evil, or when faced with two or more options which seem to be good, then one must choose the better one. However, here the key issue becomes which set of criteria will govern the way the various values and disvalues, goods and evils are articulated, weighed, and decided.
- I. Introduction to the notion of *contra naturam* in teleological ethics: "Against nature" and means "immoral"; if you label some action as *contra naturam* it is the same as calling this action morally wrong. But it is important to bear in mind that this does *not* mean the same as against the "laws of nature" (i.e., the physical laws of nature, such as gravity, or what is "found" in nature, such as the birds and the bees). Rather this was understood as against the proper "end" or goal of the human person, or some aspect (faculty) of the human person. Thus, contraception was seen as morally wrong since it blocked the proper "end" of sexual relations which was viewed to be procreation.
- J. Some theological questions and themes for Christian ethics (i.e., the "theology" of moral theology or Christian ethics)
1. Who is God, and what does God as Trinity mean for us and our moral life?
 - a. Helpful is Fuchs' article, "Our Image of God and the Morality of Innerworldly Behavior." Chapter 3 in *Christian Morality: The Word Became Flesh*, 28-49. Translated by Brian McNeil. Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987. German original: "Das Gottesbild und die Moral innerweltlichen Handelns." *Stimmen der Zeit* 202 (1984): 363-382.

2. What is meant by Revelation and the range of authority of Scripture, especially for the moral life?
3. What is the notion of faith, and its relation to morality?
 - a. In this line, see James Walter's article, "The Relation between Faith and Morality: Sources for Christian Ethics." *Horizons* 9 (1982): 251-270. This article outlines a spectrum of six ways of relating faith and morality used by various theologians. E.g. from morality collapsed into faith (Barth) to faith collapsed into morality (extreme moral autonomy school).
4. Christology, i.e., who is Christ for us and our faith community? As well as other important areas of dogmatic theology, such as What is grace and salvation, and how do these relate to sin, conversion, and reconciliation? Also ecclesiology, especially in addressing the questions of what is the meaning and mission of the Church, and what does membership in that body mean?
5. Liturgy and spirituality: What does it mean to worship God and live a life of prayer, both individually and as a community?
 - a. See Rich Gula's *The Good Life: Where Morality and Spirituality Converge* (New York: Paulist Press, 1999), as well as Marty Stortz's 1998 GTU Distinguished Faculty Lecture "Discerning the Spirits, Practicing the Faiths."
6. Thus, in your ongoing study of moral theology and the other branches of theology try to make the connections and see the possible inter-relations.

III. INTRODUCTION TO THE FOUR SECTOR MODEL OF MORAL METHODOLOGY

- A. For the fuller treatment of this topic see my essay, "Mapping a Moral Methodology," as well as the notes/outline which follow here:
- B. Introductory note on the role and importance of *fundamental* moral theology or Christian ethics, which is meant to be foundational, in presenting a basic methodology and introduction to concepts and tradition, and which lays the ground for (but is nevertheless distinct from) applied or special ethics (such as bioethics, sexual ethics, business ethics, etc.). Perhaps the importance of fundamental moral theology can be caught in the old axiom, *Parvus error in principiis, magnus error in conclusionibus* [Small error in the beginning leads to great error in the conclusion].
- C. Sources and "Languages" of moral theology or Christian ethics
 1. Traditional understanding of "fonts" or sources of moral theology listed three: Scripture, Tradition, and the (current teaching of the) Magisterium.
 2. These "fonts" were utilized and presented according to the mode or genre of the manualist tradition, which started with the current teaching of the Magisterium at that particular time on a given issue, and then worked back to Scripture and the

Tradition to demonstrate how this teaching was harmonious and constant through the ages. Thus, we need to pay attention to how these three were inter-related and prioritized at various times throughout history, as well as to note how each is conceived of and interpreted itself.

3. Look briefly at how certain moral teachings have changed throughout the centuries, e.g., slavery and usury: what was once permitted is not forbidden (slavery), and what was once forbidden is now permitted (usury).
4. In answering this last question first, the notion of various "languages" can be helpful, ala Wittgenstein's understanding of language: "Wittgenstein was, in his later work, extremely sensitive to the different cultures and 'language games' in the world. In the same way that each game has a different set of rules so has each culture. One cannot be checkmate [*sic*] in a game of basketball for that is to confuse the rules of two different games. So, argued Wittgenstein, it is equally inappropriate to use scientific language in a religious context or for that matter to judge a non-scientific culture by a scientific western rationality." [Ian S. Markham, *Plurality and Christian Ethics*, (New York: Cambridge University Press, 1994): 137.]
5. While Wittgenstein spoke more in terms of different cultures, but I would argue that the same concept can be applied to the internal language of the individual source itself. Thus, we need to recognize the diversity of "languages" employed by the different moral sources. Languages which will have different vocabularies, syntax and grammar, languages which can speak to one another, but which are NOT identical. Therefore, be careful not to use the language of normative moral philosophy when speaking of a biblical parable, and vice versa. We need to work out a conception of moral theology which allow for a certain amount of intra-religious dialogue among these different sources.

- D. Epistemological considerations for authoritative moral discourse, and in this regard see John E. Thiel's "Tradition and Authoritative Reasoning." *Theological Studies* 56 (1995): 627-651. Thiel uses insights from non-foundational epistemology to discuss some of the problematic relations between argument and authority in magisterial teaching, and also uses *Humanae vitae* and *Inter Insigniores* to illustrate the issue.

IV. THE 6 "C's" OF MORAL DISCOURSE (Practical considerations for selection and application the mode(s) of moral theological **discourse**: the "6 C's" (for a fuller exposition of this section see my article, "Charting the Common Ground: Moral Discourse and the Abortion Debate"). The outline follows:

- A. **Comprehensive** in relation to the issue and problem: Does it treat the problem and issue in its complexity and completeness? Are there aspects, etc., which tend to be ignored, condemned as irrelevant, etc.? Does it tend to move to a "thick" description rather than simply a "thin" description of the issue?
- B. **Comprehensible**, i.e., "understandable": Is the mode of discourse comprehensible by a variety of people, ecumenical, etc.? Does the language employ philosophical and/or religious belief systems which people use and understand? Be careful, especially in pastoral work, of using too much "jargon" (fundamental option, intrinsically evil acts,

etc.), yet, make sure that key concepts are understood. This involves being sensitive to the dynamic of "language games" of moral and theological discourse.

- C. **Consistent and Coherent:** Are the modes of argumentation, usage of moral sources, positions taken, etc. internally *coherent* and externally *consistent* with similar issues, cases, etc.?
- D. **Credible:** in the sense of being "believable." i.e., a person of sound reason could logically hold this position. In this regard, the "credibility" or "plausibility" of our positions will have to be tested against the experts of a particular field. E.g., if we are to discuss or pronounce on ecological matter we have to get input from experts in the field, as well as test our responses with them. This whole area of "expert testimony" is a delicate area in matters such as marriage, sexual ethics, and the like, including business ethics, politics, etc.—areas in which the Church has been criticized for not developing a sufficiently credible and realistic moral discourse. Thus, dialogue, with its concomitant methodology is key here. No genuine dialogue reduces or eliminates credibility. However, a reluctance or refusal to dialogue will most likely have only the opposite effect of rendering one's argumentation and discourse less credible (and not more credible). As a "credibility" check I would suggest taking some guidance from both ecumenism and inter-religious dialogue—endeavors which have developed a certain methodology which strives to ground real credibility in oneself and the other. In this line, consider the following passage taken from *Complementary Norms to the Jesuit Constitutions* in the section dealing with Ecumenical Activity: (CN#268): "It [ecumenism] seeks, namely, what unites rather than what divides; it seeks understanding rather than confrontation, it seeks to know, understand, and love others *as they wish to be known and understood*, with full respect for their distinctiveness, through the dialogue of truth, justice, and love." (*The Constitutions of the Society of Jesus and Their Complementary Norms*. St. Louis: Institute of Jesuit Sources, 1996, emphasis added). This is what I mean about a "credibility check"—to make sure that our articulation of the "other's" position reflects a knowledge and understanding which they would own: "Yes, you have stated my position fairly, completely, and respectfully."
- E. **Convincing:** Are the modes of argumentation that move from being merely credible to one that convinces, in the light of counter-arguments? Is the counter-argument being stated fairly? Would its proponents recognize and own the recapitulation presented? Does the argument convince me/others? Why? or why not? If an argument or line of reasoning does not convince, then what is our further response? Recast the argument? Repeat it, more loudly? Try to invoke sanctions of authority? Recognize that "convincing" is not a matter of majority acceptance, polls, and/or political correctness. An otherwise convincing argument may fail to convince because of the sin, hard-heartedness, lack of intelligence, etc., on the part of those addressed, and therefore would not be easily corrected by those engaged in the formulation of moral discourse. In this sense we can say that Jesus Christ failed to "convince" a good deal of his audience as well!
- F. The sixth "C" for moral theology: **Christian:** Does the moral discourse, position, theory, response, application, etc. take into account the *Christian* nature of our moral life? Does it take into account adequately the aspects of Christian theology, such as creation, sin and forgiveness, grace, the Cross, redemption, the resurrection, eschatology, Christian moral community of discipleship, and so on. This sixth "C" does not replace or supersede the

previous 5 "C"'s, but is meant to be integrative as the organizing symbol. We have to admit frankly that historically Roman Catholic moral theology has exhibited a certain deficiency in this regard.

V. ELABORATION OF THE FOUR SECTOR GRID FOR ACCESSING THE SOURCES OF MORAL THEOLOGY OR CHRISTIAN ETHICS

A. Introductory note on dangers to avoid, or negative tendencies to work against, such as a tendency to narrow the range of a particular sector, e.g., to identify all of Tradition with only the writings of a particular Church Father, theologian (such as Thomas Aquinas), or a particular member or segment of the Magisterium. Another tendency would be to exaggerate the voice of one sector so that it drowns out the others, or the tendency to ignore or shortchange the input from a particular sector or sub-sector. We also need to guard against retroactive anachronistic readings of the various sources, especially from Scripture and Tradition. Don't be reductionistic and/or don't evaluate authors and texts too harshly in light of contemporary concerns, insights, and sensibilities. For example, it wouldn't be overly helpful to dismiss all of Thomas Aquinas as irrelevant because of his antiquated biology, or the problems in his theological anthropology in reference to women, etc. Nevertheless, modern concerns and sensitivities *can* unmask and highlight legitimate issues, past and current abuses, injustices, and so on. Thus, we have to pay special attention to more recent theologies coming out of feminist, liberationist, and cross-cultural perspectives.

B. Scripture

1. Important to recognize Scripture first of all as the pre-eminent "sacred text" for Christians, and therefore for Christian ethics. Its claim is exercised on the faith community, for whom the sacred text has a special, "sacred" claim. While this claim is "sacred" it is not meant to be simplistic or fundamentalistic. Scripture is a text, and therefore like *all* texts written in either a different language or time it must be translated. Remember basic principle of translation that it is virtually impossible to translate completely and unambiguously the whole range of meaning from one language into another. For example consider Matthew 5:48 and the normal translation of *τέλειοι* and as *τέλειός* "perfect." As a text, like *all* texts, Scripture must be interpreted (after it is translated). There is no such thing as a "self-interpreting text"; thus, the science of hermeneutics is fundamental to our doing Christian ethics. Keep in mind as well that the biblical text is a text of a community: it arose out of that community, is sacred to that community, and therefore is formative of the community's self-understanding. I.e., it is normative for the community's "story" and the story in turn is normative for the community and the individuals in the community.

2. Further claims as to what this "sacred text" means, among others:

- a. canonicity (accepted as the revealed word of God). This involves principles of inclusion and exclusion of canonical material, as well as a certain tension and dynamic of creating a canon-within-the-canon
- b. normativity, e.g., the *Norma normans non normata* (the norming norm which norms all other norms and is not normed itself by something

higher, i.e., as over and above every other *norma normata*)

c. Relation to formation, inter-penetration, and maintenance of religious culture (relation to Tradition)

3. Proper uses for Scripture as sacred text: note the range and modes of this usage, such as Revelation, liturgical usages, prayer and spirituality, as a guide to praxis, as embodying a certain wisdom of moral insight, as well as understood as a "classic" in the hermeneutical sense.
4. Important to develop a *lectio continua* of Scripture: This will help keep ourselves in contact with the whole of Scripture, since it speaks in a variety of voices. I.e., there is no one "Biblical" theology or view on most areas. This point is helpful in order to correct the natural tendency to develop a canon-within-the-canon. It also cooperates with the work of the Holy Spirit which is to remind us of what has been taught by Jesus and to teach us those things we could not bear earlier (cf. John 14:16-17, 26; John 14:26; John 16: 7-15). Therefore, meditation on Scripture is key for the moral life of both the individual and the community. Plus the importance of moral dialogue, to see where the wind (the Spirit) is blowing in other communities.

C. Tradition(s) The Living Wisdom of the Community

1. First and foremost, Tradition speaks of the relationship we have as members of a faith community. This relationship is found not only in the *present*, to one another, but also to the *past*—to those people who have fostered the growth of the Church (including ourselves) through their own lives. In the same way we also must look to the *future* and our roles as faithful transmitters (and transformers) of the deepest meaning of the Christian faith. Therefore it is paramount to remember that Tradition is first and foremost grounded in the historical faith community, It is that faith community which not only is nourished by that Tradition, but which nourishes the Tradition in turn, augmenting it, refining it, pruning it, etc. Keep this in mind, lest the Tradition become the "dead faith of the living" (to borrow the well-known dictum from the church historian, Jaroslav Pelikan), rather than the ongoing, living faith of the communion of saints (whose members are both living and dead). Thus, Tradition, like Scripture, has to be continually re-translated, re-read and re-interpreted, within the context of a faith community that is a believing, worshiping, and acting Community of Disciples
2. Sandra Schneiders summarizes and expresses this fuller notion of the concept of Tradition as "effective historical consciousness": "Tradition is the actualization in the present, in and through language, of the most valued and critically important aspects of the community's experience, or, more precisely, of the community's experience itself as it has been selectively appropriated and deliberately transmitted. Tradition is the primary form and norm of effective historical consciousness, which is the medium of ongoing community experience. It includes deliberately formulated belief, that is, dogma, but is by no means limited to dogma. It includes liturgy, spirituality, the lives and teachings of exemplary believers, historical experiences, legislation, artistic creations, customs and much more. One of the tasks of each generation of

believers is to appropriate the tradition, to enrich and purify it by living interaction with it, and to transmit it to the next generation." [Sandra Schneiders, *The Revelatory Text: Interpreting the New Testament as Sacred Scripture*, (San Francisco: HarperSanFrancisco, 1991): 71.

3. Schneiders describes 3 meanings to tradition: "Tradition, as the *foundational gift* out of which the Church's experience unfolds throughout history, is the Holy Spirit who is the presence of the risen Jesus making the Church the Body of Christ. Tradition, as *content*, is the sum total of appropriated and transmitted Christian experience, out of which Christians throughout history select the material for renewed syntheses of the faith. Tradition refers also to the *mode* by which that content is made available to successive generations of believers, the way in which the traditioning of the faith is carried on throughout history." [Schneiders, p. 72.]
4. It is also important, however, to recall the "traditional" understanding, with a capital "T" as another virtual font of Revelation, transmitted through the Apostolic and Patristic authors, and the Magisterium (however this is conceived in a particular faith community, i.e., what functions as religious authority, and how this authority functions in a particular community. Be wary here too of short-circuit responses, such as *Roma locuta, causa finita*

D. Relationship between Scripture and Tradition: The Sacred Claim (or Faith Axis)

1. *Because* we call ourselves Christians the Scripture, as well as the Tradition out of which it grew, and which it continues to form and inform, have a special claim on us. I term this claim a "sacred claim"—not a claim which is counter to reason or "illogical" but which exercises its logic and persuasiveness primarily through the arena of faith. All religiously based ethics have this "sacred claim" dimension (e.g., the *Koran* for Muslims), but while the *Koran* may be an interesting and even inspiring book for us as Christians to read and reflect upon, it does not have this special "sacred" claim for us in the way it would have for Muslims. This returns us to the principle of *norma normans non normata* and *norma normata*.
2. And as Sandra Schneiders observes, "In short, the relationship between tradition and scripture is that of a hermeneutical dialectic. Scripture is produced as part of and witness to tradition; it // functions as the norm of that tradition; but it can only function as norm if it is interpreted from within and in terms of tradition." [Schneiders, pp. 82-83.]

E. Ethics: Rational Reflection or Reason (Philosophy)

1. "Ethics" exercises its primary claim "rationally" on the human community.
2. Remember that it is important to bear in mind that there is no "one" philosophical approach or system which is valid for all times, places, cultures, etc. In this context arises the problematic of dealing with the tradition of a so-called *philosophia perennis* or "perennial philosophy," a claim that a certain philosophical approach, such as an Aristotelian or Thomistic system, because of

its abstract and "universal" rational basis and language would be virtually transcultural and trans-historical, and therefore valid for all peoples. This philosophical view is often tied to a classicist world-view, and a certain approach to the natural law. For example, consider *Aeterni patris*, the Encyclical of Pope Leo XIII which mandated the study of the philosophy of St. Thomas Aquinas (1879).

3. While philosophy is key to theology (as it has often be called theology's "handmaiden"), we must bear in mind that in Christian ethics and moral theology the role and input of philosophy has to be done theologically, and not just as a sort of "philosophical excursus." Nevertheless, we should not undervalue the importance of the ongoing encounter between philosophy & moral theology, as expressed by John P. Langan, S.J. : "It is also an encounter between moral theology and a complex and increasingly autonomous culture, for which philosophy serves as one highly generalized expression of its deeper ambitions and conflicts. Law, history, the various social sciences, the professions, and assorted political and humanitarian movements all generate ethical questions and demands, many of which philosophy serves to articulate and concentrate. Furthermore, those parts of philosophy that do not focus on ethics, especially metaphysics, epistemology, and philosophical psychology, set the framework for the ways in which we conceive human action and the possible connections between action and ultimate meanings and realities." "Catholic Moral Rationalism and the Philosophical Bases of Moral Theology." *Theological Studies* 50 (1989): 28.
4. Recognition of two basic philosophical approaches, deductive and inductive, which will have great importance for the understanding of moral norms and their concrete applications:
5. Deductive, which is more easily linked with a classicist, static view of the world. In the area of methodology, the classicist deductive approach emphasizes norms as given, often expressed in propositional language, which are considered to be eternal, universal, immutable and unchanging, etc.
6. Inductive, which is more in line with a world-view of historical consciousness. The inductive approach emphasizes *discovery* of norms and values, an approach which stresses the concrete and particular, the individual and the personal, the contingent, as culturally and/or historically conditioned, and therefore, except in rather general abstract formulations, difficult to set out as detailed moral norms, binding for all times and in all cultures, situations, etc.
7. Import of the choice of one or the other of these basic approaches for how one will come to ethics.

F. Human Experience: Collection of Data and Modes of Interpretation

1. Experience refers not only the individual and his or her self-awareness and subjectivity, but also as a member of a number of different human communities. Thus, the locus for the experience sector is the individuals in relationship to themselves, to others, and to a multiple set of human communities (from the

local to the global). We have to keep this understanding of the locus of experience in mind in order to avoid the trap of simple subjectivism and/or total relativism. It is important to understand what “Experience” in this sector involves. Every human person obviously has “experiences” and these can serve as an important moral source and resource. Experience also highlights more the affective, emotional, intuitive, and imaginative sides of our personhood, and these aspects are crucial for a holistic understanding of, and approach to, the moral life. Often the affective dimension can help us in terms of motivation for our moral living. It’s hard to lay down your life for a moral norm, but you may well do it for a friend, or even a cause in which you believe very much.

2. The affective dimension can also correct distortions and/or lacunae in the “reason” sector. As Charles Curran observes, “At times the affective can correct the errors of reason as illustrated by the change in U.S. public opinion on Vietnam precipitated by having the war in our living rooms for the first time in human history.” Curran, *The Catholic Moral Tradition*, p. 184.
3. Curran recognizes that the emotions and intuition can be wrong or erroneously interpreted, but he notes that the same has to be said for the moral “rational” side of our perception as well (cf. Curran, *The Catholic Moral Tradition*, p. 185.)
4. We also need to attend to incorporating as many people’s experiences as possible into our moral analysis. Often the experiences of any number of marginalized groups have been minimized or completely neglected, and even the experience of lay people in general has been not taken historically into very great consideration in moral theology in the past. We might want to ask ourselves explicitly, in reference to our own social location, just who are the marginalized and under-represented, if not explicitly oppressed. To give a hypothetical example, at the Democratic National Convention we might observe that the views of Republicans are “marginalized” to say the least. This does *not* mean that the delegates should necessarily include registered Republicans in their deliberations, but if the assembled body seeks to address the concerns of the whole polity of the nation, then it would be logical to conclude that a Republican point of view might legitimately inform and nuance the discussion to some extent. (This point is related to my 4th C of Credibility in the section on the 6 C’s of moral discourse)
5. Methodologically speaking, this point is connected to the essence of the claim of experience (as individual *and* collective) to be a key source and resource for moral theology. We should note the insights produced by liberation theologians and others in this respect. Speaking of liberation theology’s method, Cristina Traina makes two helpful points in her recent book, *Feminist Ethics and Natural Law: The End of the Anathemas* (Washington, D.C.: Georgetown University Press, 1999):
 - a. “For liberation theology, questions of method (the approach to moral reason) and procedure (the institutional execution of method) are indivisible because the trustworthiness of moral reflection depends greatly on the social location of the author. This was true for Thomas too; that the general principles of the natural law were universally

- accessible did not imply that just anyone could reason well.” p. 118.
- b. “Liberationists concur that ignorance and ill-chosen ends obstruct moral reasoning. ... The person most likely to see clearly the cause of injustice is not the comfortable ‘ivory tower’ academic (who benefits from the unconscious participation in moral vice), but the victim of injustice (who is likely to inquire more deeply into the causes of her own suffering) or her genuine advocate.” p. 119
6. Experience, though, needs to be accessed in some sort of systematic manner, in order to avoid complete relativism and/or subjectivism. Here the social sciences can play an important role.
7. Moral importance of data: [Gustafson on Rahner]: "The moralist is no longer self-sufficient in knowing the subject matter that is analyzed from a moral point of view, but must rely on knowledge that comes from relevant scientific specialists [e.g. bioethics]. Rahner is not naive about reliance on specialists, but emphasizes the requirement for the moralist to take their conclusions into account. A moral conclusion might well be altered by the inclusion or omission of relevant data." [Gustafson, *Theocentric Ethics*, V. 2, p. 67].
8. [Quoting Rahner]: "It is at least possible that the very 'detail' of which the theologian is ignorant, or of which he has only a vague notion, might be the decisive factor in his case; it might be the very detail which would alter the whole conclusion." [Gustafson, p. 69; Rahner *TI* 9:225] [Cf. *Theological Investigations* 9: 205-24; 225-52]
- G. Example of the medieval opinion about the sinfulness of sexual relations during a woman's menstrual period.
1. In the Old Testament this was considered a capital offense, though no reason is given, but it seemed to violate the purity laws (or taboos)
2. We might also observe that it is unlikely (though not impossible) for conception to occur, and so conclude that these relations were proscribed since they did not seem “open” to procreation. However, for the early and medieval theologians, none of these reasons was the ground of their theological objection. Early Christian writers reacted in various ways, according to John Noonan: "Some Christian writers repeated the condemnation without analysis (e.g., Chrysostom, *On 1 Corinthians* 7, PG 51; *Didascalia* 6,28). Philo's explanation that conception was impossible does not seem to have been used. The developed Christian view was to see the prohibition not as a mysterious and inexplicable ordinance of God, but as a protection for the child. St. Jerome wrote, 'If a man copulates with a woman at that time, the fetuses conceived are said to carry the vice of the see, so that lepers and gargantuans are born from this conception, and the corrupted menses makes the foul bodies of either sex too small or too big' (*Commentary on Ezechiel* 6, 18 PL 25: 173). It was a common belief that children conceived in menstruation were born sickly, seropurulent, or dead (Pliny, *Natural History* 7.15.67). The protection of future life became the

articulated basis for the prohibition of the act as serious sin." p. 85. [From John T. Noonan, Jr. *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*. Enlarged edition. Cambridge: Harvard University Press, 1965, 1986.] In this book Noonan takes great care to investigate the social context of the various positions in order to demonstrate that while the "teaching" against contraception may have been "constant" in the Church, the reasons given for that teaching and the concomitant issues involved have changed very much throughout the centuries. Thus, bad "biological" information (i.e., improper attention to human experience) furnished a "wrong" moral norm, and illustrate for us the necessity of proper attention to all of the human sciences in interpreting and utilizing the Human Experience source/resource.

- H. Relationship between Human Experience and Normatively Human (the Rational Claim Axis): In much the same way as we observed the interplay between Scripture and Tradition along the "Sacred Claim" axis, there is a similar dynamic between human experience and normative claims which come out of that experience. We must start from experience; we cannot impose moral norms from the abstract in an a priori manner. But once we have established something as "normatively" human, then it functions on the lives of our human experience as a type of *norma normans*. For example, once we have articulated free expression as a fundamental human right, then we say that this should apply normatively to all peoples, in all places and cultures and in all times. Similarly, if we proscribe an activity or institution, such as slavery, as offensive to basic human dignity, then again we say this applies normatively to *all* peoples. To violate this normative claim would be to move against the basic claim of reason and rationality. Of course this has often been done throughout history, but we can see here how the "rational claim" axis may help correct these deficiencies.

VI. MEDIATION FACTORS OF ONE'S WORLD THEOLOGICAL VIEW

- A. The key to understanding how one's theological world-view functions is the point Charles Curran describes as one's "stance": "As the logical first step stance must be broad enough to encompass all reality but narrow enough to provide some critical understanding of how all aspects of reality fit together." ("Stance," Ch. 2 in his *The Catholic Moral Tradition Today: A Synthesis*): 30.
- B. Curran himself proposes a five-fold Christian stance of creation, sin, incarnation, redemption, and resurrection destiny (cf. *The Catholic Moral Tradition*, pp. 33-34).
- C. Building on whatever stance we use, implicitly or explicitly, we need to be aware of how modes of mediation of data from experience function on a number of different levels, such as the personal, collective, communal, and cultural, (which is a key aspect of humanity that is often overlooked or misunderstood by moralists).
- D. Influence of Classical vs. Historical World-view on One's Theological Model and World-view
1. Especially important in the 20th Century, Post-Vatican II developments in moral theology. The relevance of this world-view is brought out well by Brian Johnstone in his article on physicalist and personalist paradigms, which we will

discuss in greater detail when we treat the topic of the human person, but which I asked be read now so as to understand better the framework of contemporary moral theology.

2. Notion of Classicist (or classical) and Historical (or historicist) world-views was developed by Bernard Lonergan, and which sets out two extremes in reference to acceptance/non-acceptance of change, and then in between these two extremes describes two other major positions in the contemporary world:
 3. "One may be named classicist, conservative, traditional; the other may be named modern, liberal, perhaps historicist (though that word unfortunately is very ambiguous). The differences between the two are enormous, for they differ in their apprehension of man, in their account of the good, and in the role they ascribe to the Church in the world. But these differences are not immediately theological. They are differences in horizon, in total mentality. For either side really to understand the other is a major achievement and, when such understanding is lacking, the interpretation of Scripture or of other theological sources is most likely to be at cross-purposes." Bernard Lonergan, S.J. "The Transition from a Classicist World-View to Historical-Mindedness," in *Law for Liberty: The Role of Law in the Church Today*, ed. James E. Biechler, (Baltimore: Helicon Press, 1967): 127.
- E. The Physicalist Paradigm, which comes out of the background of Neo-scholasticism and uses primarily a classicist and essentialist method which stresses faculties and finalities and in which the understanding of the natural law is often identified too simplistically with the "order of nature" rather than the "order of reason" (or stating that these two orders would be morally identical).
- F. The Personalist Paradigm
1. Found in Janssens' classic article for the expression of the principle of totality in the personalist model, "Artificial Insemination: Ethical Considerations." *Louvain Studies* 5 (1980): 3-29. Also found more recently in Janssens' "Personalism in Moral Theology," in *Moral Theology: Challenges for the Future. Essays in Honor of Richard A. McCormick, S.J.*, ed. Charles E. Curran, (New York: Paulist Press, 1990): 94-107.
 2. Janssens' moral personalist model in which he claims eight fundamental dimensions for the human person: (1) subject; (2) embodied subject; (3) part of the material world; (4) inter-relational with other persons; (5) an interdependent social being; (6) historical; (7) equal but unique; (8) called to know and worship God.
 3. How one conceives the moral universe, the natural law, personhood, etc., obviously will have important ramifications for how one understands the whole enterprise of the moral life.
- G. This understanding is further mediated also by one's understanding of the key elements of an adequate contemporary theological anthropology,

1. Which is grounded in a realistic human anthropology, which in turn will be informed by the social sciences, especially psychology, sociology, and cultural anthropology. There is an important moral need for integration of these disciplines into Christian ethics. As Robin Gill notes, "If Western philosophy has tended to foster individualism--encouraging individuals to believe that each can work out afresh his or her own moral framework--sociology tends to pull in the opposite direction. In the process moral communities become an essential ingredient in understanding moral agents. Selfless care, although practised by individuals, is generated and nurtured by certain types of moral community." Robin Gill, *Moral Communities*, The Prideaux Lectures for 1992, (Exeter: University of Exeter Press, 1992): 55.
2. Key aspects seen, re-visioned, re-shaped, etc. in this light: e.g., individual, communal, cultural, ecological. This latter is a more recent "discovery" that we are part of nature and therefore interdependent, and therefore we need to redo our theological bias of domination, and consider instead one of stewardship. (We will address this whole area in greater depth when we consider Christian anthropology).
3. Human reason, etc.
4. Law, normativity, etc. and their function in human society. E.g., the notion of universal human rights and the "globalization" of ethics
5. The world, which is basically good, positive, etc., yet still has elements which are evil, sinful, dangerous, impure, etc. (Ignoring or downplaying either dimension will distort our moral theology).

VII. THE HERMENEUTIC DIMENSION OF MEDIATION OF EXPERIENCE AND WORLD-VIEW

- A. Recall that basically "hermeneutics" involves a "practical interpretation," i.e., an interpretation which is *personal*: this text has this meaning for me/us, etc. and which at the same time is *practical*, it leads me/us to apply this interpretation to our lives..
- B. Such an *interpretation* in turn, according to James Gustafson, is usually structured around some central "organizing concept, idea, principle, analogy, metaphor, or symbol around which the [4] base points are organized." [Gustafson, *Theocentric Ethics*, v. 2, p. 143]. And I think that Curran's notion of stance also speaks to this basic point.
- C. According to Gustafson, "The [4] base points are (a) the interpretation of God and God's relations to the world and particularly to human beings, and the interpretation of God's purposes; (b) the interpretation of the meaning or significance of human experience--of historical life of the human community, of events and circumstances in which persons and collectivities act, and of nature and man's participation in it; (c) the interpretation of persons and collectivities as moral agents, and of their acts; and (d) the interpretation of how persons and collectivities ought to make moral choices and ought to judge their own acts, those of others, and states of affairs in the world. [Gustafson, *Theocentric Ethics*, v. 2, p. 143]

- D. This basic process of judgment will also be conditioned by one's basic world-view (in Lonergan's sense), either classicist or historicist. We mentioned this notion above, and will discuss this again in greater detail when we consider the "paradigm shift" in moral theology, but for now it is sufficient to recall that these different world-views basically concern the notion of relative change and stability in the world, and especially how this relates to the knowledge of human nature, and the ability to predicate a universal natural law applicable to all men and women in every conceivable situation, irrespective of culture and/or circumstance and trans-historical, therefore valid for all times. The classicist or historicist world-view will manifest marked differences in apprehension over the meaning of human person/community, understanding of the "good," and the role of the Christian community of the Church in the world. These differences will seriously condition the use and interpretation of the theological sources, such as Scripture, Tradition, teachings of the Magisterium, etc.
- E. Related to the world-view in one's judgment it is important to bear in mind the existence and role of one's own cultural ethos, especially the notion of "bias" in the Lonerganian sense. Mark O'Keefe describes Lonergan's notion of bias as "the human tendency to eliminate from consideration data upon which understanding, judgment, and decision will be based because the data is perceived to be a potential threat to our well-being or accustomed ways of viewing the world." Mark O'Keefe, *What Are They Saying About Social Sin?* (New York: Paulist Press, 1990): 77. It is important to bear in mind that every individual human and every human collectivity or community will have these biases. The key is to try to be aware of them and to take pains so that they will not improperly exclude information needed for a balanced judgment.
- F. Though not using Lonergan's vocabulary, but moving in a manner which is complementary to this basic insight, James Gustafson also highlights different basic types of judgment on the sources of theological ethics, and identifies four:
1. "(a) which sources are relevant, and why;
 2. "(b) which sources are decisive when they conflict [or seem to conflict], and why;
 3. "(c) what specific 'content' is to be used from these // sources, and what is to be ignored or rejected, and why; and
 4. "(d) how this content is to be interpreted, and why." [Gustafson, *Theocentric Ethics*, v. 2, pp. 143-144]
 5. I would add a fifth question, namely what is *re-interpreted* and why.
- G. Potential weakness of an overly strong "organizing" concept which may be too restrictive or narrow and which may not adequately reflect the range of diversity of human moral experience, or to allow each and every voice in the various languages to be raised and heard, and/or may skew some of the information. Thus, the difference between an "organizing" concept and a "domineering" or "dominating" concept. For example, in sexual ethics, consider the following from Paul M. Quay who spoke of "each single act of coition is a natural sign of the full, mutual procreative love of two partners, and that contraception substitutes a sign of 'monstrous selfishness'. The woman who uses a

diaphragm has closed herself to her husband. She has accepted his affection but not his substance. She permits him entrance but does not suffer him to be master'. The sign and symbol of wifely submission, of patriarchal authority, is made over covertly to serve the purposes of a weakly uxorious male and a domineeringly feminist wife....Sometimes the man will use a condom for the same reasons; sometimes for more characteristically masculine reasons of selfishness. In either even he no longer dominates his wife as person, he does not permit his activity to penetrate her; he takes no responsibility for her. Her helplessness is deceptive--if she is not armored, he is without efficacy. He worships her with his body--but not enough to share with her his substance." [From Quay's "Contraception and Conjugal Love." *Theological Studies* 22 (1961): 35.

VIII. MODES OF MORAL DISCOURSE

- A. Need to be attentive to how our moral discourse is basically construed and organized. E.g., basic ethical theories, such as deontology and teleology, as well as the understanding of the purpose of moral discourse and ethics as such. Also instrumental here is one's world-view, e.g., classicist, historical, devolutionary, evolutionary, revolutionary, etc.
- B. Varieties of moral discourse (ala Gustafson). Cf. James M. Gustafson, *Varieties of Moral Discourse: Prophetic, Narrative, Ethical, and Policy*, The Strob Lectures, (Grand Rapids: Calvin College and Seminary, 1988). Gustafson outlines four types of moral discourse: prophetic, narrative, ethical, and policy, and discusses the strengths and weaknesses of each. His basic point is that no one mode of discourse is sufficient for ethics, and that all four have to be employed.
- C. Prophetic Discourse
 1. Basic feature of passionate "indictment"
 - a. First, they usually, though not always, address what the prophet perceives to be the *root* of religious, moral, or social waywardness, not specific instances in which certain policies are judged to be inadequate or wrong.
 - b. "Detailed policy recommendations, matters of strategy and tactics are seldom the focus of a prophet's intentions." (Gustafson, *Varieties of Moral Discourse*, p. 8).
 - c. "The second feature of prophetic indictments that I want to note is the language and symbols that are used to make it. In the biblical materials we the language of harlotry, or infidelity. This is passionate language. The prophets in the Scriptures did not establish their indictments on the basis of statistical analyses; they did not use moral arguments of a philosophically rigorous sort. They used language, metaphors, and symbols that are directed to the 'heart' as well as to the 'head'." (Gustafson, *Varieties of Moral Discourse*, p. 11).
 2. Point or goal of prophetic moral discourse: "... it is used to move us, to stir us to a deeper moral concern and to action. The more rational and rigorous discourse of ethics does not communicate the sense of urgency that prophetic discourse

does." (Gustafson, *Varieties of Moral Discourse*, p. 12).

3. Utopian or eschatological ideal
 - a. "The second aspect of prophetic discourse (indictment being the first) is utopian. It portrays an alluring vision of the future, of possibilities for life in the world in which the forms of strife and suffering we all experience are overcome." (Gustafson, *Varieties of Moral Discourse*, p. 13).
 - b. "The utopian allure is, we are told over and over, not only important but necessary. It provides hope in the midst of despair; it lifts the eyes and the aspirations beyond what hard realists see as possible to the possibilities that lie beyond. For Christian theology and ethics, it is grounded in deep theological convictions: the breaking of the bondage of death in the accounts of Jesus' resurrection, the assurance of the coming Kingdom of God in which peace and justice will reign forever." (Gustafson, *Varieties of Moral Discourse*, p. 14).
4. Insufficiency of prophetic discourse alone
 - a. Need for moral theory
 - b. Need for moral norms
 - c. Need for casuistry

D. Narrative Discourse

1. The functional roles of narrative discourse in the moral agent and moral community. "Narratives function to sustain the particular moral identity of a religious (or secular) community by rehearsing its history and traditional meanings, as these are portrayed in Scripture and other sources. Narratives shape and sustain the ethos of the community. Through our participation in such a community, // the narratives also function to give shape to our moral characters, which in turn deeply affect the way we interpret or construe the world and events and thus affect what we determine to be appropriate action as members of the community. Narratives function to sustain and confirm the religious and moral identity of the Christian community, and evoke and sustain the faithfulness of its members to Jesus Christ." (Gustafson, *Varieties of Moral Discourse*, pp. 19-20).
2. Narratives as critical moral discourse
 - a. Not the moral calculus of casuistry
 - b. "Narratives as response to moral inquiries about circumstances of quandary do not provide single, clear, and argued answers.
 - c. Rather, what H. Richard Niebuhr might call "revealed reality": "Rather

they can provide nuanced and subtle illumination both of what is at stake and of what conduct might be most appropriate. Ethical casuistic argument brings choice to a focus by distinctions and arguments; narrative evokes the imagination, stimulates our moral sensibilities and affections. Its conclusion is not as clearly decisive, but it enlarges one's vision of what is going on; one acts in its 'light' more than in conformity to it--as one does to a casuistic moral argument." (Gustafson, *Varieties of Moral Discourse*, p. 21).

3. Methodology of narrative discourse
 - a. "It often assumes an analogy between the story or parable and the circumstances out of which the question comes. Thus, 'Go and do likewise'." (Gustafson, *Varieties of Moral Discourse*, p. 21).
 - b. Sittler's notion of the shape of the engendering deed.
 - c. E.g., the foot-washing commandment in John 13 is not about pedicures. (Spohn's example)
4. Insufficiency of narrative discourse alone:
 - a. "Symbolic prophetic indictments need to be checked against facts and figures and political analysis. Perceptive intuitions informed by parables need to be checked against more rational analysis. And we all belong to several communities. To live by the story of only one might impede our capacities to communicate with those with whom we share moral responsibilities who are informed by different stories and different communities. [Implied critique of Stanley Hauerwas]
 - b. "And our individual moral integrity is shaped in relation to more than the story of the Christian community; it is shaped by our social backgrounds, our roles in society, and other things." (Gustafson, *Varieties of Moral Discourse*, p. 26).

E. Ethical Discourse

1. Raises the issue of the proprium of Christian ethics
2. "Is Christian ethics so specifically Christian that at least aspects of Christian morality are obligatory only for Christians? Example: love of enemies." (Gustafson, *Varieties of Moral Discourse*, p. 34)
3. "If there is a common basis, should that not be supported by arguments and groundings that all human beings can share, rather than those that make particular appeals to the Bible, to Christian theological themes, and to the faith of Christians?" (Gustafson, *Varieties of Moral Discourse*, p. 34).
4. Christians must take "ethical" discourse seriously, and therefore also moral philosophy.

5. Insufficiency of ethical discourse alone: "It does not have the capacities that prophetic discourse has vividly to point to some devil, some root of evil that must be extricated, to some deep loyalties and beliefs that systematically distort human life and human community. Nor does its vocabulary move persons with a sense of urgency. Ethical discourse cannot shape the ethos of a community in the way that narratives // can, in part because its language and symbols are abstract and do not have the evocative power to sustain and cultivate the nourishing common memories of a community. Its casuistic forms aid precision, but they can excessively delimit what ought to be taken into account in a good moral choice. A narrative, at the point of a choice, might help persons see themselves and circumstances in a broader context of time and history; it might enlarge the perception and imagination so that features are included that the concepts and procedures of casuistry conceal." (Gustafson, *Varieties of Moral Discourse*, pp. 42-43).

F. Policy Discourse

1. Two important distinguishing features:
 - a. "First, in its most important form it is conducted not by external observers, but by the persons who have responsibility to make choices and to carry out the actions that are required by the choices. In other words, policy discourse is discourse by the agents who have accountability for the following actions and outcomes--not primarily by philosophers, theologians, political scientists, and economists who have at least one of their feet outside the arena of primary accountability." (Gustafson, *Varieties of Moral Discourse*, p. 46).
 - b. "The second feature is the particularity of conditions within which policy is developed." (Gustafson, *Varieties of Moral Discourse*, p. 46).
 - c. "These conditions both limit the possibilities of action and enable them." (Gustafson, *Varieties of Moral Discourse*, p. 47).
2. Methodology of policy discourse
 - a. "The first question of the policymaker is likely to be 'What is going on?' and not 'What ought we to do?'" (Gustafson, *Varieties of Moral Discourse*, p. 47).
 - b. "What is desirable is always related to what is possible; it is always under the constraints of the possible. And a critical factor of judgment is precisely *what is possible*." (Gustafson, *Varieties of Moral Discourse*, p. 47).
3. Strengths of policy discourse:
 - a. "An ethical argument, *per se*, would have been insufficient. The ethical had to give direction to the policy but *per se* could not determine the

policy. Our recommendations had to be spelled out not merely in terms of general concepts or general aims; they had to be quite specific in terms of reasonably accurate estimates and assessments of 'what was going on!.' (Gustafson, *Varieties of Moral Discourse*, p. 50).

- b. "Policy discourse requires more than the concepts and procedures of ethical discourse." (Gustafson, *Varieties of Moral Discourse*, p. 50).
- 4. Insufficiencies of policy discourse: "But to limit moral discourse to policy discourse would be a mistake. Policy discourse necessarily works within limited visions, limited frames of reference. It accepts certain conditions which from prophetic and ethical perspectives could themselves be judged morally wrong, or at least morally inadequate." (Gustafson, *Varieties of Moral Discourse*, p. 51).
- 5. Absolute necessity of policy discourse (cf. the interplay with the first five of the 6 "C's"): "Churches and Christians who aspire to affect the course of events with moral aims and principles need to be able to participate in policy discourse. It is not that prophets are powerless, but that their power is different from that of persons whose vocations and roles affect incremental, but important, changes in the course of events and states of affairs." (Gustafson, *Varieties of Moral Discourse*, p. 52).
- G. Conclusion: Development a sensitivity or awareness for the modes and varieties of moral discourse at work in a given author, issue, approach, etc. Work so as to integrate better this awareness and also the strengths of the four varieties of moral discourse. In this context attention to the Six "C's" of Christian moral discourse will be helpful.

IX. HISTORICAL CONTEXT OF FUNDAMENTAL MORAL THEOLOGY

- A. Repetition of General Thesis on History in Reference to Moral Theology: Moral theology did not spring full-blown from the heads of the apostles, or any other figure since. Rather, it developed in relation, or resistance, to events, movements, currents, pastoral needs, etc. throughout history. Inasmuch as moral theology developed over time in relation to both concrete ethical issues and sustained rational reflection on the undergirding theology behind the principles that were, and are, used to respond to these issues we must recognize that our moral doctrine itself develops over time. As James Keenan has recently observed, "History leads us therefore to understand that moral theology must not only develop but also be sensible to the fundamental fact that norms need to be congruent with human maturation. Indeed, history affects the proprium of moral theology." [James Keenan, S.J. "Moral Theology and History" *Theological Studies* 62 (March 2001): 93]. At the same time we should not be historically naive and therefore we need to recognize that not every "development" has been salutary. Certainly some of these developments have led to unfortunate and improper theological understandings and questionable "moral" practices, even as we would judge that overall the general development is basically good, biblically informed, and led by the Spirit. The study of the history of moral theology is helpful also for a sense of perspective, and to see beyond the immediacy of any particular moment. The study of the history of moral theology is helpful also for a sense of perspective, and to see beyond the immediacy of any particular moment. A good study of history can also free us from the confines of our more recent history. As Keenan observes, "Historical investigation has served as a

corrective. It has effectively repudiated the manualists' general claims regarding the unchangeability of moral truth." (Keenan, "Moral Theology and History, p. 93.).

- B. Bibliographical Footnote: I'll be using Mahoney primarily in this course, but see below for some other helpful titles.
1. John Mahoney, S.J. *The Making of Moral Theology: A Study of the Roman Catholic Tradition*. The Martin D'Arcy Memorial Lectures, 1981-2. Oxford: Clarendon Press, 1987.
 - a. Treats the development of moral theology from a thematic perspective. Is to be read by all in its entirety as a course core text.
 2. Bernard Häring, C.Ss.R. "How Free and Creative Was and Is Moral Theology?" Chapter Two in *Free and Faithful in Christ: Moral Theology for Priests and Laity: Volume I, General Moral Theology*, 28-58. Slough: St. Paul Publications, 1978.
 - a. Also found in Ronald Hamel and Kenneth Himes, *Introduction to Christian Ethics: A Reader*. New York: Paulist Press, 1989. An anthology of generally excellent articles arranged topically on the major themes of fundamental moral theology. Well-known Catholic and Protestant authors are represented, though mainly Anglophone from the North Atlantic region. The selection by Häring gives a good basic overview of the history of moral theology in the light of Häring's organizing themes of creative freedom and fidelity.
 3. Richard A. McCormick, S.J. "Moral Theology 1940-1989: An Overview." *Theological Studies* 50 (1989): 3-24.
 - a. Presents a thematic overview of the last fifty years of moral theology, especially as its development was reflected in various articles published in *Theological Studies*.
 4. See McCormick's collected Notes on Moral Theology, published annually in *Theological Studies* from 1965-1984, collected and published as two volumes: *Notes on Moral Theology: 1965 through 1980*. Boston: University Press of America, 1981, and *Notes on Moral Theology: 1981 through 1984*. Boston: University Press of America, 1984.
 5. Continue to "track" the March issue of *Theological Studies*.
 6. John A. Gallagher, *Time Past, Time Future: An Historical Study of Catholic Moral Theology*. New York: Paulist Press, 1990.
 - a. Treats particularly the history of moral theology as it moved from the neo-Scholasticism and neo-Thomism of the manualist tradition through Conciliar and post-Conciliar developments.
 - b. Title taken from a line from T.S. Elliot's "Four Quartets" (Burnt

Norton): "Time present and time past are both perhaps present in time future and time future contained in time past."

7. Raphael Gallagher, C.Ss.R. "Fundamental Moral Theology 1975-1979: *A bulletin-analysis of some significant writings examined from a methodological stance.*" *Studia Moralia* 18 (1980): 147-192.
 - a. Looks at recent moral syntheses in terms of four basic and dominant methodologies for formulating moral theology, based on: 1) a consciously constructed system of adequately formulated material norms as the first and principle step; 2) an explicitly articulated system of a coherent Christian ethos; 3) giving coherence and continuity to moral analysis through a systematic reflection on morally relevant experiences; 4) searching for the historical continuity with past forms and placing a statement of contemporary moral theology in the context of present historical and cultural realities.
 - b. Quite well-done, though, with a very few exceptions (e.g. Stanley Hauerwas), does not treat Protestants.

X. EARLY STAGES OF MORAL THEOLOGY

- A. Not a branch of *theologia moralis* really until the 16th century. Early development of the material would be tied generally with the notion of orthopraxis, i.e., the right living of the community of Christian disciples. A bit pious, but the biblical expression, "by their love for one another, they shall know they are Christians," is accurate of the early "moral theology" of the Church. Certainly we can read much of the Pauline literature in this light: i.e., what does our identity as followers of Jesus Christ require of us in the concrete? Thus, it would be correct to say that the early emphasis of moral theology fell in the area of Christian spirituality as lived in the concrete.
- B. Development of a theology of sin and its relation to the development of moral theology. Here Mahoney's first chapter is key. He notes in particular three negative aspects of the theological heritage of the Penitentials and the whole of moral theology up to Vatican II: "a preoccupation with sin; a concentration on the individual; and an obsession with law." [Mahoney, Making, p. 27]. However, don't vilify the Penitentials; they had many positive aspects, and represented in particular an important practical reflection on the notion of moral responsibility and factors which would increase or decrease that responsibility, e.g., "ignorance, inadvertence, carelessness, and contempt." [Mahoney, Making, p. 8.], plus "circumstances" and "intention." Eventually this will be developed into a fairly complex casuistry, but at the outset it is good to recall the "catechism" teaching on sin and moral responsibility.
- C. Three requirements for "serious sin"
 1. Serious (or grave) matter
 2. Sufficient knowledge and reflection
 3. Sufficient consent (freedom)

- D. Three aspects for evaluation of moral acts (the so-called *fontes moralitatis* or “fonts of morality”)
 - 1. The moral nature of the action in itself
 - 2. Circumstances impinging on the action (cf. *ST I-II*, q. 18, aa. 10-11)
 - 3. Intention of the agent
 - 4. We will discuss these, as well as the concept of *intrinsece malum in se*, in much greater detail throughout the course.

XI. THE AUGUSTINIAN LEGACY FOR MANUAL THEOLOGY

- A. See Mahoney's Chapter 2, and we will return to these themes throughout the course. It is important to read Augustine also in an historical mode, and not deify nor vilify him in the abstract.
- B. Historical currents of Manichaeism, Neo-platonism, and Stoicism
- C. Augustine's Theology of Sin, and subsequent development of distinction between mortal and venial sins. This raises, however, the recurring question of whether the notion of the biblical voice is that which functions as the *norma normans* or not. Augustine's moral pessimism can be seen in his development of the notion of original sin, as Mahoney observes: "For Augustine that original sin of Adam disrupted for all human time the divine order of things,..." [Mahoney, p. 46].
- D. *Massa damnata*: "The melancholy consequence of that original sin is that human nature is vitiated, and lust and ignorance are its lot, to such an extent that it lacks even the ability to appreciate the full seriousness of that first wicked act of disobedience which resulted in the whole human race, which had its roots poisoned in Adam, being a 'condemned through', a *massa damnata*." [Mahoney, p. 46.]
- E. Augustine's theology of grace and its relation to the moral life: Sanctifying and actual grace, and the latter would seem to suggest that we are *always* assisted to do the right and moral thing, no matter how difficult.
- F. Yet, keep in mind another ancient maxim: '*Deus impossibilia non iubet*' ("God does not command of man things which are impossible to do"): "The principle that God asks of no one what is impossible but that his grace is always available thus was confirmed as a central moral and pastoral principle in moral theology in general and in the Church's moral teaching." [Mahoney, p. 53.] "... applied in 1930 by Pope Pius XI, in his encyclical on marriage [*Casti connubii*], as a theological and pastoral comment on his condemnation of the practice of contraception." [Mahoney, p. 53.]. In short, if something is virtually “impossible” it is highly doubtful that it is really being commanded by God.
- G. Mahoney's 3 reflections on the maxim *Deus impossibilia non iubet* (cf. Mahoney, pp. 55-57)

1. “The first is to ask whether the principle, as understood by Augustine, is unduly separatist, bot in its consideration of man in himself and in its consideration of man within society.” p. 55
 2. (Due to Augustine’s Neo-platonist background [i.e., how his philosophical “organizing metaphor” shapes his theological world view])
 3. “For him, grace is almost exclusively isolated in the will of man, in its attempts to exercise a spiritual mastery over the whole self.” p. 55.
 4. Mahoney notes that this view “has result for the Church in an impoverished view of grace which locates it for all practical purposes in the human will, as enabling the individual through sheer supercharged will-power to overcome all other personal and social deficiencies in his attempt to comply with God’s commands. “Such a separatist view of grace, remote from the totality of the person and abstracting from other resources, or their lack, can easily sound like maintaining that a sufficiently high grade of petrol in a car will substitute for a faulty clutch of even for a lack of viable roads.” p. p. 55. [or to use a more home-spun metaphor, it gives us a Catholic sense of “guilt” as expressed in Garrison Keillor’s parish of “Our Lady of Perpetual Responsibility”] So Mahoney argues for the expansion of the notion of grace, especially into the social dimension. (Cf. p. 56)
 5. “A second reflection on the Augustinian maxim that God does not command the impossible is to do with the theology underlying this principle, and with noting that it is primarily a statement God, and not about man’s moral abilities.” p. 56.
 6. [Thus, if we find something to be virtually impossible we should be virtually certain that God has not commanded it!] “The harder thing isn’t the better thing, it’s just harder.”
 7. “The third reflection which the principle that God does not command the impossible evokes is that, from the beginning to end of the history of the origin and application of this principle, it appears presumed that we always know exactly what God’s commands are.” (Mahoney, p. 57.)
 8. [This, and the two preceding “reflections” point to many and varied problems and problematic implications, not the least of which is voluntarism]
- H. Augustine's theology of sexuality (which I treat in greater detail in the course on sexual ethics)
1. One representative quote, though, speaking about *Casti connubii*:
 2. “In so faithfully following Augustine in logic, sentiment, and even tone of language, this twentieth-century Church teaching on Christian marriage [*Casti connubii*] may be seen as the outstanding modern instance in recent moral theology of the legacy of Augustine. For him, sexuality was exercised either for children [i.e, procreative intent] or for lust.” (Mahoney, p. 60).

XII. THE INFLUENCE OF NOMINALISM

- A. Basic philosophical position: "According to nominalism, only individual realities exist. They are unique in their singular existence. Universals are simply convenient labels, having no reality in themselves and only nominal value. Within the moral domain, reality lies in the individual decision of the free will." Servais Pinckaers, O.P., *The Sources of Christian Ethics*, trans. Sr. Mary Thomas Noble, O.P., (Washington, D.C.: Catholic Univ. of America Press, 1995): 242.
- B. Understanding of God and relation to the human moral life
1. "Ockham contrasted human freedom with the freedom of God. His thought was dominated by the idea of the divine omnipotence, which enabled him to carry his idea of freedom to an absolute degree. For him, the divine will was totally free; it governed moral law itself and all the laws of creation. What God willed was necessarily just and good precisely because he willed it. Law, and all moral value or qualification, flowed from his will." (Pinckaers, p. 246.)
 2. As a corrective to this view keep in mind Thomas Aquinas' teaching on God as the *summum bonum* (Supreme Good) of human life. Thus, for Thomas true human flourishing and "following God's will" will coincide, as Thomas expressed in the *Summa contra gentiles*, namely that "We do not offend God except by doing something contrary to our own good." (*Summa contra gentiles* 3, ch. 122)
 3. Also very helpful here is Fuchs' article, "Our Image of God and the Morality of Innerworldly Behavior" Ch. 3 in his *Christian Morality: The Word Became Flesh* (Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987).
- C. Moral obligation and its relation to voluntarism
1. "Thus divine and human freedom were conceived as two absolutes, but with this difference: God was omnipotent in regard to his creatures could, consequently, impose his will upon us." (Pinckaers, p. 247).
 2. Understood in general as placing the emphasis on morality as the fulfilling of God's will and/or commandments which God "legislates" for God's creatures.
- D. Voluntarism and the Notion of Moral Goodness/Rightness
1. Issue arises of relation of God's will to moral goodness, i.e., is something "good" only *because* God so wills it and God could will otherwise, or is something good in itself, which even God could not change without destroying God's own nature?
 2. Problematic aspect of voluntarism is understanding morality and moral goodness in this first sense, i.e., something is good only because God so wills it, and the moral response is to obey this divine "law," moral goodness then being predicated on simple obedience. Thus, law becomes the ultimate and supreme

norm of the moral rightness of human action.

E. Connection to the growth of casuistry

1. "Human action then would be made up of a succession of free decisions or independent acts--cases of conscience as they would later be called--having only superficial relation to one another. Each would have to be studied in isolation. Like each individual person, each act became a kind of absolute, like a small island." (Pinckaers, p. 244).
2. This portrait is a bit of an oversimplification and even a caricature of casuistry!
3. Nevertheless, Pinckaers is correct in pointing out that the emphasis on casuistry did seem to have as a negative counter-effect a de-emphasis on the theology of virtues and the moral development of the Christian character.

F. Distortion of Natural Law in Nominalism

1. "Moral obligation was determined and refined by law. Law therefore confronted human freedom in the form of obligations issuing from the divine will and, to some extent, assumed the role of this will." (Pinckaers, p. 248).
2. "Natural law was no longer based, for him, on human nature and its inclinations, which reason could reveal. It consisted rather in the authority of right reason presenting directly to the human will the orders and obligations that emanated from the divine will, without there being any need whatsoever to justify them, since the justification of law could be found only in the divine will itself." (Pinckaers, p. 249).

XIII. DEVELOPMENT OF MANUALIST MORAL THEOLOGY

A. Scholastic framework of four basic "treatises"

1. Law
2. Conscience
3. Human acts (i.e., *actus humanus*)
4. Sins

B. Very strong over-arching legal model

1. Strong relation to canon law and proper administration of the sacraments
2. Practical moral reasoning expressed in casuistry

C. Impact of the Protestant Reformation and the Council of Trent

1. Look at some of the principal theological assertions of the Protestant Reformers

and note how they were "answered" in Catholic theology

- a. Rejection of Tradition and emphasis on *sola scriptura*
- b. Rejection of the natural law
- c. Emphasis on *simul iustus et peccator*
- d. Rejection of the ministerial priesthood and the celebration of certain sacraments, especially Penance

2. Theological response of Trent

- a. See in Mahoney (p. 23) the good excerpt from Trent, *DS* 1680-81 on need to confess sins accurately according to species and number, taking into consideration circumstances and other mitigating factors as well.
- b. Reiteration of the "Easter Duty"
- c. Development of seminaries and concomitantly the manualist tradition

D. Concerns and Themes Manualist Moral Theology Methodology

1. Model of the Church as *Perfect Society*

- a. I.e., that the Church should have all the basic institutions and structures of a civil society, (such as law, governmental structures, etc.), and in that sense be "perfect" (understand as being "complete" and NOT as being without fault or blemish!)
- b. Often associated with Robert Bellarmine
- c. Historically tied to the Pope as a temporal ruler, and which historically came to a factual end with the Italian *Risorgimento* in 1870 during the pontificate of Pius IX, but which still lingers on in many places and many ways.
- d. Theologically seen best as the Institutional Model of the Church
- e. See Avery Dulles' Book, *Models of the Church*.
 - (1) Important to read his critique of the institutional model as the *sole* model.
 - (2) Recognize that since Vatican II we have been experiencing an ecclesial paradigm shift. Plus the "pendulum factor" in ethics.

2. Theological anthropology

- a. Nature and Supernatural

- b. Grace
 - (1) Sanctifying
 - (2) Actual
 - (3) Quantitative understanding of grace
 - (a) Metaphor of gasoline and a gas tank
 - (b) Led to over-emphasis on individual pious works to "merit" grace
 - (c) and concomitant de-emphasis on works of charity and perhaps consideration of social ethics.
 - c. Mahoney's Chapter 3 will be helpful here.
3. Basic understanding of the discipline of moral theology as such
- a. In the 16th and 17th centuries moral theology began to develop as a discipline distinct and separate from dogmatic theology
 - (1) "The development of moral theology as a separate discipline distinct from dogmatic theology began in the sixteenth and seventeenth centuries with the development of extended commentaries on the *Secunda Pars* of the *Summa Theologiae* such as those of Thomas de Vio (d. 1534), Francis de Vitoria (d. 1546), and Francis Suarez (d. 1617)." [Mark O'Keefe, OSB, "Catholic Moral Theology and Christian Spirituality." *New Theology Review* 7 (1994): 63.]
 - (2) Further elaboration and distinction with the development of moral manuals in the Post-Reformation seminary system, the *Institutiones theologiae moralis*.
- E. Implications of the Historical Split between Moral Theology and the Rest of Theology (and Spirituality): "The moral theology of the sixteenth and seventeenth centuries, however, manifested not merely a process of developing theological specialization but a bifurcation in the inherent relationship of the moral and spiritual dimensions of Christian living. Catholic moral theology, under the influence of the philosophy of nominalism, gradually became focused on acts, rules, and casuistry, losing the broader Thomistic emphasis on virtues in the context of a striving to attain the ultimate end. Discussion of virtue was reduced almost to providing an organizing structure for discussing the sinful acts that 'opposed' particular virtues. Catholic moral theology--all the way up to the manuals of moral theology in use before the Second Vatican Council--remained tied to and more akin with emphases in canon law than to dogmatic theology and spirituality." [O'Keefe, "Catholic Moral Theology and Christian Spirituality, p. 63]

- F. Casuistry and the Traditional Moral Manuals
1. Understanding of relation between moral theology and canon law
 2. Administration of the sacraments
 3. Development of high casuistry
 4. Examples of casuistic and moral manuals as vademecums
 - a. Heribert Jone, O.F.M., Cap. *Moral Theology*. Englished [sic] and adapted to the laws and customs of the United States of America by Rev. Urban Adelman, O.F.M. Cap. Westminster: The Newman Press, 1957, 1963.
 - (1) Translated into numerous languages.
 - (2) Figured in Graham Greene's *Monsignor Quixote*.
 - b. Antonio Arregui, S.J. *Summarium Theologiae Moralis. Ad recentem codicem iuris canonici accommodatum*. Editio tertia decima iuxta recentissimas declarationes Pontificiae Commissionis ad Codicis canones authentice interpretandos. Westminster MD: The Newman Bookshop, 1944.
 - (1) Arregui occupied the moral chair at the University of Deusto in Bilbao (1904-1915; 1918-1919). Succeeded by Marcelino Zalba, S.J. (1941-1962), who later went on to the Gregorian in Rome.
 - (2) Arregui's well-known moral compendium could serve as a good example of the popularity of this sort of moral manual: it went through 14 editions by the time of his death in 1942, and a further ten posthumously (revised by Zalba).
 5. Some cases of course were extremely profound and important, while others strike us now as a bit frivolous, such as Stanislaus Woywood's chapter on "False Teeth and Holy Communion." (cf. his *The Casuist: A Collection of Cases in Moral and Pastoral Theology*. Vol. 3. New York: Joseph F. Wagner; London: B. Herder, 1910, 1925.
- G. Some Pre-Vatican II Definitions and Descriptions of Moral Theology
1. Rev. Dublanchy, *Dictionnaire de théologie catholique*. Vol. 10. Paris: Letouzey et Ané, 1929.
 - a. "Moral theology is that part of theology which, in the light of revealed principles, treats of human acts from the point of view of their direction toward ultimate supernatural ends, or, according to the definition that one can deduce from Saint Thomas, it is the part of theology that treats

of human acts, *Secundum quod per eos ordinatur homo ad perfectam Dei contemplationem, in qua aeterna beatitudo constitit* (*Summa theol.* Ia, q. I, ad. 4)'. Or again, it has as its object 'the study of human acts considered according to their relationship of propriety or impropriety with the ultimate supernatural end willed by God as obligatory for all men, whether in their individual lives or in their social life'."

2. Msgr. Giuseppe Graneris. "Moral Theology." In *Dictionary of Moral Theology*. Compiled and edited by Francesco Cardinal Roberti and Msgr. Pietro Palazzini. Translated from the Second Italian Edition Under the Direction of Henry J. Yannone. London: Burns & Oates, 1962.
 - a. "The part of theology which deals with human actions and studies the rules of human conduct in their relationship to the principles of revelation is called moral theology. Christian ethics does not eliminate, but embraces and perfects, natural ethics. For this reason, moral theologians include in their treatises the norms of the natural law. The field of moral theology embraces natural and supernatural ethics. It is the function of moral theology to dictate norms for all human activities in order that they may conform to the principles of reason and Christian revelation." p. 1219.

H. Genre of the Moral Manual in Particular

1. Organization and approach: organized either around the Ten Commandments, or a consideration of human nature and the necessary virtues, contrasted with the sinful vices.
2. Further Examples
 - a. Edwin F. Healy, S.J. *Moral Guidance*. Revised by James F. Meara, S.J. Chicago: Loyola University Press, 1942, 1960.
 - (1) Revised edition of Healy's 1942 moral manual.
 - (2) Healy taught at the Gregorian.
 - b. Msgr. Antonio Lanza and Msgr. Pietro (now Cardinal) Palazzini. *Principles of Moral Theology, Vol. 1, General Moral Theology*. Translated by W.J. Collins, M.M. Boston: Daughters of St. Paul, 1961.
 - c. Henry Davis, S.J. (abundant copies in the GTU library).

I. Legalistic Model of Pre-Vatican II Manualist Moral Theology

1. [Need to explain all the following terms, and note that this material will come up again in the treatment of moral norms and the natural law.]
2. "All agree that the manuals of Catholic moral theology which existed until the time of the Second Vatican Council employed the legal model as primary.

According to the manuals of moral theology the proximate, subjective, and intrinsic norm of moral action is conscience. Conscience is the dictate of moral reason about the morality of an act. The remote, objective, and extrinsic norm of moral action is law. The function of conscience is thus to obey the law.

3. "Law is either divine law or human law."
 - a. "Divine law is twofold. First, the laws which // necessarily follow from God as the author and creator of nature involve the eternal law, which is the order or plan existing in the mind of God, and the natural law, which is the participation of the eternal law in the rational creature. Second, divine positive law comes from the free determination of God as the author of revelation."
 - b. Raises again the question of the relation of God to goodness: Is something good in itself (which God recognizes), or is something good *because* God says so?
 - c. Problematic with this second view
 - (1) Connection with moral voluntarism
 - (2) Often pastorally associated with scruples.
 - d. It might be helpful in this context to recall the point Thomas Aquinas made about "offending" God: "We do not offend God except by doing something contrary to our own good." (*Summa contra gentiles* 3, ch. 122)
 - e. "Human law has human beings as its author and can be either church or civil law.
 - f. "Note that all law shares in the eternal law of God and that human law must always be seen in the relationship to and subordinate to the natural law and the eternal law.
4. "Thus the manuals of moral theology view the moral life as conscience obeying the various laws." [Charles Curran, *Tensions in Moral Theology*, pp. 96-97].

J. Impact of the Pre-Vatican Moral Manual on Moral Theology as a whole.

1. Presupposition of the classicist mentality
 - a. A bit later on we will discuss the classicist model and the paradigm shift to a more historical model (seen in Brian Johnstone's article).
 - b. Work of Lonergan, summarized in Richard Gula's *Reason Informed by Faith* (see especially Gula's chart).
2. Homogeneous approach

- a. "The traditional approach to moral theology was the classical world view approach. ... Human nature is conceived as static and unchanging. It is seen as a norm which traverses time and culture. Culture and actions of any age may be judged according to that unchanging nature. Moral absolutes of a very specific nature can very easily be derived from such a firm unchanging base." [Patrick Boyle, *Parvitas Materiae in Sexto in Contemporary Catholic Thought*, (Lanham: University Press of America, 1987): 46.
- b. Thus, for example, in terms of sexual ethics, "Those who advocated this approach believed that the norm for sexual right or wrong could be known through the physical/biological nature." [Boyle, *Parvitas*, p. 46.
3. Neo-scholastic theology as "domineering" paradigm
4. Presentation of most of the major premises, theological anthropology, etc.
 - a. Expressed in propositional formulations
 - b. Largely taken for granted by men of sound mind and good will
5. Dissonant voices tended to be considered only to the point where they could be refuted, and then usually in a rather summary fashion. Thus, most Protestant ethicists, for example, dismissed out of hand.
6. Overall result: moral theology by definition (proposition) and and pastoral application by case (casuistry).
7. Casuistry sought to discover the morally relevant features and their relative moral weight, and disregard the rest, in order to arrive at a conclusion expressed in terms of a (re)statement of the relevant moral principle and its concrete application in this or that sort of case, which conclusion could then be used in analogous situations (understood in a rather strict sense).
8. Definite values of the moral manual.
9. Pastoral security of the classicist approach: "This classical world view approach had the advantage, pastorally speaking, of giving a person, faced with a moral decision, a high degree of certainty of the rightness or wrongness of an act. There is a certain clarity that is part and parcel of this approach even when the conclusions do not agree with a person's wants or desires." [Boyle, *Parvitas*, p. 46].
10. However, considerable limitations as well.

XIV. DEVELOPMENT OF THE NOTION OF THE MORAL MAGISTERIUM

- A. Thomas' understanding of twin authorities of Magisterium

1. Pope and bishops
 2. Teachers
- B. E.g. the University of Paris (and others) passing out sentences of excommunication and pronouncements of heresy.
- C. Later development, especially after the Council of Trent and the creation of a papal bureaucracy.
1. In this regard, the talk given by Archbishop John Quinn in June of 1996 is helpful to see how part of this same problematic remains today.
 2. See Quinn's "The Exercise of the Primacy." *Commonweal* 123 (12 July 1996): 11-20. This point is amplified and developed in his *The Reform of the Papacy: The Costly Call to Christian Unity*. Ut Unum Sint: Studies on Papal Primacy. New York: Crossroad, 1999.
- D. Greater centralization in Rome
1. Expansion of papal authority, culminating in the solemn definition of papal infallibility at Vatican I in 1870
 2. Role of the Holy Roman Office of the Inquisition
- E. Magisterium and Tensions with the Modern World
1. Development of liberalism in Europe
 2. Political revolutions of 1848
 3. Pontificate of Pius IX
 - a. Elected as a liberal in 1846
 - b. Would reign until 1878 (longest pontificate in history--to date!).
 - c. Forced to flee Rome in 1848
 - d. Became increasingly conservative
 - e. 1864 Encyclical *Quanta Cura* with the accompanying "Syllabus of Errors"
 4. Condemnation of religious liberty: "From which totally false idea of social government they do not fear to foster that erroneous opinion, most fatal in its effects on the Catholic Church and the salvation of souls, called by Our Predecessor, Gregory XVI [in his 1832 *Mirari Vos*], an insanity, viz., that "liberty of conscience and worship is each man's personal right, which ought to be legally proclaimed and asserted in every rightly constituted society; ...".

5. Contrast this with Vatican II's Decree on Religious Liberty, *Dignitatis Humanae*, [#2]: "The Vatican Council declares that the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions in religious matters in private or in public, alone or in associations with others. The Council further declares that the right to religious freedom is based on the very dignity of the human person as known through the revealed word of God and by reason itself.
6. Involves the notion of development of doctrine.
7. Pontificate of Leo XIII
 - a. Elected as a "caretaker" pope in 1878,
 - b. but would rule until 1903
 - c. Noted for the development of Catholic social teaching, especially *Rerum Novarum* which was published in 1890.
 - d. And whose centenary anniversary was commemorated by John Paul II's *Centesimus Annus*.
8. Modernist Crisis under Pius X
 - a. Succeeded Leo XIII in 1903 and reigned until 1914
 - b. *Lamentabili* issued in 1907
 - c. Oath against modernism and crack-down on seminary professors
 - d. As Archbishop Rembert Weakland has remarked, "Unfortunately, such periods [of "fervor for orthodoxy"] also produced, in addition to the cruelty mentioned, fear. In such an atmosphere, amateurs--turned theologians--easily became headhunters and leaders were picked, not by their ability to work toward a synthesis of the new knowledge and the tradition, but by the rigidity of their orthodoxy, so that often second-rate and repressive minds, riding on the waves of that fear, took over. [From his weekly pastoral column in the Milwaukee *Catholic Herald*, 11 September 1986.]

XV. DEVELOPMENT OF PAPAL INFALLIBILITY

- A. Historical Background connected to the development of the papacy itself
- B. Solemn definition of papal infallibility
 1. 1869-1870 Vatican I: Passage of the doctrine of papal infallibility

2. Worth reading!, contained in *Pastor Aeternus*, Dogmatic Constitution on the Church of Christ, Vatican I [**DS** 3074-3075].
 3. It is a divinely revealed dogma that the Roman Pontiff, when he speaks *ex cathedra*, that is, when, acting in the office of shepherd and teacher of all Christians, he defines, by virtue of his supreme apostolic authority, a doctrine concerning faith or morals to be held [*tenenda*] by the universal Church, possesses through the divine assistance promised to him in the person of Blessed Peter, the infallibility with which the divine Redeemer willed his Church to be endowed in defining the doctrine concerning faith or morals; and that such definitions of the Roman Pontiff are therefore irreformable of themselves, not because of the consent of the Church (*ex sese, non autem ex consensu ecclesiae*). But if anyone presumes to contradict this our definition--which God forbid--*anathema sit*.
 4. Note a certain "circularity" to the formulation and reasoning in this definition, as well as the implied limitations to this infallibility.
 5. First Vatican Council never concluded due to the Franco-Prussian War and the entrance of the Italian troops into Rome, and Pope flees to the Vatican
- C. Impact of notion of papal infallibility on the Conception and Development of Moral Theology
1. Pope as "answer man" on the moral questions of the day.
 2. Development of "lobbying" in the various schools of moral theology
 3. Procedures used in the formulation of papal positions: "papal moral theologians"
 - a. Example of Pius XI's *Casti connubii* and Arthur Vermeersch, S.J. of the Gregorian and Pius XII and Francis Hürth (also of the Gregorian).
 - b. More positive examples also, e.g. Johannes Schasching (of the Gregorian) and the social encyclicals of John Paul II

XVI. RENEWAL OF MORAL THEOLOGY IN THE 20TH CENTURY

- A. Movement in the 1950's
- B. Dissatisfaction with the manualist approach
- C. Attempt to find some central biblical theme, such as Law, Charity, etc., as the organizing concept for the moral manual.
- D. Key works
 1. Gerard Gilléman, S.J.

CE 2056 Fundamental Moral Theology

- a. Taught in India
 - b. *Le primat de la charité en théologie morale*. Brussels: Editions Desclée, 1954. *In English: The Primacy of Charity in Moral Theology*. Translated by William F. Ryan, S.J. and André Vachon, S.J. from the second French edition. Westminster MD: The Newman Press, 1959.
2. Bernard Häring's watershed work: *Das Gesetz Christi. Moraltheologie für Priester und Laien*. Freiburg: Erich Wewel Verlag, 1954.
- a. *In English: The Law of Christ: Volume 1, General Moral Theology*. Westminster: Newman Press, 1963.
 - b. Total revision in Häring's 1978 *Free and Faithful in Christ*.

XVII. VATICAN II AND MORAL THEOLOGY

A. *Optatam Totius*

1. Is a *Decree* (need to explain the distinction of the relative weight of various Conciliar documents).
2. Much of this material is summarized in James Bretzke's "Scripture, the *Soul* of Moral Theology: The Second Stage," *Irish Theological Quarterly* 60 (1994): 259-271.
 - a. Metaphor of Scripture as the "Soul" of theology.
 - b. *Locus classicus* is found in Vatican II's Decree on the Training of Priests, *Optatam totius*, at #16: "...Students should receive a most careful training in holy Scripture, which should be the soul, as it were, of all theology. ...They [seminarians] should learn to seek the solution of human problems in the light of revelation, to apply its eternal truths to the changing conditions of human affairs, and to express them in language which people of the modern world will understand. In like manner the other theological subjects should be renewed through a more vivid contact with the Mystery of Christ and the history of salvation. Special care should be given to the perfecting of moral theology. Its scientific presentation should draw more fully on the teaching of holy Scripture and should throw light upon the exalted vocation of the faithful in Christ and their obligation to bring forth fruit in charity for the life of the world."

B. *Dignitatis humanae*

1. Is a *Declaration*.
2. Acceptance of religious freedom as a basic human right.

CE 2056 Fundamental Moral Theology

3. Influence of the American experience of living in a pluralistic democracy
4. Role of John Courtney Murray, S.J. in the drafting of this document.
5. Fiercely opposed by Cardinal Ottaviani and others.
6. See Xavier Rynne's work on Vatican II.

C. *Gaudium et spes*

1. Is a *pastoral* constitution (as compared to a dogmatic constitution).
2. Importance of a constitution addressed to the whole world
3. Recognition of the presence of the Holy Spirit in non-Catholics *and* non-Christians.
4. Fight over the title as well as the whole document.

XVIII. POST-VATICAN II DEVELOPMENTS IN MORAL THEOLOGY

- A. Birth Control Commission and subsequent *Humanae vitae* crisis
- B. Situation ethics debate occasioned by both *Humanae vitae* and the publication of Joseph Fletcher's 1967 *Situation Ethics*.
- C. Development of theory of proportionalism
- D. New approaches to the moral manual

XIX. A TAXONOMY OF CONTEMPORARY CHRISTIAN ETHICS AND MORAL THEOLOGY

- A. Plurality of approaches in this schematization; try to avoid "excommunication." The following approach highlights more Roman Catholic authors who are known and/or translated in English
- B. Bernard Häring, C.Ss.R. (Born 1912, died 3 July 1998) and the Redemptorist School
 1. In the moral pastoral tradition of St. Alphonsus Liguori, C.Ss.R.
 2. Bernard Häring's scriptural thematic approach
 3. Marciano Vidal, C.Ss.R.
 4. Sean O'Riordan, C.Ss.R.
 5. Greater pastoral breadth and sensitivity
 6. Oriented more to the concrete and particular

- C. Josef Fuchs and the Gregorian School
 - 1. Transcendental Thomism
 - 2. Rahnerian theology
 - 3. More heavily Philosophical in basic approach
 - 4. Role of Proportionalism
 - 5. Concerned more with questions such as
 - a. nature of moral norms
 - b. natural law
 - c. intrinsically evil (*intrinsece malum*) acts and the understanding of this concept
 - d. relationship of *epikeia* to understanding of the natural law
 - 6. Other key figures
 - a. Alfons Auer
 - b. Franz Böckle
 - c. Klaus Demmer, M.S.C.
 - d. Richard McCormick, S.J.
 - e. Bruno Schüller, S.J.
 - f. And a host of their former students, such as James Keenan, S.J. and Thomas Kopfensteiner.
- D. Louis Janssens and the Louvain School
 - 1. Personalist morals
 - 2. Key Figure: Louis Janssens
 - 3. Other figures
 - a. Joseph Selling
 - b. James Walter
- E. H. Richard Niebuhr and (earlier) James M. Gustafson

1. Importance of Scripture
 2. Notion of "Revealed Reality"
 3. God as enabler, thus, enabling humans to make a "fitting" response to the concrete situation here and now.
 4. Human person are responsible for these fitting responses.
 - a. Yale and the University of Chicago
 - b. Some important Catholic representatives
 - (1) Lisa Sowle Cahill
 - (2) Margaret Farley, R.S.M.
 - (3) William C. Spohn
 - (4) David Hollenbach, S.J.
- F. Situation Ethics and Theology of Compromise School
1. Joseph Fletcher
 2. Other proponents
 3. Charles Curran
 4. Daniel Maguire
- G. Moral Rigorists
1. Marcelino Zalba, S.J.
 2. Carlo Caffarra
 3. Servais Pinckaers, O.P.
 4. Germain Grisez
 5. John Finnis
 6. William E. May
 7. Msgr. William B. Smith
 - a. St. John's Seminary for New York (Dunwoodie)

CE 2056 Fundamental Moral Theology

- b. Current "answer man" for *Homiletic and Pastoral Review*.
 - 8. Opus Dei theologians
 - H. Moral Theologians of inculturation
 - 1. Importance of social location as key criterion for doing moral theology
 - 2. Latin America and Liberation Theology
 - a. Stress on social sin and structural evil
 - b. Liberation as key biblical theme
 - c. Examples
 - (1) Antonio Moser and Bernardino Leers
 - (2) José (Joseph) Comblin
 - (3) Enrique Dussel
 - 3. Asia
 - a. Indian sub-continent: Aloysius Pieris, S.J., etc.
 - b. Philippines: Antonio Lambino
 - c. Chopstick countries
 - (1) Confucian countries and/or culture
 - (2) Buddhist
 - (3) Minjung theology
 - 4. Africa
 - a. Particular problems in African setting
 - b. Bénézet Bujo
 - I. Summary remarks on this schematization
 - 1. Obviously this sort of an approach will always be rather oversimplified.
 - 2. There is overlap and some theologians obviously could be placed in more than one school. We will *not* take account of all of these theologians during this course, but I think it is important to have some "name recognition" of these contemporary figures.

3. Where I might place myself: educated initially at Weston by Sr. Mary Emil Penet, I.H.M., a disciple of Josef Fuchs and by William Spohn at JSTB, with my doctorate done at the Gregorian. Studied under Josef Fuchs and Klaus Demmer at the Gregorian, though I would *not* call myself a disciple of either. Nevertheless, especially due to my years of teaching at the Gregorian, I do know fairly well the moral autonomy school of Fuchs, Demmer, et. al. I find very congenial the basic approach of Bernard Häring, H. Richard Niebuhr, and the early James Gustafson as well as many of the insights of Josef Fuchs and Louis Janssens and the Louvain School. However, I also think it very important to move beyond the Anglo-European axis and consider other voices and approaches. Therefore, I consider important the contribution of the group I labeled moral theologians of inculturation and other *Christians*, Protestants and Orthodox. Of course, we cannot ignore the world which is not explicitly religious, nor should we discount voices of philosophers, sociologists, historians, etc.

XX. VARIOUS MODELS PRESENT IN CONTEMPORARY MORAL THEOLOGY, CHRISTIAN ETHICS, AND PHILOSOPHY

- A. Model of Individual perfection
 1. Psychological models
 2. Voluntarism
- B. Juridical model
 1. Minimalism
 2. Tutorism, probabiliorism, probabilism
- C. Philosophical models
 1. Various, but common point is the pre-eminence given to the philosophical sector and methodology
- D. Scriptural models
- E. Social ethical model: "So the idea of social justice curves back to a model of salvation through the notion of a new creation. All the experiences of tension come back to the call for a new beginning, a making-new, here in the earth, of all the potentials of all living creatures. Models of social justice are clearly models of change." [Michael Keeling, *The Foundations of Christian Ethics*, (Edinburgh: T. & T. Clark, 1990): 27.]
- F. Contextual and/or Inculturation Model
- G. Liberation theology model
 1. Example of overlapping model

2. Clearly in the social ethic model, as well as in the Biblical model and the inculturation/contextual model.
- H. A "Non-Model" would be one which denied or totally eclipsed the function of one of the 4 sectors
1. Magisterial positivism
 2. Moral skepticism and/or nihilism
 3. Karma and/or Fate

XXI. CHRISTIAN THEOLOGICAL ANTHROPOLOGY OF THE MORAL PERSON

- A. Basic task of Christian ethics is to develop a realistic and complete model of the human person. One that is realistic and complete, and therefore, particular and universal. *Both* aspects are essential to a proper understanding of morality. There is no universal morality that exists on a meta-human level.
1. Cf. Norbert Rigali's "Christian Morality and Universal Morality: The One and the Many." *Louvain Studies* 19 (1994): 18-33.
 - a. Responds to Charles Curran's critique of Rigali's position, made in Curran's "Catholic Social Teaching and Human Morality" (in *One Hundred Years of Catholic Social Thought: Celebration and Challenge*, ed. John A. Coleman, S.J., Maryknoll: Orbis Books, 1990)
 - b. Rigali in turn further elaborates his original position on the relationship between universality and particularity in Christian morality, which position critiques that of Fuchs, Curran, and others of the moral autonomy school. Rigali teaches moral theology at the University of San Diego.
 2. Here, contributions from non-Western cultures will be important, and as a point for inculturation. For example, "Francis Hsu claims, for example, that different patterns of relationship, different ways of conceiving what it is to be 'a human being', in China and Japan compared with Europe and North America account for the low penetration by Christianity into these societies." [quoted in Michael Keeling's *Foundations*, p. 209]
- B. Some Philosophical Understandings of the Human Person
1. How one views the human person will have great impact on how one conceives morality.
 2. Essentialist--a human *nature*
 - a. Scholastic tradition which views the human person as being morally

obligated to respects the ends of this nature. However, the question arises as to what constitutes the essential "nature" and what are changeable aspects. We can see this issue easily with the identification of certain traditional roles with one's sexual gender.

- b. There are additional problems, as we shall see with physicalism, and the use of a philosophical language which is no longer really current.

3. Universalist moral agent

- a. Kantian, e.g., treat a person as an end, and never as merely a means; or Act so that moral actions can be universalizable (i.e., categorical imperative)
- b. Strong emphasis in the Enlightenment, and a heavy stress on individualism, and individual human rights.
- c. However, it would be good to note Alasdair MacIntyre's critique of this view: "To be a moral agent is, on this view, precisely to be able to stand back from any and every situation in which // one is involved, from any and every characteristic that one may possess, and to pass judgment on it from a purely universal and abstract point of view that is totally detached from all social particularity." [MacIntyre, *After Virtue*, pp. 31-32]

4. Moral Person as Social Being

- a. The person by nature tends to communion and therefore to community. This implies a "moral community" and its attributes (such as character and common good) to be concepts of fundamental importance.
- b. Working out of the work of Jacques Maritain, David Hollenbach expresses this understanding of the human person in the following way: "Personal existence is existence in relationship to other persons. Subpersonal beings, in contrast, can only exist in spacial juxtaposition to each other. They cannot form communities, but only physical collectivities. The capacity for community, therefore, is a positive perfection of personality. For this reason the dignity of persons can be realized only in community, and genuine community can exist only where the dignity of persons is secured. Personhood and community are mutually implicating realities." [From David Hollenbach's "The Common Good Revisited." *Theological Studies* 50 (1989): 86.]
- c. Thus, this complex of affirmations is also the ground for our social ethics
 - (1) True end of the human person(s)
 - (2) Dignity of fellow human beings

(3) Notion of the common good.

- d. Hollenbach notes that ""The biblical story of the Exodus remains revelatory of the fundamental moral basis of human existence: liberation is *from* bondage *into* community--into a community of persons who are both free and co-responsible for one another's fates. This biblical insight has strong parallels in the common-good tradition in authors such as Aristotle, Cicero and Thomas Aquinas." [Hollenbach, "Common Good Revisited," p. 93.]

5. Moral Agent as *Character*

- a. Importance of social roles and moral models
- b. Narrative: in many ways our "story" of who we are, individually and collectively, is the most intuitive and experientially based way of getting at the "human"--since as humans we live in time, which is connected from beginning to middle to end by our "stories" of who we are. This narrative dimension does stand in a certain amount of tension, if not opposition to a more "essentialist" or "nature-based" anthropology.
- c. Communal focus
- d. Greater prominence given to both the positive and negative role of the emotions in moral life and action. Virtues, as they relate to character formation, will have greater prominence in this theory, as well as attention to the social particularity of the moral agent. This view has stronger biblical basis, especially in reference to discipleship, as well as greater correspondence in other ethical systems, such as Confucianism.
- e. As well, as more congenial to existentialism.
- f. Cf. also the work of Alasdair MacIntyre and Stanley Hauerwas.

C. Classical Christian understandings of the human person

1. Created by God

- a. Therefore, like all of God's creation, basically and intrinsically good. Thus, our human worth and dignity does *not* rest on any accomplishment or inheritance of our own beyond that simple fact that we owe our fundamental worth and dignity to the fact that God has created us. As Richard Gula notes "If we were to identify ourselves with a role (I am a CEO), an achievement (I am a marathon runner), or a social attribute (I am productive), then we would miss the truth that our dignity comes primarily from our relationship to God. To say that each person is sacred is to say that our worth or dignity is a gift of God." Richard Gula, *The Good Life: Where Morality and Spirituality Converge*, (New York: Paulist Press, 1999): 12.

- b. Cf. Genesis 1:31--2:1

Gen 1:31 God saw all that he had made, and it was very good. And there was evening, and there was morning-- the sixth day. Thus the heavens and the earth were completed in all their vast array. (NIV)

- c. Also interdependent in and with the rest of creation. Again we can refer to the Genesis account: e.g. cf. Genesis 1:27-30

So God created man in his own image, in the image of God he created him; male and female he created them. God blessed them and said to them, "Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish of the sea and the birds of the air and over every living creature that moves on the ground." Then God said, "I give you every seed-bearing plant on the face of the whole earth and every tree that has fruit with seed in it. They will be yours for food. And to all the beasts of the earth and all the birds of the air and all the creatures that move on the ground-- everything that has the breath of life in it-- I give every green plant for food." And it was so. (NIV)

- d. For humankind this mandates stewardship, not rapacious exploitation.

2. Embodied spirit

- a. As Tertullian (3rd century North African patristic author) said in his *On the Resurrection of the Flesh*, ch. 8, *Caro cardo salutis* [The flesh is the hinge on which salvation depends].

- b. Authentic orthodox Christian anthropology holds that we are *embodied* spirits, NOT a separable dualistic combination of body and spirit.

- c. This will be very important for a correct vision of important parts of applied moral theology as well, especially sexual ethics and bioethics.

- d. More on this facet later when we take these areas in detail.

3. Designed for God

- a. St. Augustine

- b. "Our hearts are restless until they rest in thee." *Confessions*

4. Reflection of God

- a. Book of Genesis: Created in the image of God, male and female (*imago Dei*)

- b. St. Irenaeus: *Gloria Dei Vivens Homo* ["The Glory of God is the Human Person--Fully Alive." *Adversus Haereses*, Bk IV, ch. 20, sec. 7.

- c. Importance of link of moral theology to spirituality. There was an unfortunate historical division of these two, in which moral theology was tied to law, often canon law, and/or proper administration of the sacraments language of sanctions, etc, which in turn led to a *minimalist* concept of moral fulfillment. On the other hand spirituality was tied to "ascetical theology" in which Christian "perfection" was conceived as the essential goal, mandated for "professionals" such as priests and religious to which the laity were largely "exempted" or dispensed. Such a split has been resolved, in theory at least, in Vatican II, especially in *Lumen Gentium* ch. 5 "The [Universal] Call to Holiness" and the role of the apostolate of the laity.
5. United in Christ
 - a. Neither Jew nor Greek, male nor female, slave nor free for you are all one in Christ (Gal. 3:28)
 - b. An "illuminative" use of Scripture
 - c. Cf. Paul's theology of the Mystical Body of Christ
 6. Theological importance of understanding the Trinity as a relation of *persons*
 - a. As Charles Curran notes, "The persons of the Trinity are revealed to us for our salvation. The divine Trinity of persons in God are in relationship—for one another and for us. Through our salvific relationship with the Trinity, we too become persons in relationship for others. Salvation is not a 'me and Jesus' relationship but // concerns the whole person in the totality of one's relationships. The significance of the Trinity highlights the relational ontology of the human person." Charles Curran, *The Catholic Moral Tradition Today*, pp. 92-93.
 - b. Moreover, to return to David Hollenbach's discussion of Jacques Maritain, "He maintained that the fact that persons are essentially relational beings has its supreme exemplification in the reality of the Trinity, the fact that God is not a monad but a communion of 'subsistent relations'. To the extent that a being is personal, it will be a being-in-relation-to-other-persons." [Hollenbach, "Common Good Revisited," p. 86. {Maritain, p, 56}].
 - c. Similarly, the Protestant theologian, Gilbert Meilaender, avers, "for Christians the concept of 'personhood' cannot help but be a theological one." [Meilaender, *Faith and Faithfulness: Basic Themes in Christian Ethics*, (Notre Dame: University of Notre Dame, 1991): 45.
 - d. Helpful to relating our understanding of the human more in terms of "person" (relation) rather than "nature" (abstract essence).
 - e. Special significance of Jesus Christ, the Second *Person* of the Trinity,

incarnated, etc. for our Christian anthropology.

f. See also L. Gregory Jones' *Transformed Judgement: Toward a Trinitarian Account of the Moral Life*. Notre Dame: University of Notre Dame Press, 1990.

(1) Argues that the most superior form of moral judgement is one grounded in and lived in the presence of the mystery of the Triune God. Jones avers that the primary friendship a person should have is with God. Also discusses and critiques the work of Alasdair MacIntyre, Stanley Hauerwas, and others.

7. Social ethical implications of theological anthropology: "First, since it belongs in the nature of an image to imitate (in varying degrees and ways) the being and activity of the thing imaged (with the being and activity of God those of pure spirit knowing, loving, and creating), humans imitate God by reason of their intellectual nature and faculties for knowing and loving. Second, due to the creation as images and likeness of God, the Judaeo-Christian tradition maintains that all human beings have transcendent value, worth, and dignity--in ethical literature, this transcendent value is usually referred in // shorthand form as 'human dignity'. Third, because of this human dignity, the Judaeo-Christian tradition declares that all humans are thus entitled to certain rights, and all societies, governments, and individuals are morally bound to respect these rights. At the heart of all ethic discussion of human rights in the Judaeo-Christian tradition, therefore, is the understanding/belief/doctrine that all men and women have been created by God in God's image, and thus have been endowed with inalienable rights." (From Michael A. Evans, S.J. "An Analysis of U.N. Refugee Policy in Light of Roman Catholic Social Teaching and the Phenomena Creating Refugees." Ph.D. Dissertation for the Graduate Theological Union, 1991.): 83-84.

D. Historical Nature of the Human Person

1. Under-emphasized in scholastic framework, which instead placed the stress on the immutable common aspects of human nature. The importance of the recognition of the historicity of the human person will dovetail with our consideration of the shift of paradigms from physicalist to personalist (to be taken up shortly). Vatican II noted the historical nature of the human person primarily in two documents, *Gaudium et spes* and *Dignitatis Humanae*.
2. *Gaudium et spes* noted
 - a. "the relation between the transcendental worth of persons and the historical realization of this worth [which] leads it to conclude that the full implications of dignity of the person cannot be known or affirmed apart from the concrete conditions of an historical epoch." [David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, (New York: Paulist Press, 1979): 70.
 - b. "The permanent demands of human dignity and the historical form

these demands now take are not viewed as if they were two levels or planes running parallel to each other." [Hollenbach, Claims, p. 74.]

3. *Dignitatis Humanae*

a. Declaration on Religious Liberty (1964)

b. DH gives "an important key to the problem of the foundation, interrelation and institutionalization of human rights. Responsible use of freedom defines the very nature of social morality. The definition of the content of this responsibility must occur within the context of changing cultural and social structures." [Hollenbach, p. 77.]

4. Importance and elaboration for these fundamental insights for social ethics.

5. The historical dimension of personhood means that the human person is always a "someone who"--a someone with a history." [Meilaender, Faith, p. 46.]

a. If this is what it means to be a person, an obvious question faces us: How shall we locate or come to know persons if we are not to identify their personal existence with possession of certain qualities?

b. And the answer is clear. If a person is a 'someone who', a someone with a history, we can know him or her only by entering into that history, only by personal engagement and commitment--or what Christians have called love." [Meilaender, Faith, p. 46.]

c. "If we do not tie ourselves to them in a common history, no bond is formed and no value disclosed." [Meilaender, p. 47.]

E. Cultural: Our basic modality of being human

1. The only way we can be human is to be human in a particular culture. There can be no "acultural" or "non-cultural" human nature in a meaningful sense of the term. Once you remove culture from a human being the resulting (abstract) construct ceases to be genuinely "human."

2. Theologically, Christ's Incarnation into a particular time and place, into a given culture, should be interpreted not as God's canonization of 1st century Palestine over against other times and cultures, but as God's acceptance and ratification of our way of being human.

3. In Matthew's Gospel Jesus' final commission (Mt. 28:19) is to go and make disciples "of all nations" though this is somewhat of an anachronistic mistranslation of the original Greek, which is *παντα τα εθνη* [panta ta ethne]. This line would be more accurately (and literally) rendered as "to all ethnicities"--in other words to men and women of every culture.

4. This observation ties in with the basic thrust of inculturation, which according to *Evangelii nuntiandi* (Paul VI's Apostolic Exhortation on Evangelization) should

go to the very heart of a culture, and not stop at a superficial adaptation.

5. The relevant passage reads as follows: "All this may be summarized thus: evangelization is to be achieved, not from without, as though by adding some decoration or applying a coat of colour, but in depth, going to the very centre and roots of life. The gospel must impregnate the culture and the whole way of life of man, taking these words in the widest and fullest sense which they are given in the constitution *Gaudium et Spes*. This work must always take the human person as its starting point, coming back to the interrelationships between persons and their relation with God." (EN #20).

F. Summary: Theological Marks of the Christian Understanding of the Human Person

1. Made in the image of God
2. Unique
 - a. Individual
 - b. Embodied spirit
 - c. Historical
3. Communal, social, cultural nature
 - a. Important to note here that the human person is also a *cultural* being
 - b. Concomitantly, moral theology and ethics will have to grapple not only with ethical systems, but also with various ethoses, which certainly have their dark sides.
 - c. In this view Karl Rahner refers to "global pre-scientific convictions" which reflect basic assumptions and cultural biases that affect moral analysis. [According to Richard A. McCormick's rendition of Rahner]: "... Rahner stated that such convictions are responsible for the impression we have that certain 'proofs' in moral theology assume from the outset the conclusion they purport to establish. In this fashion the conclusions are 'smuggled into' the premises of the argument. *Hineingeschmuggelt* is Rahner's sonorous word. He urged that one of moral theology's important tasks is the exposure and demolition of such prescientific convictions." [From Richard McCormick's "Value Variables in the Health-Care Reform Debate." *America* 168 (29 May 1993): 7.]
 - d. See also James T. Bretzke, "Cultural Particularity and the Globalization of Ethics in the Light of Inculturation," *Pacifica* 9 (1996): 69-86.

Abstract: Increased interest in the so-called "globalization of ethics" has led to a number of studies which utilize various hermeneutical and communicative theories to sketch out viable paradigms for developing a

fundamental Christian ethics as a whole, as well as its various components such as moral reasoning, which together would be capable of entering into and maintaining such discourse. The accent of most of these studies falls on the universalizability of ethical discourse and scant attention has been given to the cultural *particularity* of each and every ethos and ethical system. This article briefly rehearses the principal elements of the concerns raised by the globalization of ethics and then focuses on the *particularity* of culture using insights from both cultural anthropology and inculturation. The Confucian context of Korea is employed to illustrate some of the issues raised by greater attention to cultural particularity.

4. Ecological nature
 - a. Inter-relation and interdependence with the rest of nature.
 - b. Relatively recent "ethical" discovery!
5. Transcendent
 - a. Internal, innate drive to realize oneself in an authentic manner which process necessarily takes one *beyond* oneself in the concrete. As a number of psychologists, such as Victor Frankl, have noted it is only in devoting yourself to a search for meaning outside of ourselves that we are able to "complete" ourselves and give our existence meaning.
 - b. As Roger Burggraeve observes, "By devoting oneself to a 'meaning outside one's own skin', one completes the self. The more one is dedicated to this task, the more one is devoted to the other and the more one becomes human. Human existence, fundamentally, is self-transcendence and not self-actualization, since one ultimately does not long for happiness in itself but for a 'reason' to be happy. Self-actualization and happiness only reveal themselves as side-effects of the striving for meaning, values, or ideals. From the moment they are desired for themselves, they become unattainable." [Roger Burggraeve, "Meaningful Living and Acting: An Ethical and Educational-Pastoral Model in Christian Perspective." *Louvain Studies* 13 (1988): 139.]
6. Saved in Christ and called to New Life in Christ: Therefore, a person of faith, living in a community of believers, and thus our identity as disciples will have some particular sacred claim on our moral life.
7. Graced: Is a term for integrating the above elements in a Christian understanding
8. All of the above points should be kept in mind as we look at one or another aspect of the Christian understanding of the moral life.
9. Summary of Bernard Häring: "The believer cannot consider his terrestrial journey in a purely individualistic perspective as if it were merely the occasion for him to save his soul and to prepare for an other-worldly reward. Confronting

life in its transcendent dimensions, he realizes the uniqueness of the call to deploy his talents in the Lord's world and to labour in his vineyard as a member of the redeemed human family. This he accomplishes within a certain culture as a bearer of the greatness and the misery of past history and as co-creator of the future of many." [Häring, *Medical Ethics*, p. 66.]

10. Therefore, some conclusions:
 - a. "Our bodily life does not belong to us but to the One who has entrusted it to us for ourselves and for the service of our brethren." [Häring, ME p. 67.]
 - b. cf. Rm 14: 7-8: "For no one of us lives, and equally no one of us dies, for oneself alone. If we live, we live for the Lord; and if we die, we die for the Lord."
 - c. "Life, then, means existence in the saving solidarity of Christ with all men." [Häring, ME p. 67.]
 - d. "Readiness for God's final call is expressed by man's appreciation of each instant of his lifetime, and by vigilance for each favoured moment, in order to give our life its fullest sense in the service of others." [Häring, ME p. 67.]

XXII. KEY MORAL CONCEPTS

A. Freedom

1. Indispensable for morality: As John Paul II asserts: "The question of morality, to which Christ provides the answer, cannot prescind from the issue of freedom. Indeed, it considers that issue central, for there can be no morality without freedom: [quoting *Gaudium et spes* 11] 'It is only in freedom that man can turn to what is good.'" [*Veritatis Splendor* (6 August 1993), #34.]
2. Essential for human dignity: "Human freedom belongs to us as creatures; it is a freedom which is given as a gift, one to be received like a seed and to be cultivated responsibly. It is an essential part of that creaturely image which is the basis of the dignity of the person." (*Veritatis Splendor*, #86)
3. Liberty (freedom from)
4. Authenticity (freedom for)
 - a. Gal 5:1 "It is for freedom that Christ has set us free. "Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery." (NIV)
 - b. This theme of "freedom for" is also central to John Paul II's Encyclical on Fundamental Moral Theology, *Veritatis Splendor*: "Within that freedom there is an echo of the primordial vocation whereby the

Creator calls man to the true Good, and even more, through Christ's Revelation, to become his friend and to share his own divine life. It is at once inalienable self-possession and openness to all that exists, in passing beyond self to knowledge and love of the other. Freedom then is rooted in the truth about man, and it is ultimately directed towards communion." (*Veritatis Splendor*, #86).

5. Limitations on freedom: We are limited from without and we are limited from within. We might call this state "facticity" and it is important to recognize basic facticity as an intrinsic part of being human. Therefore, "absolute" freedom is not a reasonable or desirable goal (even in some abstract ideal order).
6. Transcendental aspect of freedom: In choosing to become someone in choosing God our freedom can be said to be transcendental.
7. Types of freedom: basic and moral
 - a. Basic freedom: ability to determine ourselves as persons in a stance before the Absolute (God) in a way that can be (and is) expressed by categorical moral choices. Therefore, basic freedom presumes also moral freedom.
 - b. Moral freedom: to recognize and choose categorical values or disvalues
8. Freedom and fundamental option
 - a. This understanding of human freedom is important for a correct and full understanding of the concept of the fundamental option.
 - b. However, this concept itself we will discuss a bit later, and to a certain extent as a way of summing up what we have to say about freedom, conscience, grace, the moral life, etc.

B. Conscience

1. What it is not:
 - a. Not a "feeling" such as good or bad
 - b. nor "internal price constraints" [Example of an economist speaking of what he conceived conscience to be, related by Robert Bellah in his informal remarks made in a GTU panel presentation on 22 September 1993.]
 - c. Nor is it merely the power of rational judgment
 - d. Nor is it what psychology calls the superego
2. Provisionally we can speak of conscience as a summons to love the good and foster it, and avoid evil (cf. Thomas Aquinas on the natural law). Also we can

speak of conscience as the root (radical) experience of ourselves as acting as moral agents. In theological language we can speak of conscience as the experience of ourselves as new creatures in Christ, enlivened by the Holy Spirit. At the same time it is important to recognize a basic limitation or incompleteness of conscience, since we never know ourselves completely and therefore decisions of conscience are also necessarily incomplete and partial.

3. Traditional understanding of conscience viewed it as a faculty and "subjective" moral norm, seen as rationally apprehending the "objective" moral norm, which in turn was viewed in terms of law (natural or divine, eternal).
 4. Transcendental Thomism theology, e.g., Karl Rahner and Bernard Lonergan. The work of these men, especially Rahner, will come out in the areas of individual moral conscience and the fundamental option.
 5. Insights from Psychology
 - a. Levels of moral conscience and consciousness
 - b. Moral growth and formation
 - c. Work of Lawrence Kohlberg and Carol Gilligan, etc.
 6. John Glaser's article in which he makes a most important distinction between superego and genuine moral conscience. This is a very helpful distinction and understanding in deal with confession and counseling, especially in recognizing the dynamic of scruples. [Please read this carefully as I will not have time to discuss it much in class.]
- C. Community: This foundational concept has been too little stressed in traditional moral theology, yet it is crucial for understanding the nature of the human person, not to mention its significance for for understanding social responsibility and social sin.
- D. *Actus hominis* vs. *Actus humanus*
1. See James T. Bretzke, *Consecrated Phrases* Latin Dictionary for definitions of all these terms. Please keep in mind that it is difficult to make this distinction while being sensitive to inclusive language!
 2. *Actus hominis*: The *actus hominis* refers to an action performed by a human person, but which may in itself have no *moral* significance. Thus, if my brakes fail (through no fault of my own) and my car hits a pedestrian I am not *morally* guilty of a crime, as this would be an *actus hominis* and **not** an *actus humanus*
 3. *Actus humanus* equals "moral" acts
 - a. The moral manuals described an *actus humanus* as an act which proceeded from the free will with a knowledge of the end of the act itself. Thus, distinguished from *actus hominis* (*q.v.*), the *actus humanus* refers to the moral dimension, responsibility, etc. for one's

actions. Thus, an *actus humanus* is a "moral" act.

- b. Distinction made in St. Thomas Aquinas: *ST* I-II, q. 1, a.3 "Idem sunt actus morales et actus humani"
- c. Expressed in *Veritatis Splendor* in this fashion: "Human acts are moral acts because they express and determine the goodness or evil of the individual who performs them. They do not produce a change merely in the state of affairs outside of man but, to the extent that they are deliberate choices, they give moral definition to the very person who performs them, determining his *profound spiritual traits*."
- d. Need to gloss a few words in this definition:
 - (1) "determine" should not be seen a mechanistic sense
 - (2) "deliberate" choices does not mean simply without external physical coercion
 - (3) "moral definition" refers to the transcendental, moral character of the human person,
 - (4) related to his fundamental stance toward the Absolute Good.

E. *Actus naturae*

- 1. "Natural act"
- 2. Traditional moral norm, based on a physicalist paradigm, which required that an act (e.g., sexual acts) be performed in a "natural" way in order to be considered moral.
- 3. Related to the complementary concepts of *natura actus* and *actus personae*.

F. *Actus personae*

- 1. "act of the person"
- 2. E.g., consideration of the moral nature of an act in terms of how it relates to the whole of the human person.
- 3. This development is especially important in sexual ethics, as it moves away from physicalist conceptions of evaluation of conjugal acts (cf. *actus naturae* and *natura actus*).
- 4. *Gaudium et spes* uses this understanding of *actus personae* in its teaching on marriage (cf. GS #51).

G. *Natura actus*

1. "Nature (form) of the act"
2. In traditional moral theology this refers to the manner in which a certain act, e.g., coitus, is performed. Traditionally, anything that blocked or destroyed the form of the act would be considered immoral. In the development of Roman Catholic sexual ethics, the conjugal act was considered moral, even if performed for the so-called "secondary ends" alone (e.g., pleasure and the unitive dimension) as long as the manner of the conjugal act did not violate the basic form and integrity of the act (i.e., the semen still had to be deposited in the vagina).
3. Related concept to *actus naturae* and *actus personae*.

XXIII. PARADIGM SHIFT FROM PHYSICALISM TO PERSONALISM

- A. Recall Change of world-view from classicist to historical, which terminology and basic concept comes from Bernard Lonergan. However, these really are points on a spectrum, rather than two opposing models.
- B. Paradigm Shift from Physicalism to Personalism
 1. Use this shift in models to indicate some of the current trends and trends in various aspects of moral theology, such as sexual ethics.
 2. See Brian V. Johnstone, C.Ss.R. "From Physicalism to Personalism." *Studia Moralia* 30 (1992): 71-96. [Johnstone, an Australian, is professor of moral theology at the Alphonsianum in Rome.]
 3. Analyzes the "paradigm-shift" in Roman Catholic moral theology from a physicalist understanding of human nature and moral reasoning to a personalist version and then discusses the origins of physicalism, its problematic features, and solutions proposed by personalism. Finally, Johnstone identifies and evaluates 3 basic personalist models. This whole discussion is fundamental to discussion of contemporary sexual and bioethics.
- C. Physicalist Paradigm
 1. Background of Neo-scholasticism
 - a. Classicist and essentialist method
 - b. Faculties and finalities
 - c. Natural law often identified too simplistically with the "order of nature" rather than the "order of reason"
 - d. (or stating that these two orders would be morally identical)
 2. Theological view of the universe
 - a. "The creation was a free act of God's will. But since the creation, so far

as human reason could // determine did exist, its being must follow from the nature of the Being of its creator. This creation, which was infinitely below its creator, nevertheless had the signs of the creator within it." [Michael Keeling, *Foundations*, p. 109.]

- b. "By looking at what was created, human beings could arrive at true, though limited, knowledge of their own nature and of the nature of other created existences, and so could arrive at a knowledge, by analogy, of the being of God. The problems, of course, lay in the giving of definition to the particulars of this knowledge." p. 109.
 - c. For each existence was created by the Eternal Law in relation to a 'form' or intention of God." p. 109.
 - d. As Etienne Gilson said: "'A thing is said to be good when it is as it ought to be in order to fulfil its own essence, and the exigencies of its nature...!'" p. 110.
3. Ethical ramifications of the physicalism paradigm: "Human reason, unlike the animals, was able to perceive an 'ought' as a requirement for decision. This 'ought' could arise from looking at what an actual human being, a 'particular' was, and seeing what a human being, the 'form' of a human being, should be. Once seen, it was possible for a person to choose to follow the 'form', which was God's intention for the human being. The refusal to follow the 'form', once seen, would be sin. To perceive the form was to perceive the law of one's own nature, the 'natural law'." [Michael Keeling, *Foundations*, p. 110.]
4. Summary of neo-scholastic ethical foundation for the Physicalist Paradigm:
- a. "This universal order constituted the fundamental moral law for human beings. It was not first of all a set of rules, but a recognition of the good which was the ultimate purpose of the nature of each human being. God 'commanded' certain behaviour only in the sense that such behaviour would lead to the greatest good for each being according to its own nature. Equally, other behaviour was 'forbidden' because it lacked the power to fulfil the potential of the human being. Consequently, to sin against God was always to sin against one's own nature, to cut the link between the creative intention and the present reality. To fulfil one's own nature truly was also to be obedient to God." [Keeling, *Foundations*, p. 112.]
 - b. However, be alert to the dangers of an incomplete philosophical appreciation of this argument, which leads to collapsing the moral life and its demands into a voluntaristic legalism.
5. Moral Normativity in the Physicalist Paradigm
- a. I.e., this is related to the ontological and epistemological claims about the natural moral order.

- b. "In the physicalist paradigm, the moral norm is derived directly from certain structures of nature, in particular, the structure of faculties or acts." [Johnstone, p. 72.]
 - c. These "provide a direct indication of the moral law. Thus, the structures provide the material content of the norm, while the obligation deriving from the will of God, which is expressed in the structures, provides the formal content. The relevant structures of the faculties or acts, in this way of arguing, are considered in abstraction from the person. Further, they were sometimes, if not always, identified as the biological structures of faculties or acts, or the «biological laws» which could be discovered in such faculties or acts. Again, in certain particular contexts, these structures were taken to be those which pertained to that dimension which were human beings had in common with animals. This latter feature was particularly important in the traditional analysis of sexuality." [Johnstone, p. 73.]
 - d. Parenthetically, it is very important to recognize that one's understanding of who God is, and how God acts in the moral universe will be very important in how one might (or might not) hold the physicalist paradigm as morally normative. See again Fuchs' article, "Our Image of God and the Morality of Innerworldly Behavior" Ch. 3 in his *Christian Morality: The Word Became Flesh*.
6. As Johnstone notes, "What it came down to, finally, was that performance of the natural act in the natural way was accepted as the indication of a direction of the will to the *bonum prolis* [offspring as end of marriage].
- a. {3 Augustinian ends of marriage
 - (1) *bonum sacramenti* [indissolubility]
 - (2) *bonum fidei* [fidelity]
 - (3) *bonum prolis* [offspring]}
 - b. Each of which must be present simultaneously for a valid sacramental marriage}
7. This placing of the major accent on the integrity of the physical act itself was a characteristic of the development of moral theological argument within the tradition up to recent times. The result of the development was that the nature of the act, in this case, the nature of the isolated sexual act, became the moral norm." p. 78.

D. Major problems with Physicalism

- 1. "A major problem here was that the dominant scholastic moral theology focused narrowly on the «exterior» act, sometimes practically identifying the moral act with the physical act. The interior dimensions of the moral act, such as intention,

virtue and freedom were inadequately dealt with." p. 79.

2. Problematic, or at times, inadequate biology, and relation to moral theology, e.g. moral axiom, *contra naturam* as condemnation of a whole range of activities. Such language is seen as less helpful in a personalist framework, not to mention some problems when one begins to speak in terms of "constitutional homosexuality." Even the recent Congregation for the Doctrine of the Faith (CDF) documents have abandoned this language in favor of expressions like "disordered," which in turn has a very particular technical meaning in moral theology (and doesn't mean "messy" or "chaotic," but rather "mis-directed away from a proper end").
3. 3 other basic problems with physicalism: "The first is the problem of *incompleteness*: «physicalism» isolated certain elements (of the person) and ignored others. ... The second is the problem of *totality*. Once it had been agreed that we must consider all relevant elements of the total person, there remains the question of determining which elements make up the «totality of the person» or the «total person». The third is the problem of *normativity*. The question here is, how we are to understand what it means to take the person as the criterion of moral right and wrong. On what grounds does the person become normative?" p. 91.
4. Oversimplifications due to Physicalism, such as the Naturalistic Fallacy, which might view "Nature's Way is God's Way" in a manner that would eclipse the proper role of reason and creativity. For an example of this consider the title of this work: *Natural Family Planning: Nature's Way--God's Way*. Milwaukee: De Rance, Inc., 1980.

E. Shift away from physicalism in Vatican II

1. Vatican II and *Gaudium et Spes* (#51) on the principle of totality within marriage: [From *GS* #51] "When it is a question of harmonizing married love with the responsible transmission of life, it is not enough to take only the good intention and the evaluation of motives into account; the objective criteria must be used, criteria drawn from the nature of the human person and human action, criteria which *respect the total meaning of mutual self-giving* and human procreation in the context of true love; ...Let all be convinced that human life and its transmission are realities whose meaning is not limited by the horizons of this life only: their true evaluation and full meaning can only be understood in reference to man's eternal destiny."
2. "As Louis Janssens notes, the official commentary // indicates that the meaning of the text is that a human act must be judged morally insofar as it regards the person integrally and adequately considered." [Johnstone, pp. 74-75.]

F. The Personalist Paradigm

1. Found in Janssens' classic article for the expression of the principle of totality in the personalist model, "Artificial Insemination: Ethical Considerations." *Louvain Studies* 5 (1980): 3-29.

2. Also found more recently in Janssens' "Personalism in Moral Theology," in *Moral Theology: Challenges for the Future. Essays in Honor of Richard A. McCormick, S.J.*, ed. Charles E. Curran, (New York: Paulist Press, 1990): 94-107.
3. Janssens' moral personalist model in which he claims eight fundamental dimensions for the human person:
 - a. subject;
 - b. embodied subject;
 - (1) Other theologians emphasize this point.
 - (2) E.g., according to Michael Keeling, "No account which concentrates solely on mental features can approach the basic operational sense of the self which carries the human being through the day and night. This means that the self is structured by actions as much as by words." [Keeling, *Foundations*, p. 209]. Keeling is Dean of the Faculty of Divinity and Lecturer in Christian Ethics at St. Mary's College, St. Andrews.
 - c. part of the material world;
 - d. inter-relational with other persons;
 - e. an interdependent social being;
 - f. historical;
 - (1) on the personal, individual level, but also on the societal and cultural level.
 - (2) Key aspect to recall the importance for moral formation of both the individual's and community's character, and to recognize the aspect of moral progress in humankind. Though there is also the very real possibility that moral progress will not be realized, and the opposite will occur. Therefore, here, as in all the sectors, a need for a certain "critical" attitude.
 - (3) For elaboration of other key points concerning the moral ramifications of human historicity, see Janssens' article, "Personalism and Moral Theology," especially pp. 103-105.
 - g. equal but unique;
 - (1) "Our fundamental equality explains why the fundamental moral demands are universalizable." [Janssens, "Personalism,

p. 106.]

- (2) Uniqueness, however, highlights that the person is irreplaceable, and must be treated in such a way that his/her contributions to human culture can be fostered.
- (3) "In order to accomplish this task, each person requires an appropriate access to the patrimony of goods and values that we refer to as objective culture. To make that possible, nurture must take account of the uniqueness of children, and education should be as extensive and differentiated as possible, so that each can develop his or her personal talents and capacities." [Janssens, "Personalism," p. 106.]

h. called to know and worship God.

- (1) Freedom of religion
- (2) Related to the fundamental dignity of the human person and liberty of his/her conscience
- (3) Key point of *Dignitatis humanae*, Vatican II's Declaration on Religious Liberty.

4. Highlight two key aspects of dynamism and growth

- a. "What constitutes the self at any particular moment is the outcome of an inner and outer dynamic of relationships both personal and cultural, which result from the individual's past history and present location." [Keeling, *Foundations*, p. 210].
- b. "The problem is that there is a cost in all this. Experiences are negative as well as positive." [Keeling, *Foundations*, p. 210].
- c. "Consequently the dynamic of growth as a 'person' requires a situation in which the experiences that have gone wrong can be healed. [Keeling, *Foundations*, p. 211]
- d. Thus, here we will speak of the moral importance not only of growth and conversion, but always of forgiveness, reconciliation, and healing.

G. Weaknesses of the Personalist Paradigm

1. It often is rather vague and indeterminate, especially when trying to concretize or specify material norms, the real "do's and don'ts" of the moral life. Are there any moral absolutes in the personalist paradigm?
2. It can be more easily "abused" and is perhaps more open to the deceptive processes of human rationalization: "My conscience says it's okay" or "No one is being hurt by this."

3. Thus, many authors have begun to suggest that while personalism is important for fundamental moral theology and makes a definite contribution, by itself it is insufficient to ground a full consideration of the natural law and moral norms.

XXIV. BRIEF INTRODUCTION TO CONSCIENCE

A. “Conscience” as such is not a key biblical theme, but the basic idea is captured well in a number of places. The obligation to follow one’s conscience since it is heard as the voice of God is illustrated well in the post-Pentecost account (cf. Acts 5:27-32) of the Peter and the disciples confronting the officials of the Sanhedrin, the latter group having ordered the disciples not to preach any more about Jesus. Peter’s response is a classic expression of the primacy of conscience: “We must obey God rather than any human authority” (Acts 5:29 [NSRV]).

B. The primary metaphor used by the Church since Vatican II is to call conscience the “sanctuary” of the human person. The sanctuary of conscience has two basic meanings: first, a holy place, because that is the most privileged place where the individual meets God (just as the altar makes the “sanctuary” the sanctuary). Secondly, and grounded in the first meaning, a safe place: no outside authority, even the “law officers” may legitimately enter (recall the “right of sanctuary” in the Middle Ages: if an individual suspected of a crime could reach the church sanctuary then the police could not enter and remove him or her). This notion of the sanctuary of conscience is taken up as the primary metaphor in Vatican II (cf. *Gaudium et spes* and *Dignitatis humanae*, and repeated in the *Catechism of the Catholic Church* (cf. CCC 1776)

"Deep within his conscience man discovers a law which he has not laid upon himself but which he must obey. Its voice, ever calling him to love and to do what is good and to avoid evil, tells him inwardly at the right moment: do this, shun that. For man has in his heart a law inscribed by God. His dignity lies in observing this law, and by it he will be judged. His conscience is man's most secret core, and his sanctuary. There he is alone with God whose voice echoes in his depths. By conscience, in a wonderful way, that law is made known which is fulfilled in the love of God and of one's neighbor. Through loyalty to conscience Christians are joined to other men in the search for truth and for the right solution to so many moral problems which arise both in the life of individuals and from social relationships. Hence, the more a correct conscience prevails, the more do persons and groups turn aside from blind choice and try to be guided by the objective standards of moral conduct. Yet it often happens that conscience goes astray through ignorance which it is unable to avoid, without thereby losing its dignity. This cannot be said of the man who takes little trouble to find out what is true and good, or when conscience is by degrees almost blinded through the habit of committing sin." *Gaudium et spes*, #16. (Translation from *The Documents of Vatican II*, trans. and ed. Austin P. Flannery, O.P., (New York: Pillar Books, 1975).

C. This notion of the sanctuary of conscience leads to the Roman Catholic notion of the autonomy of the conscience. “Autonomy” comes from the two Greek words *nomos* (law) and *auto* (self). This means that the individual first discerns and then applies the law to her/himself. It does *not* mean that the individual “invents” the moral law for her/himself. The key aspect of the moral autonomy is the sanctity of conscience since obedience to this

moral voice is the locus of all moral goodness and badness. If the conscience is not the ultimate moral authority *to be obeyed*, then whatever is posited as that ultimate moral authority will of necessity be *outside* of the person. To posit an external (heteronomous) moral authority as the ultimate voice which an individual must obey would open up a huge number of problems concerning authority and mature human action.

- D. Heteronomy, the imposition of the moral law from some outside source (“hetero” means “other” or “different” in Greek) is *not* the accepted, orthodox, traditional Roman Catholic position. St. Thomas Aquinas maintained, for example, that even if an individual were to be excommunicated from the Church for holding a position in conscience, then he said the individual *must* follow his or her conscience. Remember that this was said in the context of the belief that *extra ecclesia nulla salus est* (Outside the Church there is no salvation). Therefore, Thomas was not consigning this individual to hell, but underscoring the belief that the key relationship is between God and the individual, and that if the person (even erroneously) sincerely believed God was asking him or her to do something, then acting out of that conviction would demonstrate faith in God and the concomitant fidelity of action which that faith would inspire.
- E. We will consider these points in detail later on in the course, but it is important to stress the constant traditional teaching of the Church is that an individual always follow his or her conscience, even when that conscience might be in “objective” error on what is morally right. However, it is still a basic teaching of the Church that we are bound to follow our conscience faithfully in *all* of our activity even if our conscience be incorrect, incompletely formed, and we cannot rectify these failings.
- F. Therefore no one should be forced to act in a manner which is contrary to her or his conscience. Of course, we should not minimize or overlook our obligation both to form and inform our consciences and here Church teaching is important, as well as the other “fonts” of moral theology, such as Scripture, theological reflection, etc. Nevertheless, even in the case of a malformed or poorly informed (“erroneous”) conscience, the individual is obliged to follow that conscience and must never be forced to act in a manner which is contrary to her or his conscience, though this freedom is also limited by the common good. I.e., one cannot grant one the “right” to follow his/her conscience in order to hurt seriously oneself or others (two clear examples would be suicide and murder). Thus, we see this absolute right of conscience socially contextualized.
- G. Final point to keep in mind on the sanctity of conscience as interior moral guide. Conscience is essentially an interior guide, and if it is removed or downplayed as the most prized guide then some other moral guide will usurp this role. This new moral guide will be exterior, and there could be a wide variety of potential candidates, such as the state, political correctness, conventional wisdom, peer pressure, as well as any “sacred” or religious authority, including the Magisterium of the Church. While these guides may have differing values and roles to play as exterior guides, none should ever be elevated to the role of highest guide (held by the interior conscience). To do so would violate the fundamental dignity and whole notion of human personhood, as well as call into question much of the whole philosophical and theological underpinnings of our understanding of morality.

XXV. CONSCIENCE IN TRADITIONAL MORAL THEOLOGY

- A. Though “conscience” is not primarily a scriptural term, there are certain aspects of “conscience” that derive from variant spellings of the Greek word(s) συνείδησις found in the New Testament and rendered as *synderesis* and/or *syneidesis*. These were interpreted by scholastic theologians and Thomas Aquinas as referring to two slightly different aspects of conscience, namely as a “habit” and as an “act” of moral judgment. In Latin the Greek terms were translated (and combined) as *conscientia* and from that comes the English word “conscience.”
- B. The traditional approach to moral conscience is an important part of the heritage, and many theologians still work implicitly out of this background *or* in reaction to it. Likewise, many Christians (Catholics) have been educated in this vocabulary, and so from a pastoral point of view it is important to know. Additionally, the treatment in *The Catechism of the Catholic Church* both presumes and follows this traditional teaching, however, later we will be considering other approaches.
- C. Traditionally conscience was seen very much in terms of a "faculty," and somewhat abstracted or extrapolated from the individual's whole personhood, as can be seen in the following definition taken from a widely used pre-Vatican II dictionary of moral theology: "*Conscience* is a judgment made by an individual concerning the morality of his actions. More precisely, conscience is a judgment of the practical reason deciding by inference from general principles the moral goodness or malice of a particular act." [From Msgr. Giuseppe Graneris. "Conscience." In *Dictionary of Moral Theology*, 295. Compiled and edited by Francesco Cardinal Roberti and Msgr. Pietro Palazzini. Translated from the Second Italian Edition Under the Direction of Henry J. Yannone. London: Burns & Oates, 1962.]
- D. In the manualist tradition there were two kinds of judgement made in conscience. The first judgement refers primarily to the “objective” nature—the rightness or wrongness of the moral act in itself, and in the Latin this was called the *iudicium de actu ponendo* (judgement concerning the act to be undertaken). The second type of judgement was called *iudicium de positione actus*, literally, “judgement about the position of the act.” This judgement is related more closely to the subjective judgement of the moral agent that this or that act will be “right” and therefore “good.”
- E. In the traditional theology this distinction allowed for the possibility that one could “err” about the objective moral nature of an act, and yet still be acting in good faith (or sometimes called good conscience). The “error” would be an error of judgement *de actu ponendo*. In acting in good faith though one could not “err” in the second sort of judgement though *de positione actus*.
- F. Thus, in summary we could say that the person believes that doing “X” is morally good: this is the *iudicium de positione actus*. If the person believed that “X” was not morally good, but did it anyway this would be malicious. However, this “judgement” so far only has taken into account the “subjective” judgement of the moral agent about the action. The action itself could in fact be morally (or “objectively”) wrong. This “objective” moral judgement is the *iudicium de actu ponendo* (judgement concerning the act to be undertaken). In sum, for a person acting in good faith, his or her *iudicium de actu ponendo* (judgement concerning the act to be undertaken) can be “erroneous” while the *iudicium de positione actus*, (judgement about the position of the act) could not in principle be erroneous—i.e., a person who is acting in good faith will always try to do what

she or judges be right. This distinction is key to understanding the Church's teaching on Right and Erroneous conscience, and Vincible and Invincible Ignorance.

- G. Certain or doubtful, which was traditionally defined in this way: "Conscience is *certain* or *doubtful* depending on the degree of *assent* with which a judgment is made. A *certain* conscience judges the morality of an act without prudent fear of erring. A *doubtful* conscience gives rise to a positive judgment with a prudent fear of error or simply to a negative judgment in which one does not know whether an act is lawful or unlawful."
- H. In contemporary moral theology it is probably more helpful to see these terms of "vincible" and "invincible," "certain" and "doubtful" as range points along a spectrum, rather than as sharply defined compartments. Invincibility and doubt are also concepts which are helpful in nuancing (not dispensing from) moral culpability in a whole range of issues, both personal and social, such as technological advances with unforeseen effects, and/or involvement in aspects of structural evil and social sin.
- I. Underscore again the basic principle of responsibility, which includes responsibility for "unforeseen" effects. Even though we might not "foresee" something, our historical nature teaches us that we should expect unforeseen effects. This realization should not necessarily paralyze us from action, but rather school us in greater prudence. Cf. Hans Jonas' *The Imperative of Responsibility: In Search of an Ethic for the Technological Age*. Translated by Hans Jonas and David Herr. Chicago: University of Chicago Press, 1985.
- J. The notions of vincibility, invincibility, certainty and doubt also point to the great need for continuous conscience formation, information, and conversion. We can see these terms as inter-related aspects, grounded in the objective moral order, while recognizing our own sinfulness and need for ongoing conversion. *Veritatis splendor* also underlines the need to form our conscience, "to make it the object the object of a continuous conversion to what is true and what is good." [VS, 64]
- K. Conclusion of treatment in traditional moral theology, which spoke of conscience as a moral guide: "To be a proper and valid norm of conduct, conscience must be certain, and, if possible, right. Since an invincibly erroneous conscience cannot normally be corrected, the malice of an act posited by such a conscience is not morally imputable. A vincibly erroneous conscience must be corrected by diligent inquiry, study, consultation, etc. A doubtful conscience must be resolved before acting (*see* Spiritual direction, Moral systems [which includes "probabilism," etc.])." [From the *Dictionary of Moral Theology*]
- L. Important to bear in mind the "dignity" of even an erroneous conscience, and in this vein, consider the following point made by Josef Fuchs in speaking of Vatican II's teaching on the sanctity of conscience: "For the Council, the reason for the appeal to conscience in our moral decisions, which are always interior, is that norms and commandments, and hence also the 'will of God', are known and acknowledged in the conscience and thereby become our 'interior'; fidelity to the 'interior' of the conscience is therefore the morality of the 'interior' of the person (cf. *Dignitatis Humanae* [DH] 3). In other words, the only possible reference-point for the inner moral decision is interior knowledge of right behavior, i.e., the conscience. Therefore the conscience retains its dignity in the realm of personal morality even when it inculpably considers a false opinion about human conduct to be correct (GS 16). [From Josef Fuchs, "Vatican II: Salvation, Personal Morality, Right Behavior," ch. 2 in Idem, *Christian Morality: The Word Became Flesh*, trans. Brian

McNeil, (Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987): 21].

XXVI. TRADITIONAL NOTIONS OF "RIGHT" AND "ERRONEOUS" CONSCIENCE

- A. Remember that a fundamental tenet of Roman Catholic moral theology is that one must *always* follow one's conscience, even in cases when that conscience is "erroneous." However, one has an obligation to form and inform one's conscience. Yet, it is still important to understand the distinction between "right" and "erroneous" conscience.
- B. "Right" or "erroneous" conscience (as expressed in traditional terms): "A conscience is *right* or *erroneous*, depending on whether the judgment formed agrees or disagrees with the objective norm or law. If the error of judgment may be attributed to the subject, a conscience is said to be *vincibly erroneus*; if not attributable to him, it is said to be *invincibly erroneus*. Hence, the malice of an act posited with an erroneous conscience is imputable or not, depending on whether the error is vincible or invincible." [Graneris]
- C. Josef Fuchs makes the same point in this way: "the one who errs inculpably holds an objective error to be what is objectively correct; therefore, one is not ethically bad despite the incorrect judgment and fidelity to it in conduct (*Gaudium et Spes* 16)." [Josef Fuchs, "Conscience and Conscientious Fidelity," ch. 10 in *Idem, Moral Demands and Personal Obligations*, (Washington, D.C.: Georgetown University Press, 1993): 162].
- D. I have found that the task of trying to explain the concept of invincible ignorance, and its related concepts of imputable guilt (i.e., moral "innocence") is quite difficult indeed. It seems that the ultimate stumbling block for many people is the troubling "logical" conclusion (which the manualistic tradition has taught since the time of Thomas Aquinas) that a person who acts in invincible ignorance and does something objectively "wrong" from a moral point of view, nevertheless incurs no moral guilt (the position of Thomas Aquinas), and might even be said to gain moral merit (the position of Alphonsus Liguori). This seems to call into question the whole notion of an objective moral order for these sorts of people. If my assumption is true, then we might note how this concept is influenced by incomplete and/or faulty understandings of the natural law and the will of God. Since people might easily be "scandalized" or dismiss out of hand a position they deem too "liberal" or "not in conformity with the Magisterium" when I approach this issue I stress the traditional teaching of the Church in regards to conscience I stress both the "constant" tradition (since the 13th century), as well as the re-affirmation of this principle in contemporary magisterial documents such as *Veritatis Splendor* (see the notes below for some example).
- E. Charles Curran also offers a very helpful example which might help people see the rational basis for the distinction and relation between vincible and invincible ignorance and concomitant moral guilt or innocence: "After examining a patient, the doctor believes that the patient does not have AIDS. In reality, however, the patient does have AIDS. The doctor's erroneous judgment is in accord with her sincerely held conviction. Here a further distinction has been made between vincible and invincible ignorance. If the ignorance is your fault, your conscience is vincibly erroneous. A doctor who did not diagnose AIDS in 1970 was invincibly erroneous. She had no idea what AIDS was and did not know what symptoms to look for. However, today the diagnosis of AIDS is well known, and a doctor who does not know the symptoms of AIDS is derelict in her duty as

a doctor and vincibly erroneous. A conscience that is sincere but invincibly erroneous can and should be followed without any guilt on the agent's part." Charles E. Curran, *The Catholic Moral Tradition Today: A Synthesis* (Washington, D.C.: Georgetown University Press, 1999): 173.

- F. Invincible error is rooted in invincible ignorance, whose existence is reaffirmed in *Veritatis Splendor*, which defines it as "an ignorance of which the subject is not aware and which he is unable to overcome by himself." [VS, 63]
- G. Bernard Häring notes that "invincible ignorance" is best *not* interpreted as "mere intellectualism," but rather in light of an understanding of conscience which embraces the existential totality of the individual human person.
- H. Häring goes on to define invincible ignorance as "a matter of a person to 'realize' a moral obligation. Because of the person's total experience, the psychological impasses, and the whole context of his life, he is unable to cope with a certain moral imperative. The intellectual difficulties of grasping the values which are behind a certain imperative are often deeply rooted in existential difficulties." [Bernard Häring, "A Theological Evaluation," In *The Morality of Abortion: Legal and Historical Perspectives*, ed. John T. Noonan, Jr., (Cambridge: Harvard University Press, 1970): 140.
- I. Vincible (and therefore morally culpable) error is based on ignorance which arises "when man [*sic*] shows little concern for seeking what is true and good, and conscience becomes almost blind from being accustomed to sin." [*Gaudium et spes*, 16, as quoted in *Veritatis Splendor*, 63].
- J. It is important to bear in mind the effects of habitual vice and the deadening of both individual and collective conscience which results from such vice.
- K. Possibility of "error" in conscience: "Here it is a question of seeking and finding 'objective norms of morality'; but this seeking and finding, we are told, does not exclude inculpable error, since the translation of the fundamental conscience into objectively correct norms of behavior, and the translation of the correct contents of the situational conscience, do not take place automatically or through a purely logical deduction. A risk always attaches to norm-giving ethical objectivity, even in the conscience (and even in the conscience of the believer [*Gaudium et spes* 43 and 33]), the search for the objective norm does not mean that this objective norm already exists 'somewhere' waiting to be found by us, and correspondingly (since it already exists) needs only to be sought and found." [Fuchs, *Moral Demands*, p. 160]. We will return to this issue in the discussion on moral goodness/badness and rightness and wrongness.
- L. Pastoral Issues related to an "Erroneous" Conscience
 - 1. Thus, this distinction is important for a variety of reasons: pastorally, e.g. in confession, to help the confessor grasp the level of moral guilt involved, to help clarify matters of conscience formation and information. It is also helpful in combating the problematic of voluntarism and an improper imposition of external authority which would rob the individual conscience of its rightful dignity and pre-eminence. Finally, this concept may be a help in clarifying areas of difficulty in the ethos of a given culture/sub-culture and the incumbent moral

evangelization.

2. Examples and excursus on vincible and invincible error: Presumes a morally evil action, but raises/focuses on the question of imputability of guilt. Consider in this language only the subset of a person *claiming* to act in "good" conscience. We recognize that the majority of cases would involve a person who does evil does so acting in "bad" conscience. Vincible error concerns a person who does moral evil yet claims to be acting in "good" conscience. However, the reason for such "error" is personal and culpable. E.g., the person has not taken care to inform his/her conscience adequately, and yet had the freedom and ability to do so. We should acknowledge the very real human tendency to "let oneself off the hook." For example, a person who cheats on his/her taxes saying "everyone does it" or "the government knows this and has adjusted the tax rates accordingly" (the Italian explanation). An "invincibly" erroneous conscience is *not* connected with errors of fact which leads to "evil" results, such as "I thought the loaded gun was in fact empty when I pulled the trigger." This action certainly is evil, but not *morally* so. In errors of fact we would not use language of "evil"—e.g., a man who missed Mass on Sunday because he thought it was Monday. No real "evil" involved here, and there is some need perhaps to discuss with a person who would "confess" such a sin how she or he understands divine and/or ecclesiastical obligations and/or "laws." Rather invincible error concerns mitigating factors which are so serious that the person most likely cannot see his/her error *and* the fault for the lack of such moral insight is not personally culpable. Invincible error and ignorance keep our acts from being truly "human" in the full moral sense. Perhaps an example of a person raised in a Mafia ghetto who has so deeply internalized the ethos of vendetta to such an extent that he does not see the moral reprehensibility of murder. Or another person so caught up in an ethos of sexual "freedom" and rights language that perhaps cannot perceive the moral malice inherent in sex merely for pleasure. Or someone like the character "Lenny" in John Steinbeck's novel *Of Mice and Men* who due to mental retardation has a much diminished ability to perceive "right" and "wrong" in his concrete actions. Invincible error is very difficult to ascertain with complete assurance. Yet, the concept perhaps is most valuable to direct our attention to character formation and good moral information habits.
3. Important pastoral corollary in reference to counseling or confession in which someone who may be in invincible error in regards to a certain matter.
 - a. Alphonsus Liguori, the patron saint of moral theologians, expressed this principle in the following way: "'The more common and true opinion teaches that the confessor can and must refrain from admonition and leave the penitent in good faith whenever he is confronted with invincible error, whether in matter of human law or of divine law, if prudence tells him that an admonition would not do any good but rather harm the penitent.'" [Alphonsus Liguori, *Theologia moralis*, bk. VI, treatise IV, n. 610, ed. Gaudé (19050, vol III, p. 634 {as quoted by Bernard Häring in "A Theological Evaluation [of Abortion]," p. 140}]
 - b. Alphonsus also notes that "'the reason is that there must be more care for avoiding the danger of a formal sin than of material sin. God

punishes only the formal sin, since He takes only this as an offence'." [Alphonsus Liguori, *Praxis confessari*, chap. 1, n. 8 {as quoted by Bernard Häring in "A Theological Evaluation [of Abortion]," pp. 140-141}]

- c. Commenting on these principles Bernard Häring emphasizes that "The concern of pastoral counselling must always been the conscience of the person and not abstract rules." [Häring, "A Theological Evaluation [of Abortion]," p. 140]

XXVII. CONSCIENCE IN POST-VATICAN II MORAL THEOLOGY

- A. Conscience in Vatican II: No key change in teaching, but certainly a reformulation in terms of language and tone.
 1. Key passage: *Gaudium et spes* #16
 - a. This is an important text to know as the *locus classicus* of Vatican II's teaching on conscience; it also is a good corrective to a simplistic voluntarism and/or magisterial positivism. Also it helps to contextualize other statements in Vatican II about legitimate respect for Church authority (such as *Lumen Gentium* #25).
 - b. "Deep within his conscience man discovers a law which he has not laid upon himself but which he must obey. Its voice, ever calling him to love and to do what is good and to avoid evil, tells him inwardly at the right moment: do this, shun that. For man has in his heart a law inscribed by God. His dignity lies in observing this law, and by it he will be judged. His conscience is man's most secret core, and his sanctuary. There he is alone with God whose voice echoes in his depths. By conscience, in a wonderful way, that law is made known which is fulfilled in the love of God and of one's neighbor. Through loyalty to conscience Christians are joined to other men in the search for truth and for the right solution to so many moral problems which arise both in the life of individuals and from social relationships. Hence, the more a correct conscience prevails, the more do persons and groups turn aside from blind choice and try to be guided by the objective standards of moral conduct. Yet it often happens that conscience goes astray through ignorance which it is unable to avoid, without thereby losing its dignity. This cannot be said of the man who takes little trouble to find out what is true and good, or when conscience is by degrees almost blinded through the habit of committing sin." Translation from *The Documents of Vatican II*, trans. and ed. Austin P. Flannery, O.P., (New York: Pillar Books, 1975).
 2. Shift of paradigm in Vatican II in regards to the relation of conscience and law: "The shift from the role of law which is traditionally called the objective norm of morality to conscience which is called the subjective norm of human action is most significant // in showing the move to the subject and to the person. Of course the document stresses the need for a correct conscience, but the

impression is given that truth is found in the innermost depths of one's existence." [From Charles Curran, "The Changing Anthropological Bases of Catholic Social Ethics," in *Readings in Moral Theology No. 5: Official Catholic Social Teaching*, ed. Charles E. Curran and Richard A. McCormick, S.J., (New York: Paulist Press, 1986): 196-197.]

- B. Conscience: Renewed moral theology
 - 1. Autonomy
 - a. Key aspect of the moral autonomy is the sanctity of conscience since obedience to this moral voice is the locus of all moral goodness and badness. If the conscience is not the ultimate moral authority *to be obeyed*, then whatever is posited as that ultimate moral authority will of necessity be *outside* of the person. To posit an external (heteronomous) moral authority as the ultimate voice which an individual must obey would open up a huge number of problems concerning authority and mature human action.
 - b. A proper understanding of the moral autonomy position hinges on the distinction between moral goodness/badness and moral correctness ("right" and "wrong" moral *actions*). The ultimate norm for judgment of moral correctness is the objective moral order, and here external authorities do have a important role to play. It seems to me that those who often critique so-called "dissenters" do not seem to have grasped this fundamental and crucial distinction.
 - 2. Formation
 - a. Traditional category of "training" of conscience
 - b. Considerable difference in terms of nuance
 - c. factors taken into consideration
 - d. methodology
 - e. Virtues and the "habits of the heart"
 - f. Certain related theological issues, such as *distinctiveness* (proprium) of Christian ethics.
 - g. moral autonomy demands a full and ongoing moral formation of conscience.
 - 3. Error
 - a. Error is still possible since our circumstances are always and necessarily historically, socially, and culturally conditioned. Likewise our decisions of conscience are necessarily fallible and subject to

correction and change, both on the level of the individual and the community. We could cite a number of historical examples: such as changing perceptions on slavery, torture (of heretics), burning "witches" and so on.

- b. Immaturity might be a better term for error of conscience on an individual level, if not also on the community level.
 - c. Relation to discernment
 - d. Seen in context of the fundamental option
- C. Contemporary moral theology also recognizes that the term "conscience" has a number of related, yet somewhat distinct aspects. Richard Gula expresses this traditional tripartite dimension of conscience in the following way: "(1) *synderesis*, the basic tendency or capacity within us to know and to do the good; (2) *moral science*, the process of discovering the particular good which ought to be done or the evil to be avoided; (3) *conscience*, the specific judgment of the good which 'I must do' in this particular situation." [Richard Gula, *Reason Informed by Faith*, p. 131.]

XXVIII. SUMMARY OF CHURCH'S TEACHING ON SANCTITY OF CONSCIENCE

- A. Need to seek the truth, and adhere to it once it is known (*Veritatis Splendor*, 34). However, it is still a basic teaching of the Church that we are bound to follow our conscience faithfully in *all* of our activity even if our conscience be incorrect, incompletely formed, and we cannot rectify these failings.
- B. Therefore no one should be forced to act in a manner which is contrary to her or his conscience. Of course, we should not minimize or overlook our obligation both to form and inform our consciences and here Church teaching is important, as well as the other "fonts" of moral theology, such as Scripture, theological reflection, etc. Nevertheless, even in the case of a malformed or poorly informed ("erroneous") conscience, the individual is obliged to follow that conscience and must never be forced to act in a manner which is contrary to her or his conscience, though this freedom is also limited by the common good. I.e., one cannot grant one the "right" to follow his/her conscience in order to hurt seriously oneself or others (two clear examples would be suicide and murder). Thus, we see this absolute right of conscience socially contextualized.
- C. Sanctity of conscience was always the traditional teaching of the Church though, it must be admitted, that moral theologians often so accented the need to "inform" one's conscience through close attention to the Magisterium in such a way that it seemed in "conflict" situations one actually was not free to follow one's conscience, and that also certain papal statements led to a certain confusion on absoluteness of this affirmation.
- D. For example, recall Gregory XVI's *Mirari vos* (1832) and Pius IX's *Quanta Cura* (1864), the latter had attached to it the "Syllabus of Errors" which listed a number of "errors" of the day (many connected with the rise of political liberalism). Pius XI wrote: "From which totally false idea of social government they do not fear to foster that erroneous opinion, most fatal in its effects on the Catholic Church and the salvation of souls, called by Our Predecessor, Gregory XVI [in his 1832 *Mirari Vos*], an insanity, viz., that "liberty

of conscience and worship is each man's personal right, which ought to be legally proclaimed and asserted in every rightly constituted society; ...". [Translation from Claudia Carlen, IHM, *The Papal Encyclicals 1740-1878*, (The Pierian Press, 1990): 382.]

- E. Clearly this moral doctrine has undergone both change and development, and to see this look at how the principle of sanctity of conscience was both reinforced and expanded by Vatican II, especially by *Gaudium et spes* and *Dignitatis humanae*. *Dignitatis humanae* #12 states: "The Vatican Council declares that the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions in religious matters in private or in public, alone or in associations with others. The Council further declares that the right to religious freedom is based on the very dignity of the human person as known through the revealed word of God and by reason itself." [Translation from *The Documents of Vatican II*, trans. and ed. Austin P. Flannery, O.P., (New York: Pillar Books, 1975).]
- F. Freedom of conscience also stressed by John Paul II in both his first encyclical, as well as many places since. Cf. *Redemptor Hominis*, (4 March 1979), #17, and *Veritatis Splendor*, (6 August 1993), #31, the latter which states "In particular, the right to religious freedom and to respect for conscience on its journey towards the truth is increasingly perceived as the foundation of the cumulative rights of the person."
- G. We will present guidelines on the interplay between conscience and Church authority in a separate section later on. Final point to keep in mind on the sanctity of conscience as interior moral guide. Conscience is essentially an interior guide, and if it is removed or downplayed as the most prized guide then some other moral guide will usurp this role. This new moral guide will be exterior, and there could be a wide variety of potential candidates, such as the state, political correctness, conventional wisdom, peer pressure, as well as any "sacred" or religious authority, including the Magisterium of the Church. While these guides may have differing values and roles to play as exterior guides, none should ever be elevated to the role of highest guide (held by the interior conscience). To do so would violate the fundamental dignity and whole notion of human personhood, as well as call into question much of the whole philosophical and theological underpinnings of our understanding of morality.

XXIX. BRETZKE'S "SPIRAL" OF CONSCIENCE-BASED MORAL LIVING

- A. A fuller picture of conscience-based moral living would involve the following aspects, which I argue should continue as a progressive process which might be imagined in terms of a spiral
 1. *Forming* our conscience
 2. *Informing* our conscience
 3. *Discerning* in our conscience
 4. *Deciding* in our conscience
 5. *Acting* in our conscience

6. *Reflecting* in conscience
 7. *(Re)forming* our conscience
 8. Which completes one phase of the spiral, and leads to ongoing formation of one's conscience
- B. Each aspect of this spiral also has its own particular obstacle which may hinder, mislead, or even block the authentic conscience process
1. Formation problems
 2. Information problems
 3. Discernment problems
 4. Decision problems
 5. Action problems
 6. Reflection problems
 7. Re-formation problems

XXX. FUCHS' THEOLOGY OF CONSCIENCE AND MORAL ACTION

- A. According to Fuchs, in order to understand conscience properly it is necessary "to return to the matter of the human being's deep-seated self-consciousness.
1. "Fundamentally, this consciousness is always present in every human self-realization, so that it concerns not simply the realization of one deed or another, but also, at the same time and very profoundly, the realization of one's very self. This is not intended to be taken as solely a psychological observation but rather in the deeper sense as a transcendental philosophical and theological reflection." p. 124.
 2. "It has already been implied that the human being, at his deepest level of consciousness, which is never fully accessible by way of objective reflection, is aware of himself; he therefore is also aware of himself as an existence bound by obligations, a moral being. This is the deepest core of the conscience as personal subject. This deepest experience of conscience is at the same time, and to a certain extent, experienced as part of the person's categorial existence, even in the case of this having been reflected upon and denied; a considered denial is unable to suppress the existential experience." [Josef Fuchs, S.J. "The Phenomenon of Conscience: Subject-orientation and Object-orientation," in *idem. Christian Morality: The Word Became Flesh*, p. 124].
- B. Josef Fuchs' Distinction of "Fundamental" and "Situational" Conscience: "As fundamental conscience, the conscience is subjectivity that is oriented absolutely and

infallibly to ethical objectivity. It follows that a discussion about too much subjectivity or objectivity cannot be referring to the fundamental conscience, but to what is generally characterized simply as 'conscience', chiefly the 'situational conscience', and the insight-experience vis-à-vis concrete ethical norms." Josef Fuchs, *Moral Demands*, p. 159.

- C. Cristiana Traina summarizes Fuchs' teaching on conscience in two main points:
1. "First, Fuchs' moral theology turns upon the individual's ground in God and consequent potential for transcendental moral commitment (conscious or unconscious) to the Absolute." (Traina, *Feminist Ethics*, p. 183)
 2. "Second, self-conscious awareness of this openness and its indispensability to genuine self-realization constitute for Fuchs the 'mystery of conscience'. ... The dictates of a person's conscience are 'absolute demands' upon her: objectivity in utter particularity. This is not, as it was for Thomas, merely the informed judgment of moral reason, which might be erroneous, culpably or inculpably. Neither, as it was in the intervening moral tradition, is it the application of norms to circumstances. Rather, it is the opposite: the creative evaluation of received norms in light of the situation. Conscience is the authentic decision of the particular subject open to the Absolute. That is, attentive subjectivity is the criterion of genuine objectivity." (Traina, *Feminist Ethics*, p. 184).

XXXI. CONSCIENCE IN LONERGAN'S TRANSCENDENTAL THEOLOGY/PHILOSOPHY

- A. Lonergan's approach of transcendental Thomistic analysis of four levels of consciousness of the concrete personal subject: (1) experiential (conscious and operating empirically), (2) creative (conscious and operating intelligently), (3) critical (conscious and operating rationally), and (4) responsible (conscious and operating morally). These four aspects or levels can be *distinguished* but not *separated* from one another. Therefore, "Lonergan argues, each successive level of consciousness *sublates* the lower level, so that the subject on the fourth level of consciousness is *at once* empirically, intelligently, rationally, *and* morally conscious. Thus, to say that a person is morally or responsibly conscious means that he or she is also empirically, intelligently, and rationally conscious. The higher level complements, presupposes, and includes the lower levels." [Walter E. Conn, "Ethical Style for Creative Conscience," *Louvain Studies* 7 (1978):184].
- B. Lonergan's Initial Presentation of Moral Conscience: In locating "conscience" on this fourth level, keeping in mind that moral consciousness presumes the lower three levels means that for Lonergan conscience is in fact the *subject*, i.e. the moral *person* as morally conscious. This is because Lonergan holds that this moral consciousness is what is constitutive of the human person as subject. Thus, Lonergan would argue that it would be more accurate to say that the human person does not *have* a conscience, but rather the human person *is* a conscience. This approach then would reject a "faculty" understanding of conscience, i.e., an attempt "to equate conscience with some particular faculty or power or act of the person." [Conn, *Ethical*, p. 184.]
- C. Conscience as the Drive to Dynamic Self-Transcendence
1. Lonergan understands conscience as the dynamic thrust toward self-transcendence which is at the core of each person's subjectivity and which shows

itself "on the fourth level of consciousness as a demand for responsible decision in accord with reasonable judgment. [Conn, Ethical, p. 185]

2. This moral consciousness points in two directions, "knowing" and "deciding": knowing relates to the rational level, and thus a "decision or choice can be responsible and authentic only insofar as it is reasonable, that is, consistent with reasonable judgment. "Thus, if decision is to be responsible, judgment itself must be reasonable, truly critical. And most of all, this means *self-critical*. "An 'easy conscience' is very probably the most personally disastrous way men and women fail in their obligation to critical questioning. Human authenticity has no room for complacency, self-satisfaction." [Conn, Ethical, p. 185]
3. Consciousness and self-criticism: twin aspects of verification and growth: "The subject who would be authentic must be engaged in a continual process of constantly checking, expanding, and deepening personal understanding through a critical exchange with the most informed and sensitive members of the widest community. This self-criticism, of course, must include not only a thorough, on-going check of one's grasp of human reality and situations, but also and most significantly, a ruthless critique of one's moral feelings, one's responses to values of various kinds. Only such a critical quest for authentic understanding and feeling can ground the real self-transcendence of a truly human conscience." [Conn, Ethical, p. 185.]

D. Normativity and Conscience

1. "Conscience, in short, is not some given constant of the human person, something which everyone has, period. Rather, human subjects are empirically, intelligently, rationally, and morally conscious, and that consciousness takes endlessly multiple, variant forms in the concrete, each more or less authentic. Therefore there is the need for a *normative* interpretation of conscience. While it may be true that each person must follow his or her own conscience, and I for one think it is, it will not be enough on that symbolic day of judgment for us to say, simply 'I followed my conscience', for we will surely be asked not only *ow* faithfully we *followed* our conscience, but also how authentically we *formed* it." [Conn, Ethical, p. 186.]

E. Conscience and Conversion

1. For Lonergan, a "good conscience" is the result of conversion, and which in turn is itself the criterion of judgments of value. Thus, to be well and truly "human" means a person who "has achieved the authenticity of normative development." [Conn, Ethical, p. 186].
2. Moral consciousness in this is basically a matter of value, and more specifically as "moral consciousness that has transformed itself by shifting the criterion of its decisions and choices from satisfactions to values." [Conn, Ethical, p. 187.]
3. Thus, the process of conversion leads us to understand conscience and moral consciousness *primarily* in terms of growth, and only *secondarily* in terms of right or wrong decisions or performance/non-performance of duties. This

secondary aspect is important, and indispensable, but it is *not* the primary understanding of conscience par excellence.

- F. Implications for the Understanding of Ethics in Lonergan's Theory
1. "First of all, the emphasis of an ethics developed from an interpretation of conscience as the drive for self-transcendence will be neither negative, nor minimal, nor legalist, nor deductivist, but positive, maximal, principled, and creative." [Conn, Ethical, p. 188.]
 2. Thus, importance for the understanding of the virtues, moral character, and fundamental option.

XXXII. CONSCIENCE AND THE SUPEREGO

- A. John W. Glaser, "Conscience and Super-Ego: A Key Distinction," *Theological Studies* 32 (1971): 30-47.
1. Also found in *Conscience: Theological and Psychological Perspectives*, 167-188. Edited by C. Ellis Nelson. New York: Newman Press [Paulist], 1973.
 2. Describes both moral conscience and the superego, their superficial similarities, and crucial differences, and concludes with some pastoral reflections on several areas where the recognition of the difference between genuine moral conscience and the functioning of the superego can be illuminating, and where a failure to make such a distinction can result in great harm.
- B. Basic Freudian terminology: "Psychologists of the Freudian school tell us that we have three structures to our personality: the *id*--the unconscious reservoir of instinctual drives largely dominated by the pleasure principle; the *ego*--the conscious structure which operates on the reality principle to mediate the forces of the *id*, the demands of society, and the reality of the physical world; and the *superego*--the ego of another superimposed on our own to serve as an internal censor to regulate our conduct by using guilt as its powerful weapon." [Gula, RIF, p. 124.]
- C. Superficial Similarities between Superego and Conscience: "both have been described as primarily nonverbal, preconceptual; commanding, prohibiting; accusing, approving; seeking reconciliation if norms are violated." Glaser, p. 30.
- D. Key Difference with the Superego
1. "The superego deals not in the currency of extroverted love but in the introversion of *being lovable*. The dynamic of the superego springs from a frantic compulsion to experience oneself as lovable, not from the call to commit oneself in abiding love." [Glaser, p. 32.]
 2. "One point should be made clear beyond all misunderstanding: the commands and prohibitions of the superego do not arise from any kind // of perception of the intrinsic goodness or objectionableness of the action contemplated. *The* source of such commands and prohibitions can be described positively as the

desire to be approved and loved or negatively as the fear of loss of such love and approval." [Glaser, pp. 32-33.]

3. Gula summarizes the relation between guilt/goodness and the superego in terms of metaphor of the attic of a house: "Instead of furniture, it [the superego] stores all the 'shoulds' and 'have-tos' which we absorb in the process of growing up under the influence of authority figures, first our parents but later any other authority figures--teachers, police, boss, sisters, priests, pope, etc. Its powerful weapon of guilt springs forth automatically for simple faults as well as for more serious matter. The superego tells us we are good when we do what we are told to do, and it tells us we are bad and makes us feel guilty when we do not do what the authority over us tells us to do." [Gula, RIF, p. 125].
4. Helpful in Glaser chart comparing/contrast conscience and superego: cf. p. 38. Chart redone by Gula in RIF, p. 127.
5. Gula notes, that "One of the tasks of moral education and pastoral practice in moral matters is to reduce the influence of the superego and to allow a genuinely personal way of seeing and responding to grow. One of the great temptations of moral // counseling is to 'should' on the person seeking assistance." pp. 129-130.
6. However, do not forget that the superego cannot be totally obliterated, and that it does serve useful roles both individually and socially.

XXXIII. FUNDAMENTAL OPTION

A. Scriptural input

1. *Enduring Treasure*: Matthew 6:19-21 "Do not store up for yourselves treasures on earth, where moth and rust destroy, and where thieves break in and steal. But store up for yourselves treasures in heaven, where moth and rust do not destroy, and where thieves do not break in and steal. For where your treasure is, there your heart will be also. (NIV)
2. *Sound moral vision*: Matt 6:22-23 "The eye is the lamp of the body. If your eyes are good, your whole body will be full of light. But if your eyes are bad, your whole body will be full of darkness. If then the light within you is darkness, how great is that darkness! (NIV)
3. *Necessity for the choice of the fundamental option*: Matt 6:24 "No one can serve two masters. Either he will hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve both God and Money.

B. Overview of the fundamental option:

1. Fundamental option theory is based in a premise of theological anthropology that the human individual has a transcendental nature which directs him or her towards an absolute which lies outside of the person. Augustine expressed this notion in his famous line in the *Confessions* that "our hearts are restless until they rest in thee," and Thomas Aquinas expresses this same idea in his teaching

that God is that greater than which we cannot imagine (*Deus semper maior*), coupled with the notion that the true “end” of human beings is in total union with God (our *summum bonum* found in our participation in the beatific vision).

2. The fundamental option is the most basic choice (i.e., related to our basic or core freedom), or direction, in our lives for God or away from God., and in this sense is not an "option" at all. The basic insight of fundamental option theory is that normal adults have made such a fundamental choice for, or against, God.
3. *Knowability* of the fundamental option: Since this fundamental choice involves both the whole person and is transcendental, i.e., going beyond the person, the choice cannot be “thematized” by the individual him/herself in a specific, concrete moment. Thus, the fundamental option *cannot* be equated to a critical life moment such as “On February 22, 2000 I made my choice to choose Jesus as my personal Savior,” or any such similar “knowable” choice. Since the individual person lacks a reference point which can view the *totality* of his or her life, neither that individual (nor any other human!) can “know” with absolute certainty that which God alone can know. This concept is nothing other than the traditional expression that we can never know with absolute assurance how we stand *coram Deo* (before God). The expression of such (false) knowledge was traditionally labeled either as the sins of “presumption” (presuming that I am in the state of grace), or “despair” (believing that I am not in God’s grace). We of course “hope” that we are in God’s grace, and hope is a theological virtue (grounded in faith and rooted in the deepest reality of God’s love and universal saving will). Biblically as well there are numerous references to the impossibility of knowing how an individual stands before God, such as Jeremiah 17: 9-10: “More tortuous than all else is the human heart, beyond remedy; who can understand it? I, the Lord, alone probe the mind and test the heart, to reward everyone according to his ways and according to the merit of his deeds.” (*New American Bible*).
4. Fundamental Option Theory Based largely on the transcendental theology of Karl Rahner, as applied by Josef Fuchs to morality.

C. Josef Fuchs' Expression of the Fundamental Option

1. The transcendental expression of a basic stance or fundamental orientation, made in core or basic freedom of the individual, acting in conscience, for the Absolute. If this Absolute is God then the Fundamental Option is made for God, and the person would be said to be in a state of grace (to use the traditional vocabulary). If the Absolute chosen by the individual were not God, but some “false” god, then the person would not be in a basic relation of grace to God (and to use the traditional vocabulary, would be in the state of [mortal] sin).
2. Cf. Josef Fuchs, S.J. "The Phenomenon of Conscience: Subject-orientation and Object-orientation." In Idem. *Christian Morality: The Word Became Flesh*, 118-133. Translated by Brian McNeil. Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987.
 - a. Originally appeared in *Conscience: An Interdisciplinary View*, 27-47.

Salzburg Colloquium on Ethics in the Sciences and Humanities. Edited by Gerhard Zecha, and Paul Weingartner. Dordrecht: D. Reidel, 1987.

- b. For notes on this article see the section above on Fuchs' Theology of Conscience and Moral Action
 3. See also Josef Fuchs, S.J. "Good acts and good persons." *The Tablet* 247 (6 November 1993): 1444-1445.
 - a. One of a series of articles from a variety of theologians commenting on *Veritatis Splendor*. Fuchs addresses primarily the question of a proper understanding of fundamental option theory.
- D. Concrete acts and the fundamental option
1. The basic decision, for or against God, is expressed in the everyday acts and decisions of our lives. The fundamental option is related to these other, concrete categorical choices of our lives, but is **not** completely and totally identified in an absolute one-to-one correspondence with a single choice in such a way that "Categorical Choice X *fully equals and completely instantiates* the Fundamental Option."
 2. Since the fundamental option itself is an individual's most basic choice for or against God, it is always *more* than the mere sum total of these everyday actions and decisions, just as the love (or absence of love) in a marriage is more than the sum total of the individual actions performed by the marriage partners.
 3. Yet, it would be incorrect to suggest that the particular categorical actions have no intrinsic significance for the exercise of the fundamental option.
 4. This potential misunderstanding seems to be what *Veritatis Splendor* has in mind in much of the section which treats this theory. "By his fundamental choice, man is capable of giving his life direction and of progressing, with the help of grace, towards his end, following God's call. But this capacity is actually exercised in the particular choices of specific actions, through which man deliberately conforms himself to God's will, wisdom and law. It thus needs to be stated that *the so-called fundamental option, to the extent that it is distinct from a generic intention and hence one not yet determined in such a way that freedom is obligated, is always brought into play through conscious and free decisions.*" [VS, 67]
- E. Types of acts in view of the fundamental option
1. Acts *consistent* with our basic choice and which deepen this choice
 2. Acts *inconsistent* with our basic choice, which in themselves are an expression of our moral freedom, but which are not understood or desired (willed) as a cancellation or reversal of our basic choice.
 3. Other acts, whether good or bad, which remain only on the edge of our personal

commitment, i.e., involve only the layer of peripheral freedom, which do not penetrate the deeper layers of our personal commitment, or other acts which involve decisions which are usually not deeply "moral" (such as daily clothing selections).

F. Fundamental Option and the States of Grace

1. The traditional expression, "being in the state of grace," means having one's basic direction in life as a movement toward God. The key word here is "basic": not *each and every* act will necessarily be seen as moving towards from God. In the same way, the traditional expression, "being in the state of mortal sin," (or "not being in the state of grace") means having one's basic direction in life as a movement *away* from God.
2. Again, the key word here is "basic": not *each and every* act will necessarily be seen as moving away from God, occasionally an individual action might move in the opposite direction.

G. Changeability of the Fundamental Option

1. The Fundamental Option can, and does change, but (and this is important), such changes are not so frequent as we once thought.
2. Thus, it would be difficult to conceive of someone in the state of grace one day, who sins grievously and thus is not in the state of grace the next day, who goes to confession, but then two days later sins again and so is once again not in the state of grace.

H. Expression of the Fundamental Option in the Magisterium

1. "It has been rightly pointed out that freedom is not only the choice for one or another particular action; it is also, within that choice, a *decision about oneself* and a setting of one's own life for or against the Good, for or against the Truth, and ultimately for or against God. Emphasis has rightly been placed on the importance of certain choices which 'shape' a person's entire moral life, and which serve as bounds within which other particular everyday choices can be situated and allowed to develop." [*Veritatis Splendor*, 65]
2. Important to recognize that the Magisterium in fact does accept the basic idea or import of fundamental option theory, but that it criticizes what it considers "incorrect" theories of the fundamental option--theories which are held by *no* reputable moral theologian, but which may be held mistakenly by some others.

I. Pastoral application of the fundamental option

1. People *do* still make confessions as if this were the case, and usually such people are troubled severely by scruples. Therefore, it is a help *for the confessor/counselor* to recognize the theological difficulties of this self-description,

2. However, generally speaking, I would suggest that the confessional (or even a counseling session) is *not* the venue to give a mini-course on the fundamental option. Scrupulous people will think you're trying to get them "off the hook" while others may misunderstand it (a little knowledge is a dangerous thing). Instead, and especially with scruples, I believe a more effective approach is to have the person reiterate the traditional "three things necessary for mortal sin." Usually they are well aware of these categories and then all one need to do is examine if *all* three were present at the same time, i.e.,
 - a. grave matter
 - (1) This is what the scrupulous person believes is always the case
 - (2) Therefore, not the best place to center one's arguments against
 - b. Full (or "sufficient") knowledge
 - (1) "Full knowledge" does not mean propositional recognition, "X" is gravely sinful
 - (2) "Full knowledge" has to go beyond simple cognition on that propositional level to realize more deeply how this action is gravely sinful, and then
 - c. Full (or "sufficient") consent (liberty or freedom),
 - (1) Not enough to say there was no external coercion,
 - (2) Yet, on the other hand the person does not need to have "absolute" freedom in order to sin. We have already seen that "absolute" freedom does not exist for humans but that one, fully aware of the hideous nature of this terrible sin, really wanted to go ahead and do it anyway.
 - d. Usually one can see, at least "intellectually," that one of these three conditions was probably lacking in his or her sin.
 - e. Also helpful is the standard of "If you were God": If you were God would you condemn someone to eternal damnation for having done this sin, and then who happened to die, without having the chance to go to confession. Usually the person will say "no" and if this is the case, then you could supply the logical conclusion: "God is at least as good as you are." This will set up a certain cognitive dissonance, i.e., the person cannot logically hold both that she or he should be judged "guilty" and "punished" by a God who is truly loving. This approach does not work instantaneously nor miraculously, but over time it can be helpful at chipping away at one of the biggest problems involved in scruples, namely, a tyrannically false image of God.
- J. Incorrect/exaggerated and/or simplistic expressions of the fundamental option should be

avoided

1. Serious sin is still possible, perhaps even in a single moment/act of particular symbolic value, e.g. a single act of adultery in an unstable and weak marriage
2. Unsound expressions of the fundamental option theory have been condemned by the Congregation for the Doctrine of the Faith in the 1975 Declaration on Sexual Ethics, *Persona humana*, and more recently in John Paul II's 1993 encyclical *Veritatis Splendor*
3. However, this condemnation should not be irresponsibly extended to include what is a *sound* understanding of the fundamental option, but rather as a legitimate caution of misleading interpretations of this theory.
4. This point is made because often very conservative Catholics of a certain "political" persuasion use the Congregation for the Doctrine of the Faith document as a sort of "proof-text" for their own biases in terms of moral theory and/or catechesis, etc.

K. Basic Insights of Fundamental Option Theory

1. "The basic insight of fundamental option theory is the realization that sin and grace must be understood not primarily in terms of individual acts for good or evil, but in light of the person's basic life orientation or direction. The fundamental option, whether positive or negative, is a response to the innate human desire for God at our deepest core and to God's offer of life in Christ--at a level not fully available to our consciousness." [[Mark O'Keefe, O.S.B., "Fundamental Option and the Three Ways," *Studies in Formative Spirituality* 13 (1992): 74]
2. Remember, that the expression can be a misleading one: it is not "optional" at all. We *must* make such a choice, it is part of our essence, our very being.
3. Role of the virtues can be very important in cultivating and strengthening a positive fundamental choice.
4. Contributions of Paul Wadell's presentation of Thomistic ethics: "It is easy for a human life to go wrong, not because we deliberately choose to make a mess of our lives, but because we can so casually adopt patterns of behavior which can seem incidental, but stretched through the years leave us a lifetime away from where we out to be." Paul Wadell, C.P., *The Primacy of Love: An Introduction to the Ethics of Thomas Aquinas*. New York: Paulist Press, 1992, p. 106.
5. Mistake of Confusing Superego with Moral Conscience
 - a. As John W. Glaser notes, "The idea that an individual could sin seriously, repent only to sin seriously again, repent again--and this within a matter of days--also finds at least a partial explanation in the fact that superego guilt and its remission by an authority figure was mistaken for genuine moral guilt and its remission." p. 41.

- b. The superego can block moral growth, and here a proper understanding of the dynamics of the fundamental option can be a helpful corrective.
 - c. For, again as Glaser observes, "the superego orientation can quite effectively block off the ultimate values at stake. The superego handles individual acts; it demands that these past actions be 'confessed' to an authority and thereby erased. Such a frame of reference keeps the individual from seeing the large and more important *process*, which is always the nature of genuine human growth. Instead of experiencing the individual acts precisely as part of a future-oriented growth process, concerned with values that of their inherent power call to growth, the center of attention is focused on righting past wrongs, seen as atomized units." p. 43.
6. Vincent MacNamara's two models of conscience:
- a. The scale: the acts stay "outside" of the person
 - b. The centrifugal/centripetal spiral: these acts integrate, or disintegrate with the person.
- L. Additional bibliography on the Fundamental Option
1. Kopfensteiner, Thomas R. "The Theory of the Fundamental Option and Moral Action." In *Christian Ethics: An Introduction*, 123-134. Edited by Bernard Hoose. Collegeville: Liturgical Press, 1998.
 2. Regan, Augustine, C.Ss.R. "Grappling with the Fundamental Option." *Studia Moralia* 27 (1989) 103-140.
 3. Häring, Bernard, C.Ss.R.. "Fundamental Option," Ch. 5 in Idem, *Free and Faithful in Christ: Moral Theology for Priests and Laity*. Volume 1. Slough: St. Paul Publications, 1978.
 4. O'Keefe, Mark. O.S.B. "Fundamental Option and the Three Ways." *Studies in Formative Spirituality* 13 (1992): 73-83.

XXXIV. CONSCIENCE IN MORAL ACTION

- A. Intention
- B. Two types of duty: Negative duty, e.g. negative precepts such as "Do Not Kill" which always bind *semper et pro semper*. Positive duty, which is often expressed as an ideal, which is generally binding (*semper*, but **not** *pro semper*), but which can be excused for "grave reasons" or competing duties. Important distinction in many areas, such as in social ethics with help of one's neighbor and the creation of a just society; and in sexual ethics, such as the use of periodic continence to avoid procreation (a formerly debated position which has now been approved by the Magisterium in e.g., Pius XII's 1951 *Address to Italian Midwives* and Paul VI's 1968 *Humanae vitae*).

C. Reiteration of the Basic Moral Principle of Responsibility

XXXV. O'CONNELL'S THREE NOTIONS OF CONSCIENCE

- A. From Timothy E. O'Connell, "Conscience" ch. 9 in *Principles for a Catholic Morality*, 103-118. Revised edition, San Francisco: Harper and Row, (1976), 1990.
Presupposition: The word "conscience" has a number of common and legitimate meanings.
1. E.g. in terms of guilt feelings: what O'Connell terms "Posterior conscience": the "aspect of the human person that is activated by certain sorts of behavior and provides a sort of gut-level evaluation of that behavior." [O'Connell, p. 104].
 2. However, "when the Catholic tradition talks about conscience, it is *not* talking about posterior conscience. The use of the term in this way is a peculiarly modern phenomenon. The tradition, for its part, uses the term to point at *anterior* conscience." p. 104.
 3. Roles of guilt-feelings: "It may happen that guilt feelings will call our attention to a situation or an action for which we are and ought to be truly guilty. And if so, they are to be cherished as helpful guides for human living. But the exact opposite may also be the case. For whatever reason, I may very well feel guilty about something that I should in no way repent." p. 105.
 4. Possible Reasons: compulsive behavior, superego guilt feelings, etc.
 5. Recall the traditional moral theological vocabulary on conscience
 - a. "Traditional moral theology habitually distinguished three different meanings for the word 'conscience'. And these it delineated by the use of three different terms: *synderesis*, moral science, and *syneidesis*." p. 109.
 - (1) "By *synderesis* they understood the habit of conscience, the basic sense of responsibility that characterizes the human person. And by *syneidesis* they understood the act of conscience, the judgment by which we evaluate a particular action."
 - (2) Moral science: the process of discovering the particular good which ought to be done or the evil to be avoided.
 - (3) "We have already seen that the term *syneidesis* is clearly present in Scripture. But what of *synderesis*? The simply and embarrassing fact is that this term does not appear in Scripture. Indeed, there is no such word in the Greek language. Rather, it appears that this entire theological tradition is the result of a massive error." p. 109.

- (4) This semantic distinction refers to Jerome's misinterpretation of variant spellings for συνείδησις in the Greek Bible.
6. O'Connell's reformulation of conscience vocabulary:
 - a. This formulation has been well-received by contemporary moralists, and is used also by Richard Gula in his treatment of conscience in Gula's *Reason Informed By Faith*; see especially his chart on p. 132.
 - b. Helpful set of distinctions, though unfortunately not expressed in ordinary common vocabulary
 - c. O'Connell says that, "We shall assert that the word 'conscience', as it is generally used both in theology and in those ordinary conversational usages that refer to *anterior* conscience, points at one or another of three quite different ideas, that there are three distinct *facets* of this reality of anterior conscience. And for purposes of simplicity, we shall refer to these as conscience/1, conscience/2, and conscience/3." p. 110.
- B. Conscience/1
 1. To be human means to be accountable and therefore, to have a capacity for self-direction, which in turn "implies a human responsibility for good direction." [O'Connell, p. 110]
 2. Conscience/1 refers to "conscience as an abiding human *characteristic*, to a general sense of value, an awareness of personal responsibility, that is utterly emblematic of the human person." [O'Connell, p. 110]
 3. Similar to Thomas Aquinas' understanding of the habit of first moral principles
- C. Conscience/2
 1. Conscience/1 leads to Conscience/2, because it "force individual human persons to search out the objective moral value of their situation. They feel obliged to analyze their behavior and their world, to seek to discover what is the really right thing and what is not. This search, this exercise of moral reasoning, can be termed conscience/2.
 2. "For if conscience/1 is a characteristic, conscience/2 is the *process* which that characteristic demands. Conscience/2 deals with the effort to achieve a specific perception of values, concrete individual values. It is the ongoing process of reflection, discernment, discussion, and analysis in which human beings are always engaged." [O'Connell, p. 111].
 3. Therefore, conscience/2 is seen as the specific perception of concrete individual values. i.e., conscience while being formed, therefore is fallible at this stage, i.e., definite possibility of error. Also there will be disagreement among people on the level of conscience/2. Therefore, greater need for assistance, e.g., from the Church and the whole Christian community at this level. As Gula notes,

"genuine conscience is formed in dialogue, not in isolation. The work of conscience/2 is to carry on this dialogue with the sources of moral wisdom." [RIF, p. 135].

D. Conscience/3

1. "If conscience/1 is a characteristic and conscience/2 is a process, conscience/3 is an *event*. And as such, conscience/3 is consummately concrete. It is the concrete judgment of a specific person pertaining to her or his own immediate action." p. 112.
2. "Indeed, by the personal decision either to accept or to refuse the demand of conscience/3, the moral agent engages either in an act of sanctity or in actual sin." p. 112.
3. formed conscience, i.e., an "honest" decision, even if objectively wrong, if one acts of this formed conscience one will be doing "good"

XXXVI. TERMINOLOGICAL DISTINCTIONS BETWEEN GOOD/BAD & RIGHT/WRONG

A. Scriptural Passage: Genesis 22:1-12 [Testing of Abraham]

1. Some time later God tested Abraham. He said to him, "Abraham!" "Here I am," he replied. Then God said, "Take your son, your only son, Isaac, whom you love, and go to the region of Moriah. Sacrifice him there as a burnt offering on one of the mountains I will tell you about." Early the next morning Abraham got up and saddled his donkey. He took with him two of his servants and his son Isaac. When he had cut enough wood for the burnt offering, he set out for the place God had told him about. On the third day Abraham looked up and saw the place in the distance. He said to his servants, "Stay here with the donkey while I and the boy go over there. We will worship and then we will come back to you." Abraham took the wood for the burnt offering and placed it on his son Isaac, and he himself carried the fire and the knife. As the two of them went on together, Isaac spoke up and said to his father Abraham, "Father?" "Yes, my son?" Abraham replied. "The fire and wood are here," Isaac said, "but where is the lamb for the burnt offering?" Abraham answered, "God himself will provide the lamb for the burnt offering, my son." And the two of them went on together. When they reached the place God had told him about, Abraham built an altar there and arranged the wood on it. He bound his son Isaac and laid him on the altar, on top of the wood. Then he reached out his hand and took the knife to slay his son. But the angel of the LORD called out to him from heaven, "Abraham! Abraham!" "Here I am," he replied. "Do not lay a hand on the boy," he said. "Do not do anything to him. Now I know that you fear God, because you have not withheld from me your son, your only son." (NIV)

B. Importance and confusion over this issue

1. Distinction of terms themselves: Is something good in itself, or is something good because God decrees it so?

2. Reinterpretation of the terms by various moralists, and an ongoing debate among theologians over the authentic interpretation of the teaching of St. Thomas Aquinas. Added to this is the role of the Magisterium in teaching/interpretation of the natural law centered in questions of sexual ethics. This debate initiated by the 1968 *Humanae vitae* of Paul VI and continued through the two latest moral encyclicals of John Paul II: 1993 *Veritatis splendor*, which deals with fundamental moral theology and 1995 *Evangelium vitae*, which deals with a range of "life" questions, including abortion, euthanasia, and capital punishment.
- C. Related also to the perduring problem of voluntarism
1. Understood in general as placing the emphasis on morality as the fulfilling of God's will and/or commandments which God "legislates" for God's creatures. See in this regard Josef Fuchs' article on the Image of God and Our Innerworldly Behaviour. The issue arises of the relation of God's will to moral goodness, i.e., is something "good" only *because* God so wills it and God could will otherwise, or is something good in itself, which even God could not change without destroying God's own nature? Obviously, how we understand "God" to be is key in answering these questions.
 2. Problematic aspect of voluntarism is understanding morality and moral goodness in this first sense, i.e., something is good only because God so wills it, and the moral response is to obey this divine "law" with the result that moral goodness is then predicated on simple obedience. Thus, law itself (rather than the values the law is designed to uphold) becomes the ultimate and supreme norm of the moral rightness of human action. Contrast this approach with the use of *recta ratio* and Thomas Aquinas' First Principle of the natural law, which we will take in detail later. Voluntarism, with its concomitant moral stance of tutiorism, is a heresy that does not die easily, and its vestiges remain with us today. Therefore, we need to be particular alert to its subtle manifestations. This point comes up in John Mahoney's Chapter 6.
- D. Basic Bibliography
1. Charles Curran and Richard McCormick's *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, (New York: Paulist Press, 1979). The whole volume is recommended, but especially the following articles by Peter Knauer and Louis Janssens:
 2. Knauer, Peter, S.J. "The Hermeneutic Function of the Principle of the Double Effect." In *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, 1-39. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1979.
 - a. Also found in English in *Natural Law Forum* 12 (1967): 132-162.
 - b. In many ways this article can be taken as the beginning of the modern proportionalist debate.
 3. Josef Fuchs, S.J. "Historicity and Moral Norm." Chapter 6 in Idem. *Moral*

Demands and Personal Obligations, 91-108. Washington, D.C.: Georgetown University Press, 1993.

- a. Treats issues of moral norms and normativity, and the relation of the fact of historicity to such moral norms, as well as the distinction between moral "goodness" and "rightness" and the importance of this distinction to an understanding of the proper approach an individual must take in his or her moral life.
4. McCormick, Richard A., S.J., and Ramsey, Paul, eds. *Doing Evil to Achieve Good: Moral Choice in Conflict Situations*. Chicago: Loyola University Press, 1978.
 - a. Includes essays by Baruch Brody, William K. Frankena, Bruno Schüller, S.J., as well as contributions by Ramsey and McCormick, all of which deal in some way with McCormick's reformulation of the principle of the double effect, given as the 1973 Père Marquette Lecture, delivered at Marquette University in Milwaukee, Wisconsin (and which is included in this volume as well). Important for the variety of responses, and also the critique by the well-known Protestant ethicist Paul Ramsey.
 5. Keenan, James, S.J. "The Distinction Between Goodness and Rightness." Chapter One in Idem, *Goodness and Rightness in Thomas Aquinas' Summa Theologiae*, 3-20. Washington, D.C.: Georgetown University Press, 1992.
 - a. Doctoral dissertation done at the Pontifical Gregorian University under Josef Fuchs, S.J. Keenan centers on the distinction between moral goodness and the agent's "rightness" or "wrongness" in his/her apprehension of moral good and evil, as developed in the thought of St. Thomas, which is an argument central to the proportionalist debate.
- E. Traditional teaching based on the aphorism, *Bonum ex integra causa, malum ex quocumque defectu*.
1. The [moral] good of an act comes from its causal integrity [of act plus intention]; moral evil comes *whatever* defect [in either act or intention]. However, the *full* aphorism reads: *Verum et falsum sunt in mente, bonum et malum sunt in rebus; bonum ex integra causa, malum ex quocumque defectu*.
 2. Truth and error exist in the mind, good and evil in things; good demands fullness of being, evil is predicated of any defect. The [moral] good of an act comes from its causal integrity [of act plus intention]; moral evil comes *whatever* defect [in either act or intention] "From this it follows that 'a good intention will not make a bad object good.'" [Bernard Hoose, *Proportionalism: The American Debate and its European Roots*, (Washington, D.C.: Georgetown University Press, 1987): 107]
 3. However the problem lies in how to understand this axiom. Obviously such a statement also presupposes a certain metaphysics! Those who either do not

understand completely this metaphysics, or who use a different philosophical system will probably not be in a position to understand completely all the nuances and conclusions of this language. This observation is related to my Second "C" of Comprehensibility.

F. Distinction between Right and Wrong, Good and Bad

1. Distinction rests on the difference between the objective moral order in itself, and the individual in his or her (necessarily "subjective" apprehension of that order) and personal efforts to realize its values in concrete acts performed according to the lights of one's conscience, which lights will at times be incomplete and imperfect. Building on this basic insight Josef Fuchs has taken pains to distinguish, "The right realization of the subject or person is usually (or at least very frequently) called 'moral goodness', or simply personal 'morality', because only the subject or person as such, and one's own attitudes and free decisions, can be called 'moral' in the narrow sense of the word. With respect to morality as such, one can speak only of personal moral goodness--or its negation, of moral badness or immorality." Josef Fuchs, "Historicity and Moral Norm," Chapter 6 in idem, *Moral Demands and Personal Obligations*, (Washington, D.C.: Georgetown University Press, 1993): 96.
2. Moral "rightness" or "correctness" however, refers to the individual's "objective" relation to the objective moral order. As Fuchs puts it, "The right realization of the world or object (nature-creation), to distinguish it from personal moral goodness, is usually called 'moral // correctness--righteousness or rightness' it bespeaks the appropriate or inappropriate realization, on the part of the personal human being, of the world as object, as nature-creation." (Fuchs, "Historicity and Moral Norm," pp. 96-97.) And Fuchs goes on to add immediately that "The great number of moral norms speak of this rightness as human conduct." [Fuchs, "Historicity and Moral Norm," p. 97]
3. Saying much the same thing, Bernard Hoose says that "Goodness here refers to the moral goodness of a person. Rightness, on the other hand, refers to the correctness of the action, whether it be performed by a morally good person or a morally bad one." [Hoose, p. xi].
4. "G.E. Moore pointed out that what is deserving of moral praise or blame is often confused with the question as to what is right or wrong." [Hoose, p. 46]. As Hoose notes, "In other words, the motive may be important for a decision about moral goodness or badness (sin), but has no part in decisions about the moral rightness or wrongness of acts. ... Schüller illustrated this point very carefully by taking as an example a physician who develops a new therapeutic device which, he sees, will be beneficial to a very large number of people. The physician, however, is motivated only by selfish ambition. ... Thus his act is morally bad because it is performed from pure selfishness. At the same time, however, it is morally right because of its beneficial consequences." p. 46.
5. "A major problem sometimes confronts the good person who is striving to do the right thing, and that problem is: just what *is* the right thing to do in these circumstances? ... If what is morally good is what is morally right and what is

morally bad is what is morally wrong, we shall have to revise an awful lot of our thinking on moral matters. Some of the people who burned heretics were probably morally good in such actions. Are we to assume, therefore, that the act of burning heretics was morally right? Must rich benefactors seeking // admiration stop giving their money to the poor? Surely, they should change their attitude, but continue to give their money." [Hoose, pp. 62-63].

6. Or consider Paul on the road to Damascus, intending to kill Christians.
7. "Referring to an article written by Servais Pinckaers on the subject of proportionalism and intrinsically evil acts, he [McCormick] points out that Pinckaers fails to make the distinction. Indeed, says McCormick, he never mentions right and wrong anywhere in the article. He only discusses goodness and badness, involving goodwill, etc. However, continues McCormick, the whole discussion about moral norms is concerned with the rightness and wrongness of concrete human behavior. 'To miss this point is to fail to understand the issue'." [Hoose, p. 51].

XXXVII. THE FONTS OF MORALITY, STRUCTURE AND ENDS OF MORAL ACTION

- A. See *The Catechism of the Catholic Church*, #1749-1761.
- B. Traditional vocabulary of the three "fonts" (sources) of *morality* (*not* of moral *theology*): 1) Action *in se*; 2) Intention of the agent; and 3) Circumstances
- C. Therefore, the "situation" or "circumstances" *must* be seen as a constitutive element in moral action. In this vein it is helpful here to read Thomas Aquinas in the whole section covering human acts in the *Summa Theologiae*, but here I will reference the key passages found in *ST I-II*, q. 18, aa. 10-11. The first point that Thomas makes is that "circumstances" are not "accidents" (i.e., a non-essential aspect) of human acts. Circumstances help determine the "species" [moral meaning or nature] of an individual human act, and reason plays a key role here in reflecting on the meaning of these circumstances and the appropriate moral response one is to make in light of these circumstances. To quote Thomas directly: "And consequently that which, in one action, is taken as a circumstance added to the object that specifies the action, can again be taken by the directing reason, as the principal condition of the object that determines the action's species." (*ST I-II*, q. 18, a. 10). Thus, we see that reason is the key here. Circumstances of and by themselves do not determine the moral species of an act, but reason's interpretation of the proper response to a given situation will necessarily differ according to individual circumstances, and so in the "objective" sense we have differing acts depending on their circumstances. The point to stress here is that this is *not* moral relativism nor "situation ethics" in the contemporary understandings of the term, but the "objective" recognition that different concrete circumstances will necessarily produce different situations to which our practical moral reason must respond. To quote Thomas Aquinas again on this point: "But since the reason can direct as to place, time, and the like, it may happen that the condition as to place, in relation to the object, is considered as being in disaccord with reason." (*ST I-II*, q. 18, a. 10). In summary, Thomas is emphatic that circumstances play a critical role in helping to determine the moral meaning (species) of an action: "As stated above (10), a circumstance gives the species of good or evil to a moral action, in so far as it regards a special order of reason." (*ST I-II*, q. 18, a.

11).

D. The structure ends of the moral action

1. Key terminology, whose practical moral meaning is debated among various theologians.
 - a. *Finis operis*
 - (1) The "end (objective) of the work"
 - (2) I.e., the moral distinction of the aspect of the finality ("end") of the action itself, the *Finis operis*, which is distinguished from the
 - b. *Finis operantis*
 - (1) The intention {objective, will} of the agent
 - (2) i.e., the aspect of the moral agent's own motive for doing a particular action, which is distinct from the finality ("end") of the action itself.
2. Example to illustrate the difference between *finis operis* and *finis operantis*: A person who gives a large sum of money to the poor merely *in order that* s/he receive praise of others, performs an action which in itself is good (i.e., the *finis operis* is good), but whose motive (the *finis operantis*) is bad (seeking vainglory). Thus, for the moral agent her/himself this is a morally bad action. This same point is echoed in *The Catechism of the Catholic Church*.
3. There remains an ongoing debate among moralists about the whole significance understanding of what constitutes the actual moral distinction between *finis operis* and *finis operantis* in certain actions which have both good and bad effects.
4. Historical background in two currents in medieval thought. First, the School of Peter Lombard: "accents the importance of the object (*finis operis*) within the framework of the action, and it assumes the position that the object can be morally evaluated by itself (*in se*) without reference to the agent." [Louis Janssens, "Ontic Evil and Moral Evil," in *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, ed. Charles Curran and Richard McCormick, p. 40]. Contrasted with this is the second, advocated by Anselm of Canterbury, Abelard, and their followers was adopted by Thomas Aquinas who thoroughly systematized it.
5. Thomas' position on the *finis operis* and *finis operantis*: He links the definition of the structure and the morality of human action (*actus humanus*) to the moral agent, rather than simply the act in and of itself. As Thomas noted, the *finis operis semper reducitur in finem operantis* [the *finis operis* is always "found" in {comes down to, is "reduced" to} the *finis operantis*. From Thomas'

commentary on Peter Lombard's Sentences, *II Sent.* dist. 1, q. 2, art. 1 [double check this; it may be instead from the ST I-II, q. 18, art. 6.]

6. This linkage implies the absolute moral importance of the intention (and by extension, the circumstances) in any complete evaluation of moral action. "In other words, the good, which is the appropriate object of the will, can only be termed an end insofar as it is aimed at by the subject in and through his action; it is always a *finis operantis*." [Janssens, *Ontic Evil*, p. 43.]

E. Intention and moral action with two ends: Example of the person who gives large donation to the poor, but for the purposes of vainglory. The action has two ends: The end of the action in itself, in which the poor are helped, and which action is in itself morally good. However, the end for which the *agent* performs the action is vainglory, and thus this end is morally bad for him/her. For the *agent* the moral meaning of an action with two ends then depends on the agent's intention. However, in the same breath, it is important to recognize and acknowledge that our motives will always be mixed to some extent. The important thing to bear in mind is the basic path towards greater integration and purity of desire that we are trying to walk. A positive theory of virtues and conversion can be helpful here. Above all, don't be paralyzed by scruples in this regard.

XXXVIII. PRINCIPLE OF TOTALITY

A. Background to development of the principle

1. Often associated with issues which today we would consider in bioethics (and thus we will consider this principle in greater detail in that part of the course). It is important here for its relation to the principle of the double effect and the whole ensuing debate on proportionalism, and especially the distinction between ontic and moral evil (physical/moral, premoral/moral).

2. Manualist tradition: "As is well known, the principle was initially reduced to a physicalistic and individualistic understanding. The dominant axiom was simply *pars propter totum*. A therapeutic operation for a diseased organ or bodily function was considered permissible when no other possibility existed to secure the well-being of the organism. Moreover, this required a correspondence--which was strictly interpreted--between the employed means and the end they attempted to reach. Both had to move on the same level; that is, a bodily illness was answered by a corporeal intervention." [From Klaus Demmer, "Theological Argument and Hermeneutics in Bioethics," in *Catholic Perspectives on Medical Morals: Foundational Issues*, 103-122, ed. Edmund D. Pellegrino, John P. Langan and John Collins Harvey, (Dordrecht: Kluwer Academic, 1989): 115.]. Thus, according to the manualist tradition no one could ever become a living organ donor, etc., since this would amount to self-mutilation, which could never be countenanced in a healthy person. E.g., amputation of a gangrenous limb, (self-mutilation) was morally acceptable *only* in the presence of some pathological condition which would lead to greater injury and/or death unless performed.

B. Renewed and Vatican II moral theology

1. Problems raised by limit cases in medical ethics led to a reformulation of this principle, allowing, e.g., for amputations and organ transplants sanctioned by the Magisterium. Consider, for example, based on a personalist paradigm, Sally Fields' donation of a kidney to her daughter, [played by Julia Roberts] in the movie *Steel Magnolias*.
 2. Moral theologians began to apply this principle to other areas as well of ethics, e.g. marriage, as did Vatican II in its teaching of marriage: *Gaudium et spes* #51, when in speaking of conjugal love and procreation, "teaches that the moral character of any procedure must be determined by objective criteria 'based on the nature of the person and his acts'. To explain how the nature of the person's acts is morally relevant, the official commentary on the expression that was used states: 'By these terms it is asserted that the acts must also be judged not according to their merely biological aspect, but insofar as they refer to the human person integrally and adequately considered'. The comment also declares that this 'is a question of general principle'." [Louis Janssens, "Personalism in Moral Theology," p. 94].
- C. Janssens' formulation of the principle of totality
1. "To form a judgment on the moral rightness or wrongness of an action, two requirements must be fulfilled. We must consider the whole action with all its components, and examine whether or not this totality is promotive of the person and his or her relationships, namely in the totality of the person's dimensions." [Janssens, "Personalism in Moral Theology," p. 95]
 2. "Therefore, in order to determine its moral rightness or wrongness we must always start with the concrete action as it is experienced in the concrete situation." [Janssens, "Personalism in Moral Theology," p. 95].
- D. A certain correspondence will be seen with the main tenets of personalism, totality, and proportionalism.

XXXIX. INTRODUCTION TO THE THEORY OF PROPORTIONALISM

- A. Bibliography
1. Bernard Hoose's *Proportionalism: The American Debate and its European Roots*. Washington, D.C.: Georgetown University Press, 1987.
 - a. Revised doctoral dissertation done at the Pontifical Gregorian University under Josef Fuchs, S.J., tracing the development and theological issues contained in the moral theory of proportionalism, from the initial publication of Peter Knauer, S.J.'s 1965 article on a revised approach to the principle of the double effect through subsequent writings and debate primarily in Germany and North America. Also contains a good bibliography of the relevant literature. Hoose is currently on the faculty of Heythrop College. This is probably the best single book on this whole debate.

2. Curran, Charles E. and McCormick Richard A., S.J., eds. *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*. New York: Paulist Press, 1979.
 - a. Contains many helpful articles on *both* sides of the theological debates surrounding proportionalism and moral norms
3. Kaczor, Christopher. "Double-Effect Reasoning from Jean Pierre Gury to Peter Knauer." *Theological Studies* 59 (1998): 297-316.
 - a. Helpful overview of the teaching of Thomas Aquinas on the principle of double effect, derived from Thomas's teaching on legitimate self-defense contained in the *Summa Theologiae* II-II, q. 64, art. 7, its development in the neo-scholastic manualist tradition (using the 19th century Jesuit moralist Jean Pierre Gury), and a good exposition of the position of Peter Knauer, who can be credited with the seminal article which helped launch the debate on proportionalism.

B. Background

1. Basic role of proportionalism in moral theology: "for example, the principle of double effect, the principle of the lesser of two evils, and, in more recent times, the principle of totality." [Hoose, p. ix].
2. Problematic aspect of proportionalism
 - a. Seen in the light of ongoing tutorist vs. probabilism struggle
 - b. Also "opposition comes from a number of scholars who insist on the importance of deontological norms of behavior and fear that, in proportionalism, the concept of intrinsic evil is in danger of being relativized." [Hoose, p. x].
3. Recall the three fonts of morality: 1) The moral act itself; 2) Intention; and 3) Circumstances

C. Thomas Aquinas' teaching on legitimate self-defense: *locus classicus* in the *ST* II-II, q. 64, n. 7

1. The *Sed contra*, in which Thomas gives his own opinion, of this Question reads as follows:

I answer that [*sed contra*], Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention. Now moral acts take their species [i.e., moral meaning] according to what is intended, and not according to what is beside the intention [*praeter intentionem*], since this is accidental [*per accidens*] as explained above (43, 3; I-II, 12, 1). Accordingly the act of self-defense may have two effects, one is the saving of one's life, the other is the slaying of the aggressor. Therefore this act, since one's intention is to save one's own life, is not unlawful, seeing that it is natural to everything to keep itself in "being," as far as possible. And yet, though

proceeding from a good intention, an act may be rendered unlawful, if it be out of proportion to the end. Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists [Cap. Significasti, De Homicid. volunt. vel casual.], "it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense." Nor is it necessary for salvation that a man omit the act of moderate self-defense in order to avoid killing the other man, since one is bound to take more care of one's own life than of another's. But as it is unlawful to take a man's life, except for the public authority acting for the common good, as stated above (3), it is not lawful for a man to intend killing a man in self-defense, except for such as have public authority, who while intending to kill a man in self-defense, refer this to the public good, as in the case of a soldier fighting against the foe, and in the minister of the judge struggling with robbers, although even these sin if they be moved by private animosity.

Text from the New Advent Catholic Website:

<http://www.knight.org/advent/summa/306407.htm>

2. Thus, in killing the unjust aggressor Thomas maintains that one can never *intend*, in the moral sense, to kill the aggressor, rather the killing must always be "indirect." In contemporary language we might use instead the distinction here of "psychological" intent—i.e., I "know" that I will kill the aggressor through my actions, but it is not the moral purpose of my action to do so. (What Thomas would call "indirect"). Rather, my moral purpose, and thus the moral "intention" of my action, is to legitimately save my own life or the life of another. It is important to keep in mind that the force used must be proportional to the threat (i.e., the moral circumstances come into play here). If there is commensurate or proportionate reason for the level of force used, then the act is moral, if there is a lack of commensurate reason for the amount of force used, then the act would be immoral.

D. Traditional evaluation of the moral act

1. *Bonum ex integra causa, malum e quocumque defectu.* The [moral] good of an act comes from its causal integrity [of act plus intention]; moral evil comes *whatever* defect [in either act or intention]. "From this it follows that 'a good intention will not make a bad object good'." [Hoose, p. 107].
2. However the problem lies in how to understand this axiom. "[Arthur] Vermeersch, for example, points out that it must be understood to apply to an action that would be good in all its elements, i.e., simply good [totally good]. The act is, of course, not simply good if one of its elements is defective. Although such an act is not simply good, however, it is not necessarily immoral, because it is possible to have evil circumstances which would not change the substantial goodness of the act." [Hoose, p. 107]
3. The historical problems is that "the axiom was always understood in that way. An improper understanding of it may have contributed to the tendency to identify the moral object with the physical object and moral evil with physical evil." [Hoose, p. 107].

- E. Traditional understanding of the principle of the double effect
 - 1. "The traditional understanding of the principle of double effect was that an act which would foreseeably cause such an evil as well as a good could be performed if, and only if, all four of the following conditions were fulfilled: (1) The act (directly) performed is in itself good, or at least indifferent. (2) The good accomplished is at least as immediate as the evil. (3) The intention of the agent is good. (4) There is a proportionate reason for causing the harm." [Hoose, p. 101].
 - 2. Keep in mind an additional over-arching condition, that no morally bad means could ever be used to justify a good end. This is the correct interpretation of the axiom that "The end never justifies the means." Otherwise, not speak of a morally bad means, the means must justify the end. What else could conceivably justify the means if not the end? A morally bad means cannot be used to justify even a morally good end, for this would destroy the foundations of the objective moral order, and the first principle of the natural law that "good is to be done and fostered, and evil avoided."

XL. KEY TERMINOLOGY FOR PROPORTIONALISM

- A. Bibliography
 - 1. Janssens, Louis. "Ontic Evil and Moral Evil." *Louvain Studies* 4 (1972): 115-156.
 - a. Also found in *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, 40-93. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1979. This presents a careful reading of St. Thomas before moving on to developing the distinction between ontic evil and moral evil. Again, suggests support for my thesis that much of the debate over proportionalism is actually a debate over the *authentic* interpretation of St. Thomas.
- B. Ontic/pre-moral good or evil
 - 1. Represents the traditional distinction between *malum physicum* and *malum morale*.
 - 2. However, Janssens (and others) point to the misunderstanding these terms can have in contemporary language "because the contemporary meaning of 'physical' corresponds more to the meaning of 'material'." [Janssens, "Ontic Evil," p. 60]
 - 3. The traditional distinction, however, aimed at something more nuanced, and therefore many theologians argue for the need of adopting new terminology. However, no clear consensus yet on terminology to be adopted. Some continue to use "physical" and "moral" evil, while others adopt Janssens "ontic" and "moral" evil, while still others prefer "pre-moral" and "moral" as the best terms to express this distinction. All of these choices have inherent problems, since the traditional vocabulary can be misconstrued, as Janssens notes, while the other choices suffer from similar problems such as misconstrual and misunderstanding.

Added to the fact that expressions such as "ontic" or "pre-moral" good/evil are not part of the common language of most people, and therefore, will falter at the "comprehensibility" test of sound moral arguments.

4. Meaning of ontic evil: "We call ontic evil any lack of a perfection at which we aim, any lack of fulfillment which frustrates our natural urges and makes us suffer. It is essentially the natural consequences of our limitation." [Janssens, *Ontic Evil*, p. 60].
 5. Omnipresence of ontic evil in our concrete lives and acts due to the combination of our finitude and sinfulness, as well as aspects of our finitude which lead to ontic evil: "...each concrete act // implicates ontic evil because we are *temporal* and [temporality] *spatial*, [limited also by laws of nature] live together *with others* [relationality] in the same *material world*, are involved and act in a *common sinful* situation." [Janssens, *Ontic Evil*, pp. 60-61].
 6. Sense of the social meaning of original sin, as well as the connection between ontic evil and moral evil [i.e., sin] "... we cause ontic evil when we act immorally. "... the fundamental source of ontic evil [is] our sinful condition." [Janssens, *Ontic Evil*, p. 66].
 7. Inevitability of causing some ontic evil: "We can conclude that we must accept the inevitable fact that we will run into ontic evil when we act. We cannot do away with ontic evil without depriving our actions of their effectiveness and without sooner or later endangering the realization of our morally good ends." [Janssens, *Ontic Evil*, p. 79]. The key for us, in seeking to respond responsibly to the first principle of the natural law to do and foster the good, while minimizing and avoiding the evil, therefore leads to a moral obligation to avoid/reduce as much as possible ontic evil which arises from our actions. As Janssens observes, "If our actions contain more ontic evil than they must have to be the proper means, they are not ordered properly to the goals of man and society. Consequently, they are immoral." [Janssens, *Ontic Evil*, p. 80]. And this is what Knauer would call lack of commensurate reason.
 8. Moral question of directly causing *justified* ontic evil.
 - a. Remember the premise that, due to our finitude and sinfulness, every concrete action will involve the *commission* of a certain amount of ontic evil, or the *omission* of doing some good, or relieving some evil. For example, going to class today means you could not work to aid the homeless *at this moment*, which could be termed ontically bad/evil. However, the moral question involves less clear-cut situations and the so-called "limit" cases.
 - b. This question will be related overall to the development of *concrete* practical moral norms, but for now we need to move on to the consideration of a related issue, i.e., intentionality in the commission of ontic evil.
- C. Important distinction between pre-moral and moral values. It is important to note the

difference between these two realities. Here the description given by Charles Curran can be helpful: "Premoral goods are those values we pursue in human action such as life, health, procreation. But these values often can and do conflict with other premoral values. Moral values, on the other hand, are realities such as justice and integrity that correspond to what we earlier called the moral object of the act. Justice, however, is quite generic and doubt often exists whether a particular act is just or not. By the very nature of human existence, premoral values can never be absolutized because they always exist in connection with other premoral goods in our world." (Curran, *Catholic Moral Tradition*, p. 156.)

D. Distinction between direct/indirect means

1. Traditional distinction related to the above discussion on what we now call "ontic" evil, which is also related also to the principle of the double effect.
2. Recall "The traditional understanding of the principle of double effect was that an act which would foreseeably cause such an evil as well as a good could be performed if, and only if, all four of the following conditions were fulfilled: 1. The act (directly) performed is in itself good, or at least indifferent. 2. The good accomplished is at least as immediate as the evil. 3. The intention of the agent is good. 4. There is a proportionate reason for causing the harm." [Hoose, p. 101].
3. Conclusions of the traditional formulation of the principle of the double effect: One could never *directly* intend the evil means. An evil means could never justify a good end. The evil had to be simply a collateral result of the means to the good end, in which case the evil could be tolerated. Moreover, the evil result could not *precede* the good end, because then it would seem that the evil was being chosen as a means, rather than tolerated as a collateral effect.
4. Examples of the logical difficulties of this formulation in bioethics
 - a. Ectopic pregnancy: According to traditional formulation an early abortion would not be morally permissible. Rather, the moral advice was to let the pathological condition deteriorate into cancer, and then remove the tubes. Thus, the procedure would not be an intended abortion, and thus no "intrinsically evil" act would be performed.
 - b. Revision of understanding of abortion
 - (1) Procured
 - (2) Therapeutic
 - (3) Not intended as abortion per se
 - c. Mention in this case of the *lex valet ut in pluribus* principle: Even if occasionally a tubal pregnancy might be viable, this does not vitiate the principle, which still would apply in a majority of cases. The reason for the principle is expressed in this way by St. Thomas Aquinas: who

thought moral "rightness" in relation to the principal of *ut in pluribus*, that is, determined *not* "by those things which happen *per accidens* in an individual, but by those which follow from the whole species." [cf. *SCG* 1.3, c. 125 and c. 122]. Citation from Josef Fuchs, S.J. "*Epikeia Applied to Natural Law?*" Chapter 10 in *Personal Responsibility and Christian Morality*, trans. by William Cleves and others, (Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1983): 193.

- d. Abortion instead of hysterectomy.
 - (1) Non-viable fetus with the pathology of intrauterine bleeding
 - (2) Two possible therapies
 - (a) Abortion (which has cauterizing effect on the bleeding vessels)
 - (b) Or Hysterectomy
 - (c) Fetus dies in both cases
 - (3) Traditional condemnation of this procedure.
 - (4) Here, as in the above case, it helps illuminate what is really going on, i.e., to see all the morally relevant features, and demonstrates an inability of the traditional formulation of the principle of the double effect to address these issues in a "common-sense" manner.
- 5. Re-labeling the death of the fetus as an ontic evil, rather than a moral evil in these cases.
- 6. One can cause ontic evil for serious proportionate reason.
- 7. Proportionalism is another attempt to address morally the fundamental values in this sort of situation.

- E. Understanding of intention in the moral sense, which focuses on the distinction between voluntary act and intended act. In traditional moral theology this distinction involved a possible consideration of actions which, while "foreseen," nevertheless were not "intended" in the moral sense. Such actions (or consequences) were said to lie "outside" of the moral intention (*praeter intentionem*), as in the example of killing a molester to save an innocent child: "In the traditional language of moral theology, the evil of killing in this case would have been voluntary, but not intended. There is, of course, no contradiction here. The word 'intend' merely has two different meanings." (Hoose, p. 103). "The evil in the act could therefore be intended in the psychological // sense (i.e., the usual sense), but had not to be intended directly in the moral sense." (Hoose, pp. 103-104).

- F. "Proportionate" reason: E.g., on amount of violence use. Any excessive use (i.e. "unreasonable) would not be "proportionate." Thus, the combined terminology of "proportionate reason"—actually "reason" is the key aspect here—if it's "reasonable" then it would be *ipso facto* "proportionate." "Proportionate" does *not* mean "greater" in an utilitarian sense of consequentialist reasoning, in which what is "moral" would be that which gives the greater benefit to the greater number. If our actions and decisions are truly reasonable then we have already supplied "proportionate" reason. Thus, we might look on the term "proportionate" as simply a further specification of what "reason" means in the concrete. If we understand proportionate reason in this way then I think many of the "charges" against proportionalism by its critics will be seen as lacking a real foundation.

XLI. REINTERPRETATION OF THE PRINCIPLE OF THE DOUBLE EFFECT

- A. Watershed work: article of Peter Knauer: "Knauer was of the opinion that the standard interpretations of the principle of double effect caused many problems. He was also uneasy about the fragmentation of the human act into unreal parts that seemed normal in those interpretations. He pointed out that in St. Thomas' definition of self-defense-- which, rightly or wrongly, he saw as the beginning of the principle of double effect--the term 'effect' is not used merely as a correlative to 'cause'. The term 'aspect' would better fit what Thomas wished to say. // Having thus interpreted Aquinas, Knauer lined up behind him, preferring to speak of two aspects of one and the same action, rather than two effects, thus safeguarding the unity of the human act." [Hoose, pp. 1-2].
- B. "But Knauer's version of that principle was a somewhat reduced one: 'The moral subject may permit an evil effect of his act only if this effect is indirect, being counterbalanced by a proportionate reason.'" [Hoose, p. 2.]
- C. "Sin, says Knauer, consists in allowing an evil without a proportionate reasons. In such a case the evil is not 'accidental'; it enters into the every object of one's act. If, however, there is a proportionate reason for allowing an evil effect, the evil effect becomes indirect. A bad effect (or aspect) will be direct or indirect depending on the presence or absence of a proportionate reason. The difference between direct and indirect, therefore, is not formally a physical difference." [Hoose, p. 2.]
- D. "For Knauer, proportion is lacking when the act performed undermines the very value being pursued. The protection of innocent life by the unnecessary destruction of innocent life would surely, on those terms, *not* be proportionate, because it involves an undermining of the value being pursued." [Hoose, p. 4.]

XLII. PROPORTIONALIST VIEW OF THE STRUCTURE OF THE MORAL ACT

- A. Example, telling a lie or breaking a secret in order to save a life. In the traditional teaching of St. Augustine: "that a man should not tell an untruth even to save his neighbor's life." p. 73. Augustine's moral logic here would define any such "untruth" as a *Locutio contra mentem*, and therefore, *contra naturam* to the faculty of speech as truthful communication of what one has in one's mind, and therefore, since *contra naturam*, is also immoral (*intrinsece malum in se*).
- B. However, we can produce many examples which show the difficulty, if not actual

incoherence of this position, e.g., how to respond to Gestapo at the door who are asking if you are hiding Jews in the attic (when in fact you are)?

- C. Proportional approach and proportional evaluation to this sort of case: "Breaking secrecy is recognized as a disvalue. The question, therefore, is: when is it legitimate to bring about that disvalue and why? The authors under discussion insist that the revelation of secrets is a premoral evil. They are not, therefore, talking about consequences alone. What they are discussing is the proportion between the evil involved and the good that is being sought. If, however, they say the rightness or wrongness of the action as based on consequences alone, they would see the revelation of secrets as neutral, not as premoral evil." p. 77. (Hoose, ?)

XLIII. PURPOSE OF THEORY OF PROPORTIONALISM

- A. "The moral goodness of the person is, of course, the chief concern of moral theology. Proportionalism, however, is concerned only with the secondary aspect, which is, of course, intimately linked to the primary one, but not to be confused with it. That secondary aspect is the rightness or wrongness of actions. What the church teaches regarding salvation and moral goodness comes from Revelation, and that she teaches infallibly. In the area of moral rightness and wrongness, however, mistakes can all too easily be made. Proportionalism is an attempt to cut down the number of those mistakes, an attempt to see more clearly." [Hoose, p. 138].
- B. Proportionalism and the hermeneutics of moral normative action
1. Here I follow the work of Josef Fuchs, and his article, "Christian Morality: Biblical Orientation and Human Evaluation." *Gregorianum* 67 (1986): 745-763. Also found as Chapter 1 in *Christian Morality: The Word Became Flesh*, 1-18. Translated by Brian McNeil. Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987.
 2. Need for hermeneutical reading of not only the biblical texts, and the concrete circumstances of the given situation, but also of inherited norms, which, because they are abstract need the help of a reasonable judgment concerning concrete behavior in the present. The use of proportionalism recognizes that there is a relative character to goods and values and this requires both evaluation and comparison of the good/ills or values/non-values implied by particular human conduct since responsible human behavior strives to augment these values. This is not to be construed as simple utilitarianism nor as calculating consequentialism since: The entire reality of the moral act is taken into account: "its own meaningfulness as seen within the context of the meaningfulness which the entire act and its result represent and signify." (Fuchs, "Biblical Orientation," p.762).
 3. Proportionalism has been well established both in theory (e.g., double-effect; ordering of the works of charity) and in the area of practical life. Opponents of proportionalism misconstrue the theory and state that it "considers individual acts (e.g. masturbation, contraceptive behavior) simply as physical realities rather than as human acts which are therefore to be judged morally." (Fuchs, "Biblical Orientation," p.762).

4. "This is obviously a distorted description of proportionalism, and should not be employed in criticizing it." p.762. "This mistaken interpretation of proportionalism is found also in Cardinal J. Ratzinger's address in Dallas ..." p.762, footnote 28 [in Ratzinger's address to the US Bishops, found in *Moral Theology Today: Certitudes and Doubts*, St. Louis: The Pope John Center, 1984, p.343]. Proportionalism, rather, states: "that although such acts are always subject to moral evaluation, final judgment about them cannot be made in the abstract, that is, without simultaneously taking into account the circumstances and intentions of such acts; only in this way can the moral judgment about them be objective." p.762.
- C. As a critique of proportionalist *theory* I would note that perhaps it could be argued that one significant weakness of proportionalism, as a theory, is that it seems difficult to explain clearly to a large number of presumably educated people. A number of this group even seems to include other moralists. Why is it that presumably intelligent people of good will, like Bartholomew Kiely, S.J., have such a difficult time understanding what proportionalists like Fuchs and McCormick are really saying? Perhaps this problem is due to antecedent philosophical paradigms employed by these critics, and a rather uncritical lumping of the theory of proportionalism in with consequentialism and/or utilitarianism. This may be another example of the problematic addressed by my Second "C" of moral discourse, namely comprehensibility. This question is not being posited in an effort to assess blame, but rather to summon up a clearer articulation of both the objections and the answers to these objections of proportionalism. In other words, I believe we need less polemics and more dialogue on this issue.
- D. Additional critique of proportionalism offered by Charles Curran: "One problem I have with proportionalism is the tendency to identify as evil what may only be a matter of finitude. Take the example of contraception. The integrity of the physical aspect of the marital act is one aspect. Other aspects include the psychological, the sociological, the aesthetic, and the economic. No one human act is ever perfect from every dimension. But the inability to be perfect comes from finitude, and not from evil." (Charles Curran, *The Catholic Moral Tradition*, p. 157.)

XLIV. PASTORAL GUIDELINES ON VALUE COMPARISONS AND DOING THE GOOD

- A. Scriptural Passage: Matthew 19:16 Now a man came up to Jesus and asked, "Teacher, what good thing must I do to get eternal life?" "Why do you ask me about what is good?" Jesus replied. "There is only One who is good. If you want to enter life, obey the commandments." "Which ones?" the man inquired. Jesus replied, "'Do not murder, do not commit adultery, do not steal, do not give false testimony, honor your father and mother,' and 'love your neighbor as yourself.'" "All these I have kept," the young man said. "What do I still lack?" Jesus answered, "If you want to be perfect, go, sell your possessions and give to the poor, and you will have treasure in heaven. Then come, follow me." When the young man heard this, he went away sad, because he had great wealth. Then Jesus said to his disciples, "I tell you the truth, it is hard for a rich man to enter the kingdom of heaven. Again I tell you, it is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God." When the disciples heard this, they were greatly astonished and asked, "Who then can be saved?" Jesus looked at them and said, "With man this is impossible, but with God all things are possible." (NIV)

- B. Avoid the Catholic heresy of works' righteousness and "moral gnosticism." The weakness of the single truth: moral monism, or an Orwellian desire to abolish "thought crime." Being "right" is not enough, nor can we expect to always be right, know the right, and do the right. Don't forget that the Christian moral life calls for a *telos* (τέλος), a trajectory, a growth in the values of Jesus Christ. Recognition too that the effects of personal and original sin are perduring. Still, the effort to discern the right, the truly human, is truly important.
- C. Five guidelines given by Rudolf Ginters on comparisons between values and disvalues (as reported in Hoose). (1) preference should be given to the higher value; (2) quantity must be taken into account as well as quality (e.g., we should implement the kind of rescue operation that will save the greatest number of lives); (3) the more fundamental values should be preferred (life, of course, being one of the most fundamental); (4) the action which has the better chance of success should be preferred; (5) we should protect the values which have most urgent need of protection." [Hoose, p. 86]. A hermeneutical reading and application of these guidelines will necessarily vary according to time, place, and situation.

XLV. THE NATURAL LAW AND MORAL NORMS

- A. Scriptural Passage: *Locus Classicus* (Rm. 2:12-15): "All who sin apart from the law will also perish apart from the law, and all who sin under the law will be judged by the law. For it is not those who hear the law who are righteous in God's sight, but it is those who obey the law who will be declared righteous. (Indeed, when Gentiles, who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law, since they show that the requirements of the law are written on their hearts, their consciences also bearing witness, and their thoughts now accusing, now even defending them.) (NIV)
- B. While the above passage is the *locus classicus* in the sense that it is most often quoted as biblical "proof" for the doctrine of the natural law, we should keep in mind that Scripture only rarely approached the moral law in this way. Law, in both the Old and New Testament, was viewed primarily in terms of relation God (or Christ) of both the individual and the whole faith community of which she or he was a member. Thus, for the Old Testament moral law was seen primarily in terms of the Covenant, and in the New Testament the moral law is tied to discipleship and the new creation we are in Christ.
- C. Bibliography
 - 1. Curran, Charles E., and McCormick, Richard A., S.J., eds. *Readings in Moral Theology, No. 7: Natural Law and Theology*. Mahwah: Paulist Press, 1991.
 - a. Anthology of tradition and recent literature on the topic. The 4 articles (Fuchs, Hughes, Hauerwas, and Schüller) in Part One treat revelation and natural law; Part Two contains Thomas' Question 94 of the *Summa Theologiae* and articles by Maritain, Terence Kennedy, Ralph McInerny, plus a response to the latter by John Finnis and German Grisez; Part Three deals with contemporary reflections on the natural law, and includes articles by Charles Curran and Richard McCormick,

plus John Courtney Murray, John Macquarrie, Michael Crowe, William E. May, Richard Gula, Franz Böckle and John Mahoney.

2. Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*. Grand Rapids: Eerdmans, 1999.
 3. Francis A., Sullivan, S.J. "The Authority of the Magisterium on Questions of Natural Moral Law." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 42-57. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.
 - a. Originally appeared in *Magisterium: Teaching Authority in the Catholic Church*, 138-152. Dublin: Gill and Macmillan, 1983. Sullivan is an ecclesiologist, former professor at the Gregorian, and now emeritus at Boston College.
 4. Michael Betram Crowe. *The Changing Profile of Natural Law*. The Hague: Martinus Nihoff, 1977.
 - a. Presents a history of the occidental concept of the natural law, beginning with the Pre-Socratic philosophers and concluding with a tentative twentieth century profile of the natural law. Contains a particularly good analysis of St. Thomas' treatment of the natural law, plus a good bibliography.
 5. There are obviously many other works on the natural law!
- D. Jim Bretzke's schema for Natural Law Overview (really just an elaboration of the basic starting point of the affirmation of an objective moral order)
1. Ontological and metaphysical (i.e., "reality" based)
 2. Knowable (i.e., the epistemological claim)
 3. Normable
 4. Performable (thus, normative)
 5. Universalizable, and therefore
 6. Universalist, in the sense of being *both*
 - a. Trans-historical (binding across "time")
 - b. Trans-cultural (binding across "space")
- E. Relevance of the Incarnation for the natural law in our context of theological anthropology: Recap in two words, with reference to Christology, What ought I to do? I must be human because the Lord has embraced that humanity in the incarnation." [William C. Spohn, *What Are They Saying About Scripture & Ethics*, p. 13, giving Josef

Fuchs' basic position].

XLVI. HISTORICAL SKETCH OF APPROACHES TO THE NATURAL LAW

- A. (From Joseph Selling): "For the ancient and medieval theologians and philosophers, the order that natural law stood for was cosmic in scope and itself constituted a form of 'natural revelation'. To deny this was to deny the creation of humankind in the image and likeness of God. Hence the connection with revelation. Eventually, the notion of natural law became more and more solidified in western Christianity as philosophers and theologians attempted to *deduce* what might flow from the natural law as conclusions. This solidification took on a particularly rationalistic tone in the post-Newtonian scientific era. It is this rationalistic, static view of the universe that was recognized by the participants at Vatican II to be inadequate for providing a basis for morality. Thus, Vatican II largely abandoned the traditionalistic concept of 'natural law'. It substituted for this the concept of personalism which is based not upon 'scientific facts' but upon human experience." From Joseph Selling, "Magisterial Authority and the Natural Law," *Doctrine and Life* 47 (August 1997): 339.
- B. We'll look contemporary views of the natural law in greater depth, but to do this we need to contrast these with a closer investigation of the moral manualist understanding and use of the natural law.
- C. Manualist vs. Renewed Moral Theology Understanding of the Natural Law
1. "For the manualists human nature, adequately considered in its relation to self, neighbor, and God, was the objective foundation of the natural moral law. By analyzing this nature and its essential relations one could arrive at a knowledge of general principles and of definite concrete, absolute norms, which could, then, be applied to specific concrete situations.
 2. "Many contemporary moral theologians reject this manualist notion of the natural law. They feel that in their judgment it is too rationalistic and deductive in character. The immutability note does not allow this concept of the natural law to keep pace or meet the challenges of other sciences such as put forth in philosophy, theology, sociology, psychology, and cultural anthropology." [Boyle, *Parvitas*, p. 51].
- D. Challenges posed to the natural law *theory* by the task of inculturation.
1. Question of other culture's approaches, vocabulary, philosophical formulations, etc. of the natural law. We therefore need to separate, or at least distinguish carefully, the reality of the natural law from one or another particular expression of it, such as the Confucian notion of the *tien-ming* (Mandate of Heaven).
 2. Remember that the whole natural law theory was originally conceived as an aid to evangelization, i.e., not wishing to deny anything good in a particular culture, etc. (see Häring's *Free and Faithful*, vol. 1)
 3. Question for ourselves too as to the contemporary comprehensibility of a scholastic rendition of the natural law.

4. Need for a hermeneutics of the natural law, which will work for, as Gula does, a contemporary profile of the natural law. We must speak in language which can be easily understood by contemporary men and women, so as to avoid this sort of statement (used by one of my students): “We don’t want to use the natural law in sexual ethics”).
5. We need to delineate the limitations of any particular rendition of natural law, and in this regard look at how a particular paradigm may function and interrelate with understanding of morality itself, e.g., is the natural law really a "law" in our contemporary understanding? In this vein, recall that in the American ethos "legality" and "morality" are often misidentified as equivocal terms. We in America have a tendency to legislate morality, and to confuse civil "license" with moral approbation.
6. There is an additional problematic of confusing the natural law with a "law of nature" (*ius naturale*)? or a "positive" law imposed by some higher authority. Both of these approaches would be very problematic in coming to a full and mature understanding of the natural law.
7. With all these caveats in place let us now turn to a consideration of St. Thomas' treatment of natural law.

XLVII. PRE-LECTURE OF THOMAS AQUINAS' **Summa Theologiae, I-II**, q. 90-97.

- A. Overview and Context of Thomas' treatment of the natural law within his treatment on law as a whole
 1. Law in general (q. 90-92)
 - a. Nature of law (q. 90)
 - (1) As Charles Curran notes “For Thomas law in general is not an act of the will but an act of reason. Law is a rule of action, but reason is the norm and measure of all human action.” (Curran, *The Catholic Moral Tradition Today*, p. 68.)
 - (2) Therefore, it is important that we not confuse a will-based response to a reason-based response in our conception of the natural law.
 - b. Thomas’ famous definition of law: “Law is an ordinance of reason directed towards the common good, instituted by one who has responsibility for the community, and promulgated” (*ST I-II 90.4*).
 - c. Divisions of law (q. 91)
 - d. Effects of law (q. 92)
 2. Law in particular (q. 93-97, 98-105)

- a. The eternal law (q. 93), which, according to Jean Porter, Thomas views as “God’s knowledge of creatures seen in relation to God and to the good of the universe as a whole. In other words, for Aquinas, the eternal law is God’s providential wisdom, in directing all things toward their proper fulfillment in union with God, in the way appropriate to each kind of creature.” Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*. (Grand Rapids: Eerdmans, 1999): 163.
 - b. The natural law (q. 94)
 - c. Human law (q. 95-97)
 - d. The Old Law (q. 98-105)
 - e. The New Law
- B. Important theological context of Thomas’ view of grace and the New Law in order to understand his treatment of the natural law. Much less is Thomas arguing for a “moral order” based purely on the natural order of God’s creation. This would be the “naturalistic fallacy.”
1. Thomas, properly understood, is *not* arguing for some sort of natural moral knowledge that can exist independently of God’s grace.
 2. For a helpful exposition of this point see Eugene F. Roger’s recent article, “The Narrative of Natural Law in Aquinas’s Commentary on Romans 1.” *Theological Studies* 59 (June 1998): 254-276.
 3. Rogers discusses how for a full and correct understanding of Thomas Aquinas’ teaching on the natural law one must study his Commentary on Romans 1 (*Super epistolas S. Pauli lectura*) since Thomas’ treatment of the natural law refers to a Pauline context. This Commentary fleshes out Thomas’ understanding of the relation of the New Law to the natural law, and how reason is influenced by God’s grace.
- C. Thomas’ consideration of the natural law (*ST* I-II, q. 94), in 6 articles
1. Structure and genre of a “question” (a “question,” NOT a proposition!)
 2. Question, objections, *sed contra* (but on the other hand), biblical or tradition-based text, Thomas’ own development, reply to the objections
- D. Principle of *Exitus et reditus*
1. Every comes from God and returns to God
 2. Nature of created reality

3. Presupposition and theological context for the natural law
- E. The eternal law and the natural law
1. "The natural moral law is not an order which of itself is given along with the nature of things and understanding. Thomas proceeds much more from the thought that all being is subject to the eternal law (*lex aeterna*, divine providence) and, on that account, bears within itself a natural inclination for a corresponding norm of life. To a particular degree, this holds good of the essence of the understanding. It also has a natural inclination for a standard of life which corresponds to the eternal law; not, however, in the passive manner of an impressed seal, but in the active sense of the particular concern for oneself and for others (*Summa Theologica* I-II, q. 91, a. 2: *Sibi ipsi et aliis providens*). God does not drive man nor lead him through instinct, but leaves a share of personal responsibility to every one possessing rational judgment." [Böckle, ?]
 2. This last point is stressed by Fuchs, Demmer, and Häring, three great German moral theologians of the twentieth century (all of whom taught in Rome).
 3. In returning to the distinction about law as based in reason rather than the will, we need to be clear about what we mean by the "law of God." This is the point Fuchs makes in his article on the Image of God and our Innerworldly Behavior and which Curran puts in the following way: "Thus Christians often speak of the will of God as the most important law and of our corresponding obligation to obey God's will. But for Thomas, law belongs primarily to practical reason and not to the will. The eternal law is not God's will but rather divine wisdom directing all actions and movements to their proper end." (Curran, *The Catholic Moral Tradition Today*, pp. 68-69.)
 4. Thus, Curran concludes, "To determine what God wants, one does not go immediately to God and ask. Rather God gives us reason, which reflecting on what God has made, can come to know how Gods wants us to act." (Curran, *The Catholic Moral Tradition Today*, p. 69.)
- F. The natural law as *scientia naturalis*
1. From Franz Böckle's *Law and Conscience*, trans. M. James Donnelly, (New York: Sheed and Ward, 1966).
 2. "St. Thomas Aquinas understands the natural moral law principally according to a kind of natural knowledge (*scientia naturalis*). Man possesses an innate tendency through which, without instruction and outside help, he can recognize whatever fundamental demand is made of him for his own self-realization." p. 81.
- G. *Recta ratio*
1. According to Thomas: "The natural moral law is, therefore, in the first and proper meaning, an unformulated law (*lex indita non scripta*, in accord with the New Testament law of grace, *Summa Theologica* I-II, q. 106, a.1).

2. It is founded in the obligation and right given to the rational, spiritual person to perform actions which correspond to his being which is in the image of God." [Böckle, p. 82]
3. *Veritatis Splendor* makes much the same point: "It also becomes clear why this law is called the natural law: it receives this name not because it refers to the nature of irrational beings but because the reason which promulgates it is proper to human nature." [VS, 42]
4. "As the law of freedom, it is an original gift in man, not through inborn, moral ideas, but formally through the inclination of reason (together with the corresponding tendencies)." p. 82.

H. Importance of *Recta ratio* for contemporary moral theology

1. We might say that *Recta ratio* is a dynamic tendency in the human person in order to approach the "truth," or in other words to "grasp" reality as it is in its holistic sense. Therefore, we would argue that such a conception of morality has its basis and rational standard grounded in reality itself. The function of human reason, or *recta ratio*, therefore is to discover moral values in the concrete lived experiences of the human person.
2. "With regard to the question of the material content of the norms of the law of nature, it will only be said here that one should not envisage the Catholic law of nature as a collection (*Summa*) of ready-to-hand, unchangeable directives for conduct, deducible from an unchangeable order of nature [Böckle].
3. "Ontological foundation for moral knowledge is, in the proper sense, not an abstract impersonal being, but the concrete, historical man, this person who allows for no substitute." [Böckle, p. 85].
4. "We have to understand the so-called natural law as having inner unity with the law of Christ. Analogous to the law of grace, the natural //law is also principally no written law (*lex scripta*), but a law bestowed upon the heart (*lex indita*). As we have seen, the rational spiritual person has a natural being formed in the image of God. With this nature there is given a duty and right for corresponding conduct and it is in this that the natural law is founded. This duty-right quality united with the concrete man must be seen in unity with the Christian salvation-existence." [Böckle, p. 107].

I. *Bonum est faciendum et prosequendum, et malum vitandum*

1. Classic aphorism for the formulation of the most basic norm of the natural law according to Thomas (*ST I-II, 94:2*).
2. Be careful to translate this accurately: The good is to be done and fostered, and evil is to be avoided.. Avoid a simplistic interpretation or a simply tautology; the principle is not as self-evident as it might seem at first glance.

3. *Bonum est faciendum et prosequendum* means to follow reason and to actualize human potential to be human. Seen in this light evil would be that which frustrates the realization of this human project in its fullness.
4. This is a fundamental and not a "material" norm: It does not have "content" in itself, but is better seen as an "indicator" of the proper human dispositions and directions for human moral potential.

XLVIII. APPROACHES TO MORAL NORMS ON THE ETHICAL AXIS

- A. Keep in mind that norms in Roman Catholic moral theology are found in "ethics" as well as in Scripture. These norms therefore are located on different axes: Scriptural norms exercise their primary mode of normativity on both the individual and the community as members of a faith community. Scriptural norms are grounded in the Bible as a sacred text and Tradition as a lived experience of the sacred claim that the faith has on us. However, "moral" norms are primarily grounded in our humanity. Thus the claim of moral norms is "rational"—that which exercises its claim on humans by virtue of the dignity as rational beings. This axis moves from the experience sector to the moral philosophy sector and exercises its primary claim as an understanding of what is "normatively human." The natural law tradition is one mode of reflection on the meaning of what is normatively human.
- B. Bibliography
 1. Josef Fuchs, S.J. "The Absoluteness of Moral Terms." *Gregorianum* 52 (1971): 697-711.
 - a. Also found in Fuchs' own *Personal Responsibility and Christian Morality*, trans. William Cleves, et. al., (Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1983), 115-152. Also found in *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, ed. Charles E. Curran and Richard A. McCormick, S.J. (New York: Paulist Press, 1979), 94-137; as well as in *Introduction to Christian Ethics: A Reader*, ed. Ronald P. Hamel and Kenneth R. Himes, O.F.M., (New York: Paulist Press, 1989), 487-512.
 2. Josef Fuchs, S.J. "Historicity and Moral Norm." Chapter 6 in Idem. *Moral Demands and Personal Obligations*, 91-108. Washington, D.C.: Georgetown University Press, 1993.
 3. Josef Fuchs, S.J. "The «Sin of the World» and Normative Morality," *Gregorianum* 61 (1980): 51-76.
 - a. Also found as ch. 8, pp. 153-175, of *Personal Responsibility and Christian Morality*, trans. William Cleves, et. al., (Dublin: Gill and Macmillan, 1983). Helpful for grounding moral normativity in theological recognition of the real world in which sin and sinfulness is a

key factor.

4. Curran, Charles E. and McCormick Richard A., S.J., eds. *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*. New York: Paulist Press, 1979.
 5. Gula, Richard M., S.S. *What Are They Saying About Moral Norms?*. New York: Paulist Press, 1982.
- C. Importance of a proper understanding of the natural law for the formulation of moral norms
- D. Importance of the distinction between moral goodness/badness and ethical rightness/wrongness for the application of moral norms.
1. This relates to the intention (motives) for a moral action which may be different from the action in itself. For example, Mr. Smith gives a million dollars towards the building of a hospital for the poor, which will then be named after him. The action (donation of money to aid the poor) is “morally right,” but his motives are “wrong” (vainglory), and therefore for him the performance of the action does not deepen his moral goodness, but the opposite.
 2. Similarly, an individual can perform a morally “wrong” action, but out of “right” (though mistaken) motives, and therefore for this person the action does not deepen the person’s moral badness, but the opposite. For example, a person in the late Middle Ages is sincerely convinced that the burning of heretics is required for the legitimate defense of the Catholic faith, and so this person does this. Today we recognize that this action is morally “wrong,” but we would not say that this person’s own moral goodness was compromised through this action, but rather the fidelity of acting out of one’s sincere (though erroneous) beliefs (i.e. “Following one’s conscience”) would mean trying to follow God, and we would have to call this action as conducive to deepening one’s moral goodness.
 3. This sort of conundrum is admittedly very difficult to grasp, yet it does illustrate some important points both about conscience and the nature of the natural law and the application of moral norms. We see this matter in reference to our discussion on moral action and intentionality and the concepts of *finis operis* (the end of a moral action in itself) and *finis operantis* (the operative intention of the moral agent for the action performed).
 4. There is considerable debate among moral theologians over the practical working out of this distinction and this same tension is noted by Josef Fuchs: "In recent years, a noticeable trend within the Catholic Church and its moral theology has been to insist emphatically on the observance of objective ethical norms and to set this demand in antithesis to another tendency, also acknowledged, that determines the rightness of ethical conduct not by the simple application of existing 'objective' ethical norms, but by responsible ethical judgment on the part of those who act, although this tendency involves taking into account all the demonstrable elements and circumstances in the act and in the subject who carries it out. The former trend is a trend against the justification

and the task of conscience--and of the conscience alone--to attempt to form for itself the most *objective* (though not, as we have been occasionally but mistakenly warned, *infallible*) ethical judgment about the *correctness* of a concrete action in the totality of its reality. Attempting this judgment involves drawing on all available means; for example, the use of previously formulated norms and traditions in their hermeneutical interpretation, the counsel of wise persons, and the dicta of theologians." Josef Fuchs, S.J., "The Difficult Golden Rule," Introduction in Idem, *Moral Demands and Personal Obligations*, (Washington, D.C.: Georgetown University Press, 1993): 4.

5. Thus, there is a moral importance of context for ethical action and evaluation: As Fuchs notes, "Here one must note the possibility that one's own action and the action of the other can have an essentially different context, so that it can perhaps be justified in the one case but not in the other." [Fuchs, Golden Rule, p. 4.]

E. Distinction between models or paradigms for norms

1. i.e., as a law to be laid down, or as a guide for a search of the truly human.
2. Caveat from Bernard Häring: "Let it be said again, a Christian moral theology is more than normative ethics; it is the theology of life in Christ Jesus, an effort to come to a full understanding of what discipleship means for Christians and for the world. Normative ethics, however, is an indispensable part of Christian ethics." [*Free and Faithful, Vol. I, p. 338*].
3. Recall the relationship of moral norms to our descriptive definition of moral theology and the moral project
4. "Christian morality is the acting out of a covenant, and therefore is a morality of creative fidelity." *Free and Faithful, Vol. I, p. 339*].
5. "Norms are necessary for a peaceful life in community and society. They should educate us to become ever more discerning persons and are indispensable for our own examination of conscience." *Free and Faithful, Vol. I, p. 339*].
6. unavoidable tension between a fixed set of norms and freedom for creative and timely action in fidelity.
7. --> key question: "How do we evaluate, here and now, the adequacy of norms and rules?" p.340.

F. Levels of Moral Norms

1. Universal Norms
 - a. The most universal principal, *Bonum est faciendum et prosequendum et malum vitandum*, is self-evident upon rational reflection and therefore requires no additional "proof"

- b. This can be held with certitude and is transcultural and trans-historical.
 - c. Based on speculative reason (which is distinguished from practical reason)
 - d. Thus, we have need for secondary and tertiary norms, which in turn will be based on practical reason.
 - e. However, as we attempt to specify our norms further the "certainty" and "timelessness" of these norms decreases in a rather inverse proportion to their specificity.
 - f. As St. Thomas said, according to John Mahoney, "In moral reasoning, the more one descends from the general to the particular the more possible it is for human reason to be unduly influenced by feelings, or by one's environment and culture, or by fallen nature." p. 190. [cf. *ST I-II*, q. 100, a. 8, ad. 3]
 - g. Hopefully this will lead us to a pastoral attitude of epistemological humility
 - (1) Don't be too dogmatic or sweeping in one's utterances.
 - (2) Don't be overly confident that one knows with perfect certainty what is objectively "right" or "wrong" in a given situation or behavior.
 - h. Example: "Always drive safely"
2. Middle axioms or "secondary precepts"
- a. "tangible, principled expressions of general patterns that serve as bridge, in casuistic thinking, between general beliefs and situational application of belief to rules and actions."
 - b. [concept used also by John Howard Yoder]
 - c. Example: "Obey the speed limit"
3. Specific, concrete, particular norms (or "tertiary precepts")
- a. Apply to a given situation, and are usually quite specific
 - b. Their specificity aids in moral guidance and concrete application
 - c. But this same specificity may limit their "universal" or broader usage across time (history) and space/place (culture, etc.)
 - d. Example: "Drive 25 mph in a school zone"

- G. Role of concrete material norms
1. Are of necessity and purpose rooted in both time and space, i.e., in particular cultures and histories. Thus, according to the historical model of reality these norms will change, and/or fall into desuetude (e.g. norms on usury) on one hand, and also indicate genuine moral progress (e.g. no further moral acceptance of slavery) on the other. In this it is important to keep in mind the distinction between fundamental ideal and the value therein enshrined, and a concrete material norm which is meant to defend and advance that value/ideal in our world here and now.
 2. According to Thomas "concrete material norms (*precepta magis propria*) are not applicable in all cases: *valent ut in pluribus*." p. 86. Cf. *ST I-II*, q. 94, a. 4 (an important section to read carefully). "The concrete norms are *relative*: they only forbid that we cause or tolerate ontic evil which exceeds the boundaries of the measure of means to the actualization of good ends." [Janssens, *Ontic Evil*, p. 86]. Thus, once again we see that *Ut in pluribus* is a key concept in moral theology!
- H. Recognition by the Magisterium of the difficulty, inadvisability, if not impossibility of speaking "authoritatively" in a specific fashion which will have universal applicability. As Pope Paul VI stated in his social encyclical *Octogesima Adveniens*, ""in the face of such widely varying situations it is difficult for us to utter a unified message and to put forward a solution which has universal validity. Such is not our ambition nor is it our mission." (OA #4).
- I. Important methodological caution regarding the distinction between universal principles which would have eternal validity and those norms which might be valid and obligatory at the time of their initial enunciation by the Magisterium, but which due to changing historical and/or cultural contexts may lose their applicability in a different context. It requires a good deal of discernment at times to make this judgment between what is a universal precept, what is a middle axiom, and what is a concrete material norm which may (or may not) have lost its validity in a given circumstance.
- J. Relation of concrete material norms to ontic evil: According to Louis Janssens, "concrete material norms invite us to bring about the ideal relations which lessen more and more effectively all forms of ontic evil which by their definition hamper the development of human beings and communities." [Janssens, *Ontic Evil*, p. 84]. "The *concrete material norms* of morality hold the ideal of the utopia before us and continually suggest a future which is more suitable for man. These norms are a constant protest against the different forms of ontic evil, and as we have said already, they pronounce us guilty of immorality when we bring about or tolerate more ontic evil than is necessary to realize the moral objectives of our human existence." [Janssens, *Ontic Evil*, p. 85].

XLIX. QUESTION OF "INTRINSICALLY EVIL" ACTS

- A. Traditional understanding: "Acts described as intrinsically evil regardless of additional circumstances, consequences and finalities are usually so described by Catholic deontologists on the grounds that they have the characteristic either of being // contrary to nature--God's will presumably being expressed in the laws of nature--or of arrogating a

right reserved to God. Human organs and faculties are seen as having natural ends. However, the natural ends of only a very few organs and faculties tend to be of interest to the deontologist. ... In general, we may say that the faculty of speech and the genital organs are those which most interest the Catholic deontologist." [Hoose, pp. 108-109].

- B. Obviously related to theory of moral norms and absolutes, and reaffirmed in *Veritatis Splendor*, and accepted by proportionalists, such as McCormick, Cahill, Curran. The disagreement or dissent is over whether some particular norms, such as anti artificial contraception, can be invested with this sort of mantle. It would be factually false, and probably tendentious (if not malicious) to accuse the above theologians as teaching that there are no moral absolutes whatsoever.
- C. Clarification of Proportionalism's Understanding of Intrinsic Evil: "The proportionalists state that intrinsically evil acts do not exist on the premoral/ontic level, [e.g., what I call the "photographic aspect" of the act] but only on the objective moral level." [Boyle, *Parvitas*, p. 88]. "They do not speak of intrinsic moral evil until after the fuller and more concrete analysis of the moral act. Once it has been ascertained that there is no proportionate reason for performing an ontic evil, then those who espouse the premoral/proportionate reason approach have no problem with acknowledging the existence of intrinsically evil acts." [Boyle, *Parvitas*, p. 88.]
- D. My own clarification on the inter-relationship between the objective and subjective aspects of even acts which are termed "intrinsically evil." It is important to keep in mind that *from the perspective of the moral agent*, the pole "objective moral level" cannot be entirely abstracted from the agent's subjective pole. This is again the basic point in Fuchs' teaching on conscience. Thus, to an important extent circumstances and intention cannot be excised from any meaningful consideration of the "objective moral level." (A point that Fuchs makes repeatedly, but which has been not entirely well-understood or appreciated by many contemporary moralists). Thus, much of the current "disagreement" over intrinsically evil acts and the role or non-role that "circumstances and intention" play comes from a misunderstanding of this point.
- E. Understanding of the axiom *intrinsic malum in se*. The "in se" of the traditional axiom requires a hermeneutical process, [cf. hermeneutical theory in general, but especially Klaus Demmer, ch. 5 of his *Deuten und handeln: Grundlagen und Grundfragen der Fundamentalmoral*. Studien zur theologischen Ethik, no. 15. Freiburg: Verlag Herder, 1985.] Therefore this required hermeneutical process of the *intrinsic malum in se* will necessarily involve an interpretation concerning the intention and circumstances even though the accent is still maintained on the gravity of the action itself. This keeps us from the moral conundrum of positing *morally* evil actions which would be totally abstracted from the agent, who is always and only a social, contextualized being.

L. THEOLOGY AND THE REFORMULATION OF LANGUAGE OF MORAL NORMATIVITY

- A. Related also to our understanding of theology, Christology, and ecclesiology, i.e., how we view God, how we understand the salvific mission of Jesus Christ, what power with which we understand the Church to be invested, and so on.
- B. McCormick's vocabulary of "virtually exceptionless norms": Though it is important to note how this expression has been caricatured and misconstrued by M's detractors (as if

any exception therefore negated all value of norms). The “exception” points not to a “dispensation” from the norm, but rather points out a need for the refinement or reformulation of the norm.

C. Problematic "theology" of a certain understanding of God

1. Here Fuchs' article on the Image of God and Our Inner-world Behavior is especially helpful, especially his articulation of the notions of a “Ruling God” and/or a “Commanding God” distinguished from a more theologically sound notion of God who works in and through us, not sending in “plays” or “rules” from the outside.
2. "[Josef] Fuchs refers to some of the problems that can arise from such an excessively anthropomorphic vision of God (while admitting that all our utterances on the subject are inevitably anthropomorphic and symbolic). Some people in the church, he notes, go beyond the teaching that the value of norms and moral judgments is founded ultimately on God. They teach that innumerable concrete normative statements, products of human intelligence, are precepts or laws of God. Christian see themselves and their realization of man in the world compared with divine precepts." [Hoose, p. 110].
3. "This God, moreover, is pictured as watching over his global precepts in an unmoving way, not bother to take real human differences into account. He is seen not so much as the God in whom we live and move and have our being, who rules over our existence as the ultimate foundation of our life and action, but more as the God who is alongside us in our categorical world, and who makes demands on us. From the moral point of view, he merely requires obedience. However, says Fuchs, man is created to be lord of himself, while God's lordship is transcendent. It is incorrect to picture man merely as administrator of what the divine Sovereignty owns, and it is therefore equally incorrect, he says, to speak about divine authorization or delegation with regard to such matters as the disposing of human life." [Hoose, p. 110].
4. "Our search for and discovery of right behaviour in this world have the character of moral norms because God has made man lord of earth. This is true also with regard to very detailed judgments." [Hoose, p. 110.]

LI. *EPIKEIA* AND THE NORMATIVITY OF THE NATURAL LAW

A. Bibliography

1. Josef Fuchs, S.J. "*Epikēia* Applied to Natural Law?" Chapter 10 in *Personal Responsibility and Christian Morality*, 185-199. Translated by William Cleves and others. Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1983.
2. Couture, Roger A., O.M.I. "The Use of *Epikēia* in Natural Law: The Early Developments." *Eglise et Théologie* 4 (1973): 71-103.
3. Demmer, Klaus, M.S.C. *Deuten und handeln: Grundlagen und Grundfragen*

der Fundamentalmoral. Studien zur theologischen Ethik, no. 15. Freiburg: Verlag Herder, 1985.

B. Traditional understanding of *epikeia*

1. Common Greek word meaning "fitting," "suitable," or "reasonable" and used by Aristotle in his *Nicomachean Ethics* (5.10) to correct a defective law in terms of universal legal justice. Such correction was envisioned in terms of interpreting the intent or mind of the law-giver as it would be applied to this anomalous situation which was either not foreseen and/or covered by the actual law. Thus, applied to human, positive law traditionally as a *dispensation* from the law in a particular instance
2. In this sense, for example, the late Medieval Jesuit theologian Francisco Suarez (died 1617) set out three basic cases where *epikeia* could be invoked:
 - a. *impossibility of the law*: "(a) if the positive law, set out in words is 'beyond our strength' in a certain case, or impossible;
 - b. *inhumanity of the law*: "(b) if the law in a particular instance is not beyond one's strength, or impossible, but is exceedingly difficult or 'intolerable', i.e., 'inhuman';
 - c. *not binding according to the mind of the legislator*: "(c) if the non-observation is done 'according to the benign intention of the legislator' (as if he were present here and now)." [Fuchs, "Epikeia," p. 195.]
3. Of these three types of cases, the last mentioned is identified most often with *epikeia*. Since *epikeia* pointed to the perfection or refinement of a positive (human) law, it was the common opinion that most theologians had argued that it would be a logically impossible to apply *epikeia* to the natural law, since the natural law, as participation in the divine law, was already "perfect" and therefore incapable of improved reformulation.
4. Yet, Roger Couture traces the use of *epikeia* by medieval theologians and notes that a number of theologians, beginning in the late thirteenth century, "were willing to subscribe to the notion that moral norms, even when grounded in the nature of man, demand constant reevaluation and can tolerate exceptions. The theory of *epikeia* provided a rationale for dealing with these exceptions." (p. 101).
5. Thomas Aquinas saw *epikeia* as a genuine virtue and exercise of reason.

C. Josef Fuchs on *Epikieia* and the interpretation and refinement of moral norms.

1. "*Epikieia*-interpretation..., if it refers to particular norms of natural law and concrete norms of behavior, in fact means nothing else than discovering and trying to put into practice the true moral purpose of the natural law (in the strict sense of natural law, i.e., nonwritten) in those not infrequent cases where the norm is deficient.

2. "Again: what ought to be of primary importance is not the norm, which is formally and humanly stated, but the 'true' actualization of man in any given concrete situation. I use the term 'true actualization' to refer to the non-written natural law, which provides *recta ratio*." [Fuchs, "Epikieia," p. 192.]
3. "Hence, the following is worthy of repetition: norms which are mistakenly formulated as 'universal' must be 'corrected' in their concrete application so as to preserve the true purpose of natural law; thus it seems that they must be 'rendered' correct." [Fuchs, "Epikieia," p. 193.]
4. With regard to the natural law Fuchs suggests "dispensation" and/or reformulation of the norm in the following types of cases: "(a) if the observation of an established obligation becomes ridiculous, ...; (b) if the fulfillment of a stated norm becomes somewhat 'harmful'; (c) if it becomes altogether incongruous; (d) if it becomes impossible; (e) if the mere observance of the norms becomes insufficient in a give case..." [Fuchs, "Epikieia," p. 195.]
5. Fuchs' five cases involve the application of not just an individual's own use of *recta ratio*, but "common sense" understood as the "sense-held-in-common" and which shows the importance of the input and discernment of the larger moral community as well as human society as a whole.

LII. LEGALISM AND CONFLICT IN MORAL APPROACHES

- A. Biblical Passage: Mk 7:5-13 So the Pharisees and teachers of the law asked Jesus, "Why don't your disciples live according to the tradition of the elders instead of eating their food with 'unclean' hands?" He replied, "Isaiah was right when he prophesied about you hypocrites; as it is written: "'These people honor me with their lips, but their hearts are far from me. They worship me in vain; their teachings are but rules taught by men.' You have let go of the commands of God and are holding on to the traditions of men." And he said to them: "You have a fine way of setting aside the commands of God in order to observe your own traditions! For Moses said, 'Honor your father and your mother,' and, 'Anyone who curses his father or mother must be put to death.' But you say that if a man says to his father or mother: 'Whatever help you might otherwise have received from me is Corban' (that is, a gift devoted to God), then you no longer let him do anything for his father or mother. Thus you nullify the word of God by your tradition that you have handed down. And you do many things like that." (NIV)
- B. Relation of our *image* of who God is to our conception of what morality is.
 1. Mahoney astutely remarks, that "In thus attempting to identify the character of God, which is essentially love, and in which will and reason coincide, we may by way of conclusion consider that it is a remarkable, if largely unremarked, fact that it should have been thought that in depicting God as a moral lawmaker anything like the full truth of the matter had been reached." [Mahoney, *Making of Moral Theology*, p. 247.]
 2. In relation to the virtues we see this in the connection and interrelation between prudence and charity.

3. Ramifications of dominating image of God-as-Lawmaker for morality and moral theology: "And it appears that moral theology as a whole, unconsciously or at least unreflectively, has done something similar and at a much deeper level with the whole idea of morality, expressing it almost entirely in the language of law as enacted, promulgated, and sanctioned by God as the supreme legislator. And yet such language is purely analogical, ascribing to God the words and ideas of human everyday experience raised to the highest power of which they are capable." [Mahoney, *Making of Moral Theology*, p. 248.]
- C. Recall the whole thrust and purpose for moral norms: i.e., to incarnate moral values more fully into our human lived reality. Norms are guides and helps to *this* process, *not* ends in themselves. *Legalism* is the result when "norms" are elevated from their true status as "means-to-an-end" to "ends-in-themselves."
- D. Important to understand the role and relationship of law and legal theory to morality and moral theory through out the centuries. Here Mahoney's Chapter 6 is helpful, as would be the corrective of Protestant ethics which tries to avoid casuistical moral legalism, stressing instead God's saving grace. However, it is important to recall a basic legal maxim, *Lex dubia non obligat*, i.e., a doubtful law does not oblige. Thus, in cases of legitimate doubt about a law (positive or moral), one could argue, under certain conditions, that such a putative law would not be binding.
- E. In this general context of law and morality it is worth highlighting a couple of key and recurring moral "heresies"
 1. Voluntarism, which can be understood positively and negatively. It is understood in general as placing the emphasis on morality as the fulfilling of God's will and/or commandments which God "legislates" for God's creatures. The issue arises of relation of God's will to moral goodness, i.e., is something "good" only *because* God so wills it and God could will otherwise, or is something good in itself which even God could not change without destroying God's own nature? The problematic aspect of voluntarism is understanding morality and moral goodness in this first sense, i.e., something is good only because God so wills it, and the moral response is to obey this divine "law" [moral goodness then being predicated on simple obedience]. Thus, law becomes the ultimate and supreme norm of the moral rightness of human action.
 2. Tutorism, which is connected intimately with voluntarism and legalism, and which always opts for the safer approach, i.e., making this *the* principle for discernment in moral quandary situations. "When in doubt about a particular moral precept, either in its wording or in its applicability in the present situation, this theory would maintain, the safer line is to follow the precept." [Mahoney, *Making of Moral Theology*, p. 243.] According to Mahoney, tutorism is subject to at least three inherent defects: "One is that it makes security the moral norm at the possible expense of truth, and either engenders or reinforces a corrosive self-mistrust." [Mahoney, *Making of Moral Theology*, p. 243]. "The second weakness of an attitude opting for the 'safer' line of action is that, as we have already noted, it appears radically voluntaristic. It accepts that the existence and terms of the law are of more significance and import than their purpose, both in

general and even in every particular instance. It enjoins a respect for power--and even for possible sanctions not intrinsically connected with the purpose of the law--rather than for the purpose of law as reasonably furthering the common good and shared interests and to that extent open to scrutiny and evaluation." [Mahoney, *Making of Moral Theology*, p. 243.] The third defect: "at heart it implies that the most important moral stance and the only moral virtue which really counts for salvation, is obedience to, and compliance with, the will of another, and ultimately with the will of God, conceived quite separately from the mind of God who is ultimate reason." [Mahoney, *Making of Moral Theology*, p. 244.]

3. Rigorism, is a further corruption of tutorism, in which everything not allowed by law is presumed a sin. This is connected to the heresy of Jansenism, a heresy which though condemned, still has not died.

F. Probabilism

1. Seen as a response to tutorism and rigorism, as well as a guard against the premature closure of legitimate areas of moral debate. Probabilism needs to be understood carefully and positively; it is *not* a "dispensation" from moral law which would otherwise bind, nor should it be seen as an instance of minimalism or moral laxism. Traditionally, probabilism was divided into two categories: extrinsic and intrinsic. Extrinsic probabilism referred to the "authoritative" opinions of the so-called "approved authors," (i.e., accepted moral experts), while intrinsic probabilism referred to the weight of the arguments themselves. Arguments based on either extrinsic probabilism or intrinsic probabilism were deemed sufficient to invoke authentically this principle in a given moral debate or instance of doubt.
2. However, a *false* understanding would be to define probabilism as the view that "given the support of several 'grave' authorities and sufficiently good reason, one would be at liberty to disregard the law." [Mahoney, *Making of Moral Theology*, p. 244.]
3. A truer understanding of probabilism is in terms of search for truth and the freedom of conscience to pursue that truth. Thus, an acceptable understanding, often termed "equiprobabilism" and identified with St. Alphonsus Liguori (patron saint of moral theology and doctor of the Church), holds that in a case of doubt over the existence of a particular moral obligation and if the arguments for "liberty," or the less-binding approach, are at least *equally* probable, then one may act in favor of liberty. By "arguments" in favor of liberty one can understand this to mean the opinion of a reasonable number of established authorities.
4. Bernard Häring's definition of equiprobabilism: "when an upright conscience has equally or almost equally good reasons for creative use of freedom in view of present needs, it is not bound by law which is, in itself or in its concrete application, doubtful. Law should have no right to stifle creative freedom unless it has clearly stronger reasons for doing so." [Bernard Häring, *Free and Faithful in Christ: Moral Theology for Priests and Laity, Volume I: General Moral*

Theology, (Middlegreen, Slough: St. Paul Publications, 1978): 50].

LIII. INTRODUCTION TO MORAL THEOLOGICAL UNDERSTANDINGS OF SIN

- A. Above all in speaking of sin it is crucial to do a *lectio continua* of the various Scripture passages in order that our reflections will be truly Christian, i.e., biblically grounded and scripturally nourished. There are obviously many possible passages, and so here I will simply highlight a few to focus our discussion. One taken from the Old Testament could be Hosea 11 (which is the First Reading for the Solemnity of the Sacred Heart, Year B):

“When Israel was a child I loved him, out of Egypt I called my son. Yet it was I who taught Ephraim to walk, who took them in my arms; I drew them with human cords, with hands of love; I fostered them like who raises an infant to his cheeks; yet, though I stooped to feed my child, they did not know that I was their healer. My heart is overwhelmed, my pity is stirred. I will not give vent to my blazing anger, I will not destroy Ephraim again; for I am God and not a man, the Holy One present among you; I will not let the flames consume you.”

- B. Importance of noting the “starting” point and ground for our moral theology of sin: namely in God’s revelation of God’s love, forgiveness, and call to conversion and reconciliation. Therefore, pay attention to the Bible especially here, rather than starting with an “ethics of failure” and punishment, which might result from emphasizing one of the other sectors, especially that of philosophical ethics. It is important to keep our consideration of sin “theological”—otherwise we often will run the risk of speaking of sin in terms which will ultimately distort its meaning in the context of the Christian gospel understanding of salvation. For example, we may think of sin as “failure” or “imperfection” or “lack of personal fulfillment” and/or negative individual integration, and so on. While all of these concepts have a certain amount of validity and importance, yet in the final analysis none of them captures the depth of the Christian understanding of what sin is.
- C. For the New Testament I think it is important to look primarily to Jesus Christ, who is God’s definitive and normative revelation of who God is. Consider the various encounters Jesus had with sin, sinners, and the (self)-righteous. For ourselves we not only “should” but *must* make our attitude the same of Christ, and therefore, the encounter with the woman caught in adultery in John 8 can be a helpful reminder of how Jesus dealt with both the sinner and those who were ready to condemn another of a particular sin of which they themselves might not have been guilty.
- D. Paul’s writings have often played a crucial role in the Church’s theological reflections on sin, but I would like to turn our attention to the treatment found in 1 John. Sometimes I fear that we read this Epistle a bit too quickly or center just on its famous verses on abiding in God and love. However, sin is taken seriously in this Epistle precisely because the author recognizes that forgiveness of sin is the central mission of Jesus Christ. A sharp dichotomy is drawn between abiding in sin or abiding in God. In this understanding of sin the author calls sin “lawlessness,” and anyone who commits sin a “child of the devil” (1 John 3: 4; 8). In this context we read a verse which might initially make us lose hope, or strike us as terribly naive and/or romantic: “No one who abides in him [Jesus] sins; no one who sins has either seen him or known him” (1 John 3: 5). Yet the same Epistle tells us emphatically that Jesus came to save us from our sins, and so we have to

accept God's salvific will realized in Jesus Christ, or in other words, that we called first and foremost to be released from the bondage of sin, and not that we are called to be free of all imperfections. Taking sin seriously means taking it as God does, something that is both real and horrible, but which bonds for humanity in general have been already broken by Jesus, and that part of our human "vocation," is to accept this calling to receive this gift. Only a serious theology of sin, grace and forgiveness will guard us from the persistent tendency towards self-perfection and thinking that somehow if we only try hard enough we can become good enough to merit salvation on our own. This is the heresy of Pelagianism, and as a wise older Jesuit once told me, a particularly "American" heresy. Reading all of the Scripture passages together (e.g., the technique of the *lectio continua*) helps guard against holding up any one passage or verse in a distorted sense.

- E. In addition to the many other biblical passages (some examples follow), I believe it can be quite helpful to consider some of the insights from the Tradition of the Church. In this vein, consider the following excerpt from a sermon of Augustine on the David and Nathan encounter (cf. Samuel 12:1-25). Augustine writes on David's repentance: "Let us never assume that if we live good lives we will be without sin; our lives should be praised only when we continue to beg for pardon. But men are hopeless creatures, and the less they concentrate on their own sins, the more interested they become in the sins of others. They seek to criticize, not to correct. Unable to excuse themselves, they are ready to accuse others. This was not the way that David showed us how to pray and make amends to God, when he said: *I acknowledge my transgression and my sin is ever before me* [Psalm 51]. He did not concentrate on others' sins; he turned his thoughts upon himself. He did not merely stroke the surface, but he plunged inside and went deep down within himself. He did not spare himself, and therefore was not impudent in asking to be spared." (Augustine, Sermon 19, 2-3; CCL 41, 252; [taken from the Office of Readings, 14th Sunday])

- F. Some New Testament Biblical Passages:

1. 1 Jn 1:8--2:6

If we claim to be without sin, we deceive ourselves and the truth is not in us. If we confess our sins, he is faithful and just and will forgive us our sins and purify us from all unrighteousness. If we claim we have not sinned, we make him out to be a liar and his word has no place in our lives. My dear children, I write this to you so that you will not sin. But if anybody does sin, we have one who speaks to the Father in our defense-- Jesus Christ, the Righteous One. He is the atoning sacrifice for our sins, and not only for ours but also for the sins of the whole world. We know that we have come to know him if we obey his commands. The man who says, "I know him," but does not do what he commands is a liar, and the truth is not in him. But if anyone obeys his word, God's love is truly made complete in him. This is how we know we are in him: Whoever claims to live in him must walk as Jesus did. (NIV)

2. 1 Jn 3:7-10

Dear children, do not let anyone lead you astray. He who does what is right is righteous, just as he is righteous. He who does what is sinful is of the devil, because the devil has been sinning from the beginning. The reason the Son of

God appeared was to destroy the devil's work. No one who is born of God will continue to sin, because God's seed remains in him; he cannot go on sinning, because he has been born of God. This is how we know who the children of God are and who the children of the devil are: Anyone who does not do what is right is not a child of God; nor is anyone who does not love his brother. (NIV)

3. Romans 7:15-25 (especially helpful in confessions)

I do not understand what I do. For what I want to do I do not do, but what I hate I do. And if I do what I do not want to do, I agree that the law is good. As it is, it is no longer I myself who do it, but it is sin living in me. know that nothing good lives in me, that is, in my sinful nature. For I have the desire to do what is good, but I cannot carry it out. For what I do is not the good I want to do; no, the evil I do not want to do-- this I keep on doing. Now if I do what I do not want to do, it is no longer I who do it, but it is sin living in me that does it. So I find this law at work: When I want to do good, evil is right there with me. For in my inner being I delight in God's law; but I see another law at work in the members of my body, waging war against the law of my mind and making me a prisoner of the law of sin at work within my members. What a wretched man I am! Who will rescue me from this body of death? Thanks be to God-- through Jesus Christ our Lord! So then, I myself in my mind am a slave to God's law, but in the sinful nature a slave to the law of sin. (NIV)

G. Basic Bibliography

1. Bernard Häring, C.Ss.R. "Sin in Post-Vatican II Theology." In *Personalist Morals: Mélanges Louis Janssens*, 87-107. Edited by Joseph A. Selling. Louvain, 1988.
 - a. Traces briefly the manualistic heritage, the development of the theology of sin in Vatican II (especially in *Gaudium et spes*), the theology of fundamental option, new developments and challenges posed to a theology of sin (e.g., from Marxism and liberation theology), then next Häring examines the 1983 Bishops' Synod on sin and John Paul II's subsequent **Reconciliatio et Paenitentia**, the Post-Synodal Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today (2 December 1984) before concluding with a brief overview of shortcomings which need to be overcome in a renovated theology of sin.
2. Kevin T. Kelly, "The Changing Paradigms of Sin." *New Blackfriars* 70 (1989): 489-497.
 - a. Discusses various paradigms of sin such as "disobedience," "Person-injuring," "Heart Condition" [Fundamental Option], "Disease," "Systematic Dehumanization," "Historical-Cultural Realism," and "Anti-creational." Kelly is a priest of the Liverpool Archdiocese and lectured in Christian ethics at Heythrop College.
3. Kevin T. Kelly, "Sin, Spirituality and the Secular." *The Way* 32 (1992): 13-22.

- a. Looks at Christian spirituality in terms of a lifelong growth-process out of being 'victims of sin' and 'agents of sin', while grappling with the objection that the notion of 'growth out of sin' implies a too negative starting point for Christian spirituality.
4. Patrick McCormick, C.M. "Human Sinfulness: Models for a Developing Moral Theology." *Studia Moralia* 26 (1988): 61-100.
5. Cornelius Plantinga, Jr. *Not the Way It's Supposed to be: A Breviary of Sin*. Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1995.
 - a. I think it is helpful to consider some ecumenical perspectives on sin as well (even if we might not agree entirely with this or that particular emphasis or treatment).
 - b. Plantinga, who writes out of the Reformed tradition, defines sin generally as "culpable disturbance of shalom" (p. 16), a disruption of the harmonious order of creation in the blurring of distinctions, the rupturing of covenantal bonds, the perversion of loyalties and energies, the corruption of bodies and relationships, addictive behaviors, attacks on human life and truth, and flights from responsibility. The best chapter is on sin and addictive behavior, and while his work includes a lot of cultural critique, nevertheless his treatment of sin is highly individualistic (very little acknowledgment of social sin and structural evil) and most of his examples speak to middle-class life experiences.
 - c. His fuller definition of sin, though, seems to be the following: "All sin has first and finally a Godward force. Let us say that *a* sin is any act—any thought, desire, emotion, word, or deed—or its particular absence, that displeases God and deserves blame. Let us add that the disposition to commit sin also displeases God and deserves blame, and let us therefore use the word *sin* to refer to such instances of both act and disposition. Sin is a culpable and personal affront to a personal God." p. 13.
 - d. A value of Plantinga's treatment though is his notion of Christian flourishing against which he holds that sin works: "What are some features of this flourishing? As Christians see her, a spiritually whole person *longs* in certain classic ways. She longs for God and the beauty of God, for Christ and Christlikeness, for the dynamite of the Holy Spirit and spiritual maturity. She longs for spiritual hygiene itself—and not just as a consolation prize when she cannot be rich and envied instead. She longs for other human beings; she wants to love and to be loved by them. She hungers for social justice. She longs for nature, for its beauties and graces, for the sheer particularity of the way of a squirrel with a nut. As we might expect, her longings dim from season to season. When they do, she longs to long again." p. 34.
6. For a good treatment of the classic Lutheran position on sin and grace see Eric

W. Gritsch and Robert W. Jenson, "Christian Life--Brave Sinning." Chapter 10 in *Lutheranism: The Theological Movement and Its Confessional Writings*, 137-152. Philadelphia: Fortress Press, 1976.

H. Contemporary Ambiguity about Sin

1. Consider the following caricature from Norman Tanner: "Another way in which we try to get round sin is to divide people into the good and the bad, usually placing ourselves among the former. The neo-Nazis, the racists, the anti-feminists, the polluters of the environment, they are all the unworthies. We are O.K. because we are not like them (at least not like the particular group that happens to be centre-stage at the time) and would never dream of having such base instincts." p. 373. [Norman Tanner, S.J. "Sin in the Middle Ages." *The Month* 254 (September/October 1993): 372-375]. One of a series of articles on various theological aspects of sin. Tanner critiques contemporary culture's efforts to abolish the idea of sin and contrasts this view with a consideration of sin in the Middle Ages in which there was a greater sense of personal sin, which in turn opened one up better to the possibility and necessity of divine forgiveness.
2. Tanner contrasts this and other contemporary views with the theology of the Middle Ages: "Ultimately the medieval acceptance of sin had effects that were deeply liberating--for the individual, towards others, and towards God. The individual was much more at ease with him or herself. Expectations in life were more realistic, disappointments less bitter. One of the follies of western society today, fuelled by the media and consumer advertising, is that people are cajoled into believing that they can, and therefore to some extent should, do everything. In the domain of religion, the semi-Pelagianism influencing Roman Catholic theology and religious practice since the Counter-Reformation period has led to a too great emphasis on attaining perfection by personal striving; people all too easily give up complete if they cannot achieve everything--an 'all or nothing' mentality which especially in recent years has had a sad consequence upon Catholics lapsing unnecessarily from the practice of their religion." p. 373.
3. A rediscovery of "sin" leads to the liberation of forgiveness: "Finally, the recognition of sin was supremely liberating towards God. It meant that people were open to the saving and elevating grace offered by Christ in a wondrous way." p. 374.
4. Perhaps a bit over-simplified and exaggerated, but is there more than a grain of truth in Tanner's remarks? Therefore, need to consider better the theology of sin and forgiveness.

LIV. SIN: TRADITIONAL VOCABULARY OF ORIGINAL AND PERSONAL SIN

- A. Original Sin,
- B. Species of Personal Sin, cf. *Catechism of the Catholic Church* #1855
 1. Mortal and venial:

2. "mortal sin opposes man's ultimate end, insofar as it destroys the order to that end, whereas venial sin does not overthrow this order." [Graneris, "Sin (Actual)." In *Dictionary of Moral Theology*, p.. 1134]
 3. The word "venial" itself means "forgiveable" in the sense of "able to be overlooked"
- C. Conditions Necessary for Mortal Sin (cf. *Catechism of the Catholic Church* #1857)
1. Grave Matter
 2. Sufficient knowledge, awareness and reflection
 3. Sufficiently "Full" Consent of the Will
- D. Grave Matter (cf. *Catechism of the Catholic Church* #1858)
1. "It is difficult to lay down a universal norm for determining its seriousness. Moralists limit themselves to formulating it for individual commandments. It may be noted, however, that certain violations always imply serious matter, but in others the matter may be serious or light, depending on the greater or lesser quantity of the matter involved." [Graneris, p. 1134].
 2. For a good discussion of the problematic aspect of the term "grave matter" as it relates to a moral evaluation of masturbation, see Charles Curran's "Masturbation and Objectively Grave Matter." Chapter 8 in *Idem. A New Look at Christian Morality*, 201-221. Notre Dame: Fides Publishers, 1968. Curran discusses and critiques the traditional theological opinion that masturbation *always* involves objectively grave matter. Curran proposes a different stance in light of fundamental option theory, and a close analysis of St. Thomas Aquinas' understanding of the difference between mortal and venial sin. Curran's book does have a *Nihil obstat* and an *Imprimatur*, even though Curran advances some of the theories which eventually led to his 1986 condemnation by the Congregation for the Doctrine of the Faith (CDF).
- E. Sufficient Awareness or Knowledge (cf. *Catechism of the Catholic Church* #1859)
1. Disagreement among moralists as to what constituted "sufficient" awareness, e.g. consider the following rigorist interpretation: "All that is required is the degree of attention that a normal individual, who is not distracted, employs in carrying out matters of ordinary importance. It does not call for explicit intention to offend God; this awareness is always implicit in the conscience of anyone who adverts to the immorality of his action." [Graneris, p. 1134.] Certainly this opinion would not be held by many moralists today, or at least not expressed in these terms!
 2. Actually, traditionally Sufficient Awareness was classed in terms of Full or Insufficient Advertence. Examples of "Insufficient Advertence" traditionally given were semi-wakefulness, semi-intoxication, not having the full use of

reason due to youth, dotage, retardation, hysteria, etc., and extreme passion which blinds reason.

3. See *Catechism of the Catholic Church* #1860 for its "gloss" on unintentional ignorance.

F. Sufficiently "Full" Consent of the Will

1. Presumes full advertence: "Consent is full if given with that ordinary degree of liberty that we have when we are still exercising control over our decisions, though we may be under the impulse of some passion. This third element is often the most difficult one to establish, especially in the case of internal sins or sins involving a passion. The habitual dispositions of the individual, along with the circumstances surrounding the situation, will help us to arrive at a judgment that has the greatest probability of being close to the truth." [Graneris, p. 1134]
2. Palazzini states that in "cases of doubt concerning consent the following are usually enumerated as signs of imperfect consent. Non-consent is presumed in the case of: those who are of such good conscience that they abhor mortal sin; those who, along with the temptation to grave sin, had the opportunity to commit an external act and who did not do so; those for whom the temptation is a source of suffering and bitterness." [From Pietro Palazzini, "Sin," in *Sin: Its Reality and Nature: A Historical Survey*, ed. Pietro Palazzini, trans. Brendan Devlin. (Dublin: Scepter Publishers, 1964): 164.]

G. Sins of Omission and Commission

1. This is still an important distinction in pastoral situations, and in dealing with those burdened by scruples.
2. "A sin of commission is the performance of a forbidden act." p. 305.
3. "A sin of omission, on the other hand, is the failure to perform an obligatory act. It is an offence against a positive precept, such as 'Remember the Sabbath day, to keep it holy'; 'Love one another as I have loved you'." [Karl Heinz Peschke, *Christian Ethics: Moral Theology in the Light of Vatican II*, (Alcester and Dublin: C. Goodliffe Neale, 1985): 305].
4. Relation to concept of positive and negative duties, which bind in different ways. E.g., negative duties (prohibitions) bind *semper et pro semper* (always and in each instance, e.g., do not murder), while positive duties (prescriptions) are usually seen to bind as *semper sed non pro semper* (always, but *not* in each instance, e.g., pray always).

H. Capital Sins

1. "They are called 'capital' not because they are always necessarily grave, but because they easily become vices and sources of many other sins. Gregory the Great (d. 604) drew up a list of seven: ..." [Peschke, p. 306]

2. Pride, avarice, envy, lust, gluttony, anger, sloth.
- I. Venial sin (cf. *Catechism of the Catholic Church* #1862-1863)
 1. divided traditionally into three types:
 - a. “When the act is fully deliberate, but the law to which it is opposed is not essential to the attainment of our ultimate end, we have the kind of venial sin referred to as *ex toto genere suo*.” (Peschke, p. 164)
 - (1) Perhaps an example might be something like squashing a bug on the sidewalk: the act could be fully deliberate, but the “precept” which safeguards the life of a bug would be relatively light. In practice, this criterion is similar to the next criterion.
 - b. “When the law is grave in itself and the act opposed to it is deliberate but the matter with which the action is concerned is of little importance, we have venial sin *ex parvitate materiae*.” (Peschke, p. 164).
 - (1) Perhaps something like stealing a candy bar from a large supermarket chain. “Stealing” could be an important precept and the action could be fully deliberate but the “matter” involved was so “light” or small that the resulting sin remained venial.
 - c. “When the precept is a grave one, but the act opposed to it is not perfectly deliberate, there is the case of venial sin *ex imperfectione actus*.” (Peschke, p. 164)
 - (1) One of the ways in which a sin, which otherwise might be mortal due to its grave matter remains “venial” due to some “imperfection” in the sense of lack of completion on the part of the agent who does the act. Usually this would be understood as a lack of sufficient awareness and/or consent on the part of the agent committing the act, so that the act was not perfectly “deliberate.” This was an important concept in theory, but often seemed to be under-emphasized by moralists in their discussion of “mortal” sins.
 - (2) It is very important to attend to this distinction because that which “looks” like something that is a “mortal” sin, may not in fact be a mortal sin. Important to help make this distinction especially in counseling and confessional situations.
 2. "In all these cases the venial sin is a partial de-ordination which mars the harmony which directs us to our final end and the order of the means thereto, but which leaves man's own ordination to his final end intact in its substance. The person who sins venially errs concerning the means to his final end, but not concerning the end itself." [From Pietro Palazzini, "Sin" in *Sin: Its Reality and*

Nature: A Historical Survey, ed. Pietro Palazzini, trans. Brendan Devlin, (Dublin: Scepter Publishers, 1964): 164.]

- J. Confession of Sins according to the teaching of the Council of Trent, “all mortal sins must be confessed,...while venial sins must not be confessed, although it is recommendable to do so (DS 1680). For venial sins do not destroy the state of grace (DS 1537).” Peschke, "The Morally Bad Action: Sin," Chapter 5 in *Christian Ethics: Moral Theology in the Light of Vatican II*, (Alcester and Dublin: C. Goodliffe Neale, 1986): 296.
- K. We have to acknowledge here the many problems this whole “act-centered” approach raises in our understanding of sin. It often does not deal sufficiently the moral *character* of the individual, and fails to engage sufficiently an understanding of conversion as an ongoing *process*.
- L. Notion of Temptation
1. "Temptation is the incitement, internal or external, to sin." [Palazzini, p. 175].
 2. "According to traditional asceticism, the two principal means for combating temptation are prayer and penance. Prayer is understood in a broad sense as including the sacramental life as well." [Peschke, p. 312.]
 3. God does not tempt us, but "the possibility of temptation is rooted in the gift of freedom, with which God endowed man." [Peschke, p. 313].
 4. educational value of temptations/trials.
- M. Danger and Occasions of Sin
1. Proximate or near: "The danger is *proximate* if it cannot be overcome without grave difficulty; otherwise it is *remote*." [Palazzini, "Sin," p. 176.]
 2. Terms are not spatial nor geographic!
 3. Important terminology in the tradition: e.g., see the traditional act of contrition and its wording in regards to the “promise to avoid the near occasions of sin” in the future. Refer rather to relative difficulty of overcoming temptation in this or that sort of situation. Even though we do have an obligation to avoid the "near occasions of sin." However, we cannot avoid all occasions of sin, and should be careful of over-scrupulosity on the one hand, and laxism and habitual sin which would condition the other hand.
- LV. SEDUCTION, SCANDAL AND COOPERATION IN EVIL
- A. Relationship among these terms, but need to make the proper distinctions. Helpful, though very traditional, treatment by Karl Heinz Peschke, S.V.D. "The Morally Bad Action: Sin." Chapter 5 in *Christian Ethics: Moral Theology in the Light of Vatican II*, 286-324. Alcester and Dublin: C. Goodliffe Neale, 1986.
- B. Seduction (in sin): "Seduction is the deliberate effort to lead others to sin. It constitutes a

twofold sin, first a sin against charity, and second a sin against the moral duty whose violation is caused." [Peschke, p. 314].

C. Scandal

1. Premise is that as Christians we are inter-related with one another in the Christian moral community, therefore we have care and responsibility for one another positively, to help and nurture one another and negatively, that our conduct not lead others astray or weaken them. Thus, it would be proper to speak of our "roles" as Christians, one to the other. Because of the relational nature of our Christian life, scandal is relational also, and therefore "Accordingly scandal is always of a relative nature." [Peschke, p. 316].
2. *Active*: the giving of scandal by unbecoming conduct, e.g., wearing a Roman collar and going to a strip bar.
3. *Passive*, often is more subtle. "Passive scandal is the taking of scandal at the provoking action of another, be this action unbecoming and sinful or be it lawful and good." [Peschke, p. 316]. "The *passive scandal* can be either due to bad example, or it can be a scandal of the weak, or a pharisaic scandal." [Peschke, p. 318]. Or the "scandal of a specific legal minimalism and formalistic piety which hinders men of other faiths to find the way to Christ or which makes them even scorn the Church. ... The scandal of spiritual mediocrity constitutes a grievous obstacle for the growth of the kingdom of Christ." [Peschke, p. 318].
4. *Scandalum pusillorum* ("Scandal of the weak"). Type of scandal which comes from actions, which though in themselves are "lawful" and not immoral, nevertheless have the appearance of evil, and therefore may disturb those with more "delicate" or "weak" consciences, and perhaps causing these to sin. St. Paul's advice to the early Christian community on abstaining from meat sacrificed to idols (1 Corinthians 8) would be a good example of being sensitive to the problem of *scandalum pusillorum*.
5. Rules for the Permission of Scandal, come out of the casuistical heritage. E.g., "The observance of a positive law may be omitted to avoid scandal. Ordinarily however one is not obliged to do so. A wife or children may miss Sunday Mass if they can thus prevent an outburst of fury of the husband or father." [Peschke, p. 320]. Such a case may still be applicable in certain regions, e.g. a Buddhist-Christian household in Korea. We need to clarify what and how "scandal" would work in a case like this. The "sin" would be the father's anger, but this "stumbling" would be related to the wife and children's attendance at Mass. It is important to stress that the wife and children are not "culpable" for the husband's "sin," but would be seen more as a judgment done in prudence and charity to help this man, and to relieve the wife and children from the burden of any false guilt about having "missed Mass" on Sunday. Yet, frankly this kind of casuistry is rather subtle, and has perhaps been used in the past in ways that have led to the oppression of the weak, and a problematic exhortation to supineness.

D. General Understanding of "Cooperation" in Evil. This still is a very helpful concept to use in pastoral situations, especially in avoiding fanaticism and/or scruples. Recognition

that some amount of "cooperation" in evil is unavoidable for those who live in the real world, which is morally complex. However, in the textbook sense, "cooperation" in evil refers to some degree in sharing in the moral guilt of another's sin. A traditional list gives nine ways this could be done: By counsel, By command, By consent, By provocation, By praise or flattery, By concealment, By being a partner in sin, By silence [*Qui tacit consentire censetur*; "Silence gives consent"], By defending the ill done.

E. Formal Cooperation (intentional in the moral sense)

1. Definition: "Formal cooperation obtains when one externally concurs in the sinful deed of another and at the same time internally consents to it. This kind of cooperation is always sinful." [Peschke, p. 321].
2. Explicit vs. Implicit: "Explicit formal cooperation would be had if the sin of the other were directly intended...Concurrence in the evil deed of another is considered an implicit formal cooperation if the assistance offered is of such a nature that it necessarily joins in the sinful deed of another." [Peschke, p. 321]. "Other authors however regard the implicit formal cooperation as immediate material cooperation. For, although it is sinful in most of the instances, there are exceptions possible, while formal cooperation is always sinful." [Peschke, p. 321].

F. Material Cooperation (Not necessarily intentional in the moral sense)

1. Definition: "Material cooperation is had when one externally concurs in the sinful deed of another without internally consenting to it." [Peschke, p. 322].
2. However, this definition needs better nuancing to underscore the distinction between the "materiality" of the physical cooperation and the presence or non-presence (or degree of presence or non-presence) of the intentionality which would indicate the degree of formal cooperation.
3. Immediate: "It is immediate if one concurs in the evil act itself, as to help a burglar to empty the jewels that he is stealing into the burglar's wallet."
4. Mediate: "It is mediate if one provides means other helps for the evil deed without joining the evil act itself, as to supply the burglar with the keys to the home or with tools for his burglary. Mediate cooperation is often further subdivided into proximate and remote, according as it is more or less closely connected with the evil deed." [Peschke, p. 322].
5. Norms for Material Cooperation: "Material cooperation in sinful deeds of others is in general illicit, since the evil of sin should not be supported by any means; on the contrary it should be opposed and suppressed. Yet on the other hand man often cannot escape some cooperation in the sins of others in order to avoid still greater evils." [Peschke, p. 322.] The rules which follow are basically an application of proportionalism and common sense.

G. Pastoral importance of the distinction between formal and material cooperation

1. Examples from the medical professions, build on the premise that the overall work or profession of the person is in general a good work. There is a real difficulty, if not practical impossibility, of abstracting one sort of assistance (e.g. in abortions) from other aspects and duties of one's work if one were a lab technician, for example. The issue becomes more acute, with greater responsibility, the more "immediate" (e.g., direct) the involvement. For example, the doctor who actually performs the abortion would have a great degree of responsibility to make sure that she/he did not cooperate "materially" in such a procedure.
 2. Or of parents with adult children who co-habitate, etc. We need to make this distinction to avoid sin and/or scruples.
- H. Counseling the Lesser Evil (*Minus malum*) Or "Advising the lesser sin"
1. "Advising a lesser sin than the one a sinner is about to commit is ordinarily allowed, provided the sinner cannot otherwise be deterred from committing the great sin." [Peschke, p. 324].
 2. "This is certain if the lesser sin is contained in the greater, e.g. to advise an infuriated person to beat his enemy rather than to kill him." [Peschke, p. 324.]
 3. One can even "lawfully" aid in the commission of such a lesser evil if thereby the greater evil is avoided, except in the following restricted sense: but it is not lawful to advise the sinner to do a lesser evil which would result in injustice to a third person whom the sinner did not have in mind, in order to prevent him from committing the greater sin. Hence it is not permitted to advise somebody to commit adultery with his enemy's wife or to mutilate his daughter instead of killing him." [Peschke, p. 324].
 4. Example of Cardinal Lustigier, the archbishop of Paris, counseling condom use among promiscuous (AIDS) HIV+ individuals. Though this is not strictly a *minus malum* example, but perhaps more a counsel to protect the common good.

LVI. COMPROMISE AND TOLERANCE OF EVIL SITUATIONS

- A. Both principles part of the established moral tradition!
1. Helpful in avoiding a sort of moral dogmatism and/or false dichotomization of the world into "good" and "bad" spheres or populations. This relates to the earlier discussion on cooperation with evil.
 2. Recognition of the fact of our facticity: We live in a sinful world and none of us is morally omnipotent. Therefore, we will *all* have to cooperate and/or tolerate evil situations, an important fact to recognize, especially in terms of dealing with the scrupulous.
 3. Traditional moral vocabulary
 - a. *cooperatio in malum* (cooperation in/with evil)

- b. *minus malum* (lesser evil {among possible “evils” when the only choice of action seems to involve choosing an action which involves evil). *Minus* does *not* mean “without” evil; choosing the “lesser of two evils” is *not* choosing the lesser of two sins, and then being sorry for this smaller sin. The lesser evil chosen does not become a moral sin, even if it is an “evil” which in other circumstances would be seen as immoral. Here we see how circumstances and intention are crucial.
 - c. Principle of the double effect
4. Notion of personal moral responsibility, which is to maximize good and/or minimize evil, and which relates to the first principle of the natural law as stated by St. Thomas Aquinas: *Bonum est faciendum et prosequendum et malum vitandum* [The good is to be done and fostered and evil avoided]. This is *not* a simple injunction to “do good and avoid evil”! Rather, through the use of *recta ratio*, governed by prudence and charity we are called to maximize the good and minimize the evil in our personal lives as well as in our world. Thus, even in situations of no real “choice” between good and bad, but only between bad and worse, we see the exercise of our moral responsibility as a positive good.
- B. Helpful distinction between ontic and moral evil
- C. Fundamental aspects to remember about compromise
- 1. First of all, we must clarify what moral compromise does *not* mean. Consider the following from Josef Fuchs, S.J., who notes that compromise has several meanings, and for moral theology we are not speaking of “moral compromise,” which would be the case only “if one were convinced of the correctness of a judgment made by the object-oriented conscience and, consequently, knew oneself to be absolutely bound by the subject-oriented conscience: however, and perhaps in order to avoid a possibly significant difficulty, one believes one should decide contrarily to the judgment made by conscience.” Fuchs, “The Phenomenon of Conscience: Subject-orientation and Object-orientation,” p. 131.
 - 2. Fuchs expresses his own analysis of what actual compromise entails in the following terms: “According to some moralists (the author included), closer examination of the problems to be solved would show that norms regarding correct conduct within the world always reflect the earthly, and therefore, the limited goods/values possessed by human beings. Such limited goods/values can, of course, prove themselves incompatible in a concrete and confined situation. The question is then which of the qualities/values that are under consideration in a situation of incompatibility are to be given precedence by reason of their hierarchical order or their concrete urgency. A solution to a problematic situation arrived at in such a way, perhaps in the conscience alone, would at any rate be a compromise, but not a moral compromise in respect of a demand which is considered to be absolutely binding: it would be a compromise made within the limited sphere of human beings good/values that are not necessarily demanding.” Fuchs, “The Phenomenon of Conscience: Subject-orientation and Object-orientation,” p. 132.

3. For another approach to a valid understanding of moral compromise I will summarize the following essay by Helmut Weber, "Il Compromesso Etico." Parte Secunda, Capitolo 6 in *Problemi e prospettive di teologia morale*, 199-219. A cura di Tullo Goffi. Brescia: Queriniana, 1976.
 4. Compromise in a moral matter is not *in itself* something *necessarily* dangerous or a betrayal of moral good. Compromise is rather better seen as an attempt to realize the good in the situation in which this realization is *possible*. Such practical possibilities are often limited, and these limitations are not a defect due to compromise itself. The end of compromise is not to reduce the good, but rather to seek its maximum possible realization in the concrete situation at hand.
 5. Do not set up a false dilemma between choosing a "radical" action, which is understood as being the totally good moral response, and a "compromise" which is seen as inherently second-best. Rather the choice is between the best possible compromise, which is therefore good in itself, though which at times may appear "radical" (as long as it is also realistic and realizable), and a compromise that is less good among the possible choices, and therefore can be seen as "bad." Often renouncing a unilateral position can be seen as being more "realistic" and therefore in this light compromise is seen as a creative synthesis of the moral good, and an exercise of the virtues of prudence and epikeia. Compromise is *not* in itself a fundamental contradiction to the will of God.
- D. Elements and Examples of Legitimate Compromise: "One conclusion could well be that in certain cultures such submission [to paying business "bribes"] is justifiable in the circumstances for the good which will come of it --with the proviso, however, that one is also under an obligation to work to remedy the corrupt social system." p. 676. "In other words, there may be times when one is justified in doing the best in the circumstances, but only on condition that one is at the same time doing one's best to change the circumstances." John Mahoney, S.J., "The Challenge of Moral Distinctions," *Theological Studies* 53 (1992): 676. Another element to take into consideration is that of "acculturation" and "inculturation"--coming to a better and more precise understanding of just which values are in play and how.
- E. Tolerance
1. Traditional Understanding
 2. Theological insights, e.g. from nature of sin and trajectory of eschatology
 3. Pluralism and tolerance
 - a. Refinement of our understanding of what constitutes material and formal cooperation in evil.
 - b. Example seen in the area of medical professional ethics
 - c. John Mahoney's view: "In contemporary society, nonetheless, it might be added, there is at least one additional factor which needs to be

considered in such cases and which the traditional approach of cooperation in the wrongdoing of another did not appear to take into account: the consideration that the other person may not himself believe he is doing wrong, but that, on the contrary, the action which he envisages may appear morally right, or even morally obligatory, to him.

In more general terms, the classical doctrine on cooperation did not make allowance for living in a pluralistic society, where different individuals may differ fundamentally in at least some of the human and moral values which they consider important, and in which tolerance of the views of others, rather than disapproval, is considered morally relevant in all one's own actions." [John Mahoney, *Bioethics and Belief*, (London: Sheed and Ward, 1984): 119.]

- F. Distinction between compromise and tolerance of sinful situations and the genuine call to prophetic action.
1. Recognition of the "real" world, yet, discernment that an individual, or group, may have a genuine call to a prophetic stance. Important not to dismiss this call, yet at the same time it cannot be universalized as a concrete moral norm for the whole Christian community. Therefore, avoid both extremes pastorally.
 2. Some concrete examples: Arms industry employment, withholding of payment of taxes, civil disobedience.

LVII. SIN IN CONTEMPORARY MORAL THEOLOGY

- A. Basic vocabulary from Greek and Latin culture
1. ἁμαρτία [(hamartia) missing the mark]
 2. ὑβρις [(hubris) pride]
 3. ἀδικία [(adikia) unrighteousness]
 4. μετανοία [(metanoia) turning towards/back; conversion]
 5. *peccatum/a* [Latin, "sin"]
 - a. The nuance seems to be more of a deliberate act of doing evil.
 - b. The Latin probably doesn't grasp the range of meanings of the vocabulary of sin in Greek and Hebrew. Therefore, it is important to broaden our understanding
- B. Biblical understandings of sin
1. Sin against God and God's will for the people as expressed in the Covenant, thus personal and collective accountability is cast in the relationship of the membership and participation of the Covenant.

2. Recognition of the mystery of sin as being not only an act but also seen as a power and state.
 3. Sin-solidarity as evidenced in the community call to conversion
 - a. Day of Atonement (Yom Kippur)
 - b. Role of the prophets
 - c. Jubilee (forgiveness of all debts; restoration of the original Covenant Justice)
- C. Gloss on the Biblical concept of "trial/testing"
1. Gloss on the Greek word *πειρασμος* (*peirasmos*) and/or *πειραζω* (*peirazo*): The primary meaning is "test or trial" and only the secondary meaning is "temptation as enticement to sin." [Cf. Heinrich Seesman's article on "*Peira*" in the *Theological Dictionary of the New Testament*. Volume 6, edited by Gerhard Freidrich, translated by Geoffrey W. Bromiley, 23-26. Grand Rapids: Eerdmans, 1968.]
 2. In the Old Testament and later Judaism: Individuals and whole communities are tempted (cf. Gn 22:1-19 [Abraham], and in Wisdom Literature). Humans, individuals as well as communities also "tempt" God: Israelites in the desert, Gideon, etc.
 3. New Testament
 - a. Jesus' "temptations" in the desert
 - (1) reality (i.e., the real world has testings)
 - (2) Temptations of Jesus: to deflect Jesus from obedience to God.
 - (3) Pay attention to the paradigm of his response, seen also as a corrective or counter-example to Israel's failed response to the testings.
 - b. Prayer of the disciples: the Our Father ("Lead us not into temptation"): "What is at issue here is in no sense a test. The Lord is rather teaching his disciples to ask God not withdraw His hand from them, but to keep them against temptation by ungodly powers." [Seesman, TDNT p. 31.]
 - c. In the Epistles: temptations seen as difficulties in the real world the Christian community must face and navigate.
 4. Less danger of scruples and neurotic guilt with the biblical understanding of "trials and testings"
 5. Interconnection and interrelation between trials and temptations and correction

by God

6. In this context, consider the following from Hebrews 12:4-11: In your struggle against sin, you have not yet resisted to the point of shedding your blood. And you have forgotten that word of encouragement that addresses you as sons: "My son, do not make light of the Lord's discipline, and do not lose heart when he rebukes you, because the Lord disciplines those he loves, and he punishes everyone he accepts as a son." Endure hardship as discipline; God is treating you as sons. For what son is not disciplined by his father? If you are not disciplined (and everyone undergoes discipline), then you are illegitimate children and not true sons. Moreover, we have all had human fathers who disciplined us and we respected them for it. How much more should we submit to the Father of our spirits and live! Our fathers disciplined us for a little while as they thought best; but God disciplines us for our good, that we may share in his holiness. No discipline seems pleasant at the time, but painful. Later on, however, it produces a harvest of righteousness and peace for those who have been trained by it. (NIV)

D. Some insights from traditional Protestant theology

1. All men and women are sinners: *Simul iustus et peccator* (at once both sinner and justified)
2. *Sola gratia* (grace alone); yet the need to avoid the seduction of "cheap grace"
3. The notion of "brave sinning" (putting the emphasis on God's grace)
4. Thus, avoid the heresy of trying to arrange for the cancellation of one's sins through one's "merits"

E. Revision of the underlying theology

1. How to speak of sin?
2. Always in the context of God's grace! cf. Rm 5:20 "Where sin was overflowing there grace was even greater."

F. Models of Sin, e.g. Patrick McCormick

1. Patrick McCormick, C.M. "Human Sinfulness: Models for a Developing Moral Theology." *Studia Moralia* 26 (1988): 61-100.
2. In recent centuries individualistic and juridical models of sin have dominated Catholic moral theology. We now need alternative models, and McCormick proposes two: sin as a disease, and sinful community. The last is particularly helpful in approaching social sin.
3. The Western understanding of sin is individualistic and privatized: "The radical individualism of the West has severed the individual's sin and the sinning individual from the weave of history and society. The free and unconnected will

of the separate person, along with the expression of that will in particular acts of sin become the only two concerns of Catholic morality. Act-analysis and an evaluation of the individual person are the primary tasks of this view of moral theology." p. 65.

4. Sin as Crime: "Perceptions of sin as crime and the sinner as a criminal isolate the "guilty" party from the human community in a rather artificial manner. The ambiguities of the experience of human evil is ignored or denied and a select group of persons is identified as the exclusive cause of sin, judged guilty and (quite logically) sentenced to punishment. In this way the larger group and the majority of its members is [*sic*] able to maintain a sort of pseudo--or taboo innocence. Thus, criminal models of sin cooperate in a disassociative process by which the community of the "innocent" project the shared experience of moral and religious evil onto the "guilty." Such a procedure is intrinsically immoral, radically violent and profoundly unChristian." p. 70.
 5. Contrast this with the *scandal* of Jesus--who ate with sinners and forgave them.
 6. Sin as disease: Jesus "argues that the reality of sin is the universal experience of being alienated from and in need of the loving mercy of God. Thus he shatters the pseudo-innocence of those around him and calls them to be about the process of conversion." p. 73
- G. Nevertheless, I find this last model partial at best and ultimately unsatisfactory. It leads into the "therapeutic" response, which is problematic for dealing with sin and genuine forgiveness and masks the negative aspects of the ethos of our therapeutic culture. In this vein see the critique of people like L. Gregory Jones, especially his Ch. 2 "Therapeutic Forgiveness: The Church's Psychological Captivity in Western Culture," in his *Embodying Forgiveness: A Theological Analysis*, (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1995).
1. Jones speaks of the "trivialization" of forgiveness and discusses how the "grammar of Christian forgiveness has been largely co-opted by a therapeutic grammar." Jones, *Embodying Forgiveness*, p. 49.
 2. Jones goes on to talk about the culture of "victimization" and its impact on the diminishment of the Christian understanding of confession, repentance and forgiveness. "...there is plenty of sin to be found (though rarely named as such), but it almost always lies with others. It is society, or my parents, or my disease, or all three, and more, that are responsible for the way I am; so I am encouraged to abdicate responsibility for my own actions." Jones, p. 45.
 3. "The modern American *cogito* might be better phrased 'I am a victim, therefore I am'." Jones, p. 46.
- H. Nevertheless, some of these problems can be overcome with a deepening of a notion of genuine forgiveness:
1. Patrick McCormick says that "Genuine forgiveness is not about a simple pardoning or forgetting of sins but about an empowering the sinner to an

experience of conversion through which there can be an integration of the whole of human experience." McCormick, p. 76

2. L. Gregory Jones adds that "sin and forgiveness have to do with more than pride and with more than my 'individual' guilt. They have to do with the pervasive brokenness for which we are all, in some measure, culpable and with specific instances and habits of culpable wrongdoing that undermine not only my communion but *our* communion with God, with one another, and with the whole Creation. Hence forgiveness must involve an unlearning of the habits of sin as we seek to become holy people capable of living in communion. As Jon Sobrino rightly insists, 'the purpose of forgiveness is not simply to heal the guilt of the sinner but the purpose of all love: to come into communion'." Jones, p. 63. [Quoting Jon Sobrino's "Latin America: Place of Sin and Place of Forgiveness" *Concilium* 184 (1986): 51]
3. Jones argues for a theological reformulation of our understanding: "In this sense, then, we need to resituate our conceptions of the self, of sin and forgiveness, and of the call to holiness, in their larger context of God's inbreaking Kingdom." (Jones, p. 64)
4. McCormick's notion of Social Sin and Sinful Communities (a fuller treatment of social sin follows below)
 - a. Relation of concepts of social sin and moral community
 - b. "It is appropriate to refer to such structures as sinful in that they work, through cooperative efforts, for the disintegration and alienation of the human community, dissolving relations of parity and justice, creating and sustaining oppressive political and economic systems, developing pervasive social attitudes or voices of greed, hostility, indifference and narcissism [*sic*]. Such systemic evils create and maintain anti-communities antithetical to the Kingdom of God. In such experiences of solidarity-in-sin the bonds uniting persons and groups are manipulative, oppressive, pathological and dehumanizing." (Patrick McCormick, p. 93).

LVIII. SOCIAL SIN

- A. Paradigm Shift Required for Seeing and Addressing social sin
 1. Personal anecdote: my encounter with Shin Syng-Hwan
 2. New notions of responsibility, conversion and reconciliation
 3. But perhaps a recovery also of a deeper theological understanding of sin and soteriology
- B. Theological tensions regarding social sin
 1. Identification with Liberation Theology, and especially Marxist social analysis

(cf. Congregation for the Doctrine of the Faith (CDF). "Instruction on Certain Aspects of the 'Theology of Liberation'." Part I. "Instruction on Christian Freedom and Liberation." Part II. Vatican City, 1984 and 1986.) In this regard see especially Part I.

2. Fear of the denial of personal sin (cf. John Paul II's *Reconciliatio et Paenitentia. On Reconciliation and Penance in the Mission of the Church Today*. Post-Synodal Apostolic Exhortation. Vatican City: 1984) which leads to a very limited acceptance of the notion of social sin and in fact speaks of "one meaning sometimes given to *social sin* that is not legitimate or acceptable, even though it is very common in certain quarters today. This usage contrasts *social sin* and *personal sin*, not without ambiguity, in a way that leads more or less unconsciously to the watering down and almost the abolition of *personal sin*, with the recognition only of *social* guilt and responsibilities." *RP* #16.
3. The major sticking point seems to be the ramifications social sin would have on the paradigm of individual moral acts: "A situation--or likewise an institution, a structure, society itself--is not in itself the subject of moral acts. Hence a situation cannot in itself be good or bad." *RP* #16.
4. Related to this is the current Magisterium's strong desire for strengthening the paradigm of individual sin (especially in terms of the traditional vocabulary of mortal and venial sin) and emphasis on individual confession.
5. This approach is echoed in the *Catechism of the Catholic Church*, and is taken up in some of the various national Catechisms as well.
6. Vested interests with the status quo.
7. The historical weight of tradition which always tends to make a major paradigm shift difficult

C. Culture and Social Sin

1. If culture is our basic modality of human being, then it would be logical to conclude that sin, both "original" and those of our own commission and omission would also have cultural roots and social manifestations.
2. Ethnocentrism as social sin, as well as more malicious aspects such as racism, imperialism, and genocide.
3. Acculturation as a potential for the "occasion of sin"

D. Notion of Cultural Narratives and "Cover stories" (Roger Betsworth).

1. Every culture produces a narrative which "establishes the world in which in ordinary story makes sense. It informs people's sense of the story in which they set the story of their own lives. The history, Scriptures, and literary narratives of a culture, the stories told of and in family and clan, and the stories the popular culture all articulate and clarify the world of the cultural narrative in which they

are set. Betsworth, *Social Ethics: An Examination of American Moral Traditions*, (Louisville: Westminster, John Knox Press, 1990): 15.

2. Successful cultural narratives give a sense of identity and cohesion primarily to the in-group or dominant members of a culture.
3. Betsworth raises an important question though in reference to these cultural narratives, namely whether these particular cultural narratives function of the same way for all the peoples who live in our society. In particular Betsworth suggests that how the cultural narratives function and are viewed will differ depending on whether one is a member of the dominant group, i.e. an insider, or a member of a minority group, i.e., an outsider.
4. Thus the problem comes, for social sin, when these cultural narratives both participate in, and mask, the oppression of the “outsiders” in a group. Betsworth describes this dynamic as rooted in self deception. Such stories are both powerful and devious. Betsworth notes that the “real story so painful the we seek to deny it, yet it continues to assert itself as or basic way of interpreting our situation.” P. 22
5. The painful nature of the real story leads as to create a second story, the so-called cover story. “The cover story is another way of interpreting our action; it is a way that is less painful, more honorable, and also plausible.” P. 22
6. But a cover story must be continually told and retold in order that it both maintains its primacy and is able to suppress the real story.

E. Cross-cultural confession and awareness of social sin

1. Sometimes being an “outsider” can be a privileged vantage point, and need not necessarily involve concomitant oppression. Cross-cultural exchange might provide one such “outsider’s” view.
2. Betsworth, however, does not approach this dynamic from a cross-cultural perspective. Rather, he highlights the dynamic of the insider/outsider within the same cultural group, and notes that "The unique standpoint of insider-outsider gives minorities and women an usual ability to perceive the way the cultural narratives are used to justify oppression." (Betsworth, p. 138.)
3. If the outsiders see our major cultural narratives as deceptive and oppressive that will be important aspect of their liberation as well as for the creation of a more just society that these outsiders help to “refashion the cultural stories by drawing on their own stories, which they have created out of their religious, historical, and cultural experiences. By turning to their own history to show how each cultural narrative has been used to justify oppression, they reorder the cultural vision of the majority. This reordering of the cultural narratives invites all Americans to envision a nation in which freedom and justice for all can be more nearly realized.” (Betsworth, p. 21)

F. Recall also the Biblical understandings of sin

1. Sin against God and God's will for the people as expressed in the Covenant, thus personal and collective accountability is cast in the relationship of the membership and participation of the Covenant.
 2. Recognition of the mystery of sin as being not only an act but also seen as a power and state.
 3. Sin-solidarity as evidenced in the community call to conversion
 - a. Day of Atonement (Yom Kippur)
 - b. Role of the prophets as call to social concern and consciousness
 4. Testing and temptations seen through a community lens
 - a. Not just individuals, but whole communities are tempted and tempt God as well. In fact the community dimension is paramount in the Old Testament (rather than the individual temptation/sin).
 - b. New Testament concern for the poor and marginalized
 - (1) Lukan theme on riches
 - (2) Matthew's Last Judgment
 - (3) In the Epistles: temptations seen as difficulties in the real world the Christian community must face and navigate.
- G. Social Sin and the Vision of God's Kingdom, ala Roger Haight, S.J, a systematic theologian who currently teaches at the Weston Jesuit School of Theology in Cambridge, MA: "The objectification of God's will for the Kingdom must be structured by social justice; God wills social justice. When a person engages in activity that promotes this justice, he or she becomes one with God in three ways: morally, by a union of wills; contemplatively, by possessive knowledge of the God who wills justice; ontologically, by cooperative response to the intimate presence of God's personal Spirit. In this spirituality a person does not dwell passively in the truth of God, but becomes mystically bound in ontic union with God through cooperating in God's action in the world." Roger Haight, S.J. "Foundational Issues in Jesuit Spirituality." *Studies in the Spirituality of Jesuits* 19/4 (September 1987): 42.
- H. Haight goes on to speak of social sin in this way:
1. "Individuals alone cannot resist institutional sin. We must function as groups which themselves become public institutions of grace." "Foundational Issues in Jesuit Spirituality." *Studies in the Spirituality of Jesuits* 19/4 (September 1987): 42.
 2. "In its aggressive form the sin of the world corrupts human action by funneling it into mechanisms that destroy human lives. In a subtle form it undermines the

groundwork by fostering an escape from freedom itself." "Foundational Issues in Jesuit Spirituality." *Studies in the Spirituality of Jesuits* 19/4 (September 1987): 43.

- I. Historical development of the vocabulary of social sin:
 1. "The concept of social sin actually began to appear in the 1960s in relation to questions of racism, poverty, war and peace. A realization dawned: structures and institutions are not neutral in their make-up or operation but embody values which reflect those held by the people who constructed them. What became evident through social analysis was their great potential for good or evil. It was at the 1971 Synod of Bishops that the category of social sin found in earlier teachings was explicitly debated and written about in the synodal document, *Justice in the world*." [From Margaret Ellen Burke, "Social Sin and Social Grace." *The Way Supplement* 85 (January 1996): 40.]
 2. Article discusses how the reality of social sin can be used in spiritual direction and pastoral action in discerning and responding to unjust structural situations.
- J. "Peter Henriot indicates that social sin refers to: (1) structures that oppress human beings, violate human dignity, stifle freedom, impose gross inequality; (2) situations that promote and facilitate individual acts of selfishness; (3) the complicity or silent acquiescence of persons who do not take responsibility for the evil being done'." (Burke, Social Sin, p. 40)
- K. Some stipulative definitions of some of these key terms from Mark O'Keefe:
 1. "*Structure*. A social structure is an ordered pattern of relations that is established and becomes routine. Structures involve policies and institutions that make up the patterns of societal organizations as well as the worldviews, perspectives, and value systems by which we interpret our experiences so as to bring coherence and meaning into our lives. Structures, therefore, are both external and internal to the individual person." (Mark O'Keefe, O.S.B., *What Are They Saying About Social Sin?* (New York: Paulist Press, 1990): 46.
 2. "*Institution*. An institution is a distinctive complex of actions, providing procedures through which human conduct is // patterned, e.g. marriage and organized religion. Institutions thus provide typologies for our actions." pp. 46-47.
 3. "*System*. A system is a complex of social structures and institutions. Thus we may speak of civil authority systems, systems of exchange, and persuasion systems." O'Keefe, p. 47.
 - a. e.g., criminal justice system, capitalist economic system, etc.
 4. *Internalization*. "In large measure persons learn their attitudes, values and views of reality from the societal structures in which they are born.
 - a. "What has become objectified becomes internalized--that is, as a child is socialized through the process of informal and formal education and

training, he or she internalizes the value-relationships which are the foundation for the structures and institutions of society. If the structures of the society into which one is born enshrine certain values, then one is likely to be aware of and accept these values. If on the other hand, one's society does not enshrine particular values, then one will be relatively blind to these values--unable to perceive them as worthy of choice." O'Keefe, p. 50.

- b. E.g., filial piety in Confucian cultures, rugged individualism in the American culture. Thus, the necessity for ethos critique, both from within the culture, and cross-culturally
- L. Yet Josef Fuchs raises some important caveats about an overly simplified usage of the terminology of "structures of sin":
- 1. namely "that we will forget that great inequalities and deep structures of injustice can have other causes than sinful conduct. Appalling societal conditions can also be the result of error and ignorance; // they may even be attributed to human persons who have indeed done what is ethically wrong, but who were acting, nevertheless, out of fully selfless love." Josef Fuchs, *Moral Demands and Personal Obligations*, (Washington, D.C.: Georgetown University Press, 1993): 69-70
 - 2. Moreover, Fuchs goes on to recall for us that inasmuch as all are sinners, this vocabulary of "structures of sin" may also be misleading in another important way: "When one speaks of structures of injustice as structures of sin, one should not overlook the fact or the possibility that the sin need not lie exclusively on the side of those who are unaffected by the evil of injustice. Not only the 'haves', but the 'have-nots' can be the sinful cause (at least in part) of the existing structures. In the case of individuals who are in need and in the case of particular asocial groups, organized peoples, and governments, there exists a fatalistic lack of concern and care, a lack of willingness to work and to help themselves, in the expectation that others, the 'haves' will come to their aid and take responsibility for overcoming their situation. Such an attitude and such conduct can also be sinful in the sense that sin is the cause of deficient structures not being overcome." Fuchs, *Moral Demands*, p. 70.
- M. Gregory Baum's contribution to the theology of social sin (following the analysis of Mark O'Keefe):
- 1. First we need to distinguish social sin as defined in terms of its object and its subject.
 - 2. As defined in terms of "object" social sin would refer to the evil acts of individuals or groups which affect society. But in terms of "subject" social sin refers to the community or a collectivity involved in the sin.
- N. "Baum proposes that social sin be defined primarily in terms of its subject. Social sin, he argues, resides in groups and in communities. Further, Baum distinguishes four levels of social sin:

1. "First is the level of the injustices and dehumanizing trends built into various institutions--social, political, economic, religious--which embody people's collective life.
 2. "Second is the level of the cultural and religious symbols, operative in the imagination and fostered by society, that legitimate and reinforce the unjust situations and intensify the harm done to people. These symbolic systems Baum identifies as 'ideologies'.
 3. "Third is the level of the false consciousness created by these institutions and ideologies through which people involve themselves collectively in destructive action. The false consciousness convinces them that their actions are in fact good. Conversion, as a recovery from the blindness caused by false consciousness, occurs primarily at this level.
 4. "Fourth is the level of the collective decisions, generated by the distorted consciousness, which increases the injustices in society and intensifies the power of dehumanizing trends." (O'Keefe, p. 30)
- O. However, I would note that "false consciousness" can also operate even in ideologies which aim at correcting social sin.
1. Thus, an exaggerated feminist or liberationist critique that caricatures or excommunicates individuals or classes would be also guilty of social sin. Here biblical material can correct such false consciousness.
 2. For example, my former student who said that the "cult of forgiveness" had to be removed from Christian ethics since it oppressed women. Here the Bible would have to be the *norma normans* and critique and correct such an extreme view.
- P. Obviously social sin is an important concept in liberation theology
1. Recognition of sinful structures
 2. And corporate guilt and responsibility that is different than a mere sum of the individuals involved
- Q. Social sin indicates another aspect of sin-solidarity and suggests the presence of social grace as well. "Leonardo Boff describes social grace as: 'the presence of God and God's love in the world and the corresponding human experience. 'This grace is at work socially and liberatively in all the dimensions of human reality'." (Burke, Social Sin, p. 41).
- R. Moving towards a new theology of social sin and social grace:
1. These concepts are frankly in need of much further theological reflection and refinement. However, it is important to recognize first of all the relation of sin to oppression:
 2. As Thomas Schubeck has observed, "Sin--understood as selfishness that

alienates a person from God, from neighbor, and from self--is the root of all oppression. This level presents the primary motivation for moving forward in the struggle for liberation: gratefulness to God who instills hope in place of fatalism and despair. Moreover, it expresses human beings' deepest needs, the need for God's forgiveness and for solidarity with all people united in Christ." Thomas L. Schubeck, S.J., "Ethics and Liberation Theology," *Theological Studies* 56 (1995): 120.

- S. In this vein the Responsibility ethics of H. Richard Niebuhr might also be helpful
1. See especially his two main works:
 - a. *The Responsible Self: An Essay in Christian Moral Philosophy*. With an Introduction by James M. Gustafson. New York: Harper & Row, 1963.
 - b. *The Meaning of Revelation*. New York: Macmillan, 1941 and 1960.
 2. Niebuhr's understanding of God and God's actions in the world in 3 simultaneous aspects:
 - a. "God *governs* in part through the limitations of our own finitude,
 - b. *judges* by calling us to repentance, and
 - c. *redeems* by bringing to light new possibilities of reconciliation that were hidden to our despairing hearts
 3. God "reveals" reality to us and also *enables* us to respond in a "fitting" and "responsible" fashion
 4. Niebuhr's Four Fundamental Ideas of his Ethics of Responsibility
 - a. All of our moral actions can be seen as *responses* to what is going on in the world. "Response" means that these actions are done in the light of "meaningful events."
 - b. *Interpretation* done in the light of *meaningful events*. Our actions are responses to realities that are already full of meaning because of the *interpretations* that our seeing brings.
 - c. *Accountability* to both past AND anticipated future. Refers to the way in which the actions of a responsible person not only respond to the past but also fit into an anticipated future. Here, moral "responsibility" means staying with your action.
 - d. Responsible *stories* are those which foster *social solidarity*. The responsible self is responsible for living in, learning from, and helping to shape community

5. These ideas might be adapted to respond to sinful structures and social sin in the light of a community response.
- T. Re-interpretation of traditional vocabulary in new situations
1. E.g. sin of omission and social sin
 2. Consider the following from the Pontifical Council for the Pastoral Care of Migrants and Travelers, and Pontifical Council *Cor Unum*, "Refugees: A Challenge to Solidarity."
 3. "Indifference constitutes a sin of omission. Solidarity helps to reverse the tendency to see the world solely from one's own point of view. Acceptance of the global dimension of problems emphasizes the limits of every culture; it urges us toward a more sober lifestyle with a view to contributing to the common good; it makes it possible to provide an effective response to the just appeals of refugees and opens up paths of peace." [*Origins* 22 (15 October 1992): 309].
 4. Gradualism of the law, tied to ongoing conversion. In this context see Paragraph #9 of *Familiaris Consortio*, Pope John Paul II's Apostolic Exhortation on the Christian Family, given in 1981, which states the following:
 - a. "To the injustice originating from sin-which has profoundly penetrated the structures of today's world-and often hindering the family's full realization of itself and of its fundamental rights, we must all set ourselves in opposition through a conversion of mind and heart, following Christ Crucified by denying our own selfishness: such a conversion cannot fail to have a beneficial and renewing influence even on the structures of society. What is needed is a continuous, permanent conversion which, while requiring an interior detachment from every evil and an adherence to good in its fullness, is brought about concretely in steps which lead us ever forward. Thus a dynamic process develops, one which advances gradually with the progressive integration of the gifts of God and the demands of His definitive and absolute love in the entire personal and social life of man. Therefore an educational growth process is necessary, in order that individual believers, families and peoples, even civilization itself, by beginning from what they have already received of the mystery of Christ, may patiently be led forward, arriving at a richer understanding and a fuller integration of this mystery in their lives." (*Familiaris Consortio*, #9)
 - b. However, it should be observed that the Pope's primary usage of this term is for married couples in coming to a progressive acceptance of the Church's teaching against artificial contraception, and thus he speaks of the law of gradualism, taking care to disassociate this term from any recognition of the possibility of a "gradualism of the law" which would hold for the theoretical possibility of different moral laws for different people in different situations (cf. *Familiaris Consortio*, #34)
- U. Need to develop also a spirituality for social sin and social grace

1. We are still a pilgrim church, an *ecclesia semper reformanda*.
 2. Basic twin dynamics
 - a. Sin--> repentance-->conversion (on the part of the sinner primarily)
 - b. Sin--> forgiveness-->reconciliation (on the part of God, and the community)
 3. Confession of sin--not denial; forgiveness of sin--not “obliteration” of the fact of sin
 4. Spirituality of moral theology: Spirituality for the long haul, to deal with, but also live through, my own sins and the sins of others, and of the institution, and a spirituality of discernment and dialogue, growth and liberation, and finally a spirituality of involvement.
- V. Philippine Bishops “Pastoral Spiral” which outlines 7 stages, popularized by the Bishops’ Institute for Social Action (BISA). This comes from Msgr. Orlando B. Quevedo, O.M.I., D.D. “Formation in the Social Teaching of the Church.” *Landas* 6 (1/1992): 3-17. In the Asian context he suggests using a process model of seven stages:
1. 1) *Situationality*, which aims to scrutinize the signs of the times and necessitates an “immersion experience” in order to genuinely know the reality which is being addressed. In this regard in the Asian context “mere social and structural analysis is not enough. It has to be complemented by cultural analysis which would explore the cultural underpinnings of the situation of reality under study.” p. 8
 2. 2) *Reflection in Faith* in which the general question of what to do is examined in light of the Scriptures and Church teachings, looking to these to see what they might have to say about the situation and this stage involves the process of “faith-discernment.”
 3. 3) *Response, Judgment, Decision* in which one begins to formulate a concrete response. Perhaps some aspect will need to be affirmed and support, perhaps another will need to be denounced in a prophetic mode. But the key is to move authentically to real praxis.
 4. 4) *Planning*. “Praxis is not haphazard” (p. 9), and so before meaningful and effective concrete action takes place careful planning must be done.
 5. 5) *Action*. Praxis which is enacted will be a transformative experience.
 6. 6) *Evaluation*, which should occur on two levels—first at the level of the action itself and second at the level of the entire process of analysis.
 7. 7) *New Situation or Reality*. This “last” stage is not a “conclusion” but a recognition that “the completion of a first pastoral spiral necessarily results in a new situation” (p. 9) which in turn calls for the analytic/action/reflection process

to begin anew.

- W. This practical approach echoes some of the same basic concerns brought forward by James M. Gustafson in his “Varieties of Moral Discourse” treated at the beginning of the course text.

LIX. SACRAMENT OF RECONCILIATION

- A. Keep in mind that as a sacrament this one probably has the greatest amount of development over time, as well as changes in the basic understandings of what the sacrament entailed. (Go back and look at some of the points made about sin and penance in the history section).
1. E.g., originally a “non-repeatable” sacrament, “used” just once in a life-time, and only for serious sin, with long public penance.
 - a. This system had certain advantages, as Walter Woods explains: “This system’s symbolism and inner logic were clear and powerful. Grave sin alienated from God and the Church community, a catastrophe that should be truly exceptional. When such sin occurred, repentance was urgent and was the only road that led the sinner back to forgiveness and reconciliation. The penitent was expected to walk it by means of sincere inner sorrow and the practical efforts that together aimed to correct the causes of one’s sin. The sinner did penance in an ecclesial and liturgical context under the supervision of a bishop. This approach had pedagogical benefits for the entire community. It depicted the effects of sin and showed that grace and forgiveness are bound to communion with God and the Church.” Walter J. Woods, *Walking With Faith: New Perspectives on the Sources and Shaping of the Catholic Moral Life*, (Collegeville: Liturgical Press, 1998): 196.
 - b. Yet this system had many problems, perhaps chief among them the “one-time” availability of the sacrament, plus the heavy and public nature of the penances imposed.
 - c. “A second difficulty was that a reconciled penitent was expected to live a penitential life forever after. Normally that precluded sexual relations, even with a spouse, business pursuits, eligibility for ordination, and the bearing of arms. Canonical penance therefore imposed very severe and lifelong deprivations on all who embraced it, and this helps to explain why many grave sinners never sought canonical penance even though it offered them a way to be reconciled with the Church.” Woods, p. 196.
 2. Changes which occurred due to the development of individual confession and tariff penances, originally among Irish monks, and then the practice spread throughout Europe. Some of the basic problems with this system of Celtic penance has been expressed by Walter Woods in this fashion: “Celtic penance also included certain problematic aspects. Although the system of tariff penance originally viewed sin as a disease to be cure, it tended to treat sin as a crime to

be punished. Over time, the prominence of the penal dimension lent an increasingly legal or punitive texture to sin and its forgiveness. In a similar way, the linking of forgiveness to the performance of difficult works and the acceptance of discomfort might suggest that forgiveness was more a matter of the sinner's expiation than God's gift of grace. The attention paid to the tangible profile of a penitent's sins also helped to emphasize external behavior at the expense of the interior drama of aversion from God and conversion to God. The privacy surrounding the encounter of the penitent and confessor and the lack of a clear liturgical context likewise made the proceedings seem more individual and less ecclesial in nature." Walter J. Woods, *Walking With Faith: New Perspectives on the Sources and Shaping of the Catholic Moral Life*, (Collegeville: Liturgical Press, 1998): 206.

B. Biblical passages

1. Three Parables of God's Mercy in Luke 15

a. Lost sheep

(1) Not good business sense

(2) We are each one of us unique and therefore absolutely valuable to God

b. Lost Drachma

c. Merciful Father and the Prodigal Son

2. Romans 15

C. Understanding of Conversion

1. *μετανοια* (metanoia) and "repentance"

a. *μετανοια* is active, positive, and present-future indicative

b. "repentance" can be too easily misunderstood as passive, past and subjunctive-optative

2. Two sacraments of conversion

a. Baptism

b. Reconciliation

3. Relation to the virtues and the virtuous life

4. Relation to an understanding of grace

a. Sanctifying

- b. Actual
- D. Ecclesiastical questions in reference to the Sacrament of Reconciliation
 - 1. Perhaps more of a canonical issue
 - 2. Revision of the ritual
 - 3. Revision of canon law
 - 4. The Confessional Fora (e.g., internal)
- E. General pastoral guidelines
 - 1. Recognition of human finitude and sinfulness: "There are many factors in human experience that hinder, strain and even destroy intimacy. Some are due simply to human finitude. People get tired, distracted, sick. The range of their interests is limited. Some factors are due to human sinfulness, both personal and social. People get angry or annoyed, judge rashly, act selfishly, and make unreasonable demands on others' time and energy." James P. Hanigan. *What Are They Saying About Sexual Morality?*, (New York: Paulist Press, 1982);, 110].
 - 2. Recourse to the sacrament of reconciliation:
 - a. "The sacrament of reconciliation becomes essential to intimate relationships." p. 110.
 - b. Thus, the sacrament has always an implicit *social* dimension.
 - 3. Recognition and acceptance that no one, not the pastor, nor the moral theologian, nor even the Pope, will have the complete and final definitive word which will make all these issues crystal clear.
 - 4. Therefore, don't go it alone!
 - a. Don't be afraid of asking for advice, telling people, "Let me pray over that and I'll get back to you."
 - b. Example of a common mistaken notion of making absolution for a sex offender conditional upon his self-incrimination.
 - 5. Pastoral principle of not burdening consciences:
 - a. St. Alphonsus Liguori taught "that confessors should not unsettle the good conscience of penitents by referring to law, whether natural law or merely Church or state law, when he can foresee that the penitent cannot truly interiorize this law or precept." [Bernard Häring, *Free and Faithful in Christ: Moral Theology for Priests and Laity, Volume I:*

General Moral Theology, (Middlegreen, Slough: St. Paul Publications, 1978): 50].

- b. Need for discernment and a certain balance between simple and unquestioning "affirmation" and supporting and accompanying a person on the way.
 - c. Thus, a need for great pastoral sensitivity to where the person is here and now, and what God is enabling this person to do in response to God's grace.
6. We are still a pilgrim church, an *ecclesia semper reformanda* (the Church always [in need of] being reformed).

LX. INTRODUCTION TO THE ROLES OF THE MAGISTERIUM AND CHURCH AUTHORITY

A. Bibliography

- 1. Boyle, John P. *Church Teaching Authority: Historical and Theological Studies*. Notre Dame: University of Notre Dame Press, 1995.
- 2. Charles E. Curran and Richard A. McCormick, S.J., eds. *Readings in Moral Theology, No. 3: The Magisterium and Morality*. New York: Paulist Press, 1982.
- 3. Francis A. Sullivan, S.J. *Magisterium: Teaching Authority in the Catholic Church*. Dublin: Gill and Macmillan, 1983.
 - a. An excellent overview of the theology of the Magisterium and related questions. Includes chapters on the biblical and historical bases for episcopal Magisterium, infallibility, and a concluding chapter on the Magisterium and role of theologians in the Church. The last half of Chapter 6, "The Infallibility of the Universal Magisterium and the Limits of the Object of Infallibility," (pp. 132-152) is also found in Curran and McCormick, *Readings in Moral Theology, No. 6*, pp. 42-57.
- 4. Francis A. Sullivan, S.J. *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium*. New York: Paulist Press, 1996.
 - a. Very good for developing an understanding of how to exegete and interpret the various levels of teaching contained in Vatican documents. Helpful in dogmatic theology as well. Good historical examples are used to illustrate the various points.
- 5. Josef Fuchs, S.J., "Human Authority--between the Sacral and the Secular." Chapter 7 in Id. *Christian Ethics in a Secular Arena*, 100-113. Translated by Bernard Hoose and Brian McNeil. Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1984.
- 6. John E. Thiel, "Tradition and Authoritative Reasoning." *Theological Studies* 56

(1995): 627-651.

- a. Uses insights from nonfoundational epistemology to discuss some of the problematic relations between argument and authority in magisterial teaching. Teachings contained in *Humanae vitae* and *Inter Insigniores* are used to illustrate the issue.
 7. Quinn, Archbishop John. *The Reform of the Papacy: The Costly Call to Christian Unity*. Ut Unum Sint: Studies on Papal Primacy. New York: Crossroad, 1999.
 8. Paul Ramsey, *Who Speaks for the Church?* Nashville: Abingdon Press, 1967.
 - a. Critique of the 1966 Geneva Conference on Church and Society sponsored by the World Council of Churches. Ramsey criticizes the self-understanding the Conference exhibited, especially in its pronouncements on political matters. Illustrative of a Protestant "take" on the authority issue.
 9. Fagan, Gerald M, S.J. *Fidelity in the Church—Then and Now*. *Studies in the Spirituality of Jesuits* 31 (May 1999).
 - a. Discusses fidelity to the Church, and what might be termed proper attitudes of discernment and religious submission of the will [*obsequium religiosum*] in the context of Jesuit spirituality, and in particular Ignatius' Rules for Thinking with the Church. Fagan's text also treats the recent Jesuit 34th General Congregation and contains selected Jesuit texts relevant to this discussion.
- B. One of the key concepts connected to authority is that of fidelity. However, it is important to bear in mind that *all believers* are called to this fidelity, and not just those who are not part of the hierarchical magisterium. Furthermore, in relation to the "Church" fidelity should be understood as *in* the Church, and not *to* the Church. As Gerald Fagan explains "Fidelity *in* the Church implies being faithful within the Church as one who shares in the life of the Spirit and struggles to remain faithful to the movement of the Spirit in the whole community. Fidelity *to* the Church implies being faithful to something distinct from oneself. Fidelity *to* the Church often is understood as fidelity to the magisterium or to the pope, although, of course, the Church is more than either of these realities." Gerald Fagan, *Fidelity in the Church—Then and Now*. *Studies in the Spirituality of Jesuits* 31 (May 1999): 1-2.
- C. How does the Spirit aid the whole Church to reach the "splendor of the truth" of which *Veritatis Splendor* speaks? Here authority can play a positive role, but we must admit also that there are dangers when authority slips into authoritarianism. A recent unsigned editorial in *The Tablet* articulates a potential abuse of authority in these words: "There is a flawed circular argument behind much of the Vatican's efforts to police theological discussion in the Catholic Church at present. Discipline is used to produce a spurious sense of consensus. Then the existence of the consensus is cited as evidence of the settled position of the Church. And thus those who speak against that settled position are accused of disagreeing with a teaching that has the Church's authority behind it. But this

is just an exercise in tautology. It convinces nobody. The only consensus that matters is one that emerges after free and exhaustive debate, without any attempt to silence those holding different opinions. Only thus can the Holy Spirit be seen to have the time and space in which to work." "Freedom to Disagree," *The Tablet* (14 July 2001): 1007.

- D. Theologically this understanding of fidelity to the Spirit *within* the Church community is grounded in the fact that God's Revelation is addressed to the whole *communio* of the People of God (one of the key Vatican II images of the Church). While it is true that in the past Revelation often has been understood as primarily a collection of doctrinal statements formulated in propositional terms which call for the "assent" of the believers, we should keep in mind that Vatican II teaching (cf. *Dei verbum*) understands Revelation as "first of all an invitation to all people to enter into communion with the triune God. Revelation is not primarily a body of knowledge or a series of truths communicated by those with the authority to teach. It is an encounter with God, a self-disclosure of himself to all and an invitation to a personal relationship of love. Faith is not primarily an assent to truths, but a response of trust and commitment to God." Fagan, *Fidelity in the Church—Then and Now*, p.11.
- E. Therefore, in the same vein we need to avoid a sharp dichotomy between the "teaching" Church (e.g., the hierarchical Magisterium) and the "learning" Church (i.e., everyone else). Neither the true nature of the Church, nor the nature of knowledge itself could support such a sharp separation (even if it be true that a pre-Vatican II understanding of Church teaching and authority would seem to move in that direction). As Charles Curran has observed, "The total church and all its members are involved in teaching and learning the theory and practice of the moral life. The Holy Spirit guides the church in this mission, and every individual Christian through baptism shares in the threefold office of Jesus as priest, teacher, and ruler." Curran, *The Catholic Moral Tradition*, p. 197.
- F. In the same vein, the response, assent, and commitment of the whole Church community, as expressed as the *sensus fidelium* will be *a* (and *not* the *sole*) key principle of verification of the truth of the teaching as guaranteed by the presence of the Holy Spirit in the Church.
- G. The positive role of Spirit-filled *sensus fidelium* is expressed in this way by Joseph Cardinal Ratzinger: "In the process of assimilating what is really rational and rejecting what only seems to be rational, the whole Church has to play a part. This process cannot be carried out in every detail by an isolated Magisterium, with oracular infallibility. The life and suffering of Christians who profess their faith in the midst of their times has just as important a part to play as the thinking and questioning of the learned, which would have a very hollow ring without the backing of Christian existence, which learns to discern spirits in the travail of everyday life." Joseph Cardinal Ratzinger. "Magisterium of the Church, Faith, Morality," in *Readings in Moral Theology, No. 2*, ed. Charles E. Curran and Richard A. McCormick, S.J. (New York: Paulist Press, 1980):186. (German original: "Kirchliches Lehramt, Glaube, Moral." In Ratzinger, Joseph, Hrsg. *Prinzipien Christlicher Moral*, 41-66. Einsiedeln, 1975.)
- H. Foundational concept of the *munus* as a function and office in *service* to the Church, and not to be seen as some sort of "upper class" or special prerogative.
- I. Preliminary need to distinguish among the three *munera* (functions/offices) or concepts of

Magisterium as *Teaching* Authority, from Magisterium as *Governing* Authority, and/or Magisterium as *Sanctifying* Authority. In this context it is important to be very attentive to the danger or “confusion” of mixing these different *munera* or functions of authority—e.g., using one mode of authority to control another, such as “governing” the teaching authority by an imposition of what may or may not be researched, discussed, etc.

- J. Note the reality of power and institution which necessarily functions in any human exercise of authority. It would be naive to expect or even desire a society or institution without “authority” institutionalized in some fashion or other. Here, too, it is important to be aware of the American ethos of “democracy” as being somehow the highest, or an absolute, moral principle. Pay attention also to the *cultural* groundings of authority: e.g. monarchical, aristocratic, oligarchic, “democratic,” as well as the *theological* paradigms which frame and interpret the Magisterium, such as the juridical office vs. the charism of office among the People of God. Recall here the debate at the Council over the sequence of the chapters contained in *Lumen gentium*: the Church as People of God comes before the chapter on the Church is hierarchical. Boyle's book is helpful here.
- K. Biblical "grounding" of the authority of the Magisterium
1. The key texts, I would argue, are *not* the Petrine “privilege” texts, but rather those which center on the role of the Holy Spirit within the Church. Thus, recall the role of the Holy Spirit, the Paraclete according to Jesus in John's Gospel:
 - a. John 14:16-17 (The παράκλητος, Lat. *paracletus*, English *Paraclete*) Advocate, (or Counselor, Consoler, Helper, Comforter): “And I will ask the Father, and he will give you another Advocate, to be with you forever. 17 This is the Spirit of truth, whom the world cannot receive, because it neither sees him nor knows him. You know him, because he abides with you, and he will be in you.” [NRSV]
 - b. John 14:26 (the Teacher): “But the Advocate, the Holy Spirit, whom the Father will send in my name, will teach you everything, and remind you of all that I have said to you.” [NRSV]
 - c. John 16: 7-15 (Progressive Revealer): “Nevertheless I tell you the truth: it is to your advantage that I go away, for if I do not go away, the Advocate will not come to you; but if I go, I will send him to you. 8 And when he comes, he will prove the world wrong about sin and righteousness and judgment: 9 about sin, because they do not believe in me; 10 about righteousness, because I am going to the Father and you will see me no longer; 11 about judgment, because the ruler of this world has been condemned. 12 “I still have many things to say to you, but you cannot bear them now. 13 When the Spirit of truth comes, he will guide you into all the truth; for he will not speak on his own, but will speak whatever he hears, and he will declare to you the things that are to come. 14 He will glorify me, because he will take what is mine and declare it to you. 15 All that the Father has is mine. For this reason I said that he will take what is mine and declare it to you. [NRSV]
 2. In this wider context be especially wary of two "biblical sins"

- a. Creating a canon-within-the-canon in which only certain passages are considered, or their contextual meaning is abstracted and absolutized, while other passages whose voices might be "polyphonous" are silenced.
 - b. The other "biblical sin" is proof-texting, taking a passage out of its context in order to "prove" a point or clinch an argument which has largely been developed on grounds extraneous to scriptural exegesis and interpretation.
3. Matthew 16:14–19
- They replied, "Some say John the Baptist; others say Elijah; and still others, Jeremiah or one of the prophets." "But what about you?" he asked. "Who do you say I am?" Simon Peter answered, "You are the Christ, the Son of the living God." Jesus replied, "Blessed are you, Simon son of Jonah, for this was not revealed to you by man, but by my Father in heaven. And I tell you that you are Peter, and on this rock I will build my church, and the gates of Hades will not overcome it. I will give you the keys of the kingdom of heaven; whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven."
4. Gloss on Matthew 16
- a. Authority is tied to faithful testimony.
 - b. Recall how Peter is portrayed *throughout* the whole of the Gospels, namely as a person who is stubborn, impetuous, betrays poor judgment, but nevertheless (and presumably not because of these characteristics!) was still "chosen" by Jesus.
 - c. Peter may have been chosen, but he does not stand alone as the solitary apostle. The New Testament, especially Acts and the Pauline corpus gives ample evidence of the crucial need for Paul and the others to complement, augment, and even to correct Peter.
5. Other views on authority: e.g. Mark 10:35-45 (request of James and John to be seated on Jesus' right and left hand). Here we can see the Christian authority vs. "worldly" concept of authority: The Christian notion of authority as service, and thus we could say that this notion has a "sacred claim" and functions as a canon-within-the-canon corrective.
6. Pastoral Epistles
- a. 1 Tim 4:16 Watch your life and doctrine closely. Persevere in them, because if you do, you will save both yourself and your hearers. (NIV)
 - b. 2 Tim 4:3 For the time will come when men will not put up with sound doctrine. Instead, to suit their own desires, they will gather around them a great number of teachers to say what their itching ears want to hear.

(NIV)

- c. Titus 1:9 He must hold firmly to the trustworthy message as it has been taught, so that he can encourage others by sound doctrine and refute those who oppose it. (NIV)
- d. Titus 2:1 You must teach what is in accord with sound doctrine. (NIV)

LXI. THEOLOGICAL REFLECTIONS ON THE NOTION OF RELIGIOUS AUTHORITY

A. Sacral versus Functional Understanding of authority

- 1. "According to this understanding human authority itself participates in God's authority. The authority of God (itself) is present in the human authority (itself)." [Fuchs, "Human Authority--between the Sacral and the Secular." p. 103].
- 2. Linked to a model of authority of the absolute ruler.
- 3. "One of the two chief interpretations of the representation of divine authority in human authority originally sees the representative as a physical person: as God's representative, the person who bears the authority has a sacral character." p. 103.
- 4. E.g., being a "vicar of Christ" in these sense of somehow being "Christ on earth"
- 5. Linked to voluntarism, with its origins in nominalism.

B. Second view: as *functional* representative:

- 1. "Here, it is not so much the person as such, who has the // authority and therefore can act authoritatively, who is the central concern, but more importantly it is the *function* of this person in society, in the service of this society, and made necessary by the society itself. Thus the person is more servant than lord; he must carry out the required function and is thereby implicitly the servant of the creator." pp. 103-104.
- 2. In this view, the "vicar of Christ" is seen primarily as the servant of Christ (e.g. *Servus servorum* [Servant of servants] and/or *Primus inter pares* [First among equals]).
- 3. Implicit relation here of duty to *learn* first if one is to *teach*. This presumes that one could function well or poorly, and that to function well, one must actively train oneself, not by being "authoritarian" but by informing oneself so that one can speak "with authority." Thus, in this vein Fuchs continues, "The one who carries out this function--precisely because he carries it out, and inasmuch as he carries it out--has the corresponding authority, in the representation of God. Hence it is not because someone has attained authority that he can make ordinances, but rather the other way around: inasmuch as someone has to carry out the function of authority, he has also the corresponding authority. Thus, the one-sidedly sacral character of the person who bears the authority disappears." p. 104.

- C. Additional Understandings of the Notion of Authority
1. Contribution from Sandra Schneiders' *The Revelatory Text: Interpreting the New Testament as Sacred Scripture*. San Francisco: HarperSanFrancisco, 1991.
 2. Two basic types of authority: absolute and dialogic
 3. "In the first class would be all exercises of authority that are finally coercive, covering a range from the quasi-violence of the command given by a lethally armed assailant to the self-evidence of a mathematical axiom. In such cases, to hear the address is to recognize the absolute necessity, for the sake of physical or intellectually self-preservation, of responding with compliance or assent or both." [Schneiders, p. 55.]
 4. Second version of authority: "Dialogical authority characterizes situations in which the address not coercive. What is said (in the broad, not strictly verbal, sense of this word) invites investigations of its claims, that is, verification of its truth claims and/or evaluation of its moral or behavioral claims." [Schneiders, p. 55.]
 5. Dialogical authority is ultimately *disclosive*
 - a. "In this case the address of authority never fully transcends its character of appeal." [Schneiders, p.56].
 - b. "In this category are such appeals as the claim of the beautiful to aesthetic response, the claim of a suffering human being to compassion, the claim of a parent to filial piety, the claim of a loving rebuke of a true friend to a hearing and even to a response of repentance and conversion,..." p. 56.
 6. Some tension and confusion over when, where, and how the Magisterium is invoking its claim of "authority."
 7. And I would add that even those "marginalized" from institutional authority often seek for themselves "coercive" rather than "dialogical" authority, i.e., to replace the current institutional authority with "their" institutional authority. This is part of the human condition it seems! And thus we all need a "conversion" to "dialogical" authority.
 8. In this same vein Schneiders notes further that "Because of our natural human preference for certitude, we spontaneously tend to think that coercive, or at least evidential, authority is the primary analogue. Such is not the case. True personal authority is of the second type. This is the type of authority that God exercises towards humans." [Schneiders, p. 57.]
- D. Need for two-way magisterial listening. By this I mean it would be misleading to divide the Church into two groups, the *ecclesia docens* and the *ecclesia discens*. Rather, these two terms should interact with one another in a dialogical fashion. I think that a Cardinal

Ratzinger should be open and listen to a Margaret Farley, but that a Margaret Farley should also be open and listen to a Cardinal Ratzinger. Probably paradigms in both the official Magisterium and the theological academy need to shift a bit before this need I've articulated becomes a reality.

LXII. THE MAGISTERIUM'S SELF-UNDERSTANDING OF ITS MORAL AUTHORITY

- A. This is an ecclesiological and theological issue first, grounded in an understanding of the charism of office, aided by the Holy Spirit, which the Magisterium has traditionally claimed functions as 1) Interpreter of Revelation; 2) Guardian of the deposit of faith; and 3) and authentic interpreter of the natural law. Thus the understanding of the competence of the "moral Magisterium" is grounded in a number of anterior premises about the nature of humanity, the nature of Revelation, the nature of the Church, and the nature of authority.
- B. This charism is related primarily to the interpretation of Revelation, and teachings which draw on Revelation in some way. As Joseph Selling expresses it, "In preserving the integrity of the faith, the magisterium exercises an authority which is proportionate to the seriousness of what is needed to achieve that preservation. This may involve drawing conclusions from the content of revelation that would appear to be coherently and integrally connected with that content, such as the teachings about Mary, *theotokos*, the Mother of God. It would also include condemning those things that are inimical to the faith, such as the doctrine of predestination or the idea that human souls preexist real persons." Selling, "Magisterial Authority and the Natural Law," *Doctrine and Life* 47 (August 1997): 340.
- C. In terms of morality though, the Roman Catholic Magisterium for the most part has relied not so much on biblical "warrants" for ethical positions, as it has on the natural law, which the Magisterium holds as a sort of "natural morality"--knowable to all people. In principle there is little debate among Roman Catholic moralists about this basic approach (though many Protestant ethicists would disagree with this natural law approach).
- D. Among Catholics, however, "The question about the content of this 'natural morality', however, is something quite different. It admits of many levels, all of // which are mapped out according to their relation to revelation. Thus, when the magisterium teaches something that is closely connected to revelation, such as the wrongness of engaging in adulterous behaviour or the need to periodically worship and give thanks to God, it is on very solid ground and should be attended to as such. When it teaches about something that is only remotely related to revelation, its 'authority' is proportionately relevant and may carry lesser weight, as, when it may voice an opinion about something like political structures or monetary policy." Selling, "Magisterial Authority," pp. 340-341.
- E. In contemporary applied moral theology, the Church has recently made the claim on numerous occasions to be an "expert in humanity":
 - 1. E.g., refer to John Paul II's *Sollicitudo Rei Socialis*, no. 41, which in turn is a reference to Paul VI's *Populorum Progressio*, 42
 - 2. E.g., one theological interpretation of this "expertise in humanity" in matters of sexual ethics: "the church sees a fundamental integration of the person with his or her concrete sexual specificity and human nature. Because the church holds that

this nature and its meaning have been revealed by Christ, the individual person and his or her sexuality also stand illumined. As the one to whom this revelation is entrusted, the Church regards herself as an 'expert in humanity' and is qualified to speak accordingly." John S. Grabowski and Michael J. Naughton, "Catholic Social and Sexual Ethics: Inconsistent or Organic?" *The Thomist* 57 (1993): 577.

3. If the Church is an "expert in humanity" then it will have to have those "credentials" validated and verified.
- F. There is an additional problematic of institutional exclusion of certain voices from participation in the Magisterium (problematic because this tends to neglect, skew, or eliminate the "Experience" quadrant of the quadrilateral), e.g. women, married people, etc., and raises the issue of being perhaps overly clerical, as well as noting the impact of only celibate males as having institutional authority.
 - G. It is important not to overlook how the Magisterium itself recognizes that even its "expertise" has methodological limits, as noted in the section on moral norms. The point bears repeating here: Pope Paul VI stated in his social encyclical *Octogesima Adveniens*, ""in the face of such widely varying situations it is difficult for us to utter a unified message and to put forward a solution which has universal validity. Such is not our ambition nor is it our mission." (OA #4).
 - H. Keep in mind too the important principle of subsidiarity, which was articulated well by Pius XI in his social encyclical *Quadragesimo anno*: "It is a fundamental principle of social philosophy, fixed and unchangeable, that one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry. So, too, it is an injustice and at the same time a grave evil and a disturbance of right order, to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies. Inasmuch as every social activity should, by its very nature, prove a help to members of the body social, it should never destroy or absorb them" (QA #79). This same principle has been re-affirmed by Pope John XXIII in his social encyclical *Mater et magistra*, who spoke of the "guiding principle of subsidiary function" (MM #53); by Pope John Paul II in *Centesimus Annus*, who stated "the principle of subsidiarity must be respected. A community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good." (CA #48); and in the *Catechism of the Catholic Church* (CCC 1894).
 - I. A note on the claims and limits of infallibility: As Archbishop John Quinn puts it: "Infallibility does not guarantee that a papal definition is prudent, wise, or timely. It does not guarantee that the arguments used to support the definition are cogent or even correct. The prerogative of infallibility guarantees only that what is defined is true." Quinn, *The Reform of the Papacy: The Costly Call to Christian Unity*, pp. 49-50.
 - J. Quinn goes on to underscore the important distinction between divine *assistance* and "inspiration": "Catholic doctrine holds that papal infallibility occurs through divine *assistance*, not through inspiration. This means that papal infallibility does not come about because the Pope receives some kind of supernatural illumination or vision or that he has some personal endowments of insight or intuition not given to others. Papal infallibility

comes about through the Providence of God over the Church, which means that the Pope must take all the humanly available means to discover the truth and is obligated to weigh the prudence of proceeding to a definition.” pp. 50-51.

K. Regrettably, Quinn continues, “the definition of papal infallibility, the reverence for and focus on the person of the Pope, and increasingly strong centralization by the Vatican have all tended to expand the idea of divine assistance into a kind of continuing divine inspiration. This mystique, which has come to surround and engulf the Pope especially since the nineteenth century, creates a deep psychological barrier to speaking in critical terms about policies, declarations, or actions of the Pope.” p. 51.

L. Additional Caveats on authority

1. Potential for Abuses is clear, however, we need to see clearly how non-magisterial authorities also function, e.g., the concept of "political correctness" which creates its own canon and modes of enforcement of orthodoxy.
2. Consider the following caution raised by the Nobel Prize winner novelist, Saul Bellow: "P.C. [Political Correctness] is really a serious threat to political health, because where there is free speech without any debate what you have is a corruption of free speech, which very quickly becomes demagoguery. People in general in this country have lost the habit of debating questions. TV does it for them. People hold opinions, but the opinions are not derived from either thought or discussion. They are just acquired, as an adjunct, a confirmation of the progressive status of the person who holds these opinions--as an ornament, a decoration. It's like those Russian generals, their chests covered with medals. People wear these opinions like medals." [As quoted in "Mr. Bellow's Planet" in the "Talk of the Talk" section of *The New Yorker* 23 May 1994): 35].
3. These considerations highlight once again the importance of an ongoing moral discernment of spirits, and an honest ethos critique.

LXIII. THEOLOGICAL REFLECTION ON THE ROLE AND LIMITS OF THE MORAL MAGISTERIUM

A. Epistemological Finitude of the Moral Magisterium

1. Recognition and acceptance of the charism of office and the concomitant aid of the Holy Spirit. But this office and gift are still received and exercised in a *human* way. In this vein recall the scholastic axiom, *Quidquid recipitur ad modum recipientis recipitur* {One receives according to his or her own mode of reception. Thus, there can be no "magical" moral Magisterium, and this may well be perhaps the strongest heresy to combat.
2. Therefore, along with Josef Fuchs we can agree that "with regard to the teaching office of the church, that it can have knowledge of morality--despite the support of the Spirit--only via the conscience of men, or by recourse to such insights. The teaching office, like the individual, has no direct access to God and to his 'divine law'; from this point of view, it belongs to the realm of divine wisdom which is

incarnate in creation. In the case of the concrete questions of right human conduct in the world, one cannot speak of a 'possession' on the part of the church's teaching authority, but at most of a 'presumptive' possession." (Josef Fuchs, S.J., "God's Incarnation in a Human Morality," ch. 4 in Id. *Christian Morality: The Word Became Flesh*, (Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987): 54).

- B. Role of the Spirit in the Church as ultimate criterion of truth
1. Theological significance as "charisms": There are many gifts (coming from the Spirit), but always it is the Spirit which is one and therefore the source and ground of unity (which is not to be misconstrued as uniformity). This theological aspect then puts a greater importance on the genuine discernment of spirits as a moral task (and a task for moral theology as well). Life according to the spirit becomes not only the ultimate organizing principle of Christian life, but also the principal criterion of verification of the authenticity of that life. In order to be open and receptive to the many gifts of the Spirit we should be wary of eclipsing and/or neglecting other charisms, which as charisms come from the Spirit, are gifts to the *whole* Church, and thus have their own "authority." In this view then the charism of "authority" is not limited to the charism of the office of the magisterium.
 2. Consider the insight from George Tavard, who speaks to the question of interpretation of Tradition, but whose basic remarks can be applied to the moral Magisterium as well. Tavard notes that "the Spirit alone is, in final analysis, the absolute criterion of the Christian faith, and therefore of tradition, and therefore of the emergence of tradition through the interpretation of the past by theologians or by the *Magisterium* of the churches. And the only criterion of this faith and of this tradition which is at the same time practical, proximate, and ascertainable is the moral unanimity of the disciples: by this we know that the Spirit has shown himself. This entails no negative conclusion concerning the Magisterium and its intrinsic authority. It requires, however, that the *Magisterium* be set in the context of the catholicity, the unanimity, the collegiality, the conciliarity, the sobornost, of the church and the manifestation of this *consensus in the sensus fidelium*." [From George Tavard, "Tradition in Theology: A Problematic Approach," in Robert M. Grant, et. al., *Perspectives on Scripture and Tradition*, ed. Joseph F. Kelly, (Notre Dame: Fides Publishers, 1976): 103]
- C. Understanding of the Competence of the Magisterium in "matters of faith and morals."
1. Cf. Mahoney's important point about the proper translation of the Tridentine phrase *de fide vel moribus*: i.e., "morals" here might be better translated as "mores" or "customs" (such as liturgical practices).
 2. Important distinction between authority in regards to *principles* as opposed to their concrete *application* to varied ethical problems. Following Fuchs again, on the general issue of the competency of the Magisterium to pronounce infallibly on concrete principles and applications of the natural law, Fuchs makes the following points:
 - a. "Nevertheless, the Magisterium does not deduce these truths from the

faith: it knows them from the exercise of the practical reason that is enlightened by the faith. Such truths therefore lie outside the realm of infallibility.

- b. [Important to consider well this "source" of practical reason]
 - c. "But since such ethical teaching directives have come into being in the community of the Holy Spirit, and since they have been proposed by the office-bearers who are called to lead this community and are therefore assisted by the Spirit, they have a great significance in the church, and the spirit of fidelity that is required in the church obliges one to be receptive to them in the internal discourse that is the formation of conscience, and to give them a certain preference over other considerations--even one's own. This receptivity is required by the responsible conscience itself." [Fuchs, *Moral Demands*, p. 165.]
3. Josef Fuchs notes that "The problem of allegiance or non-allegiance toward episcopal instructions revolves not so much around *principles*, but around their concrete *application* to innumerable ethical problems. "Even Vatican II indicated that shepherds of the church do not always have clear answers to ethical problems, and that Christians whose faith is solid and who have responsible consciences should be able to find legitimate solutions to a variety of problems (cf. *Gaudium et spes* 33, 43). This holds not only for the Christian laity, but also for priests and bishops." p. 5. Fuchs also stresses that while respect for such episcopal teaching is a value, it is not an *absolute* value, and the *absolute* value would be only to the moral truth (and the common search for that truth). This position would be in accord with one of the central tenets of *Veritatis Splendor*, i.e., on the objective moral order.
 4. The above points come from Fuchs' "'Whoever hears you hears me': episcopal moral instruction." *Theology Digest* 41 (1994): 3-7. [English digest of "'Wer euch hört, der hört mich': Bischöfliche Moralweisungen." *Stimmen der Zeit* 117 (1992): 723-731.] The article briefly highlights instances where both individual bishops and different bishops' conferences have issued position statements on a particular issue, such as PVS, which are not in agreement with one another.
 5. Most would agree that it would be an improper role of the moral Magisterium would be direct intervention and exaggerated specification of the concrete demands of the moral life. Several official Church texts would support this view as well.
 6. This would then be functioning like a superego or parent, and thus preventing or impeding the development of moral maturity, as well as an instance of improper ecclesiology. We need to reflect on our understanding of the "Church" and its place in the "world"? In this vein, consider the following from Josef Fuchs: "The wish--indeed, the demand--is often expressed by a certain type of believer that the Magisterium of the church intervene with an authoritative word to bring fresh certainty, or at least a little more certainty, regarding the rightness or wrongness of certain acts and behavior in the human world, from a moral point of view. Such a desire or demand would surely be erroneous if one wished to view the

church's principal task as consisting in such interventions about the moral rightness of behavior in the human world, for the principal task of the church and her Magisterium (just as for Jesus) is not the good functioning of the world of men and of human society, and hence the question of right and best conduct in this world, but the salvation of mankind, of persons as such. From a moral viewpoint, this means that the church is not interested primarily in acts and their moral rightness but in the person and his moral goodness. To fail to see this is to misunderstand the true mission of the church and of its authority." Josef Fuchs, S.J. "Morality: Persons and Acts," in id. *Christian Morality: The Word Became Flesh*, trans. Brian McNeil, (Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987): 114.

7. Problematic theological methodology as well, would perhaps hinder or block the corporate coming to a deeper realization of the full splendor of the truth. As George Tavard notes in regard to Tradition, but whose basic insight is applicable to moral theology as well, "freedom of debate and the allowance of a variety of opinions are indispensable for the tradition eventually to emerge from the past. Only from a comparison of divergent opinions can light be obtained on their relative value. Accordingly, freedom of expression in the church is not a luxury, but a requirement of the intelligibility of faith." Tavard, "Tradition in Theology: A Problematic Approach," p. 102.
 8. In this same context, keep in mind the point made earlier regarding the Magisterium's own recognition of its limitations in speaking about concrete moral matters: pronouncements cannot be given for every issue and problem which will have universal validity. (Cf., Pope Paul VI *Octogesima Adveniens*, #4).
 9. Finally, we should recall the basic position of good moral discourse: the 6 C's. In this vein, Fuchs makes an important point: "Further, since the concrete norms of conduct are derived from the practical reason illumined by faith, rather than from the Christian faith itself (and hence are universal in principle), the Magisterium in its invitation to fidelity should attempt cautiously and persuasively, to make clear to those who are willing to follow, that such norms are reasonable. They are not based on a theologically unjustifiable use of scripture, a particular distorting ideology, a naturalistic fallacy, or an excessively juridical understanding of the Magisterium (for example, that one must always follow the teaching of one's own bishop, and not the teaching of another bishop, which may in particular circumstances be different). Rather, such norms are based on reasons that are generally plausible and capable of being communicated to others." [Fuchs, *Moral Demands*, p. 167].
- D. Development of the Understanding of Infallible and "Authentic" Ordinary Magisterium in moral matters
1. Historical background in Mahoney's *The Making of Moral Theology*
 2. Notion of infallibility is carefully "limited" and "nuanced" in both canon law and the conciliar documents of both Vatican I and Vatican II (worth rereading the relevant documents, such as *Pastor Aeternus*)

3. The assistance of the Holy Spirit facilitates the need for the Magisterium to investigate, study, and learn
4. As Josef Fuchs observes, "If one wishes to give moral instructions and teachings concerning such human realities, inasmuch as they are human, one must acquire sufficient competence, receiving information from others who are more competent." Fuchs, "Morality: Persons and Acts," in id. *Christian Morality*, p. 115.
5. Only a magical "sacral" view of authority would exempt one from such study and investigation.

LXIV. UNDERSTANDING OF INFALLIBILITY AND THE NATURAL LAW

- A. Will follow here Archbishop William Levada, who was installed, on 22 September 1986, as archbishop of Portland, Oregon, and then in 1995 was named Co-adjutor Archbishop of San Francisco to succeed John Quinn, whom he succeeded as Archbishop in 1996. He was then named Prefect of the Congregation for the Doctrine of the Faith in 2005 and raised to the rank of Cardinal by Pope Benedict XVI. Levada was a former member of the Congregation of the Doctrine for the Faith, and very involved in the drafting and promulgation of the *Catechism of the Catholic Church*. He has his STD from the Gregorian, and did his dissertation under Francis A. Sullivan, S.J., entitled, *Infallible Church Magisterium and the Natural Law*. Excerpta ex dissertatione ad Doctoratum in Facultate Theologiae Pontificiae Universitatis Gregorianae. Rome: Pontifical Gregorian Press, 1971.
- B. Levada writes that the "...traditional doctrine of infallibility as defined in Vatican I and explained in ecclesiology: infallibility (considered from the aspect of its *object*) refers in general to those statements which are taught as definitive and to be held by all the faithful in the Church; such definitions are irreformable in the sense that they do not admit of subsequent contradictory teaching or practice; such definitions are true in the sense that they correspond to objective Church tradition, and do not merely represent temporary symbols of faith." [Levada, *Infallible Church Magisterium and the Natural Law*, p. 75.]
- C. Scope of infallibility
 1. Deposit of faith and Revelation
 2. Secondary principles deemed "necessary" for understanding message of revelation
 3. Primary and secondary object of infallibility
- D. Infallibility and the Natural Law: 3 aspects involved
 1. Understanding of the nature of the natural law
 2. Understanding of norms derived from the natural law
 3. Understanding of the Magisterium's competence to make pronouncements in these

areas

- a. Authentic or "ordinary" Magisterium
- b. Infallible Magisterium

E. Levada's exposition of the relevant aspects:

1. "Thus we had to come ultimately to a consideration of the peculiar characteristics of the natural law norms which in our dissertation would be the *object* of the Church's infallible defining power. We found that the human process of formulating moral norms is marked by an essential dependence upon the data of human experience, and this dependence has, in greater or lesser degree, always been recognized in traditional moral theology. This recognition thus must serve to correct the model sometimes used in moral theology, in which man's knowledge of moral norms was simply a 'given' or was 'deduced' from nature, in which the variable factors of the moral judgment were recognized only in the conscience-decision of the unique situation. Such an understanding did not sufficiently appreciate the fact that the formulation of the moral norms is *essentially* marked by the 'relativity' which is inherent in the human estimation of moral values. This consideration of the natural law in its aspect of material norm led us to conclude that the variabilities which marked the human process of its discovery and formulation made such particular applications inherently unsuited to be considered for infallible definition. It is in the particular characteristics of this process which is man's [*sic*] discovery and application of the natural moral law in his life, and in the dependence of his reflective scientific moral knowledge upon these characteristics (which ties his moral knowledge to the perception of values seen in relation to his human nature fully considered in its historical context), that we find the ultimate reason for the unsuitability of natural law formulations for infallible definition. For such formulations must remain essentially open to modification and reformulation based upon moral values as they are perceived in relation to the data and the experience which mark man's understanding of himself." p. 77.
2. "When one examines the traditional theological teaching about the secondary object, one remarks that natural law is not traditionally included within this category. Even though there is nothing to prevent a council or a pope from extending this secondary object to questions of the natural moral law from the point of view of their *authority* to do so, nevertheless the 'prudential' certitude which characterizes the non-scriptural norms of the natural law argues against such an extension of this secondary object to include an infallible definition of this sort." [Levada, p. 78].
3. Accepts the competence of the infallible Magisterium, in the restricted sense "on the level of transcendental values; when we turn to the level of categorical norms, on the other hand, we cannot ignore the essential autonomy of the rational process of human discovery of the natural moral law. And the nature of this moral autonomy, considered in all its aspects, gives us the ultimate reason why we should not understand it to fall within the traditional categories of primary or secondary object of infallibility." [Levada, p. 79].

LXV. RESPONSE OF THE FAITHFUL TO THE MORAL MAGISTERIUM

A. A key text is found in *Lumen Gentium* 25:

"Among the more important duties of bishops that of preaching the Gospel has pride of place. For the bishops are heralds of the faith, who draw new disciples to Christ; they are authentic teachers, that is, teachers endowed with the authority of Christ, who preach the faith to the people assigned to them, the faith which is destined to inform their thinking and their conduct; and under the light of the Holy Spirit they make that faith shine forth, drawing from the storehouse of revelation new things and old (cf. Mt. 13:52); they make it bear fruit and with watchfulness they ward off what errors threaten their flock (cf. 2 Tim. 4:14). Bishops who teach in communion with the Roman Pontiff are to be revered by all as witnesses of divine and Catholic truth; the faithful, for their part, are obliged to submit to their bishops' decision, made in the name of Christ, in matters of faith and morals, and to adhere to it with a ready and respectful allegiance of mind. This loyal submission of the will and intellect must be given, in a special way, to the authentic teaching authority of the Roman Pontiff, even when he does not speak *ex cathedra* in such wise, indeed, that his supreme teaching authority be acknowledged with respect, and sincere assent be given to decisions made by him, conformably with his manifest mind and intention, which is made known principally either by the character of the documents in question, or by the frequency with which a certain doctrine is proposed, or by the manner in which the doctrine is formulated. Although the bishops, taken individually, do not enjoy the privilege of infallibility, they do, however, proclaim infallibly the doctrine of Christ on the following conditions: namely, when, even though dispersed throughout the world but preserving for all that amongst themselves and with Peter's successor the bond of communion, in their authoritative teaching concerning matters of faith and morals, they are in agreement that a particular teaching is to be held definitively and absolutely. This is still more clearly the case when, assembled in an ecumenical council, they are, for the universal Church, teachers of the judges in matters of faith and morals, whose decisions must be adhered to with the loyal and obedient assent of faith. This infallibility, however, with which the divine redeemer wished to endow his Church in defining doctrine pertaining to faith and morals, is co-extensive with the deposit of revelation, which must be religiously guarded and loyally and courageously expounded. The Roman Pontiff, head of the college of bishops, enjoys this infallibility in virtue of his office, when, as supreme pastor and teacher of all the faithful--who confirms his brethren in the faith (cf. Lk. 22:32)--he proclaims in an absolute decision a doctrine pertaining to faith or morals. For that reason his definitions are rightly said to be irrefragable by their very nature and not by reason of the assent of the Church, in as much as they were made with the assistance of the Holy Spirit promised to him in the person of blessed Peter himself; and as a consequence they are in no way in need of the approval of others, and do not admit of appeal to any other tribunal. For in such a case the Roman Pontiff does not utter a pronouncement as a private person, but rather does he expound and defend the teaching of the Catholic faith as the supreme teacher of the universal Church, in whom the Church's charism of infallibility is present in a singular way. The infallibility promised to the Church is also present in the body of bishops when, together with Peter's successors, they exercise the supreme teaching office. Now the assent of the Church can never be lacking to such definitions on account of the same Holy Spirit's influence, through which Christ's whole flock is maintained in the unity of faith and makes progress in it. Furthermore, when the Roman Pontiff, or the body of bishops together with him, define a doctrine, they make the definition in conformity with

revelation itself, to which all are bound to adhere and to which they are obliged to submit; and this revelation is transmitted integrally either in written form or in oral tradition through the legitimate succession of bishops and above all through the watchful concern of the Roman Pontiff himself; and through the light of the Spirit of truth it is scrupulously preserved in the Church and unerringly explained. The Roman Pontiff and the bishops, by reason of their office and the seriousness of the matter, apply themselves with zeal to the work of enquiring by every suitable means into this revelation and of giving apt expression to its contents; they do not, however, admit any new public revelation as pertaining to the divine deposit of faith." [Flannery, *Documents of Vatican II*]

- B. However, we must be careful not to read this as an isolated, simplistic, or self-interpreting proof-text, but in harmony with the rest of the document, as well as the rest of the Conciliar documents, our ecclesiology, the Church's ongoing tradition on the sanctity of conscience, and so forth. In other words, we must seek to read it in context of the whole document, as well as the other documents of Vatican II, such as *Gaudium et spes* and *Dignitatis humanae*, as well as the Church's whole theological tradition on the sanctity of conscience. To do otherwise would not be faithful to either the character of the text itself, or the fuller theological context in which the text is situated.
- C. We should keep in mind as well that there are various interpretations of what the key term "obsequium religiosum" ("religious submission of the will") means, both coming out of *Lumen Gentium* itself as well as subsequent documents such as the Congregation for the Doctrine of the Faith Document, *Donum Veritatis*, on "The Ecclesial Vocation of the Theologian" (1990); and Pope John Paul II's encyclical on fundamental moral theology, *Veritatis Splendor* (6 August 1993).
- D. For some helpful analyses look at some of the commentaries on Vatican II documents for keys to interpretation, as well as the writings of key theologians. One very respected individual who has written extensively on this area is the former Gregorian University professor, Francis Sullivan, S.J. See especially the following works:
1. His book: *Magisterium: Teaching Authority in the Catholic Church*. Dublin: Gill and Macmillan, 1983.
 2. and in his article, "The Theologian's Ecclesial Vocation and the 1990 CDF Instruction." *Theological Studies* 52 (1991): 51-68.
- E. See also Charles Curran's brief treatment in his *The Catholic Moral Tradition Today*, pp. 208-209, for some important historical background to interpreting this term.
- F. Sullivan notes the following in regards to the Congregation for the Doctrine of the Faith's reference made in *Donum Veritatis*, on "The Ecclesial Vocation of the Theologian" to *obsequium religiosum* as "'fundamental openness loyally to accept the teaching of the Magisterium'".
1. What is crucial here is that *obsequium* is not identified with assent as such, but with a fundamental willingness to submit to the authority of the Magisterium and an openness to its teaching, attitudes which can very well persist in a theologian who finds he cannot give his intellectual assent to a particular proposition that has been taught by this same Magisterium." p. 62. [Here Sullivan references Avery

Dulles' own article "Question of Dissent" published in *The Tablet* (p. 1033)]:

2. 'I [i.e. Dulles] would say that the CDF rules out strident public dissent and recourse to the media to foment opposition in the church, but that it acknowledges the value of discreet and constructive criticism of authoritative documents. The instruction does not seem to me to forbid the airing of such criticisms in scholarly journals, theological conferences, classroom situations and other appropriate forums. What the authorities do not forbid is, I take it, still permitted.' [p. 65 in Sullivan's *Theological Studies* article]
- G. I [i.e., JTB] would add that this point echoes the well-known hermeneutical principle in canon law that strictures are interpreted narrowly and favors are interpreted broadly: *Odia restringi, et favores convenit ampliari* which means that burdens (odious things) are to be restricted, and favors (privileges) are to be multiplied (or extended). This principle of canon law interpretation holds that burdens or strictures are to be interpreted in a narrow sense of application, while on the other hand favors are to be widely applied. See the *Code of Canon Law CIC* #18 for the canon which gives this principle of strict interpretation in regards to laws which establish either a restriction of rights or impose a penalty. Yet, we have to be honest in admitting that a "reading" of some current cases involving theologians and the Congregation for the Doctrine of the Faith might lead to a less sanguine view on the "reality" of what is "permitted" or tolerated!
- H. Consider also the view of Richard McCormick, speaking of nuancing the response to *Lumen Gentium* #25, the *obsequium religiosum* (religious submission of the will): "I suggest that the proper response is not obedience. Obedience is appropriate when orders are involved. But teaching should not be conceived in this way--and if it is, it shows that we have over juridicised the search for truth. Rather, the proper response is first a docility of mind and will, a cast of mind and bent of will open and eager to make the wisdom of the teacher one's own, a desire to surmount the privacy and limitation of one's own views to enjoy the wisdom of broader perspectives. It is, in brief, a desire to assimilate the teaching." Richard McCormick, "The Teaching Office as a Guarantor of Unity in Morality." *Concilium* 150 (1981): 79.
- I. Recall the important point of the different cultural understandings of what "authority" and "dissent" are, and what their effects are: E.g., as a means of dialogue and common search for the fullness of the truth, or an "attack" on the Church and its legitimate authority figures? Cultural context will have a big part to play here in determining what role dissent itself plays. E.g., is obedience to authority seen as a *sine qua non* for loyalty and membership in the Church, or is questioning of authority seen as a necessary part of growth and assertion of legitimate independence? Either of these above two positions, if absolutized, would be problematic.
- J. In the American context, consider the following observations of George B. Wilson, S.J. who suggests that "dissent" is really the wrong concept to use in referring to contemporary, well-educated, adult Catholics in their attempts to dialogue and agree and/or disagree with magisterial teaching. "Adults don't 'dissent'; they discuss and deliberate and converse and dialogue. Yes, and argue. Sometimes they come to agreement and arrive at a common position; sometimes they are unable to. In the New Testament it appears that Paul and Barnabas never did resolve their differences; they just agree to work in different patches of the vineyard. Talk of dissent, by contrast, implies a prior that some definitive position has

been arrived at. The question has been answered and the case closed—which, of course, may be the very point the adult participant finds unconvincing. In church usage the concept of dissent brings with it a note of moral failure. Those who dissent are viewed, not simply as disagreeing with the orthodox position, not even as being objectively wrong. They are viewed as being morally deficient, having a sort of virus that must be either controlled or perhaps even eradicated lest it contaminate others.” p. 9. “One final consideration colors the understanding of the question we started with: What is really going on here? It is the church’s lust for the idol of certitude.” p. 10. [Quotes taken from George B. Wilson, S.J. “‘Dissent’ or Conversation Among Adults?” *America* 180 (13 March 1999): 8-10; 12].

K. Josef Fuchs' overall interpretation of the moral Magisterium

1. From his article, "A Harmonization of the Conciliar Statements on Christian Moral Theology." Chapter 40 (vol. 2) in *Vatican II: Assessments and Perspectives, Twenty-five Years After (1962-1987)*, 479-500. Edited by René Latourelle, S.J. New York: Paulist Press, 1989.
2. "Divine law and eternal law are nothing other than an interpretation of natural moral law (A. Auer)." p. 490.
3. "Nonetheless, the Magisterium also has no 'direct' access to the divine, eternal law, and is thus dependent on human moral knowledge. Correspondingly, it must be evident that we must arrive at knowledge of the divine law both with the aid of the Magisterium and also of other teaching as well as by mutual exchange." p. 490.
4. "This is echoed in the statement of Lumen gentium 25 to the effect that the infallibility of the Magisterium (and hence, no doubt, also the Magisterium itself) restricts itself to the same limits as those of divine revelation, and thus does not extend to the whole area of what is morally right. The field of what is morally right in behavior in the world requires, especially according to *Gaudium et spes* and *Apostolicam actuositatem*, an immense degree of specialized knowledge, which we can certainly not derive from revelation. What is more, as Bishop Gasser explained in the *Relatio* he delivered Vatican I, the ethical principles of natural law are not entirely in the sphere of the doctrine of faith, which is the sole object of the Magisterium of the Church." p. 495.

L. Other theological opinions on infallibility and the moral Magisterium

1. Msgr. William B. Smith
 - a. Opus Dei theologian, "Answer Man" for *Homilectic and Pastoral Review*, and moral theology teacher at the conservative St. John's Seminary in New York (Dunwoodie).
 - b. From his paper on "The Question of Dissent in Moral Theology," given at the 1986 "International" Congress on Moral Theology held in Rome and organized by Opus Dei and Msgr. Carlo Caffarra.

- c. "If, in a given but rare instance, it happens in time that some aspect of that authentic teaching [of the Magisterium] is not completely true, it still remains here and now a true guide for action, that this is what the Holy Spirit wants by directing, that is assisting, as a norm for action at this time. The only way for genuine dissent in theory and practice to be legitimate is to accept and adopt an illegitimate ecclesiology which not only changes but also contradicts the teachings of Vatican II about the nature of sacred and certain Catholic teaching and the very nature of the Church (LG 25; DV 7-10).
 - d. in *Persona Verità e Morale: Atti del Congresso Internazionale di Teologia Morale (Roma, 7-12 aprile 1986)*, (Roma: Città Nuova Editrice, 1987): 252-253.
 - e. I would offer the following points in critique of Smith's position: It presents a rather problematic view of the Magisterium, and the objective nature of moral truth! Moreover it strikes me as excessively paternalistic, with a corresponding infantile view of the People of God. I would also observe that Smith seems to be overstating the claims to fidelity expressed in the Council documents, and that this is probably related to a deeper overall problematic view of the nature of the Church. Finally, I would note a rather [problematic epistemology of a "true guide" which may not in fact always be "true."
2. Germain Grisez
- a. Very conservative and polemical, yet quite influential
 - b. *The Way of the Lord Jesus. Volume One: Christian Moral Principles.* Chicago: Franciscan Herald Press, 1983.
 - c. "But we believe that our Lord teaches in and through the Church and gives us the word of the Father. Hence, our submission to the Church's teaching is not submission to mere human opinions, but to the very word of God (see 1 Thes 2.13)." p. 570.
3. Hoose's critique of Grisez
- a. Hoose is currently on the faculty of Heythrop College.
 - b. Referring to the above quote from Grisez: "It would seem, then, that Grisez advocates obedience to the pope or bishop even when the pope or bishop is wrong. If we carry that to its logical conclusion, we find that, according to Grisez, a person should conform with official teaching even when his or her conscience dictates otherwise." [Hoose, *Proportionalism: The American Debate and its European Roots*, (Washington, D.C.: Georgetown University Press, 1987): 112.]
 - c. "What I wish to point out is the fact that Grisez, in holding that Catholics should always obey the moral teaching of the Magisterium, even when

that teaching is possibly wrong, reveals something of great importance about his understanding of the human good and the place it has in his method of moral judgement.

- d. It would seem that rightness for him is dependent upon the fulfilment of certain basic goods, *except where such fulfilment would conflict with the will of God as expressed through the Magisterium of the Roman Catholic Church.*" [Hoose, "Proportionalists, Deontologists and the Human Good." *The Heythrop Journal* 33 (1992): 184].

LXVI. INTERPRETATION OF TEACHING OF THE MAGISTERIUM

- A. Absolute importance of historicity in interpretation of magisterial teaching. Look at the historical context. Read the document in that light. Be careful of abstracting and/or absolutizing magisterial pronouncement. Be sure you do a good "exegesis" of the relevant documents, *before* you seek to interpret them. And finally, it can be helpful in a variety of pastoral situations to have at your disposal a few "quotable quotes.
- B. In this last vein, see Maureen Fiedler and Linda Rabben, eds. *Rome Has Spoken: A Guide to Forgotten Papal Statements and How They Have Changed through the Centuries.* New York: Crossroad, 1998.
- C. The Magisterium, as is true for all Christians stand under (and not above) the truth
 1. Difficult to suppose, even with the charism of office, that one, or one group, can fully know the truth
 2. Consider the experience of Paul and Peter, as recounted in Galatians 2:11-16:

When Peter came to Antioch, I opposed him to his face, because he was clearly in the wrong. Before certain men came from James, he used to eat with the Gentiles. But when they arrived, he began to draw back and separate himself from the Gentiles because he was afraid of those who belonged to the circumcision group. The other Jews joined him in his hypocrisy, so that by their hypocrisy even Barnabas was led astray. When I saw that they were not acting in line with the truth of the gospel, I said to Peter in front of them all, "You are a Jew, yet you live like a Gentile and not like a Jew. How is it, then, that you force Gentiles to follow Jewish customs?" We who are Jews by birth and not 'Gentile sinners' know that a man is not justified by observing the law, but by faith in Jesus Christ. So we, too, have put our faith in Christ Jesus that we may be justified by faith in Christ and not by observing the law, because by observing the law no one will be justified.
- D. Model of Exegesis (See also *Appendix 3: Exegesis And Interpretation of Magisterial Documents*)
 1. Presupposition: no text is self-interpreting
 2. Rules for exegesis
 3. Source criticism

4. Hermeneutics
 - a. Recall the basic principle that *no* text is self-interpreting.
 - b. Magisterial documents must be governed by a particular branch or variety of hermeneutics, inasmuch as these texts are clearly distinct from other texts.
 5. Basic hermeneutical guidelines for interpreting magisterial teaching, as given in Vatican II
 - a. The character of the teaching
 - b. Frequent repetition
 - c. Manner of the teaching
 6. Avoid twin dilemmas of
 - a. Magisterial positivism
 - b. Magisterial cynicism
- E. Hermeneutics on the Mode of Argumentation Employed
1. Methodological questions posed by Klaus Demmer
 - a. From his essay, "Theological Argument and Hermeneutics in Bioethics." In *Catholic Perspectives on Medical Morals: Foundational Issues*, 103-122. Edited by Edmund D. Pellegrino, John P. Langan and John Collins Harvey. Dordrecht: Kluwer Academic, 1989.
 - b. Originally presented at the Twenty-Fourth Trans-Disciplinary Symposium on Philosophy and Medicine, 13-16 October 1986.
 - c. "What philosophical presuppositions are present? Why are they being put forward? Do they take account of the complexity of the moral problem to be solved, or are they insufficient to meet this demand?" p. 112.
 2. "Certainly one can maintain a correct teaching without totally convincing arguments. But if the teaching is correct, then, in principle, it must be made clear through reasonable and plausible argument. Furthermore, it must be considered whether the Church's teaching office uses fundamental concepts of philosophical anthropology consistently. This is to be considered, for instance, in regard to the use of the key concepts 'person' and 'nature'." p. 112.
 3. "Does theological reflection perhaps utilize philosophical concepts that no longer correspond to the state of scientific research?" p. 112.

4. Similar arguments made in my use of the "6 C's"
- F. Levels of Authority in Magisterial Teachings
1. Here Francis Sullivan's *Creative Fidelity* is especially helpful.
 2. Overall premise of hierarchy of truths necessary for salvation, this refers more to the character of the teaching itself.
 3. We also need to be aware of the *manner* in which the teaching is proposed.
- G. Levels of Authority of Magisterial Teaching based on the Manner in which It Is Proposed:
1. Teaching solemnly proposed *de fide* in *ex cathedra* form
 2. Conciliar teachings
 3. Papal Encyclicals
 - a. Dogmatic
 - b. Hortatory
 - c. Commemorative, recalling a special event or saint
 4. Papal Apostolic Exhortations
 5. Apostolic Constitutions
 - a. Establishment of a particular celebration, such as the Holy Year
 - b. Addresses various matters, such as penitential practices, the reform of the curia, etc.
 6. Apostolic Letters given "motu proprio"
 - a. literally, "Of one's own accord"
 - b. A personal letter written by a pope either to the whole church, a local church, or some particular group or body.
 - c. Used to issue norms,
 - d. establish a new institute,
 - e. restructure various situations, etc.
 7. Occasional papal allocutions

CE 2056 Fundamental Moral Theology

- a. E.g. from a congress, etc.
 - b. Wednesday audience
8. Documents of Roman Congregations
- a. with papal approbation in which the pope *explicitly* takes over and makes his own (i.e., as if issued in his name) a document promulgated by a Vatican office.
 - (1) This is termed *In forma specifica*
 - (2) A recent example is the 1997 Vatican “Instruction on Some Questions Regarding Collaboration of Nonordained Faithful in Priests’ Sacred Ministry” For the text see *Origins* 27 (27 November 1997)
 - b. without specific papal approbation, through with his approval
 - (1) This is termed *In forma communi*
 - (2) The vast majority of Vatican documents issued by the various congregations and dicasteries are in this mode.
9. Magisterial teachings of bishops
- a. Documents from Bishops' Conferences
 - b. Documents from Individual bishops
10. Occasional statements, allocutions, etc. from individual bishops

LXVII. THEOLOGICAL UNDERSTANDINGS OF CRITICISM AND DISSENT

A. Bibliography

1. Charles E. Curran and Richard A., McCormick, S.J., eds. *Readings in Moral Theology, No. 6: Dissent in the Church*. New York: Paulist Press, 1988.
 - a. Contextualized by Curran's 1986 negative judgment by the Congregation for the Doctrine of the Faith. Good overview of some of the basic issues and conflicting theological opinions
2. Most Rev. Daniel Pilarczyk, "Pastoral Letter on Dissent to the Cincinnati Archdiocese," 6 June 1986. Reported in *Origins* 16 (31 July 1986).
 - a. Also found in Curran and McCormick, *Readings in Moral Theology, No. 6*, pp. 152-163.
 - b. The specific role of the theologians calls them to explore the

implications of Church teachings, to investigate it, to refine it, to probe it, to push back its horizons. If not all Church teaching is guaranteed to be infallible, then some of it could be fallible, reformable, conceivably even incorrect. It is part of the theologian's responsibility to speak to Church teaching which he or she conscientiously believes to be inexact or erroneous.

3. Avery Dulles, S.J. "The Magisterium, Theology and Dissent." *Origins* 20 (28 March 1991): 692-696.
 - a. Dulles proposes five ground rules that the Magisterium itself might observe in its practical exercise of the teaching office.
 4. Francis A., Sullivan, S.J. "The Theologian's Ecclesial Vocation and the 1990 CDF Instruction." *Theological Studies* 52 (1991): 51-68.
 - a. A careful "exegesis" and interpretation of the Congregation for the Doctrine of the Faith's 1990 "Instruction on the Ecclesial Vocation of the Theologian."
 5. Quinn, Archbishop John. "Reform and Criticism in the Church." Ch. 2 in Idem, *The Reform of the Papacy: The Costly Call to Christian Unity*, 36-75.. Ut Unum Sint: Studies on Papal Primacy. New York: Crossroad, 1999.
- B. Archbishop Quinn, in his magisterial work on papal primacy, looks at criticism *in* the Church as a service *to* the Church. In fact, he calls criticism the "matrix of reform," and notes that criticism of the popes has a long tradition and even includes those who are often identified as staunch advocates of the papacy (he cites an example of Joseph Cardinal Ratzinger strongly criticizing Pope Paul VI). For Quinn the relationship is axiomatic: "if the Church is in need of continual reform, she is necessarily in need of continual criticism. Reform and criticism go together." Archbishop John Quinn, *The Reform of the Papacy: The Costly Call to Christian Unity*, (New York: Crossroad, 1999): 44). However, neither reform nor criticism is accepted easily: "if there is resistance to reform within the Church, there is even more resistance to criticism."(p. 44)
- C. Cultural-historical understandings of "dissent": E.g., the American, which sees dissent as part of the communal search for the fullness of the truth; the Polish, which may see it as a real "betrayal" of the Church to her enemies, or the Italian, which often ignores that with which one doesn't agree.
- D. Epistemological humility and care for the reputation of the Church's teachers. We have to navigate between commitment to the truth, under which *all* are subject and the respect and "religious submission" we have to those who exercise office.
- E. Pastoral guideline from Josef Fuchs, S.J.: "Occasionally I have said: I do not say anything I do not stand behind, but maybe I do not say everything behind which I stand. I think it is generally wrong to want to provoke. In the face of possible difficulties from the Magisterium a person must get a sense of what may be said under the circumstances, what must be said, and what should not be said." From his talk, "The Magisterium and Moral Theology." *Theology Digest* 38 (1991): 103-107.

LXVIII. CONSCIENCE AND CHURCH AUTHORITY

- A. Bibliography: Avery R. Dulles, S.J. "Authority and Conscience." *Church* (Fall, 1986): 8-15. Also in *Readings in Moral Theology, No. 6: Dissent in the Church*, 97-111. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.
- B. Recall Traditional Guidelines on Matters of Conscience: A person should not be prevented from following even an "erroneous" conscience, *unless* such contemplated action is seriously injurious to either the person him/herself *or* to others. Two clear examples would be suicide and murder. No one may morally coerce or persuade another to act against her or his conscience. This precept binds especially those who are in persons of authority (e.g. confessors and religious superiors, counselors, etc.). However, one can always try to *reason* with another without resorting to coercion. Seen in this light parents, for example, do have an obligation to guide their children in the formation of their conscience. Confessors and others in authority cannot overburden a weak or delicate conscience. This traditional pastoral principle would caution against unnecessary prying and/or laying on burdens the person is not likely to be able to bear (e.g. ecological guilt-feelings etc.). It is *not* part of the responsibility of confessors to build a sinless world.
- C. Key Distinction between Church Law and Church Teaching: Don't confuse the two! Law governs (I will/won't). Teaching instructs (I agree/disagree, or I understand/don't understand/misunderstand)
- D. Recall two basic types of commandments
1. Fulfillment: I must do/not do this (Examples: Do not kill innocent persons. Pay your taxes). These are related to the axiom *semper et pro semper* [bind "always and in every instance"]
 2. Goal (*Zielgebot*) "This should be my ideal, my ultimate aim." Example: Love everyone. Goal commandments are not absolutely binding. This is an important point! This point is seen more easily in moral systems which are more teleological and virtue based, but is more difficult to perceive in deontological systems, as well as in the Anglo-American legal culture. Goal commandments are related to the axiom *semper sed non pro semper* [bind "always {in the sense of being a true ideal} but *not* applicable in each and every instance"]..
- E. Extenuating circumstances in which we are released or dispensed from the obligation of laws:
1. *Excuse*: a physical or psychological impediment, what is termed in the traditional manualistic vocabulary as "physical" or "moral" impossibility, such as inculpable ignorance. Example: missing Mass when sick or not remembering that a Friday in Lent is a day of abstinence.
 2. *Collision or conflict of duties*: Each of the "conflicting" duties is important and "binds." But they bind in different ways (cf. *semper et pro semper* and *semper sed non pro semper*). Here one employs the principle of proportionality, and one must therefore rank the relevant duties and their concomitant values. Possible

example in the case of artificial contraception among the duties of a married couple, such as 1) the duty to maintain peaceful and loving preservation of their marriage; 2) the duty to responsible parenthood (which the Church now recognizes includes the possible limiting of the number of offspring); and 3) the duty to respect the encyclical's teaching on artificial contraception.

3. Canon law has a further set of important factors which must be taken into consideration in order to arrive at a proper understanding and suitable application of the law. Here I would recommend that everyone involved in pastoral ministry read something like James Corriden's *Canon Law as Ministry: Freedom and Good Order for the Church*, (New York: Paulist Press, 2000). Corriden seeks to ground the understanding of canon law in both the New Testament and the theology of the Church, and he clears up many popular misconceptions that many of us might have about both Church authority and canon law.
 4. *Dispensation*, which is granted by church law, and may be "particular" or "general" and in turn is governed by the general canonical principle of interpreting dispensations and concessions (or favors) broadly, and strictures narrowly (*Odia restringi, et favores convenit ampliari*). Canon law, unlike Anglo-American law, grants a much wider discretionary power to the various Church authorities to enforce or modify the application of the law in various circumstances, communities, or to individuals. Thus, it is rarely (if ever) a valid interpretation of canon law to simply follow the letter of the law without any further investigation into and consideration of particular circumstances. In short, all of these situations call for the practice of the *virtue* of *epikeia*; and remember that virtues deepen and become "perfected" through practice!
 5. *Desuetude* and/or *non-reception*. For canon law to be a true *ius vigens* (law in force) it must possess three elements: legitimate authority, suitable promulgation, and acceptance ("reception") by its users. The law loses its binding force either by never been "received" and put into practice by those for whom the law as meant, or by falling into general "disuse" or non-observance. An example of desuetude would be the teaching on usury, and an example of non-reception would be Pope John XXIII's Seminary Instruction in Latin, *Veterum Sapientia*, issued on 22 February 1962, which was widely ignored from the moment of its promulgation (leading some to refer to it as an example of "instant desuetude"). Rarely abrogated, therefore need to look to see if the teaching is repeated and confirmed, and to be attentive to the language and nuances of subsequent documents to see if the position has been modified. This is an accepted point in canon law, and differs widely from Anglo-American law. For an excellent article on the history and theory of the canonical doctrine of reception and non-reception see James A. Corriden, "The Canonical Doctrine of Reception," *The Jurist* 50 (1990): 58-82.
- F. General Summary Guideline for Conscience and Church Authority: The Church's teaching is normally and usually a source for positive illumination of one's conscience. But, if after appropriate study, reflection and prayer a person remains convinced that his/her conscience is correct, then in spite of a conflict with the moral teachings of the Church, or Church law, the person not only may, but *must* follow the dictates of her or his conscience, rather than the teachings and/or law of the Church. This is the *traditional* basic teaching of the Church

on the sanctity of conscience. To date, the Church has never explicitly claimed to speak infallibly on a moral question, so there is probably no case yet of a conflict between an individual's fallible decision in conscience, and a teaching of the Church which is immune from error. No teaching of the Church can hope to account for every moral situation and circumstance. Each teaching must still be applied in particular cases, and according to the particular abilities of each moral agent. Here the moral discernment and the virtue of *epikeia* are important. The Church teachings themselves are historically conditioned, especially in their particular formulations. We all need help from a variety of sources. Don't go it alone!

LXIX. VIRTUE AND MORAL DISCERNMENT

- A. Basic understanding of virtue theory, and its distinction from a deontological, principle-based ethics.
1. The basic difference between a virtue-based ethics and a principle-based ethics is caught well enough by Joseph Kotva: "Modern ethical theory has thus concentrated on developing rules, principles, and exact methods for determining the moral status of specific acts. In contrast, virtue ethics is more agent-centered and less concerned with the analysis of problematic actions. Virtue ethics moves the focus away from specific acts to 'background' issues such as character traits, personal commitments, community traditions, and the conditions necessary for human excellence and flourishing. Virtue ethics thus involves a radical shift in the focus of ethical reflection." Joseph J. Kotva Jr., *The Christian Case for Virtue Ethics*. (Washington, D.C.: Georgetown University Press, 1996): 5.
 2. "Virtue ethics has then a tripartite structure: (1) human-nature-as-it-exists; (2) human-nature-as-it-could be; and (3) those habits, capacities, interests, inclinations, precepts, injunctions, and prohibitions that will move us from point one to point two. Thus, within a teleological virtue ethic certain kinds of actions, habits, capacities and inclinations are discouraged because they direct us away from our true nature. Other kinds of actions, habits, capacities, and inclinations are encouraged because they lead us toward our true end. Virtue theory deals with the transition from who we are to who we could be. A concern with this transition requires that we also try to discover or uncover our true nature or *telos* and ascertain our present state or nature." Kotva, p. 17.
 3. "Virtue ethics is both individual and corporate. ... But the good is not conceived solely in individual terms. Virtue theory views relationships and corporate activity as essential to both the true human end and the journey toward that end. Thus, for example, the individual's moral improvement requires the presence of others. Similarly, the significance of many virtues (e.g., justice and generosity) depends on social connections." Kotva, p. 108.
 4. "[A] virtue conception of justice insists that we see ourselves as members of a community whose good we seek together. Justice is therefore grounded in community and is guided by a shared understanding of the common human good. A virtue understanding of justice thus requires a substantive conception of what constitutes a good community and requires people to see themselves as linked together in more than an incidental way. Such requirements are clearly at odds

with many contemporary theories of justice.” Kotva, p. 149.

5. Apropos, consider Kotva’s critique of proportionalism: “The ‘proportionalism’ debate reduces morality to questions of commensurate or proportionate reason and focuses on decisions, deeds, and acts. Questions concerning virtues, moral growth, community interdependence, and the educative function of rules, etc., receive little attention.” Kotva, footnote #44, p. 164.

B. Relation of Formation to a Fuller Understanding of Conscience

1. Gula frames the question well in his *Reason Informed By Faith* in the chapter (10) on "The Formation of Conscience.
2. "We can expect, therefore, that the formation of conscience will involve more than simply answering the practical moral question, 'What ought I to do?' It must also address the prior moral question, 'What sort of person ought I to become?' This means the aim of the formation of conscience is not simply to increase a person's knowledge of facts and values, or skills for resolving a moral dilemma. It must also include the fuller texture of the person's moral character. As long as we can remember that morality is interested in *who we are*, as well as in *what* and *how we choose*, then we will not eliminate character from our consideration of the formation of conscience." [Gula, RIF, p. 137.]
3. "Attention to character has been the sorely neglected side of the formation of conscience." [Gula, RIF, p. 138].
4. "Moral choices are not made in a vacuum. They are made by people who see the world in a certain way because they have become particular sorts of people. ... Character gives rise to choice. Choices in turn confirm or qualify character, for choices are self-determining." [Gula, RIF, p. 138.]

C. See also Richard Gula’s more recent book, *Moral Discernment* (New York: Paulist Press, 1997).

D. Transition from Fundamental Option to a Virtue Theory

E. Again, the contribution of Paul Wadell: "Achieving friendship with God demands giving our life a single-hearted focus. It demands restriction, it calls for certain attachments. In order to grow in charity-friendship with God, which Thomas sees as the purpose and goal of our lives, we need to be attached to some things and detached from others, and to foster a special direction for our lives, and that is what the virtues do; it is in this sense that the virtues involve self-definition. At least initially, the virtues work to diminish possibilities by turning us away from some options and toward other options. The virtues narrow down possibilities so that we can become familiar with the good. The task of the moral life is to achieve a familiarity with the good, if possible even to become experts of 'virtuosos' in the good, particularly the unsurpassed goodness of God." [Wadell, *The Primacy of Love: An Introduction to the Ethics of Thomas Aquinas*. New York: Paulist Press, 1992, p. 111].

F. Moral philosophy/theology dimension

CE 2056 Fundamental Moral Theology

1. Ethics of virtue vs. Ethics of Duty (deontology)
 2. Notion of moral formation and character
 - a. "The moral life is fashioned over the long term within an evolving life history. A 'moral vision' provides an individual with increasing meaning and purpose, a sense of ideals, and a future yet to be.
 - b. Within the context of one's life history, then, one is always in the process of considering the questions:
 - (1) 'Who am I becoming?'
 - (2) 'What do I desire?'
 - (3) 'What are my hopes and dreams?'
 - (4) 'What is my responsibility to others?'
 - c. Such questions are rich with a sense of developing moral vision, and we must do everything possible to help young adults to be attentive to their personal visions and to evaluate their present actions in light of such visions." [Charles Shelton, "Helping College Students Make Moral Decisions." *Conversations on Jesuit Higher Education 2* (Fall, 1992): 14].
- G. Psychological dimension, e.g, Kohlberg
1. "According to Lawrence Kohlberg, the most influential source for our ideas on moral development, the basic criterion for understanding morality is to learn how a person reasons about 'justice'.
 2. In his view, a person comes to understand justice in stages. Kohlberg documented, through his cross-cultural studies, a three-level, six stage theory (two stages for each level) of moral development with each stage representing a different understanding of justice.
 3. Kohlberg suggested that as people develop morally // there is movement away from self-absorption (preconventional level) toward an awareness of the thinking and the feelings of others (conventional level). Ultimately, development might proceed toward the highest level, which incorporates universal moral principles that respect the rights of all human beings (understood as principled moral reasoning)." [Shelton, pp. 12-13].
- H. Notion of Moral Vision
1. "Properly to understand moral behavior, then, we need to pay attention first to the images shaping the imagination, and the stories giving rise to these images, before we consider moral rules.

2. We live more by stories than we do by rules. All of this tells us that learning moral rules is not the first task in the formation of conscience. We first need to learn *how* to see." [Gula, RIF, p. 142].

I. "Christianization" of virtue ethics:

1. "Virtue theory can voice and expand Christian moral reflection, but Christian convictions also correct, refine, develop and enhance virtue theory. For example, Christian belief in God's reconciling and empowering grace can serve as a corrective to virtue theory's potential for 'works righteousness', grim determination, and even despair. Virtue theory calls us to endless moral progress. Without a sense of grace, this call could elicit the stern striving that robs life of its joy and readily falls victim to despair. It is easy to anguish over the slight moral progress we sometimes make. It is easy to despair at our backsliding and failure.
2. "The Christian response to this is grace and forgiveness. We are not alone. God goes with us and before us, forgiving our failures and empowering us. God likewise calls our communities to forgive, restore, and empower. Virtue theory enjoins endless progress. The Christian faith reminds us that any progress is itself a gift of God and that we may always fall back on God's grace." Kotva, p. 174.

LXX. USE OF SCRIPTURE IN CHRISTIAN ETHICS

- A. From St. Jerome's Prologue of the Commentary on Isaiah (Breviary Reading for 30 September, St. Jerome's Memorial Celebration): "I interpret as I should, following the command of Christ: *Search the Scriptures*, and *Seek and you shall find*. Christ will not say to me what he said to the Jews: *Your erred, not knowing the Scriptures and not knowing the power of God*. For if, as Paul says, Christ is the power of God and the wisdom of God, and if the *one* [man] who does not know Scripture does not know the power and wisdom of God, then ignorance of Scripture is ignorance of Christ."
- B. Recall the Four-Sector Grid proposed as basic methodology, and in this context consider the call of *Optatam totius* #16: "...Students should receive a most careful training in holy Scripture, which should be the soul, as it were, of all theology. ...They [seminarians] should learn to seek the solution of human problems in the light of revelation, to apply its eternal truths to the changing conditions of human affairs, and to express them in language which people of the modern world will understand. "In like manner the other theological subjects should be renewed through a more vivid contact with the Mystery of Christ and the history of salvation. Special care should be given to the perfecting of moral theology. Its scientific presentation should draw more fully on the teaching of holy Scripture and should throw light upon the exalted vocation of the faithful in Christ and their obligation to bring forth fruit in charity for the life of the world."
- C. Suggestions for further study of Scripture and Ethics, (and preparation for the comprehensive exam)
 1. Spohn, William C. *What Are They Saying About Scripture and Ethics?*. 2nd ed. New York: Paulist Press, 1984, 1995.

2. Spohn, William C. *Go and Do Likewise: Jesus and Ethics*. New York: Continuum, 1999.
 3. Schneiders, Sandra M. *The Revelatory Text: Interpreting the New Testament as Sacred Scripture*. San Francisco: HarperSanFrancisco, 1991.
 4. Hays, Richard B. *The Moral Vision of the New Testament: Community, Cross, New Creation. A Contemporary Introduction to New Testament Ethics*. San Francisco: Harper San Francisco, 1996.
 5. Schrage, Wolfgang. *The Ethics of the New Testament*. Translated by David E. Green. Philadelphia: Fortress Press, 1988.
 6. Bretzke, James T., S.J. *Bibliography on Scripture and Christian Ethics*. Studies in Religion and Society, 39. Lewiston NY: Edwin Mellen Press, 1997.
 - a. This book-length annotated bibliography (364 pages) is a comprehensive and ecumenical bibliography of titles related to Scripture and ethics of titles of both books and periodicals in English, French, German, Italian, and Spanish. Many of the entries contain brief annotations which indicate the scope or thesis of the particular entry.
 - b. The entries themselves are arranged both according to the Old and New Testament, as well as the individual books and/or authors of the New Testament. Entries are also given according to certain key thematic issues, such as methodology of the interplay and usage of the Bible in ethics, liberation theology and Scripture, biblical authority, feminist issues in biblical hermeneutics, as well as a number of theological themes such as justice and righteousness, the love command, law and gospel, sin and reconciliation, etc. Finally, entries are provided which cover a number of particular ethical themes such as ecology, economics, medical ethics, sexual ethics and gender issues, war and peace. A final section gathers titles which were published prior to the Second Vatican Council (1962-1965) which marked a watershed for the greater appropriation of Scripture in the discipline of Roman Catholic moral theology.
 - c. This bibliography provides a good overview of the vast array of material available, topics covered, and approaches used by authors not only from around the world writing in the five principal Indo-European languages, but also representing all of the major Christian traditions, as well as Jewish ethics and material drawn largely from the Old Testament. Thus, this work will be a valuable reference guide for any individual research project into any of the various areas of biblical ethics, whether the individual principal emphasis be on biblical interpretation and theology or within the field of religious (Christian and/or Jewish) ethics.
- D. Hermeneutical problem: which images, themes, etc. are the appropriate ones to guide our moral theology?

- E. General guidelines for the selection and appropriation of biblical images to ethics:
1. The appropriate biblical images should be central to the canon of Scripture.
 2. The guiding images should convey or be coordinate with a theologically sound image of God. E.g. Exodus image of God as Redeemer and Deliverer of captives.
 3. The images should be consistent with God's definitive revelation in Jesus Christ. E.g. "Crusading Warrior" image of the Holy War would seem inconsistent with the New Testament character of Jesus. The images should be appropriate to the situation and shed light upon it. Finally, these images should indicate courses of action that concur with the standards of ordinary human morality. I.e, Christians are not called by God to behavior that is patently harmful to themselves or others. This criterion introduces the practice of a public test to check any suspension of the moral law in the name of personal inspiration.
- F. Final "Methodological Moral Reminder"
1. Any *coherent* moral argument should draw on the four sources of Christian ethics in an *integrated* manner. Thus, our "selection of biblical material must be justified by the other sources we use: theological validity in the tradition, consistency with the normative portrait of the human person found in ethics, and relevance to the factual situation as determined by the best empirical analyses available." [Spohn, WATSA, p. 84.]
 2. Niebuhr warns against "evil imaginations of the heart": i.e., "symbols that send us down false ways and evoke self-centered affections. They obscure the truth of who we are and what we are doing, thus leading to a future not of life, but of death. Evil imaginations of the heart are detected by the consequences they lead to, just as concepts are invalidated by their erroneous results." [Spohn, p. 84].
 3. [In this context cf. Ignatius' Rules for Discernment in the Second Week]
 4. Spohn offers here the example of apartheid, nationalism, and commercialism [e.g. when you pray for your Motor Home, be sure to tell God what color you want].
- G. Scripture as a Checkpoint for Christian Ethics
1. Scripture provides an important interpretive framework for ethical reflection and discernment for understanding our world. Our task as individual disciples and members of a discipleship community. Thus, the Bible aids in forming our moral vision and moral perspective.
 2. Themes neglected in philosophical ethics:
 - a. Kingdom of God
 - b. Lordship of Jesus
 - c. Eschatology

- d. Sin and Reconciliation
- e. Discipleship Community
- 3. Kingdom of God
 - a. Not a place, like the United Kingdom
 - b. But a reign, letting God have sway over us.
- 4. The Lordship of Jesus: "The Lordship of Jesus Christ is an important theme and perspective in a distinctively [proprium] Christian ethics. It exposes all the enslaving cosmic powers, the «authorities and potentates of this dark world» (Eph 6:12). Jesus, the Lord who becomes Servant, teaches us the right use of authority and points the way to healthy authority structures in the Church and in the world." Bernard Häring's Chapter 1 of *Free and Faithful*, vol. 1 p. 21.
- 5. Eschatology: "The basic virtues or character of the disciples of Christ cannot easily be expressed by the four cardinal virtues of Hellenistic philosophy. It is, rather, the eschatological virtues that characterize the patterns of his disciples. It is ongoing thanksgiving for what the Lord has done, and joyful anticipation of the final fulfilment in vigilance and readiness for the present opportunities." Bernard Häring's Chapter 1 of *Free and Faithful*, vol. 1, p. 19.
- 6. Sin and Reconciliation
 - a. Ways of looking at sin
 - b. Häring's Sin-solidarity
 - c. Positive points
 - (1) All are sinners, all in need of redemption,
 - (2) therefore avoids creating a "graced" elite--those not touched by sin, which seems to be a natural human tendency, i.e., to justify one's own self and/or "group" while condemning others.
 - d. Negative points
 - (1) Fatalistic
 - (2) Sin seen just in social terms alone
 - (3) Blunts efforts at individual conversion, etc.
 - e. Biblical models and metaphors for sin
 - f. Call and vocation to reconciliation

7. Discipleship Community
 - a. Following of Christ as *Imitation*
 - b. Mission of the Church for the World

LXXI. PROBLEMATIC APPROACHES TO USE OF SCRIPTURE IN CHRISTIAN ETHICS

A. Proof-Texting

1. Can happen to the best of us; and can be of two varieties, negative and positive
 - a. negative (e.g. Gay-Bashing)
 - (1) Example of *negative* proof-texting,
 - (2) Anti-gay demonstration, see photo of sign carried in the parade: "God hates Fags!" Lev. 18:22
 - (3) Other examples: for capital punishment, (let he who lives by the sword, die by the sword) etc.
 - b. positive (i.e. for a positively good argument, etc)
 - c. Consider the following from the Apostolic Exhortation of John Paul II, *Catechesi tradendae* [Catechesis in Our Time], 16 October 1979, following up on the 1977 Synod of Bishops, which had catechesis as its theme: #64. "... I beg you, ministers [priests] of Jesus Christ: Do not, for lack of zeal or because of some unfortunate pre-conceived idea, leave the faithful without catechesis. Let it not be said that 'the children beg for food, but no one gives to them'."
 - d. Lamentations 4:4 speaks of the context of exile and ruin in Israel, not of catechesis!, as just two additional verses would make abundantly clear:
 - e. "Even the jackals offer the breast and nurse their young, but my people has become cruel, like the ostriches in the wilderness. / The tongue of the infant sticks to the roof of its mouth for thirst; the children beg for food, but no one gives them anything. Those who feasted on delicacies perish in the streets; those who were brought up in purple cling to ash heaps." {Lamentations 4:3-5} [New RSV]
2. Proof-texting either runs the risk of blunting or skewing the biblical message, or, as we see in the case of *Catechesi tradendae*, of "spiritualizing" it overly much, or, as in the case of the Gay-Bashing, helping to present an untenable, unsound, and untheological portrait of God and God's relations with humankind.
3. However, make the distinction between proof-texting and legitimate brief uses of Scripture

- a. illustrative, illuminative
 - b. symbolic, part for whole
- B. Fundamentalism
- 1. Often related to proof-texting.
 - 2. This approach views Scripture as a revelation of strict moral norms and behavior.
 - 3. Considers this normative material to be self-interpreting.
 - 4. Does play into a certain human need for clear and strict rules, boundaries, etc.
- C. Timeless, Metaphysical, Ideals
- 1. Unbiblical: Bible's approach is not that of Greek ethics.
 - 2. By its very nature the language of ideals does not translate easily into the language of norms.
 - 3. A third issue concerns how moral ideals can be applied in a particular historical situation which differs considerably from the original scriptural context.
- D. Analogy and/or Allegory
- 1. Positive and negative uses
 - 2. Positive
 - a. Recall Spohn's treatment of analogy in the positive sense
 - b. Foot-washing is not about feet
 - c. Go and do likewise
 - d. The shape of the engendering deed: Sittler
 - e. Key Christian symbols of Cross and Resurrection
 - 3. Negative, or simplistic, use of analogy and allegory
 - a. One problem: "providing persuasive evidence that the circumstances of, for example, a political and military situation in our time are similar in any significant respects to the circumstances in biblical times."
 - b. "A second is the problem of determining which biblical events will be used for purposes of an analogical elucidation of the moral significance of present events." [Gustafson, "The Place of Scripture in Christian

Ethics: A Methodological Study" in *Readings in Moral Theology No. 4: The Use of Scripture in Moral Theology*, ed, Charles E. Curran and Richard A. McCormick, S.J., (New York: Paulist Press, 1984): 163]

- E. Gustafson's "Looser Method" for approaching Scripture in moral theology:
1. "A fourth use of scripture is looser than the first three. It could be stated as follows:
 2. Scripture witnesses to a great variety of moral values, moral norms and principles through many different kinds of biblical literature: moral law, visions of the future, historical events, moral precepts, paranetic instruction, dialogues, wisdom sayings, allegories. They are not in a simple way reducible to a single theme; rather, they are directed to particular historical contexts. The Christian community judges the actions of persons and groups to be morally wrong, or at least deficient, on the basis of reflective discourse about present events *in the light* of appeals to this variety of material as well as to other principles and experiences. Scripture is one of the informing sources for moral judgments, but it is not sufficient in itself to make any particular judgment authoritative." [pp. 164-65.]
- F. Evaluation of Gustafson's "Looser Method" for use of Scripture in Moral:
1. Is Biblical, i.e., respects the variety of biblical discourse in terms of genres, themes, historical contexts, etc.
 2. Meshes well with *other* sources for our moral theology.
 3. Recognizes the need for *discernment* in any and every use of Scripture in moral theology.
 4. Strong dimension given to the Christian community in this approach.
- G. Scripture as opening a "window" on the moral situation
1. Relation to Christian ethics
 2. Helpful point made by Karen Lebacqz in relation to problems of injustice and justice: "Finally, the Bible must be for Christians a *sine qua non*. No theory of justice can claim to be Christian unless it takes seriously the common record considered canon by the Christian community." [From Karen Lebacqz, *Justice in an Unjust World: Foundations for a Christian Approach to Justice*. Minneapolis: Augsburg, 1987.]
 3. Lebacqz uses biblical images and models to portray divine justice and God's call for us to heed the cry of suffering and to work for justice in an unjust world.
- H. Recall problematic approaches to Scripture:
1. "But here the pitfalls are particularly great, for the temptation is to look to

Scripture for rules of justice: 'give away half', 'leave the edges of the fields for gleaning by the poor', and even 'do unto others as you would have them do unto you'.

2. "The approach to justice proposed here does not permit such a use of Scripture. The Bible is not a rule book. It is the living memory of a people. It is a collection of stories and poems and laws and sayings that give expression to a people's understanding of God's response to injustice and the people's response to God. The Bible must be used accordingly.
3. It provides stories that illumine justice. Part of the power of biblical stories is that they have stood the test of time. They have relevance today. It is not wrong, therefore, to look for contemporary situations that appear to provide parallels to biblical stories.
4. "At the same time, even those stories are subject to the distortions of the human community. The history of rue suggest that the Bible itself, as the record of the human community, will be limited by that community. Thus, biblical stories are illustrative of justice, but they do not provide that theory. They offer windows through which we might glimpse injustice and justice, but they do not offer a plan for the perfectly just world." [Lebacqz, Justice, p. 154.]

LXXII. 5-STEP METHODOLOGY FOR APPLICATION OF SCRIPTURE TO MORAL ISSUES

A. Selection and Precision of the Concrete Moral Case

1. Recall earlier assertion of the need for the interpretation of *any* text (no text is self-interpreting). Much the same can be said for the moral case, and the larger world in which it is located. No such thing as a self-evident or self-interpreting moral case. Thus, there will always be the need for casuistry to a certain extent.
2. Notion of "reading the world" (in tandem with "reading the text") developed by Stephen Fowl and L. Gregory Jones: "We have argued that Scripture is best read in and through Christian communities. Such communities, however, find themselves within the political arrangements of wider societies. They need to understand these larger contexts and the ways in which they impinge on Christian communities if Christians' readings of Scripture are to enable them to live faithfully. Hence faithful interpretation requires not only 'readings of the texts' but also 'readings of the world'." Stephen E. Fowl, and L. Gregory Jones, *Reading in Communion: Scripture and Ethics in Christian Life*. Grand Rapids: William B. Eerdmans, 1991: p. 44.
3. Similar to reading the "signs of the times", which has now been canonized by *Gaudium et spes*.

B. Selection of Scripture Text(s)

1. Logic caveat: no one can consider every possible Scriptural text for each and every ethical issue. However, need to be aware of, and seek to mitigate the natural tendency to create a "canon-within-a-canon" to such an extent that a major

part of the Bible, plus the historical experience of the whole Christian community (i.e., Tradition) are ignored or sidestepped as "irrelevant."

2. Undoubtedly selection must be made, but it should be done in recognition of both the whole biblical canon and the Tradition of the Church. Here, again the notion of a "lectio continua" would be helpful as a corrective against tendency to create a canon-within-a-canon and to help us to hear as many voices as possible from Scripture. It also brings us into the ongoing liturgical life of the Church, i.e., precisely the moment in the Church's life where this "lectio continua" is practiced. Better to integrate our moral theology into our liturgical life.
 3. Recognition of different ways in which Scripture speaks to moral issues:
 - a. specific biblical texts on the specific issue
 - b. specific biblical texts on related issues
 - c. general or overarching biblical themes, patterns, etc. which have broad ethical ramifications. E.g. sin, forgiveness, cross and resurrection.
 4. Pay particular attention to those Scripture passages which have stood the test of time in selection for ethical use, e.g., Sermon on the Mount.
 5. Make sure you have a complete "unit" and a passage of suitable length
 - a. Avoid taking the passage out of context
 - b. No Proof-Texting!
- C. Exegesis of the Text:
1. be able and willing to do the research and reflection that this requires!
 2. Logical corollary: not every moral theologian will be able to master these scholarly requirements; therefore, need for both specialization and cooperation.
 - a. E.g., the collaboration in Bishops' Pastoral on the Economy.
 - b. Perhaps also an explanation for the reluctance among some moral theologians to take *Optatam totius* as seriously as they might.
- D. Interpretation of the Text
1. Principle of Hermeneutics: no text is "self-interpreting"
 2. Aid here from work done in both hermeneutical theory in general, and more specifically in biblical hermeneutics
 3. See my bibliography on Biblical Exegesis and Interpretation (separate from Scriptural Ethics Bibliography)

4. The question/problem of interpretation will move us logically and inexorably to the next step: application of the text to the ethical problem.
- E. Application of the Text to the Ethical Situation: Scripture as a Source for Moral Theology
1. "No situation in which Christians (either now or in the past) find themselves is self-interpreting. The process of faithfully embodying an interpretation of Scripture presupposes that Christian communities have already analysed and diagnosed the contexts in which they find themselves. Such analysis must be informed and directed by Scripture, but it is not simply an interpretation of Scripture." [Fowl & Jones, p. 45].
 2. Involves the whole problematic of the use of models in Scripture, plus the added problem/concern of Fundamental Moral Theology on the notion of "Sources" for Christian ethics.

LXXIII. INTRODUCTION TO SEXUAL ETHICS

A. Bibliography

1. Lisa Sowle Cahill. *Between the Sexes: Foundations for a Christian Ethics of Sexuality*. New York: Paulist Press; and Philadelphia: Fortress Press, 1985.
 - a. Historical, Biblical and Ecumenical discussions. Also good on moral methodology. Cahill is a past-president of the Society of Christian Ethics (SCE), and a past-president of the Catholic Theological Society of America (CTSA), and professor of theological ethics at Boston College.
2. Lisa Sowle Cahill. *Sex, Gender and Christian Ethics*. New Studies in Christian Ethics. New York: Cambridge University Press, 1996.
3. Lisa Sowle Cahill. "Catholic Sexual Ethics and the Dignity of the Person: A Double Message." *Theological Studies* 50 (1989): 120-150.
 - a. Explores the origins and significance of personalism in Roman Catholic sexual ethics, and how this language is used variously by different authors and schools to promote rather different understandings of human sexuality.
4. Kelly, Kevin. *New Directions in Sexual Ethics: Moral Theology and the Challenge to AIDS*. London: Geoffrey Chapman, 1998.
 - a. Despite its title, this book is really an (excellent) treatment of Roman Catholic sexual ethics as a whole, and stresses trying to develop a positive theology both of sexuality and applications to issues of sexual ethics. Kelly is a British diocesan priest, a pastor in Liverpool, and taught moral theology for many years at Heythrop.

5. Nelson, James B., and Longfellow, Sandra P., eds. *Sexuality and the Sacred: Sources for Theological Reflection*. Louisville: Westminster/John Knox Press, 1994.
 - a. Seeks to give a comprehensive and integrated treatment of sexuality in relationship to both ethics and spirituality. 34 essays, all previously published elsewhere, are divided into five sections: 1) Methods and Sources; 2) Sexuality and Spirituality; 3) Gender and Orientation; 4) Ethical Issues in Sexuality; and 5) Sexual Orientation: A Test Case for the Church.
 6. Farley, Margaret A., RSM. "Sexual Ethics." In *Sexuality and the Sacred: Sources for Theological Reflection*, 54-67. Edited by James B. Nelson and Sandra P. Longfellow. Louisville: Westminster/John Knox Press, 1994.
 - a. Originally appeared in Reich, Warren T., ed. *Encyclopedia of Bioethics*. New York: Free Press, 1978, 1982. Good historical overview of the principal themes of sexual ethics. Farley is a past-president of the Society of Christian Ethics (SCE), 1999 President of the Catholic Theological Society of America (CTSA) and is a professor of Christian ethics at Yale University.
 7. James P. Hanigan. *What Are They Saying About Sexual Morality?*. New York: Paulist Press, 1982.
 - a. This book is a good survey of the general themes and conflict areas in Roman Catholic sexual ethics today. Special attention is given to the work of Philip Keane, André Guindon, the CTSA Study on Human Sexuality (Anthony Kosnik, et. al.), as well as *Humanae Vitae* and *Persona humana*, the 1975 Congregation for the Doctrine of the Faith Declaration on Sexual Ethics. Hanigan, a former Jesuit, is married and teaches moral theology at Duquesne University.
 8. Philip Keane, S.S. *Sexual Morality: A Catholic Perspective*. New York: Paulist Press, 1977.
 - a. Written as a textbook for a seminary-type course in Catholic sexual ethics. Had its imprimatur, given by Archbishop Raymond Hunthausen, withdrawn at the insistence of the Vatican. Keane is professor of moral theology at St. Mary's Seminary in Baltimore.
- B. Recall the 4 Sector Moral Methodology proposed
1. Scripture
 2. Tradition
 3. Ethics
 4. Experience

- a. Here the experience of married people will have to be taken more into consideration. And in other problematic areas, e.g. homosexuality, the experience of these people as well.
 - b. Be careful to acknowledge our own limitations here (where we lack experience!). This doesn't mean that "experience" is self-validating in the sense that it cannot be further questioned, analyzed, reflected upon in the light of the other sources, etc. But it *does* mean that "experience" is a key font of moral theology, and therefore is "indispensable" in the strict sense of the word: it simply cannot be dispense with. Yet, there is a need to credential or validate the authentic and/or "authoritative" voice(s) of experience(s). Whose experience will count? How shall we decided which experience is truly authoritative? These are not easy questions to answer, but they must nevertheless be asked.
5. Let each sector have its voice, but be careful of collapsing one sector, or over-inflating another.
6. The Six "C's" of good pastoral moral theology, with reference to sexual ethics:
- a. Comprehensive
 - (1) Takes into consideration all the morally relevant aspects
 - (2) Thus, considers the issue from several perspectives, and involving the experience of diverse groups of individuals. It would be very difficult to have a "comprehensive" theology of marriage, for example, without consulting and integrating the experiences of a wide group of married couples.
 - b. Comprehensible
 - (1) Be careful, especially in pastoral work, of using too much "jargon" (fundamental option, intrinsically evil acts, etc.)
 - (2) Yet, make sure that key concepts are understood, such as "intrinsically disordered inclination," e.g., in homosexuality. It is crucial to note that the person is not equated with the orientation!
 - (3) Thus, it would be helpful to explain very clearly that "disordered" does not mean primarily "chaotic" or "messy" but rather not properly oriented toward a legitimate end. In this sense Roman Catholic sexual ethics has generally held that *all* sexual activity outside of marriage is "disordered"—not just homogenital activity, but adultery and fornication as well.
 - c. Consistent and Coherent

- d. Are the modes of argumentation, usage of moral sources, positions taken, etc. internally *coherent*
 - e. And externally *consistent* with similar issues, cases, etc.?
 - f. Credible
 - (1) are counter-arguments represented fairly and taken seriously?
 - (2) Are individuals or groups being demonized or accused of holding positions, behaviors, etc., which either they do not hold, or which would be very difficult to verify?
 - g. Convincing (as opposed to “coercive” by “authority”)
 - h. and Christian:
 - (1) especially important here, as our moral theology has to go beyond a mere list of sexual do's and don'ts.
 - (2) God’s last word on the project of creation is that it is “good”—and this would include the creation of sexual beings and sexual pleasure. Keep in mind the central New Testament theme of life in Christ as part of the new creation. Also keep in mind the Gospel message and connection to sin, grace, forgiveness, reconciliation, and ongoing conversion as also being essential to a truly Christian sexual ethics.
- C. Historical Considerations
- 1. Pre-Vatican II Understanding
 - a. Patristic negative view of sexuality
 - (1) Tertullian "puts marriage and fornication on the same footing. He conceded that such a doctrine was destructive of all marriage but rightly so since marriage consists of that which is the essence of fornication." [Hoose, "Recent Trends," p. 54.]
 - (2) "St. Jerome, for example, wrote that he praised marriage, but only because it caused virgins to be born." p. 54.
 - (3) Augustine:
 - (a) Augustine "took the fatal step for western theology of // linking the defect of the will, originating in Adam, with the transmission of human nature through the sexual act. He reasoned that since human beings were created by God, they were created with a capacity to respond to God as fully as their condition required.

But actual human experience showed that all human beings committed sin." [Keeling, *The Foundations of Christian Ethics*, (Edinburgh: T&T Clark, 1990): 92-93].

- (b) Thus, for Augustine, original sin became the first STD: sexually transmitted disease. Moreover, Augustine deeply distrusted the power of sexual desire.
- (c) "To engage in genital intercourse with one's spouse beyond the need for procreation was, he wrote, a venial sin." [Hoose, "Recent Trends" p. 54.]

- b. "What thus entered Christian theology was a fundamental reason for mistrusting sexuality, a mistrust fed by the fact that Christian teachers were now almost exclusively celibate males." [Keeling, *Foundations*, p. 93].

2. Development of a theology of marriage

- a. Teleological in its basic framework, and the concomitant identification of primary and secondary ends, with the resulting emphasis on procreation, with an accompanying distrust of sexuality and especially sexual pleasure.
- b. Use of the concept *contra naturam*, which in turn was interpreted largely through the physicalist paradigm, which comes out of the background of Neo-scholasticism and uses primarily a classicist and essentialist method which stresses faculties and finalities and in which the understanding of the natural law is often identified too simplistically with the "order of nature" rather than the "order of reason" (or stating that these two orders would be morally identical).

3. Challenge of "history" to the notion of the "constancy" of the Church's teaching on sexual ethics

- a. Bernard Hoose expresses the problem in these terms: "The belief that there is a healthy continuity with the teachings of the ancients can, of course lead to problems. Any changes of direction have to be presented as developments rather than as breaks with the past. In the case of sexual ethics, however, such a procedure leaves us with a very important question. If there has been no break with those teachings of St. Jerome and others that we have discussed above, are we to conclude that present-day teachings have the same foundation as those earlier ones? In other words, are we to conclude that the teachings of those Christian bodies which have not made a break with clearly erroneous teachings of another age are based on a belief that sex and sexuality are basically evil? One can imagine howls of protest greeting such a suggestion, but it is difficult, to say the least, to see how one can claim to be faithful to an unchanging tradition unless one does have such a basis for one's sexual

- ethic." Bernard Hoose, "Concerning Sex," Chapter 2 in Id. *Received Wisdom?: Reviewing the Role of Tradition in Christian Ethics*, (London: Geoffrey Chapman, 1994): 64.
- b. Good examples of historical studies on themes related to sexual ethics can be found in John Mahoney's *The Making of Moral Theology*
 - c. As well as more specialized studies such as those of John T. Noonan, Jr.:
 - (1) *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*. Enlarged edition. Cambridge: Harvard University Press, 1965, 1986.
 - (a) Encyclopedic study of the various notions and practices of contraception from pre-Christian times onwards. Noonan takes great care to investigate the social context of the various positions in order to demonstrate that while the "teaching" against contraception may have been "constant" in the Church, the reasons given for that teaching and the concomitant issues involved have changed very much throughout the centuries.
 - (2) "An Almost Absolute Value in History." In *The Morality of Abortion: Legal and Historical Perspectives*, 1-59. Edited by John T. Noonan, Jr. Cambridge: Harvard University Press, 1970.
 - (3) See also John T. Noonan's brief article, "On the Development of Doctrine." *America* 180 (3 April 1999): 6-8, which details changes in the Church's teaching in five areas: adultery, the death penalty, religious liberty, slavery, and usury.
4. Thus, the need to recognize developments and develop a corresponding theology of the development of moral doctrine.
5. Remember too that our knowledge of, and sensitivity to, the complexity of these issues is growing. Therefore, we do not have all the answers here and now. We are probably in a "liminal" stage. This factor might well be admitted in pastoral situations.
6. Areas and factors of change:
- a. Increase in the knowledge of the human science.
 - b. new ways of looking at Scripture and ethics, eg., positive view of sexuality, cf. Song of Songs. The New Testament does not suggest that procreation is the purpose of sexuality and marriage.
 - c. new understanding of gender and in particular womanhood;

7. Personalism in general
 - a. E.g. Bernard Häring's understanding of personalism " stresses that persons must never be sacrificed for things, that the conscience of persons ought never to be manipulated,
 - b. and that healthy personal relations and community structures are more important than merely biological or other «laws» pertaining to the sub-human world." [Hoose, "Recent Trends" p. 57.
8. Relationship of sexuality to the human person
 - a. In this context, see the introductory paragraphs which treat the Sixth Commandment in the *Catechism of the Catholic Church*, #2331-2350. These paragraphs are generally quite positive and express a good ethic of sexuality.
 - b. (Returning to Hoose): "Previously, notes Maurice Reidy, it was assumed that sexuality was only a part of human nature, in the sense that it was something merely accidental or incidental, unlike rationality and the spirit, which were seen as central to the core of the human. Sexuality was *used*, and such use was justified and controlled in the service of certain ends." [Hoose, "Recent Trends" p. 57.
 - c. Reidy contends that sexuality should be seen " as central to the human condition, and sexual desire as in some sense a fundamental human need and gratification which is not to be excluded without doing some damage to the human person. Being a man or woman is not an accidental dimension to what we are, and having the sexual needs of a man or woman is not something to be understood simply in terms of control, or even use. Sexuality reaches into the soul, and our knowing of human desire and human love owes much to the proper and healthy development of the sexual gift in each of us." [Hoose, p. 57; Reidy, *Freedom to Be Friends: Morals and Sexual Affection*, (London: Collins, 1990): 18].
9. Paradigm shift at Vatican II on the ends of marriage
 - a. Unitive *and* Procreative; no longer expressed in a strict hierarchy
 - b. Notion of responsible parenthood: "The Council affirmed that at times family size ought not to be increased. This is affirmed not as a right, nor as a matter of preference or convenience, but as a duty. To have a child at this particular time because of these particular conditions would be in irresponsible act. ... That obligation readily raises the question of what to do when a conflict of obligations arises. ...If the two ends of marriage are equal in status, if the two duties are equally binding, why should one take precedence over the other, as was the case when procreation was considered to be the primary end?" [Hanigan, *What Are They Saying ...?*,

p. 34].

- c. Yet, we must note that both Paul VI and John Paul II emphatically reject that these two ends can ever be separated. Thus, current magisterial teaching would tend to disallow this last point of Hanigan. We can return to this notion of responsible parenthood a bit later.

D. Tensions in Sexual Ethics

1. Tensions in the world, and remember the Church is *in* the world!
2. Tensions in the Magisterium and sexual ethics
 - a. *Humanae vitae* [1968] and *Donum vitae* [Congregation for the Doctrine of the Faith 1987 Instruction on Reproductive Technologies] reiterated the principle that the two aspects or ends of the conjugal act are inseparable, and therefore any activity which would separate these would be seen as immoral.
 - b. There remains in some sense a strong preoccupation with an act-centered sexual ethics, and holding fast to the notion of certain actions as intrinsically evil. This approach, though, is in tension with other aspects of magisterial teaching which express a more positive and holistic understanding of human sexuality as irreducible to individual acts and desires.
 - c. For a good example of how some of these tensions appear (and disappear) in recent magisterial documents regarding homosexuality see Peter Black, C.Ss.R.'s article, "Revisions of Homosexuality: The Catechism and 'Always Our Children'." *Louvain Studies* 25 (Spring 2000): 72-81.
3. Tensions over paradigm shifts
 - a. Resistance to follow the implications from equating the procreative and unitive values in marriage
 - b. Physicalist paradigm
 - c. "Slippery slope" argument
 - (1) Consider the following from Bishop Elio Sgreccia, Secretary of the Pontifical Council for the Family, who presented his ethical reflections on the idea of cloning human beings, in the wake of the report of the first human cloning achieved in October 1993 at George Washington University.
 - (2) "Once the road to the separation between procreation and the act of conjugal love has been taken, the possibility of arresting the series of applications that stem from it is out of the question.

It is therefore extremely difficult to prevent people from using procreation and the human being thereby 'produced' according to convenience or caprice. In the Catholic context, when we denounced this danger in 1978 the response from the secular world was that *abusus non tollit usum* ["abuse does not abolish use"]. But the fact is that that first step was already an abuse and of such portent that it made all subsequent abuses possible." [Msgr. Elio Sgreccia, "The Slippery Slope Toward "Brave New World," *Catholic International* 5 (1994): 20]

4. While I do not agree with Archbishop Sgreccia's application of the slippery slope argument in this case, his views are helpful for understanding how many in the Vatican think about these matters.

LXXIV. *HUMANAE VITAE*

A. Historical context

1. 1930 Anglican Lambeth Conference, which gave guarded approval to artificial contraception in certain circumstances in which the 1930 Conference voted 193 to 67, with 46 abstentions, to accept Resolution 15:
2. "Where there is a clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as necessary) in a life of discipline and self-control lived in the power of the Holy Spirit. Nevertheless in those cases where there is a clearly-felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles. The Conference records its strong condemnation of the use of any methods of conception control from motives of selfishness, luxury, or mere convenience."
3. Vatican reaction: *Casti connubii*
4. Pope John XXIII's creation of the Birth Control Commission
5. Discussion of marriage at the Council and the "reservation" of this issue by Paul VI to the Commission
6. Report of the Commission and its aftermath

B. Drafting and promulgation of *Humanae vitae*

C. Exposition of *Humanae vitae*

1. Organized into three major sections:
 - a. *New Aspects of the Problem and Competency of the Magisterium*

- b. *Doctrinal Principles*
 - c. *Pastoral Directives*
2. *New Aspects of the Problem and Competency of the Magisterium*
- a. Paragraph 2. recognition of the demographic problem;
 - b. concern over human progress in "the domination and rational organization of the forces of nature, such that he [humans] tends to extend this domination to his own total being: to the body, to physical life, to social life and even to the laws which regulate the transmission of life."
 - c. Paragraph 3. raises the possibility of a revision of ethical norms in light of the principle of totality, and then goes on to reject this.
 - d. Paragraph 4. Competency of the Magisterium to interpret the natural law.
 - e. Paragraph 6. problem of proposed solutions which "departed from the moral teaching on marriage proposed with constant firmness by the teaching authority of the Church."
3. *Doctrinal Principles*
- a. Paragraph 8. Vision of marriage as revealed in the context of God's love.
 - b. Paragraph 9. "Then, this love is total, that is to say, it is a very special form of personal friendship, in which husband and wife generously share everything, without undue reservation or selfish calculations."
 - c. [Perhaps a bit presumptuous or overly-idealistic, and therefore lacking in real "credibility"]
 - d. Paragraph 10. Uses the expression of responsible parenthood. [But]
 - e. "In relation to the biological processes, responsible parenthood means the knowledge and respect of their functions; human intellect discovers in the power of giving life biological laws which are part of the human person."
 - f. Issue here of the Magisterium's enunciation of principles and the relation to their application in concrete situations.
 - g. This teaching and its concomitant authoritativeness do not move on the same level of competence and authority.
 - h. Paragraph 12. Inseparable Aspects of Union and Procreation in the marriage act.

- i. Key Paragraph 14. Illicit Ways of Regulating Birth.
 - (1) rejection of "directly willed and procured abortion, even if for therapeutic reasons, are to be absolutely excluded as licit means of regulating birth."
 - (2) Also rejects direct sterilization and artificial contraception.
 - (3) ... "one cannot invoke as valid reasons the lesser evil, or the fact that such acts would constitute a whole together with the fecund acts already performed or to follow later, and hence would share in one and the same moral goodness."
 - (4) "Consequently it is an error to think that a conjugal act which is deliberately made infecund and so is intrinsically dishonest [*intrinsece inhonestum*] could be made honest and right by the ensemble of a fecund conjugal life."
 - (5) Note the expression *intrinsece inhonestum*
 - j. Paragraph 15. therapeutic abortion and sterilization, and pharmacological anti-contraceptives are licit if not "directly willed."
 - k. Paragraph 16. Rhythm method is acceptable.
 - l. Paragraph 17. Slippery slope argument invoked against allowing artificial contraception:
 - (1) "Let them consider, first of all, how wide and easy a road would thus be opened up towards conjugal infidelity and the general lowering of morality."
 - (2) Also on the level of public policy: "Who will stop rulers from favoring, from even imposing upon their peoples, if they were to consider it necessary, the method of contraception which they judge to be most efficacious?"
4. *Pastoral Directives*
- a. Recognizes sinfulness and weakness in humans.
 - b. Counsels the use of reason and discipline to master the passions.
 - c. Education and media should contribute to creating an atmosphere favorable to chastity.
 - d. Paragraph 25. Counsel to married couples: "And if sin should still keep its hold over them, let them not be discouraged, but rather have recourse with humble perseverance to the mercy of God, which is poured forth in

the sacrament of Penance."

e. Counsel to Priests:

- (1) Paragraph 28. "Your first task--especially in the case of those who teach moral theology--is to expound the Church's teaching on marriage without ambiguity."
- (2) However, there is a need to see this mandate in an organic and holistic context. The Church's "teaching" on marriage is hardly found completely in Paragraph 14 of *Humanae vitae*
- (3) counsel to "loyal internal and external obedience to the teaching authority of the Church. That obedience, as you know well, obliges not only because of the reasons adduced, but rather because of the light of the Holy Spirit, which is given in a particular way to the pastors of the Church in order that they may illustrate the truth."
- (4) Admit to a certain problematic here of viewing the Magisterium as having some sort of "magical" or supernatural access to the truth.
- (5) Paragraph 29. "To diminish in no way the saving teaching of Christ constitutes an eminent form of charity for souls. But this must ever be accompanied by patience and goodness, such as the Lord himself gave example of in dealing with men. Having come not to condemn but to save, He was intransigent with evil, but merciful toward individuals. In their difficulties, may married couples always find, in the words and in the heart of a priest, the echo of the voice and love of the Redeemer."

D. Evaluation of *Humanae vitae*

1. Problematic here of creating a two-tier morality
 - a. Principles
 - b. Expectations of "practice"
2. Key moral issue of how and why natural family planning is morally acceptable and artificial means of birth control are intrinsically evil
 - a. Basis on evaluation of finality and nature of the act
 - b. Interesting in this context to look at the analysis offered by a well-known Thomistic natural law philosopher, Jacques Maritain, which also helps shed light on the issue of the *finis operis* and *finis operantis* distinction:
 - c. "So it is not the intention of the agent, the intention not to procreate,

which makes the practice of birth control sinful. Then what does make it sinful? Certainly not an *intention (finis operantis) extrinsic* to the act of intercourse itself, but rather an alteration introduced into the very exercise of that act, which turns it away from its finality *in its very excellence*. (For example: the case of Onan).

“So let us suppose that one day science invents a product which, taken orally in the form of a pill or subcutaneously by injection, renders a woman sterile for a given period of time. Will spouses who use this drug for a proper and acceptable motive and in order to have a child only when their reason tells them it is good to do so be guilty of a moral failing? By no means! Their human reason intervened actively at the same point where with the Ognino [rhythm] method human reason calculated very simply to profit by what nature was doing on its own: it is impossible to see how this could in any way be culpable.” [Quote from a 1948 letter of Maritain to Abbé Charles Journet, a Swiss theologian: Mariatan’s letters, Volume III, 977a Bernard Doering, Bernard. “Silent Dissenter: Jacques Maritain on Contraception.” *Commonweal* (18 May 2001): 18.

E. Reaction to *Humanae vitae*

1. The Press Conference itself
 - a. Question raised as to the infallibility of the Encyclical
 - b. The answer given was negative
 - c. Important to bear this in mind in light of the John Ford/ Germain Grisez thesis that the Encyclical is infallible
2. Reaction by Bishops' Conferences, especially the French, German, and U.S.
3. Reaction by various theologians
4. Reaction/acceptance/non-acceptance by the faithful and the larger question of the *sensus fidelium*: this must be seen as an expression of the sensitivity and capacity of all the faithful, who through their baptism share in the gifts and guidance of the Holy Spirit, to appreciate and discern the practical meaning revelation and the Christian faith has in the contemporary world. Its significance usually is applied to matters of doctrine, but the question arises whether an application to moral matters is also possible.
5. Breakdown of the paradigm of the "authoritarian" (as distinguished from "authoritative") Magisterium. No more *Roma locuta, causa finita* ("Rome has spoken, the case is closed"), the traditional axiom by which theological debate is supposedly to be terminated upon a pronouncement by some person or office connected with the Vatican-based Magisterium. Or, to use a literary example, no more of the approach to Church's teaching as exemplified in the British novelist

David Lodge's comic treatment of a Catholic couple trying to practice birth control in his book *How Far Can You Go?*

6. Do we view this kind of discussion and debate as evidence of a general breakdown of authority? Of a decline of morals? Or a certain coming of age?
7. Perduring problem, though, of authoritarianism:
 - a. Problematic aspect of this approach to the moral Magisterium, according to Lisa Cahill: "The result is moral triumphalism: official teaching is always right, both in content and in formulation, and this rightness is independent of the validity of any rational argumentation. In consequence, *Humanae vitae* is polarizing within the Church, and irrelevant to the world outside it." Cahill, "Sex and Gender: Catholic Teaching and the Signs of Our Times," *Milltown Studies* 34 (1994): 43.
 - b. Even some bishops, such as Kenneth Untener, the bishop of the of Saginaw, Michigan, are willing to speak to this issue: Untener said that "In the eyes of many people, the teaching Church has committed a teacher's cardinal sin: it has become more concerned about itself than about the truth." [Untener in "Humanae vitae: What Has It Done to Us?" *Commonweal* 18 June 1993, p. 12.]
 - c. Cahill's conclusion: "My view is that birth control as an issue of *sexual morality* is virtually nonexistent, and that, surviving as an authority issue, it is undermining the ability of Catholic moral theology to speak intelligently and credibly about important sexual (and gender) questions." (Cahill, "Sex and Gender," p. 43).

LXXV. ANALYSIS & EVALUATION OF THE MAGISTERIUM'S SEXUAL ETHICS

A. Bibliography

1. Lisa Sowle Cahill. "Catholic Sexual Ethics and the Dignity of the Person: A Double Message." *Theological Studies* 50 (1989): 120-150.
 - a. Explores the origins and significance of personalism in Roman Catholic sexual ethics, and how this language is used variously by different authors and schools to promote rather different understandings of human sexuality. Points out that deeper analysis of the modes of discourse and argumentation employed are not always internally consistent, nor that the "conclusions" reached follow univocally (and/or logically) from the principles and theories espoused.
2. Charles E. Curran, "Catholic Social and Sexual Teaching: A Methodological Comparison." *Theology Today* 45 (1988).
 - a. Also found as chapter 5 in Curran's *Tensions in Moral Theology*, 87-109. Notre Dame: University of Notre Dame Press, 1988.

- b. Contrasts the development, or lack thereof, of Roman Catholic social and sexual teaching by considering each in terms of three methodological issues: a shift from classicist to historical consciousness; a shift from abstract consideration of human nature to a personalist view, with concomitant stress on freedom, equality, and participation; and a shift from a legal ethical model to acceptance of a relationality-responsibility model.
 3. Charles E. Curran, "The Development of Sexual Ethics in Contemporary Roman Catholicism." Chapter 4 in *Tensions in Moral Theology*, 74-86. Notre Dame: University of Notre Dame Press, 1988.
- B. Development of an analytical model for evaluation of authoritative teaching
 1. Recall once again the fundamental premise of evaluating any argumentation in terms of the "Six-C's"
 2. Initially a method of textual analysis, rather than an analysis of motives, hidden agenda, etc. Thus, the presumption of good will, ala Ignatius' *Presupputio* (which is included in the *Catechism of the Catholic Church*, cf.#2478). As well as a mature understanding of the demands of "Religious Submission of the Will" as outlined in *Lumen Gentium* 25
 3. Textual analysis presumes the *exegesis stage*: What exactly does the text say? What are the genres employed? How have other sources been employed and redacted? E.g. Scripture, the Patristic authors, other Magisterial documents. What is the level of authority ascribed to the text itself?
 4. How is the text meant to be *interpreted*? Exegesis leading to hermeneutics, what is the context of the text?
 5. Analysis of the philosophical and theological aspects of the text. What are the "truth claims" advanced? What is the nature of the truth claims? What are the levels of the truth claims? What is the interplay and distinction between levels of principles and/or applications?
 - a. Arguments and support for these truth claims
 - b. Are "counter-arguments" and/or contrary positions responsibly addressed?
 - (1) I.e., is debate genuinely enjoined?
 - (2) Are the counter-positions fairly reported?
 - (3) Are convincing counter-arguments presented to these counter-positions?
 - (4) Is the possibility for genuine disagreement allowed?

- C. Models and paradigms for sexual ethics
1. Curran's remark that questions of sexual ethics are first *ecclesiological questions* involving
 - a. authoritative, though non-infallible (i.e., "fallible") teaching of the Magisterium
 - b. Reception of the ordinary Magisterium by the Church
 - c. Relation of the Magisterium with the role of theologians
 - d. Possibility (and necessity?) of faithful dissent.
 2. Curran's discussion on comparative models in terms of social and sexual ethics
 - a. "Catholic Social and Sexual Teaching: A Methodological Comparison." *Theology Today* 45 (1988).
 - b. Also found as chapter 5 in Curran's *Tensions in Moral Theology*, 87-109. Notre Dame: University of Notre Dame Press, 1988.
 - c. Contrasts the development, or lack thereof, of Roman Catholic social and sexual teaching by considering each in terms of three methodological issues:
 - (1) a shift from classicist to historical consciousness; "The classical worldview is associated with the deductive methodology that deduces its conclusions from its premises, which are eternal verities." [Curran, *Tensions*, p. 90]. "Historical consciousness recognizes the need for a more inductive approach. ... An inductive approach by its very nature can never achieve the same degree of certitude for its conclusions as does the deductive methodology of the classicist world-view." p. 90.
 - (2) a shift from abstract consideration of human nature to a personalist view, with concomitant stress on freedom, equality, and participation; and a shift from a legal ethical model to acceptance of a relationality-responsibility model. Which model, not surprisingly, Curran claims as his own!
- D. Classicist--physicalist paradigm
1. Critique from Charles E. Curran, "The Development of Sexual Ethics in Contemporary Roman Catholicism." Chapter 4 in *Tensions in Moral Theology*, 74-86. Notre Dame: University of Notre Dame Press, 1988.
 2. Based on a "reading" of human nature.
 3. "The official teaching still rests on the innate purpose and finality of the sexual

- faculty. The faculty has a twofold purpose--procreation and love union. Every sexual act or actuation must express this twofold finality. This understanding of the sexual faculty and the sexual act forms the basis for the condemnations of masturbation, contraception, sterilization, and homosexual acts." [Curran, *Tensions*, p. 75].
4. Conclusions from such a paradigm: "Contraception is wrong because the act is not open to procreation; AIH [Artificial Insemination by Husband] is wrong because the act of insemination is not the natural act which by its very nature is expressive of love." [Curran, *Tensions*, p. 76].
 5. Criticism of such conclusions, in light of criticism of the *paradigm* itself: "In this light I have pointed out that the primary problem with the official hierarchical teaching is its physicalism or biologism. ... The physical becomes absolutized." [Curran, *Tensions*, p. 76].
- E. Further relevant factors regarding this mode of moral discourse and argument
1. Consideration of intrinsic epistemological limitations to specification of detailed moral precepts of the natural law: "The ultimate epistemological reason why this teaching cannot claim an absolute certitude comes from the very nature of moral truth. Thomas Aquinas pointed out the difference between speculative and practical or moral truth. In the area of morality with its complexities and many circumstances the // secondary principles of the natural law generally oblige but in some cases they do not hold." pp. 81-82.
 2. "In a legal model the primary question is the existence of law. If something is against the law, it is wrong; if there is no law against it, it is acceptable and good. Within such a perspective there is very little gray area. Something is either forbidden or permitted." [Curran, *Tensions*, p. 106]
- F. Criticism in light of another paradigm, e.g. the relationality-responsibility paradigm [Curran]
1. Within a relationality-responsibility model there are more gray areas. Here one recognizes that in the midst of complexity and specificity one cannot always claim a certitude for one's moral positions." p. 106.
 2. Stress on discovery of one's practical vocation, e.g. Häring's "Creative Fidelity" motif.
 3. However, this model too has its obvious shortcomings, specifically in loose approach to normative behavior.
- G. Sean O'Riordan's Critique of *Persona humana*
1. Observations taken from James McManus, C.Ss.R.'s "Moral Theology Forum: The 'Declaration on Certain Questions concerning Sexual Ethics', a Discussion [with Sean O'Riordan, C.Ss.R. and Henry Stratton]." *The Clergy Review* 61 (1976): 231-237. (All actual quotes, unless otherwise indicated, are from Sean

O'Riordan, C.Ss.R., who was then Vice-Rector of the Alphonsianum).

2. "The document as we have it is mainly the work of three people, Fr. Lio, O.F.M., a well-known Franciscan theologian, Cardinal [Pietro] Palazzini, formerly professor of theology in the Lateran, and Fr. Visser, C.Ss.R., professor of moral theology at Propaganda Fide. The document reproduces in large part a chapter in a book recently published by Cardinal Palazzini on Christian life and virtue. In this book Cardinal Palazzini follows the old methodology--principles are stated, and conclusions are drawn more or less independently of human persons and the complexities of human existence. The document reproduces, almost verbally, what Cardinal Palazzini says in this book." p. 232. [Palazzini's book is *Vita e virtù cristiane*, Roma, 1975]
3. "A personalist theology of sexuality looks on pre-marital sex, masturbation and homosexuality as deviations from true morality. But each situation must be considered, and the moral judgment must always be reached in the light of all the factors of the situation. Cardinal Doepfner, accepting the document, pointed out that the method of reasoning was abstract and deductive, and did not differentiate adequately between different human situations. Cardinal Doepfner's statement, including his criticism of the methodology, was published in *L'Osservatore Romano*." p. 232. [In the English edition of 5 February 1976]
4. "If moral theology is concerned with principles and pastoral theology is concerned with persons we may ask what real place has moral theology in the Christian life? Do principles have a place of their own apart from persons? It seems quite illogical to say that we have to have a moral theology of principles, but when it comes to dealing with persons we have to invoke the principles of pastoral theology." p. 233.
5. "The document is presented in a methodological format which is no longer acceptable in modern moral theology. Moral theology today is not centered on laws and norms. It is centered on persons, above all on the person of Christ, and on the divine life and healing which are communicated to us in Christ and in the community of the Church." p. 234.

LXXXVI. DEVELOPING A RESPONSIBLE CATHOLIC SEXUAL ETHICS

A. Biblical Passage: Song of Songs 7:10-13

I belong to my lover, and his desire is for me. Come, my lover, let us go to the countryside, let us spend the night in the villages. Let us go early to the vineyards to see if the vines have budded, if their blossoms have opened, and if the pomegranates are in bloom-- there I will give you my love. The mandrakes send out their fragrance, and at our door is every delicacy, both new and old, that I have stored up for you, my lover. (NIV)

B. Overall description of a Christian sexual ethics: A Positive Ethic!

1. Here a lectio continua which would recall biblical works such as the Song of Songs would be helpful to correct a negative view of sexuality.

2. God-given, grace-filled, stressing the essential goodness of Creation
 3. Human! not animal: "What is unique about human sexuality, in contrast to animal sexuality, is that human beings are hyper-sexual. They are not dependent on their instincts and natural biological rhythms for sexual arousal and performance. Accordingly sexuality is a much larger factor in human life than in animal life and much more important to human well-being than to animal well-being. Human beings need to become more, not less, sexual." [Hanigan, What, p. 104].
 4. In touch with the Signs of the Times and in distinction with the spirit of the age (*Zeitgeist*)
 5. Thus, an ethics of response and discernment more than simply an ethic of rules and prohibitions.
 - a. Thus, not a simplistic ethics of "right" and "wrong"
 - b. Cf. Marquette U. "Debate: Students Challenge Professors: *Is Premarital Sex Wrong?*"
 6. Aware of human fulfillment, and human finitude and sinfulness: "The human fear of intimacy and the ever present possibility of lust threaten to turn the sexual dynamic toward intimacy and personal communion into the impersonal satisfaction of sexual desire. The twofold task, then, of sexual morality is to guard against lust, but also to promote intimacy." [Hanigan, What, p. 112].
- C. Cognizant of the Crisis in Sexual Morality
1. Large-scale non-acceptance of traditional Christian sexual ethics
 2. Technological advances
 3. Sociological and psychological changes, etc.
 4. Promiscuity
- D. Methodological problem in sexual ethics:
1. "One of the still unresolved issues in morality is the precise way of relating the deontological and consequentialist features of sexual acts, and so whether moral rules bind generally or absolutely, are replete with exceptions or are virtually exceptionless." [Hanigan, What, p. 107].
 2. Conflict and consensus:
 3. "After centuries of talking about procreation as the primary purpose of human sexuality, there is a growing consensus that sexuality finds its primary significance in inter-personal love. The one notable exception to this consensus is, unfortunately, the Vatican Congregation for the Doctrine of the Faith, which still insists that even Vatican II taught the procreation was the primary purpose." p.

107.

4. However, this is not the primary thrust of John Paul II's language. Nor, could we find this as the central thrust of the biblical message.
 5. "The fundamental commandment issued to followers of Jesus Christ is that they are to love another as he has loved them. All their behaviors are to have their primary significance as expressions of love." p. 107.
 6. Problem of conflicting sources.
- E. Fundamental values of sexual ethics within marriage: "This relationship called marriage has as its distinctive characteristic the total, mutual self-giving of spouse to spouse. The giving of self in sexual intercourse is both an expression and a realization of this total, mutual self-giving, though it surely does not exhaust the meaning of self-giving. The aim or goal of mutual self-giving is the mutual perfection of the partners and the formation of a true community of life and love. Consequently there is no dispute that mutual fidelity [*bonum fidei*] and indissolubility [*bonum sacramenti*] ought to be basic characteristics of this relationship." [Hanigan, What Are ?, p. 49]
- F. Responsible Parenthood
1. Part of the paradigm shift mentioned above. A critical factor is what one understands the content of responsible parenthood to be. According to the Birth Control Commission, the love of the married couple itself is placed at the center of the ethical reflections, therefore, the married couple's responsibility before God is seen in a different light.
 2. "The couple's vocation in marriage was to build a 'stable community between man and woman, shaped by conjugal love', for this is judged to be the true basis for the procreation and education of children. The primary responsibility of any married couple before God is to develop their unity and intimacy in all its dimensions. This responsibility will at times entail the regulation of conception." Hanigan, What, p. 51].
 3. Recent Vatican statement regarding responsible parenthood
 - a. Vatican Background Paper for the United Nations sponsored meeting in Geneva, 23-26 March 1993, on population problems in Western Europe, United States, and Canada. The Vatican paper concerns migration, fertility control, responsible parenthood, and other population issues. Entitled, "Ethical Implications of a People's Changing Visage." *Origins* 22 (15 April 1993): 758-761.
 - b. #24. "Concerning fertility, the Holy See advocates responsible parenthood, which emphasizes the responsible planning of family size. Decisions concerning the spacing of births and the number of children to be born belong to the spouses and not to any other authority. The spouses are called to make free and responsible decisions which take into full consideration their duties toward themselves, their children already

born, the family and society, in accordance with objective moral norms as well as their own cultural and religious traditions." p. 760.

- c. Thus, a recognition that no simple solution/norm can be applied to all cases.

4. Natural Family Planning

- a. Generally to be counseled and encouraged. Also supported by the same Vatican document on Population trends, cf. #27. But not all can or do accept this and it does have some problematic aspects, which need to be faced.

- b. Long-range medical questions: "It is incumbent on medical science to study all the effects of the rhythm method not only in reference to psychic equilibrium but also in view of any adverse consequences it may have for the offspring. Statistics advanced by physicians and scientists in the field of reproductive biology indicate that women who used the rhythm method exclusively had a higher percentage of defective children. A still unproved hypothesis relates the abnormality to 'over-aged' sperms and ova that have greatly decreased vitality; the incidence was tied in with intercourse on the limits of 'safe' periods. Should this be the case, medical science has to advise a wide margin of security, possibly by prescribing periods of continence some days earlier." [Häring, *Medical Ethics*, p. 87.]

- c. Psycho-sexual problems

- d. Still seems to be an open question in some regard as to its practical effectiveness.

- (1) Cf. Mitch Finley's article, "The Dark Side of Natural Family Planning" *America* 164 (23 February 1991): 206-207.

- (2) See subsequent issues for Letters to the Editor, pro and con.

- e. *Practical* questions such as these cannot be decided by the Magisterium, as they fall outside the ambit of faith and morals.

- (1) I.e., the Magisterium cannot decree that NFP (Natural Family Planning) is a practical means for all married couples.

- (2) Nor has the Magisterium ever done so.

G. Evaluation of sexual actions

- 1. *Fundamental Option Theory*: Approach used by Philip Keane and others. "As Keane puts it, 'The term «fundamental option» means the stable orientation or life direction that exists at the core level of the human person'. Effected by grace it is this stable orientation which constitutes our relationship to or against God. A

stable orientation toward God and the good would be what was traditionally meant by being in the state of grace. A core orientation against God and the good would constitute the state of moral sin." [Hanigan, What, p. 91].

2. *Fundamental Option and Evaluation of Moral Acts*: "Consequently, the morality and the gravity of any action have to be assessed not merely in terms of what the action itself is, but in the context of a pattern of life, in reference to the fundamental option. The fundamental option itself is, of course, known with certainty only to God. But this way of understanding human beings points out the real importance of our moral choices and our struggles to know what is good and what is evil. For our choices either affirm and strengthen our fundamental option for God or they weaken and destroy it." [Hanigan, What, p. 92].
3. Notions of *Ontic* (Pre-moral), (Physical) and *Moral* Good or Evil
 - a. Somewhat problematic vocabulary
 - b. "Basic to an understanding of this distinction is the recognition of the existence of real objective goods and evils in the world, which things are to be understood as ontic goods or evils because there is as yet no question of the relationship of a human will to them in a particular // set of circumstances. For example, life is an ontic good; cancer is an ontic evil." [Hanigan, What, pp. 92-93].
 - c. "Given the existence of ontic goods and evils, the meaning of moral good and evil can be expressed. Moral evil consists in willingly to allow or cause an ontic evil to occur in the world unnecessarily or without a proportionate reason. A morally good act would be one for which there was a proportionate reason." p. 93.
 - d. "What makes a choice morally good is the presence, in the total concrete context of the choice, of a proportionate reason. The absence of a proportionate reason would make the choice morally evil." p. 94.
 - e. Some practical problems with the proportionate calculus and methodology.
4. Application of proportionate reason calculus to sexual ethics
 - a. "When this method of ethical analysis is applied to sexual morality, the first task is to specify the ontic goods associated with sexuality. As we have seen the primary goods associated with sexuality in the Christian tradition were the procreative good of children and the unitive good of the loving communion of the sexual partners." p. 94.
 - b. "The use of contraceptive methods of birth control always involves ontic evil for two reasons: 'their non-openness to procreation in individual acts and ... problems with the various birth control methods', by which Keane means the various physical and psychological side effects." p. 94.

- c. "Could there ever be a proportionate reason for allowing or causing these ontic evils to exist in the world, so that the ontic evil of contraceptive intercourse would not be a moral evil as well? Keane's answer is yes, a yes which depends on two factors. One is the good of sexual communion. A prolonged abstention from sexual relations means that the couple forgoes the increase of their unity and love arising from the giving, receiving and sharing of physical pleasure and intimacy--an ontic evil. The second factor is the proportionate reason which is to be found in the concrete circumstances of the couple." [Hanigan, What, p. 94].

H. Problematic areas in sexual ethics

- 1. Try to treat all these areas in terms of a pastoral approach (therefore, not seeking to enter into academic polemics).
- 2. Need for a revised pastoral sexual ethics in light of the change of the Church's teaching on procreation as being the principal end of marriage. While formerly, all sexual activity outside of marriage could be forbidden on the grounds that it lacked the procreative intention, now justification of sexual activity can occur outside of the procreative setting and/or possibility. Therefore, "those actions that were judged to be immoral because they lacked a procreative orientation, actions like masturbation, homosexual acts, bestiality, petting to orgasm and so on, have to be evaluated in different terms and in different ways." [Hanigan, What, p. 57].
- 3. Sex outside of marriage
 - a. Pre-marital sex: 3 Arguments for pre-marital sex:
 - (1) Sex is fun.
 - (2) Seeks to avoid a harm: "...abstention from coitus by people who face a prolonged adolescence imposes an unnatural strain on young people and leads to sexual repressions and inhibitions." p. 88.
 - (3) "... the experience of pre-marital intercourse is beneficial, perhaps even essential, for successful sexual adjustment in marriage." [Hanigan, What, p. 88.]
 - b. I find all three arguments untenable.
 - c. Sex with another's spouse
- 4. Artificial Contraception
 - a. Problematic distinction on the liceity between natural and artificial means of contraception
 - b. "...in approving of the rhythm method of birth control and other forms of

natural family planning, the Church had already taught that it was permissible to intend explicitly the unitive purpose of sex and to exclude intentionally the procreative purpose. To allow artificial means as well as natural means of birth control does not change this teaching. It merely develops it to a logical conclusion." [Hanigan, What, p. 57]

5. Masturbation

- a. Proportionalism applied to sexual ethics, e.g. masturbation.
- b. "They [proportionalists] accept that masturbation, for example, involves ontic evil, but point out that there can be many reasons for masturbation, and that in some cases we may be able to justify the production of that ontic evil. Compare, for example, adolescent masturbation, masturbation for sperm testing and masturbation that is a manifestation of a deep personal disorder." [Hoose, "Recent Trends" p. 58].
- c. Treatment of chronic masturbation as confessional matter.

6. Homosexuality

- a. "The moral problem in regard to homosexuality is not with the existence of a homosexual orientation, but with the proper expression of that orientation, i.e., with overt homosexual acts." [Hanigan, p. 77]
- b. This point needs to be emphasized and made clear.
- c. Problematic area remains in terms of the moral evaluation of homosexual acts:
- d. "For in the traditional view such acts are seriously and intrinsically disordered since they lack all procreative possibility and orientation. Hence the homosexual was condemned to a life of involuntary celibacy, and all // too often a life of secrecy and guilt." pp. 77-78.
- e. Another possible view: the unrealizable ideal
 - (1) "In short, the ideal is for human sexuality to have both unitive and procreative meaning. But since the ideal is not always possible for everyone, `it may be necessary at times to accept, albeit reluctantly, homosexual expressions and unions as the lesser of two evils, or as the only way in which some persons can find a satisfying degree of humanity in their lives'. In short, stable, faithful homosexual unions would be morally permissible though never the ideal of what human sexuality ought to be." [Hanigan, What, p. 79.]
 - (2) This is the view advanced by Charles Curran, and goes hand-in-hand with his theory of compromise.

- (3) Some criticisms of this view: "...if the ideal is not capable of realization because of factors that are simply unchangeable, factors of one's own selfhood, how can it be an ideal for such persons? Something else must be an ideal for them." [Hanigan, What, p. 79.]
 - f. CTSA Position: Homosexual acts are to be evaluated in terms of their relational significance.
 - g. Hanigan's revised moral theology, in which homosexuality can find a place of its own: sexuality as vocation.
- I. Divorce and remarriage
 - 1. Theology of wedding vs. theology of marriage: "Karl Barth, the renowned German reformed theologian, once accused Catholics of having a theology of the wedding but not a theology of marriage. It is not the wedding, as Bishop [now Cardinal] Francis Stafford has reminded us, but the whole marriage that is the sacrament, which makes it considerably different than other sacraments." [Hanigan, What, p. 115]
 - 2. Breakdown of marriage. This is really more of an area in sacramental theology and canon law, than moral theology per se. Yet, some comments from the viewpoint of moral theology:
 - a. "If the sacramental bond is understood to be a moral bond, then it can be broken, though never without sin. The sin involved, however, cannot be understood as a single act or a series of acts. It would more likely be a pattern of indifference or insensitivity or neglect. In such a case, the sin could be sincerely repented for, even while acknowledging the marriage bond to be destroyed and the marriage dead." p. 115.
 - b. "...Eastern Orthodoxy has dealt with this possibility both canonically and liturgically without imperiling the Church's witness to the indissolubility of Christian marriage." [Hanigan, What, p. 116].
 - 3. Contribution of Kevin Kelly: "Looking at marriage as a relationship rather than a contract, Kevin T. Kelly has argued that, at least in present day western society, 'the indissolubility of marriage depends on the continued growth and development of the couple's love for each other'. ... It is possible, he continues that some marriages 'will not attain this inner dissolubility and instead will disintegrate and fall apart so that eventually they no longer exist'. Moreover, 'If a second marriage brings true healing, and especially if for some men and women it is the only way of finding true healing, I feel that the Church has no choice but to accept it as good'." p. 60. [Kelly: *Divorce and Second Marriage*. London, 1982. (pp. 35-36; 78)]

LXXVII. OTHER RELATED ISSUES OF SEXUAL ETHICS

A. Abortion

1. Teaching on Abortion
2. Abortion and politics, and political correctness
3. Weaknesses of the "Pro-Choice" movement
 - a. Fascism of the Left
 - b. Difficulty in accepting a *discussion* on the morality of abortion
 - c. De facto negation of pluralism on this issue
 - d. Consider the following observation of Daniel Callahan (an ethicist whose opinions on the moral nature of the legality of abortion have changed at least twice over the years). Callahan notes that "Yet if silence or uneasiness is the predominant response to the moral problem, there are others--for whom even the idea of discussion of the moral choice is repugnant. They either want to declare that abortion is not, in its substance, a moral question at all (only the woman's *right* to choose an abortion is taken to be a moral issue); or that women should not have to struggle and suffer over the choice even if it is; or that in any case, to concede that it is a *serious* moral choice and to have a public discussion about that choice is politically hazardous, the opening wedge of a discussion that could easily lead once again to a restriction of a woman's right to an abortion. Better to declare the whole topic of the morality of abortion off limits. One way or another, then, the prochoice movement has not been able to tolerate the fullness of the pluralistic proposition. It can support the choice side more readily than the morality side. At best it is uneasy about the moral issue, at worse dismissive and hostile toward it." Callahan refers to Jason DeParle, "Beyond the Legal Right: Why Liberals and Feminists Don't Like to Talk about the Morality of Abortion," *The Washington Monthly*, April 1989, pp. 28-44). Daniel Callahan, "An Ethical Challenge to Prochoice Advocates: Abortion and the Pluralistic Proposition," in *Bioethics*, ed. Thomas A. Shannon, 4th ed., (New York: Paulist Press, 1993): 23. Callahan's article originally appeared in *Commonweal* 117 (23 November 1990): 681-687.
4. Various aspects of the Pro-Life Movement
5. Devising credible and convincing Pro-Life strategies.
6. E.g., Need for a virtue-ethics, etc.
 - a. Virtue ethics may hold an important key to the whole abortion debate.
 - b. Obviously it is no longer a case of clarity of norms, but rather a growth in moral vision and skill to find our way through this "radical chic ethic of death"

7. Vision ethics
 - a. As Stanley Hauerwas has put it, "Modern moral philosophers have failed to understand that moral behavior is an affair not primarily of choice but of vision. They see all moral agents as inhabiting the same world of facts; thus they discriminate between the different types of morality only in terms of acts and choices. But differences of moral vision or perspective may also exist." p. 34.
 - b. "Our morality is more than adherence to universalizable rules; it also encompasses our experiences, fables, beliefs, images, concepts, and inner monologues. Modern moral philosophy has ignored the significance of vision because it is still tempted, in a Kantian fashion, to reduce morality to a single formula." [Hauerwas, *Vision and Virtue*, p. 35].
8. We have to put more emphasis on moral formation.
9. "Just Say No" might be a catchy slogan, but it isn't enough to sustain moral growth and/or perseverance in conflict situations. We need to help the self and community appropriate and integrate the moral vision of the Christian story so that abortion can be rejected. Moral norms are important, but so often we work out of mixed motives, and desires, etc. often conflictual and often not completing conscious. Norms do not furnish always the effective *means* by which we can act on what we regard as moral truth. Here the skill of virtue, and the coherence of a moral/ethical narrative may be of invaluable aid.
10. In the case of the "Pro-Choice" movement perhaps a retrieval of the classic concept of "invincible error" might be of some help.
 - a. Distinguish between the error and the errant.
 - b. The next step then is to bring the errant to the truth.
 - c. The question then becomes a pragmatic one: what are the best means to bring these people to the truth? Here I would suggest that on the prudential level the polemical language and posturing connected with this conflict is in fact counter-productive, and therefore in a certain sense "*im-moral*"

B. AIDS

1. AIDS is NOT God's punishment!
2. Issues regarding condom use
3. Condom use by married couple in which one is infected and the other not.

LXXVIII. ISSUES OF FEMINIST ETHICS

A. Bibliography

1. Curran, Charles E., Farley, Margaret A., McCormick, Richard A., S.J., eds. *Readings in Moral Theology No. 9: Feminist Ethics and the Catholic Moral Tradition*. New York: Paulist Press, 1996.
2. Farley, Margaret A., R.S.M. "Feminism and Universal Morality." In *Prospects for a Common Morality, 170-190*. Edited by Gene Outka and John P. Reeder, Jr. Princeton: Princeton University Press, 1993.
3. Cahill, Lisa Sowle. *Women and Sexuality*. New York: Paulist Press, 1992.
 - a. The 1992 Madeleva Lecture in Spirituality. Contains a chapter on the "Development of the Natural Law Approach" and "Biblical Sources of Ethics."
4. Gilligan, Carol. *In a Different Voice: Psychological Theory and Women's Development*. Cambridge MA and London: Harvard University Press, 1982.
5. Harrison, Beverly Wildung. *Making the Connections: Essays in Feminist Social Ethics*. Edited by Carols S. Robb. Boston: Beacon Press, 1985.
6. Key works by Phyllis Trible.
 - a. *God and the Rhetoric of Sexuality*. Philadelphia: Fortress Press, 1978.
 - b. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives*. Overtures to Biblical Theology. Philadelphia: Fortress Press, 1984.
7. Works by Mary Daly (in chronological order)
 - a. *The Church and the Second Sex*. New York: Harper & Row, 1968.
 - (1) Later revised: "With a new feminist postchristian introduction by the author." New York: Harper & Row, 1975.
 - b. *Beyond God the Father: Toward a Philosophy of Women's Liberation*. Boston, Beacon Press, 1973, 1977.
 - c. *Gyn/ecology, The Metaethics of Radical Feminism*. Boston: Beacon Press, 1978.
 - d. *Pure Lust: Elemental Feminist Philosophy*. Boston: Beacon Press, 1984.
 - e. *Outercourse: The Bedazzling Voyage*. San Francisco: HarperSanFrancisco, 1992.
8. Selected works by Rosemary Radford Ruether.

CE 2056 Fundamental Moral Theology

- a. *Mary, the Feminine Face of the Church*. Philadelphia: Westminster Press, 1977.
 - b. *Sexism and God-talk: Toward a Feminist Theology*. Boston: Beacon Press, 1983, 1993.
 - c. *Women-church: Theology and Practice of Feminist Liturgical Communities*. San Francisco: Harper & Row, 1985.
 - d. *Gaia & God: An Ecofeminist Theology of Earth Healing*. San Francisco: HarperSanFrancisco, 1992.
9. Selected works by Elisabeth Schüssler Fiorenza
- a. *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins*. New York: Crossroad, 1985.
10. Donna Steichen, *Ungodly Rage: The Hidden Face of Catholic Feminism*. San Francisco : Ignatius Press, 1991.
- a. Highly critical account of the feminist movement.
- B. Feminist Critique
1. Critique against "universal" morality: "Feminists resist theories of common morality primarily because they have been harmful to women (and to some men). "In the name of universality, of a total view of human nature and society, such theories have in fact been exclusive, oppressive, and repressive of women and men who do not belong to a dominant group. Whether consciously or unconsciously, the formulators of such theories have inaccurately universalized a particular perspective; as a result, the needs and moral claims of some groups and individuals have been left out, their roles and duties distorted, and their full voices silenced. What is thought to be 'common' morality, when examined with an eye for gender bias--or for class, race, religious, or other deep-seated biases--turns out not to have universal extension and to incorporate seriously mistaken moral requirements." Margaret Farley, "Feminism and Universal Morality," in *Prospects for a Common Morality*, ed. Gene Outka and John P. Reeder, Jr., (Princeton: Princeton University Press, 1993): 171.
- C. Feminist Methodologies ala Alison Jaggar's Typology
1. Liberal Feminism
 - a. "incorporates a view of human nature that emphasizes rationality, autonomy, and individual fulfillment. Its central moral principle is traditional philosophical liberalism's respect for persons, based on the equal dignity of rational agents and on the requirements of rationality itself insofar as reason identifies unconditional moral obligations or provides the warrants for a social contract." [Farley, Universal Morality, p. 172]

- b. "Since the 1792 publication of Mary Wollstonecraft's *Vindication of the Rights of Women*, mainstream feminism has struggled to complete what it assumed to be a truly human moral point of view by (a) 'adding' insights drawn from women's history and experience; (b) claiming for women a 'sameness' with men as human persons and as full citizens; and (c) asserting the autonomy of individual women and the rights of self-determination for women as members of a group." [Farley, Universal p. 173]

2. Traditional Marxist Feminism

- a. "Traditional Marxism offers an explanation for the failures of abstract rationality. It contends that moral norms and ideals are not universal and ahistorical, the achievement of a neutral and solitary observer; they are socially constructed." [Farley, Universal p. 173]
- b. "For while moralities are conventional, they are part of the human struggle for liberation. The dominant class determines the moral and political norms of a society (and the structures that make norms convincing), but the voices and actions of the oppressed can bring about revolutionary change. The introduction of a feminist point of view will not, then, be irrelevant to the liberation of women and the achieved equality of all persons." [Farley, Universal p. 174.]
- c. Thus, liberation of women as *the* trans-cultural, trans-historical moral concern *par excellence*.

3. Radical Feminism

- a. "*Radical feminism* challenges both liberal and Marxist feminism. If Marxism fails to take gender seriously enough, radical feminists make it the central problem. If liberal feminism appreciates the perspectives of women as starting points on the way to understanding women's full humanity, radical feminists begin and (to an important extent) end with the experience and the ways of knowing that are particular to women." [Farley, Universal p. 174]
- b. Radical feminists "are convinced that the most basic form of all oppression is patriarchy, and that patriarchy is neither a mere anomaly in an otherwise liberal justice nor a form of domination that is solely derivative of economic power." [Farley, Universal Morality, p. 174]
- c. "Gender provides the (often invisible) framework for every social relation. Hence, the radical feminist task is to understand how gender is socially constructed and to explore its influence, especially in the private sphere of family life, sexual relationships, and spirituality." [Farley, Universal Morality, p. 174]
- d. Some radical feminists seek to obliterate gender differences,

- e. others seek to highlight the gender differences between men and women, while revaluing women's differences positively.
 - f. "The radical feminist agenda, then, is both to free women's bodies from the power of men [abortion rights] and to free women's minds and hearts from the cultural and psychological bonds of patriarchy. This turns out to be one task, for the human person is an organic whole." [Farley, *Universal Morality*, p. 175]
4. Socialist Feminism
- a. "...like Marxism in its assertions that understandings of human nature and society are socially constructed and that prevailing worldviews reflect the interests of the dominant class." [Farley, *Universal Morality*, p. 175]
 - b. "Like radical feminism, socialist feminism believes Marxism to be mistaken in not taking particular account of gender in its analysis of oppression." [Farley, *Universal Morality*, p. 175.]
 - c. "But socialist feminists want to address the interconnections of gender and class and race and age, and they require more systematic and critical studies of women's experience, particularly women's experience in the shared social practice of the struggle for liberation." [Farley, *Universal Morality*, p.176.]
- D. Evaluation of Contribution of Feminist Ethics
- 1. Key contribution is recognition of how ideology functions in moral discourse,
 - a. e.g. the ideology of feminism vs. the ideology of patriarchy.
 - b. Thus, as Lisa Cahill notes, "Virtually by definition, feminist theology is 'moral' theology or ethics. It emerges from a practical situation of injustice and aims at social and political change." Lisa Sowle Cahill, "Feminist Ethics," *Theological Studies* 51 (1990):50.
 - 2. Another key contribution is bringing in voices that had been ignored or excluded in the past.
 - 3. The Feminist Case for a Common Morality: "If it is a theory of common morality, it must somehow be accessible to men, somehow cross the boundaries of gendered experience and understanding as well as the boundaries of culture and race and class. Some feminist theories are therefore less suited to address issues of common morality than others. For example, proposals like Carol Gilligan's regarding the moral development of women come close (despite repeated caveats //) to sanctioning one set of norms for women and another for men." [Farley, *Universal Morality*, pp. 179-180.]

4. Elements for a Feminist Theory of Common Morality

a. Autonomy and Relationality

- (1) "Feminist moral theory, then, needs both autonomy and relationality. Against 'modernist' rationalism, it can show that autonomy is ultimately for the sake of relationship; against conservative forms of communitarianism, it can argue that relationships without respect for individuality and autonomy are destructive of persons--and, historically, especially destructive of women; against postmodernist diffusion of the self as subject into a network of systems and the womb of language, it can maintain that enduring relationships make an autonomous self ultimately possible." [Farley, *Universal Morality*, p. 182.]
- (2) "The meaning of both autonomy and relationality will be importantly influenced by history and by culture. Feminist theory offers neither a 'view from nowhere' (unsituated and therefore universally entirely true) nor a 'view from everywhere' (protean and uncommitted, dancing from one conversation to another)." [Farley, *Universal Morality*, p. 183.]

b. Beyond Care-versus-Justice: "The major question to be pursued, however, is how do persons reflect on moral questions and make moral choices--and, beyond that, how they ought to. The more persuasive feminist response to this question would be one that did not insist on the *inevitability* of a dichotomy between reason and emotion, justice and care, principles and persons. My own conviction is that all human choices are choices of both reasons and emotions, and that we evaluate both our reasons and our emotions according to some norms. Whenever we are confronted with alternative actions we consider the alternatives only if we have some desire to do them, whether out of care or a sense of duty, fear, or some other already-present emotion; the desires--leaning toward pleasure or duty or fear or care or whatever--arise from some more fundamental affective response (call it fundamental care, or love, or affective affirmation), some fundamental relationship with ourselves or with someone or something else. But affectivity, emotions of whatever kind, are not, when they are *chosen*, morally neutral. That is, not even caring is necessarily morally good. There are forms of care that have destroyed individuals and groups. There are forms of relationship, based on whatever reasons and emotions, that are harmful to persons. The problem for our moral lives and our moral theories is how to evaluate our care, our love, our relationships: according to what norms is care helpful and not harmful? The problem, one might say, is whether and how caring may be just." [Farley, *Universal Morality*, p. 184.]

E. A Catholic or Christian Feminist Ethics?

1. Contribution of Lisa Cahill, and to a lesser extent Margaret Farley

2. Carolyn Osiek, R.S.C.J. *Beyond Anger: On Being a Feminist in the Church*. New York: Paulist Press, 1986.
 - a. A good analysis of causes and stages of feminist anger in and with the Church. Osiek also suggests some important pastoral considerations on dealing with and moving through this anger, as well as some strategies for continuing to live in a Church whose reality will continue to be very painful for committed feminists.

LXXIX. INTRODUCTION TO BIOETHICS

- A. This is a recent field in the sense of the larger history of moral theology. In the whole area of bioethics so much depends on how we “read,” use, and interpret scientific data, and we have to be very careful as to how our presumptions and predominant model, world-view interact with each other. The area of bioethics contains so many new possibilities, problems, etc., that we also run the risk of being “paralyzed” into non-response and/or non-action. For example, how should we deal with the myriad issues raised by the discovery of stem cell technology discovery (which only dates from November 1998)?
- B. It is key to know some science in order to do bioethics in a responsible manner. This may sound like a truism, but we should guard against presumptiveness, that we are in a position to speak authoritatively about an issue if we lack the requisite scientific background. Also we need to adopt a somewhat critical attitude towards “science”—it is *not* value-free or self-interpreting. Scientists are not necessarily well-versed in ethics, so there is a real need for reciprocal interaction.
- C. So many new questions require a serious reconsideration of some of our basic moral principles. For example, the phrase “life is sacred from the moment of conception” needs to be clarified in light of the fact that “conception” does not occur in a “moment” but rather in the space of some 12 hours before the union between the sperm and the egg is completed.
- D. Basic Bibliography
 1. John Mahoney, S.J. *Bioethics and Belief*. London: Sheed and Ward, 1984.
 - a. Mahoney establishes a dialogue between ethics and medicine in four principal areas: human fertility control, death and dying, the beginning of life, and medical research and experimentation.
 - b. Note the date of publication, 1984, and remember that this was *before* the 1987 Congregation for the Doctrine of the Faith document, *Donum vitae*, which condemned in-vitro fertilization.
 2. Beauchamp, Tom L., and Childress, James F. *Principles of Biomedical Ethics*. 4th edition. New York and Oxford: 1979, 1983, 1989, 1994.
 - a. Has become very much the standard textbook in the field.

3. Reich, Warren T., ed. *Encyclopedia of Bioethics*. New York: Free Press, 1978, 1982.
 4. Shannon, Thomas A., ed. *Bioethics*. 4th Edition. New York: Paulist Press, 1993.
 - a. Essays divided into four parts: Abortion and Reproduction; Death and Dying; Consent, Therapy and Research; and Public Policy Issues.
 5. Verhey, Allen and Lammers, Stephen E., eds. *Theological Voices in Medical Ethics*. Grand Rapids: William B. Eerdmans Publishing Company, 1993.
 6. Richard A. McCormick, S.J. "Value Variables in the Health-Care Reform Debate." *America* 168 (29 May 1993): 7-13.
 - a. Also found in McCormick's *Corrective Vision: Explorations in Moral Theology*. Kansas City: Sheed & Ward, 1994.
 - b. McCormick discusses ten cultural biases which impact negatively in American society in terms of a Christian moral appreciation of the real issues in various aspects of health care. Quite readable and worthwhile for unmasking some aspects of our American ethos.
 7. Gula, Richard M., S.S. *Euthanasia: Moral and Pastoral Perspectives*. New York: Paulist Press, 1995.
 - a. Brief, but good overview of this contemporary issue
 - b. Quite helpful in adult education, lay ministry workshops, and perhaps RCIA programs
 8. Wealth of other material.
- E. Methodology and Basic Approach
1. Recall some basic anthropological presuppositions
 - a. The human being does not *have* a body, but, in the words of Bernard Häring, "is an embodied spirit; he *is* a live body. The nature of man is not limited to a mere summation of biological and personal characteristics; human existence on earth is truly biological and wholly personal in the sense that these two aspects pertain to the same reality and not to separate parts." [Häring, *Medical Ethics*, p. 50.]
 - b. Knowledge of the human person is the basis of ethics, for as Bernard Häring notes, "A more historically conscious moral theology is fully aware that knowledge bearing on man can never be perfect or complete." [*Medical Ethics*, p. 7.]
 2. Recall the methodology of the 4-sector grid: Importance of the *data* from the sciences, but equally important is the *interpretation* of this data, and finally,

remember that the interpretation of the data must be *applied* in the context of a Christian and professional ethos. In bioethics, perhaps more clearly than in some other areas, we can see the function of "liminality" as new concepts and refinements find their place in the moral tradition.

3. Mahoney expresses this basic idea in speaking about the acceptance/non-acceptance of brain death as the basic criterion for determining the moment of human death: "If nothing else, the public debate may be seen as illustrating the important truth, not only in medicine but also in other areas, including religious belief and theology, that new ideas require time to be generally assimilated even by experts, but particularly by non-experts. They can call for considerable readjustment and adaptation of one's system of thought, a rearrangement of one's mental furniture to accommodate the introduction of a new piece and perhaps calling for the abandonment of an older and cherished piece. And this introduction of new ideas in society calls for sensitive and understanding realisation of the mental shock, both present and 'future', which they can bring with them until they are slowly assimilated, perhaps simply in their own right and perhaps by comparisons or analogies with other areas of experience." [Mahoney, *Bioethics and Belief*, p. 38.]
 4. Importance of the use of probabilism in areas of liminality, such as bioethics. Do not confuse with "laxism," but rather with the exercise of the basic virtue of prudence.
- F. Four central principles which taken together are often referred to is "principlism" and govern much of the contemporary biomedical moral reflection
1. The principle of respect for *autonomy* of the patient, i.e., the obligation to respect the decision-making capacities of the patient as an autonomous person. (Make sure that this principle is not equated or confused with the notion of moral autonomy in the sense of following one's conscience).
 2. The principle of *nonmaleficence*: the obligation to avoid the causing of harm. This principle is expressed through the traditional Hippocratic dictum of *Primum non nocere* (First cause no harm).
 3. The principle of *beneficence*: the obligation to provide benefits and to balance benefits foreseen against attendant risks.
 4. The principle of *justice*: obligations of fairness in the distribution of both benefits and risks.
 - a. This last principle must be understood within the larger framework of moral justice and especially attention to the common good should not be neglected. In this regard see *The Catechism of the Catholic Church*, #1905-1912 for a brief exposition of the Church's understanding of the common good.
 - b. The common good requires that we all take into account the good of all. For example, in bioethics certain procedures and lines of research will

require a commitment of resources which, because they are limited, cannot be therefore used in other areas. Therefore, it is not enough, morally speaking, to say "We have the money to try to conceive by means of IVF [in-vitro fertilization]." A choice of this means necessarily involves a diversion of some precious resources from other areas.

G. Principal Areas of bioethics include Professional, Patient care, Reproductive technologies, Genetics, Other Research and Experimentation issues, etc.

H. Development of the Principle of Totality

1. We have already discussed this several times, especially in reference to the shift from physicalism to personalism, as well as its application to marriage, responsible parenthood, and regulation of births (birth control).
2. To rehearse the historical background: "As is well known, the principle was initially reduced to a physicalistic and individualistic understanding. The dominant axiom was simply *pars propter totum*. A therapeutic operation for a diseased organ or bodily function was considered permissible when no other possibility existed to secure the well-being of the organism. Moreover, this required a correspondence--which was strictly interpreted--between the employed means and the end they attempted to reach. Both had to move on the same level; that is, a bodily illness was answered by a corporeal intervention." From Klaus Demmer, "Theological Argument and Hermeneutics in Bioethics." In *Catholic Perspectives on Medical Morals: Foundational Issues*, 103-122. Edited by Edmund D. Pellegrino, John P. Langan and John Collins Harvey. Dordrecht: Kluwer Academic, 1989. at p. 115.
3. "In earlier years when the nature of organ transplants was still in the realm of discussion only, a number of Catholic moralists // asserted that each partial act had first to be judged according to its own ethical significance." [Häring, *Medical Ethics*, pp. 21-22.]
4. "They insisted that self-mutilation was always intrinsically and absolutely immoral. They maintained that it mattered little whether the kidney was ablated simply to be thrown away as rubbish or used to save the precious life of a beloved person." [Häring, ME, p. 22.]
5. "The main criterion is the principle of totality--not a totality of mere organic functions but a perspective of wholeness that considers the total vocation of the human person. It is not just a question of the meaning of the bodily organism; the most urgent issue relates to the meaning of an integral human life in response to man's earthly and eternal vocation." [Häring, *Medical Ethics*, p. 62.]
6. Paradigm shift in principle of totality in medical ethics: Came with Pius XII who permitted a medical intervention even on a healthy organ for preventive or therapeutic reasons. New discoveries and technological advances, such as organ transplants, required a paradigm shift in which the principle of totality could no longer be understood strictly in physicalist and/or individualistic terms. Rather the paradigm moved on to the level of interpersonal and personal goods.

Illustrative example from the film *Steel Magnolias*, in which the mother (played by Sally Fields) donates a kidney to her diabetic daughter (played by Julia Roberts).

7. Häring's reformulation of the principle of totality:
 - a. "The traditional use of the principle of totality justified intervention in view of physical health and functioning. Medical ethics for the future must rest on an all-embracing concept of `totality': *the dignity and well-being of man as a person in all his essential relationships to God, to his fellowmen and to the world around him.*"
 - b. Note once again the notion of the common good in this regard
 - c. "In view of the breadth and depth of the human vocation, man can and must use his knowledge and art to manipulate the chaotic forces of the *physis* for the creation of a more humane order not only in the physical world but also in his psychosomatic nature. If it is more humane, it is also more pleasing to God. The mere observance of the impersonal // and sub-personal laws and tendencies of `nature' cannot guarantee such an increasingly humane order of development." [Häring, *Medical Ethics*, pp. 62-63.]

I. Biblical Perspectives on Bioethics

1. On sickness: cf. Mark 1:40-45

A man with leprosy came to him and begged him on his knees, "If you are willing, you can make me clean." Filled with compassion, Jesus reached out his hand and touched the man. "I am willing," he said. "Be clean!" Immediately the leprosy left him and he was cured. Jesus sent him away at once with a strong warning: "See that you don't tell this to anyone. But go, show yourself to the priest and offer the sacrifices that Moses commanded for your cleansing, as a testimony to them." Instead he went out and began to talk freely, spreading the news. As a result, Jesus could no longer enter a town openly but stayed outside in lonely places. Yet the people still came to him from everywhere. (NIV)

2. On the Christian community's response to sickness:

- a. Jesus's command to do what he did, healing, etc., though we do this in a human way, according to the gifts, talents, and power God gives us.
- b. Prayer and anointing of the sick: cf. James 5:14-16

Is any one of you sick? He should call the elders of the church to pray over him and anoint him with oil in the name of the Lord. And the prayer offered in faith will make the sick person well; the Lord will raise him up. If he has sinned, he will be forgiven. Therefore confess your sins to each other and pray for each other so that you may be healed. The prayer of a righteous man is powerful and effective. (NIV)

3. On aging and death
 - a. Sapp, Stephen. *Full of Years: Aging and the Elderly in the Bible and Today*. Nashville: Abingdon Press, 1987.
 - b. For a person to be full of years, according to Sapp, is like a vessel which has been filled to capacity: "It can hold no more and has fulfilled its purpose by containing all that it was designed to hold." p. 149
 - c. Thus, to live beyond this "fulfillment," beyond the time when one was 'full of years', lacks a certain meaning.
 - d. Resonates a bit with Daniel Callahan's concept of a 'tolerable death', i.e., one in which a person's realistic life possibilities have on the whole been realized.
 - e. Callahan's *Setting Limits: Medical Goals in an Aging Society*, (New York: Simon and Schuster, 1987): 66.
 - f. Both Sapp and Callahan cited in Gilbert C. Meilaender's *Faith and Faithfulness: Basic Themes in Christian Ethics*, (Notre Dame: University of Notre Dame, 1991): 163.
 - g. Yet, M. realizes these ideas are not without their problematic aspects.

LXXX. PRINCIPAL MODES OF DISCOURSE AND ARGUMENTATION IN BIOETHICS

- A. It is very important to attend to the mode(s) of moral discourse employed in these discussions, as well as the internal logic and stresses each mode will necessarily have.
- B. Quality of life
- C. Utilitarianism
- D. Cost Benefit Analysis
- E. Legal vs. moral distinction (or lack thereof!)
- F. Slippery Slope

LXXXI. ORDINARY AND EXTRAORDINARY MEANS DISTINCTION

- A. Important distinction to master, as it is easily and often misunderstood, yet may well be an area that many will have to encounter in some form or another, and continues to be a locus of some considerable debate to which the principle of equiprobabilism may be legitimately invoked. For a good article giving an overview of these issues see Kevin Wildes, S.J.'s "Ordinary and Extraordinary Means and the Quality of Life." *Theological Studies* 57 (1996): 500-512.
- B. "In the traditional manuals of moral theology a variety of factors were offered to guide the

prudential judgment of the patient: the reasonable hope of recovery, the ability to interact in familiar surroundings, the bearable level of pain and discomfort, and the tolerable hardship or inconvenience entailed in the provision of life support.” Thomas Kopfensteiner, “Death with Dignity: A Roman Catholic Perspective,” *Linacre Quarterly* 63 (November 1996): 67.

- C. Contemporary formulation of the distinction goes back to Pius XII on the ordinary and extraordinary means of preserving life.
- D. "At times the distinction can be misunderstood, as when ordinary is understood as routine and standard medical practice, and extraordinary is taken to refer to unusual or heroic measures or measures involving considerable risk. However, the point of Pius XII's distinction was not to make distinctions between medical procedures but between their effects on the patient--and not their effects on any patient, but on this particular patient." [John Mahoney, "The Challenge of Moral Distinctions." *Theological Studies* 53 (1992): 676].
- E. "For the distinguishing mark was how burdensome a procedure would be to this patient, and that consideration of personal burdensomeness can make even the most routine procedure extraordinary in certain circumstances." [Mahoney, Challenge, p. 677.]
- F. Good extended "exegesis" of the term "extraordinary means" is given by Mahoney in his chapter on Death and Dying in *Bioethics and Belief*. See especially pp. 44-47.
- G. Contextualization of the meaning of "ordinary and extraordinary means" principle
 1. Keep in mind this important philosophical and theological distinction about the real meaning of the relationship between “subjectivity” and “objectivity.” In the real world, ontologically speaking, there is no “objectivity” “out there” somewhere that can be isolated or abstracted from its relation to this or that individual subject. Thus, objectivity properly considered must always take into moral account the subjectivity of the individual. Thus, the “ordinary/extraordinary” means will always be dependent on persons, place, time and culture for its proper evaluation. This principle was enunciated in this way by Pius XII in 1957 when he spoke of "means that do not involve any grave burden for oneself or another."
 2. Need to take account of both scientific and economic possibilities. For example, a century ago a blood transfusion would have been “extraordinary” means from a scientific perspective. Even now, in war-torn places today a blood transfusion may also be extraordinary means from an economic perspective (i.e., extreme disproportion between scarce supply and high demand).
 3. The principle refers primarily to the effects on *this* particular patient (not patients “in general”). Here too we must be attentive to the ethical paradigm for assessing these effects. Obviously the physical effects are first and foremost, but since the person is a relational being we must also take into account the personal and interpersonal effects, which will include effects on the patient's loved ones, family, relatives, friends, etc., as well as society at large. These considerations may provide a wider and better picture of how certain therapies in fact impact on

patients.

4. *ut in pluribus* principle: recall that this is an established principle of moral theology, and that the medical exception does not negate the ethical principle. It is important to keep in mind to counteract a simple-minded vitalism, which is often part of the ethos of our American society and in particular the medical community.
5. Be aware also of the danger of over-valuing technology. In this regard, consider the trenchant observation of Thomas Kopfensteiner: "A subtle but real threat to the Catholic tradition is that society has come to understand the most advanced medical technology as ordinary and commonplace. Technology is taken for granted in a way that was unimaginable a generation ago. This attitude has the tendency to restrict rather than refine the retrieval of the Catholic moral tradition and its application in a contemporary context. In a technological society, the duty to maintain life can be equated with the use of all available technology to maintain life; death occurs when the technology has reached its limit; death becomes a medical failure. But to use technology in an uncritical way--that is regardless of the patient's condition--is to make an idol of it and risks turning the patient into an object." Kopfensteiner, "Death with Dignity," p. 67.
6. Finally keep in mind some basic moral theological principles: There will always be evil (and sin) in the world. Therefore, we have to confront moral tragedy in our lives. Also keep in mind that our physical death is a part of our life, but that death is not the final word. Therefore, quality of life arguments have to be evaluated within the context of the quality of death considerations.

H. Formulation of guidelines for Ordinary/Extraordinary Means Principle

1. "The o/e [ordinary/extraordinary means] principles in their classic form state that there is an obligation to use ordinary means to preserve life, but no strict obligation to use extraordinary means. Extraordinary means // are all medicines, treatments, and operations that (1) do not offer a reasonable hope of success or (2) cannot be obtained or used without excessive hardship--i.e., excessive pain, cost, or other inconvenience." [Warren Thomas Reich, "Life, Prolongation of," in *The New Dictionary of Christian Ethics*, ed. James F. Childress and John Macquarrie, (Philadelphia: Westminster Press, 1967, 1986): 351-352.
2. Decision/discernment about the distinction "ordinary" and "extraordinary" will, of necessity, involve proportionality as "one weighs 'benefits' and 'burdens' in the use of available treatments." [Reich, p. 352]

I. Importance of the distinction for contemporary ethics

1. Aesthetics of death and disease; euthanasia, etc.
2. "While these principles have served for centuries to remind us chiefly that there are *limits* to the duty to preserve life, their principal service to the current era may be to convey a *presumption of a duty* to preserve life." [Reich, p. 352].

- J. As a conclusion to this section on “principles” consider Thomas Kopfensteiner’s thumbnail description of what the Catholic tradition means by a “dignified death”: “Within the Catholic tradition, protecting a dignified death means that the dying need to be assured that their lives will not be arbitrarily shortened, that they will not have to suffer uselessly, that they will not be subject to unreasonable and burdensome therapies, that medical technology will be used for their integral well-being, that their free and informed decisions will be respected, and that they will not be marginalized or abandoned by the community in their dying.” Thomas Kopfensteiner, “Death with Dignity: A Roman Catholic Perspective,” *Linacre Quarterly* 63 (November 1996): 74.

LXXXII. PVS (PERSISTENT VEGETATIVE STATE) AND "EUTHANASIA BY OMISSION"

A. Bibliography

1. Magisterial statements

- a. Nothing papal (yet). Different groups of bishops with *conflicting* statements. Thus, a legitimate instance of probabilism, as there continues to be both doubt and dispute in this area. Though, even if there should be a magisterial statement, this may not necessarily close off further debate (and the legitimate use of probabilism) unless new and more convincing arguments are adduced.
- b. Example seen in the 31 July 1994 Congregation for the Doctrine of the Faith (CDF) Response to Questions concerning Uterine Isolation and Related Matters
- (1) Cf. text in *Origins* 24 (1 September 1994).
- (2) Reply of Thomas J. O'Donnell, S.J. in *Linacre Quarterly* 61 (August 1994): 58-61.

2. Several good recent articles

- a. Richard A., McCormick, S.J. "Moral Considerations' Ill Considered." *America* 166 (14 March 1992): 210-214.
- (1) Also found in McCormick's *Corrective Vision: Explorations in Moral Theology*. Kansas City: Sheed & Ward, 1994.
- (2) Critiques the statement issued on 12 December 1991 of the Pennsylvania Bishops entitled "Nutrition and Hydration: Moral Considerations" (*Origins* 30 January 1992). McCormick argues that the bishops' statement disagrees with other episcopal statements and is an overly specific application of general moral principles of a controverted case, and therefore cannot enjoy the same magisterial authority as a more general statement.
- b. Kevin Kelly, "A Medical and Moral Dilemma." *The Month* 26 (April 1993): 138-144.

- (1) Discusses the British case of Tony Bland, a victim of the Hillsborough soccer disaster, who had been in an irreversible coma for four years and who died at age 22 after his feeding machine was switched off.
- (2) Kelly discusses this case against the background of Roman Catholic medical ethics and argues that the decision to forego further medical treatment was in fact in accord with the tradition of Roman Catholic medical ethics.

B. What is meant by PVS?

1. Importance here of a clear description and the moral importance of making distinctions.
2. Term coined in 1972 by two neurologists, B. Jennett and F. Plum in their article "Persistent Vegetative State after brain damage: a syndrome in search of a name." *Lancet* 1972 (1:734-7).
3. Definition/description from American Multi-Society Task Force on PVS. Definition of PVS. *New England Journal of Medicine* 330 (1994): 1499-1508.
 - a. PVS is "the vegetative state is a clinical condition of complete unawareness of the self and the environment, accompanied by sleep-wake cycles, with either complete or partial preservation of hypothalamic and brain-stem automatic functions.
 - b. "In addition patients show no evidence of sustained, reproducible, purposeful, or voluntary behavioral responses to visual, auditory, tactile, or noxious stimuli; show no evidence of language comprehension or expression; have bowel and bladder incontinence"
 - c. "The life span of adults and children in such a state is substantially reduced. For most, such patients life expectancy ranges from 2 to 5 years; survival beyond 10 years is unusual."
 - d. In the USA current (1994) estimates of PVS patients are 10,000 -- 25,000 adults and 4,000 -- 10,000 children.
4. Distinction between PVS from "coma" and "brain-dead"
 - a. A coma, "in which patients have their eyes closed and lack sleep-wake cycles, and from the 'locked in' syndrome, in which patients are aware of themselves and their environment but have lost motor function and speech."
 - b. Brain-dead: "is the permanent absence of all brain functions, including those of the brain stem. Brain dead patients are irreversibly comatose and apneic and have lost all brain-stem reflexes and cranial nerve

functions."

5. PVS is considered to be irreversible, and this is a key morally relevant feature of the range of bioethical issues surrounding this state. Thus, in a PVS patient there is a requirement of artificial hydration and nutrition, as well as complementary nursing care
6. Quality of life and nature of "life" issues
7. "Experience" from relevant cases is sometimes contradictory:
 - a. In Ireland a 20 year old woman was admitted in a PVS condition following cardiac arrest after relatively minor surgery. She was still alive 23 years later when her parents finally were able to remove legally her life support systems. See *The Irish Times* 24 February 1996, p. 10.
 - b. Another case reported in *The Tablet* of 23 March 1996 by Dr. Louis Hayes-Moore of St. Joseph's Hospice in Hackney, E. London, of a middle-aged man who emerged from a PVS state after 7 years.
 - c. These cases highlight the debate over the precise meaning of the *ut in pluribus* principle in issues such as these.
- C. Dispute over artificial hydration and nutrition: "Elements in the latter dispute include whether hydration and alimentation viewed as *medical* therapies may become disproportionately intrusive means of artificial life support, or whether giving food and water is always an obligatory, minimal support because of the symbolism of this basic human gesture." [Reich, p. 352.].
- D. What is meant by euthanasia?
 1. In general
 2. "Euthanasia by omission"
- E. Competency of the Magisterium to pronounce in this area
 1. Important distinction between formulation of general principles and concrete applications of those principles. As Richard McCormick notes, "the bishops do not, indeed cannot, claim the same authority for applications as they do for they statement of general principles." Richard A. McCormick, S.J. "'Moral Considerations' Ill Considered." *America* 166 (14 March 1992): 211.
 2. Thus, the danger of prematurely closing off discussion and debate through imposition of a magisterial gag order. Yet, we should attend to what the Magisterium is saying in this area, and I would note here that some very good insights into over-looked aspects of the issue can be found by consulting broadly. For example, consider the following statement found in the *Catechism for Filipino Catholics* which gives an insight into the moral considerations of extraordinary means which might easily be overlooked in the medical culture of

the United States: “However, when there is no real hope for the patient’s genuine benefit, there is no moral obligation to prolong life artificially by the use of various drugs and machines. In fact, using *extraordinary means* to keep comatose or terminally ill patients artificially alive seems clearly to lack objective moral validity, especially in a society where the majority of the population do not enjoy even adequate elementary health care.” *Catechism for Filipino Catholics*, #1039 (Manila, 1997). It seems clear what position the Philippine Bishops would take on the artificial hydration/nutrition debate, and I would emphasize what seems to be for them the key morally relevant feature, namely the “justice” issue of distribution of limited medical resources in a society marked by great disparity between the rich and the poor as is the case in the Philippines at present. The bishops remind us to consider this justice aspect in our consideration of the usage or non-usage of extraordinary means.

F. Rival Camps Associated with Differing Positions

1. Most courts and medical organizations
2. Richard McCormick and most moral theologians
3. The Germain Grisez--John Finnis--William E. May school
 - a. Especially important as a key point of their basic moral calculus, i.e., "never attacking and/or acting against any good" is at stake here.
 - b. Yet, this sort of case shows up graphically the limitations of their basic approach.
4. Important here to do a good exegesis and hermeneutics of the various statements by looking carefully at the philosophical and theological systems which undergird the statements, as well as what other "political" considerations may have played a role in the drafting of these statements. E.g. on-going struggle between Grisez et. al. and McCormick et. al. for influence with the hierarchy.
5. Important caveat here related to the *odium theologicum*, i.e., the conflict among different theological positions: try not to let your general preference or disinclination for this or that theologian decide your position on this or that issue. Perhaps you might be generally more sympathetic to the position of theologian X rather than theologian Y, but in this particular issue it might be that the latter rather than the former has the better arguments.

G. Utilization of Probabilism

1. As stated above, this is a locus of some considerable debate, to which the principle of equiprobabilism may be legitimately invoked.
2. For a good example see the McCormick/William Smith exchange of letters following McCormick’s PVS article (“Moral Considerations III-Considered”) in *America*.

3. Recall my earlier remarks on the inadvisability of closing off debate prematurely, and also keep in mind that probabilism in this arena concerns the natural law, and therefore the "doubt" will not necessarily be removed by a magisterial statement.

LXXXIII. ABORTION

- A. Moral reading of the complexity of the situation
 1. Philosophical issues on what constitutes a human person, and when this takes place
 2. Theological issues on ensoulment
 3. Social factors, including cultural, economic, and psychological
 4. Medical factors, both physical and psychological
- B. Fundamental values at stake, such as "...(1) the recognition of the right of each human being to the most basic conditions of life and to life itself; (2) the protection of this right to live, especially by those who have cooperated with the creative love of God; (3) the preservation of a right understanding of motherhood; (4) the ethical standard of the physician as one who protects and cares for human life and never becomes an agent of its destruction. "The vigour of the argument derives from our belief in *the dignity of each human person* created in the image and likeness of God and in man's calling to universal brotherhood in mutual love, respect and justice." [Häring, *Medical Ethics*, p. 98.]
- C. Magisterium's basic position
 1. As summarized by John Mahoney in his *Bioethics and Belief*:
 2. "Official Roman Catholic teaching, then, is that we cannot be absolutely certain when animation takes place, or when the conceptus of the fetus is a human person; but it may well be precisely at the moment of conception. This being so, it would be seriously wrong to destroy the fertilised ovum even then, because one might be killing a human person; and an in any case, even if it were not at the stage a human person, any human being as such (even without a soul) calls for respect as being on the threshold of personhood." p. 69.
 3. I am in substantial agreement with this teaching, and would add additional arguments from the point of view of protecting the sanctity of life on the whole, e.g., something akin to Paul Ramsey's notion of canons of fidelity. However, I realize that not all will accept this teaching, because of pressures, etc., as well as because of theological diversity of opinions, and I would strongly counsel a pastoral approach of compassion. I doubt that very few women actually obtain abortions in either a malicious or cavalier approach to fetal life.
 4. For a brief treatment of one program which responds pastorally to women who have suffered an abortion see James T. Bretzke, S.J. and Monika Rodman, "After The Choice: The Church's Post-Abortion Outreach to Women." *America* 181 (6 November 1999): 14-19.

LXXXIV. GROUNDWORK FOR CONSIDERATION OF ONGOING TENSIONS, PROBLEMS, PROSPECTS IN MORAL THEOLOGY

A. Basic Premise of the Four-Sector Grid of Moral Methodology

1. Remember to let the voice of each sector speak in its "native" language. Look at organizing concepts used, and note the paradigms used in philosophical and theological systems. Be attentive to hyper-inflation of one or more sectors, as well as atrophy of other sectors. In this vein be especially aware of "missing elements" in moral theology, such as sin, grace and forgiveness, moral development, virtue, character, as well as norms and deontological parameters.
2. Be attentive to what David Tracy calls the "publics" of theology: Church, the Academic Community, and Wider society. Keep in mind that no one "public" is self-sufficient or free-standing. Each "public" will have its own "canon" and "authorities" and sometimes these need to be resisted, broadened, nuanced, contextualized, etc. Interaction with the other "publics" can be helpful in this regard. Is the methodology utilized capable of speaking to all three of these publics?
3. Do the positions, arguments, etc., fulfill the test of the 6-C's? (Comprehensive, Comprehensible, Coherent and Consistent, Credible, Convincing, Christian), as well as being open to change and conversion?

B. Dynamic and Pneumatological Aspects of our Spirituality for Moral Theology

1. Belief in the Promise of the Spirit and its relationship to the Church: keep in mind that the promise of the Spirit was given to the *whole* Church, and not just to this or that sub-set. We see this point especially in the sacraments of initiation: baptism (which in a very real sense "ordains" everyone into the priesthood of believers), and confirmation (which seals us all with the Holy Spirit).
2. Scriptural clues (Presence and ongoing role of the Spirit in the *whole* Church, and the *whole world*)
 - a. John 14:16-17 And I will ask the Father, and he will give you another Counselor to be with you forever--the Spirit of truth. The world cannot accept him, because it neither sees him nor knows him. But you know him, for he lives with you and will be in you.
 - b. John 14:26 But the Counselor, the Holy Spirit, whom the Father will send in my name, will teach you all things and will remind you of everything I have said to you.
 - c. John 16:7-15 But I tell you the truth: It is for your good that I am going away. Unless I go away, the Counselor will not come to you; but if I go, I will send him to you. ... I have much more to say to you, more than you can now bear. But when he, the Spirit of truth, comes, he will guide you into all truth. ...

3. Historical Dimension
 - a. Dynamic and progressive
 - b. Historical model finds support in our theological anthropology
 - (1) The human person is an historical being
 - (2) Incarnation confirms this essential human aspect.
 - c. Certainly mistakes have been made, and the pendulum will swing.
4. Theological Dimension
 - a. But we must have hope and believe in Christ's promise of his abiding spirit.
 - b. Besides those selections already read from John, consider the final verses from Matthew [28: 18-20]

And Jesus came and said to them, "All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you. And remember, I am with you always, to the end of the age."
 - c. Don't forgot either the indefectibility of the Church, which is tied to this promise of Christ and his abiding presence, as well as in the Church's own obedience to mission given her by Christ.
 - d. Moral dimension of all the above

LXXXV. TIE-IN WITH THE LITURGICAL AND SACRAMENTAL LIFE OF THE CHURCH

- A. Interpretation of the Our Father (cf. Mt. 6: 9-15)
- B. Another important venue for the use of Scripture in moral theology
 1. Presumes the discussion on the normativity of Scripture
 - a. Trenchant observation from Vigen Guroian, in his essay "The Bible in Orthodox Ethics" which is Chapter 3 of his *Ethics after Christendom: Toward an Ecclesial Christian Ethic*, (Grand Rapids: William B. Eerdmans, 1994).
 - b. Guroian notes that "The beatitudes are compelling for Christians not because they are precepts that are somehow or other metaphysically true but because Christ lived them. They are evangelical because he who taught and practiced them did so for our sakes. Those who in gratitude

for this become his disciples must be for others what Christ is for them. We know that it is possible to live the beatitudes because the church exists." p. 65.

2. Need to address better therefore, the role of Scripture in both moral theology and the larger life of the Christian community. In this last sense, we should stress more the context in which Scripture is "performed", namely the liturgy
- C. Therefore, necessary to develop better this aspect of moral theology
1. Neglected for too long, due to concentration on casuistry and the philosophical elements of moral action. We see here once again the importance of the interplay between one's definition of moral theology, and how Scripture then might (or might not) fit in.
 2. I will merely "touch down" upon these following areas, in an attempt to indicate lines for further reflection, development and integration.
- D. Connection between the Christian aspect of the moral community of character and characters, and the normative functions of Scripture and Tradition as fonts of moral theology.
1. Community of character is a concept developed largely by Stanley Hauerwas and his disciples
 2. In terms of Scripture and the Church's liturgical life Guroian puts the matter this way
 - a. "Put another way, biblical texts obtain their significant Christian meaning through the authoritative roles they assume within the church. Such meaning is grasped by observing and, even better still, by participating in those liturgical, preaching, and evangelical activities through which the church defines its social identity and pursues its communal goals." [Guroian, *Ethics after Christendom: Toward an Ecclesial Christian Ethic*, p. 58.]
 - b. This expresses much the same idea as my concept of a "sacred claim"
- E. Further Remarks on the Moral Significance of the Liturgy
1. The gathering place of the community of disciples (Scripture/Tradition Sacred Claim axis)
 2. The place where *lectio continua* is actually practiced
 3. Preaching is making a moral argument, usually primarily the prophetic and narrative modes of moral discourse (ala Gustafson)
 4. The Word of God as a two-edged sword: liturgical example of preaching as moral argument

- a. Taken from the readings for the Saturday of the First Week of Ordinary Time, Year I.
 - b. First reading: Hebrews 4: 12-13

"God's word is living and effective, sharper than any two-edged sword. It penetrates and divides soul and spirit, joints and marrow; it judges the reflections and thoughts of the heart. Nothing is concealed from him; all lies bare and exposed to the eyes of him to whom we must render an account. ..."
 - c. Responsorial psalm: Ps. 19,
 - (1) with refrain from Jn 6:64, "Your words, Lord, are spirit and life.
 - (2) The Law of the Lord is perfect, refreshing the soul,...The command of the Lord is clear, enlightening the eye.
 - d. Gospel: Call of Levi, Mk 2:13-17
 - (1) Call of Levi (and response)
 - (2) Eating with sinners
 - (3) Grumbling of the Pharisees, "Why does he eat with such as these?"
 - (4) Response of Jesus, which goes beyond human moral "wisdom": "I have come to call sinners, not the self-righteous."
5. Homily focus
- a. Speculative knowledge vs. evaluative knowledge
 - b. Speculative knowledge is scientific, and might be identified with meta-ethics ala Bruno Schüller (without the biblical crutch)
 - c. Evaluative knowledge though lets the Word of God cut and penetrate.
 - d. This is not easy, and it is often painful.
 - e. As a corollary, sometimes this word of God is most efficacious when we feel most vulnerable.
 - f. Somewhat like Caravaggio's rendition of the Call of Levi.
 - g. It is very hard, if not impossible, to "reason" one's way to such a call.
 - h. In fact, such a process is not the standard discipleship account.

- i. Rather, it is *Jesus* who calls us, and then we are the ones who must respond or not.
- j. So, in terms of the this course, the penetrating Word of God is not really seen best in terms of the "Use of Scripture in Moral Theology"
- k. But rather, in terms of doing moral theology in a way that is *animated* by Scripture, letting Scripture be its soul, and primary nutrient.

F. Sacraments

- 1. Philip Rosato,
 - a. "Linee fondamentali e sistematiche per una teologia etica del culto." Capitolo Primo in *Corso di Morale: Volume 5, Liturgia (Etica della religiosità)*, 11-70. A cura di Tullo Goffi e Giannino Piana. Brescia: Queriniana, 1986.
 - b. Rosato, who is a dogmatic theologian, describes a theology of sacraments, emphasizing the connection between liturgy and practice, and proposes the anamnestic, epiclectic, and prophetic dimensions to the moral life of the Christians.
- 2. Bernard Häring: "The sacraments do not monopolize the signs of God's gracious presence and his call to adoration. Rather, as privileged signs, they lead us to discover the countless ways in which God comes into our life and calls us to honour him by a right ordering of our relationships and by participation in the ongoing work of creation and redemption." *Free and Faithful in Christ*, [?] p. 482.

G. Prayer

- 1. Frankly, this fundamental aspect of moral theology is given rather short shrift by most moral theologians.
- 2. Hopefully, our prayer would at least change our moral vision, and therefore prayer would be key to the moral life.

LXXXVI. ROLE OF PRAYER AND DISCERNMENT IN MORAL THEOLOGY

A. Role of Prayer, Adoration and Gratitude to God in Moral Theology

- 1. This idea reflects on our "final end" of beatitude--resting with God, as our *summum bonum* (highest good).
- 2. Insights of Häring
- 3. "God's disclosure of himself is more than a bare intellectual instruction on the divine magnificence; it is the dynamic manifestation of the hidden mystery which

fills the people with holy // awe and reverence, and is an impelling invitation to adore him in all their life." pp. 473-374.

4. "God glorifies himself precisely in bringing salvation to humankind; and this constitutes the most compelling commandment written into the human heart to seek salvation wholly and only in the adoration of God. So we come to salvation and freedom only in the measure that we adore the all-holy God and dedicate our existence to him in response to the revelation of his glory." p. 474.
5. "The spirit of adoration is not only an essential note of faith, hope and love; it also gives shape, direction and strength to all moral life. As Thomas Aquinas expresses it, «The virtue of religion commands all other virtues» [*S.Th. II II*, q. 81, a. 4 ad 1]. For Thomas, moral life can be virtuous in the full sense only if it receives its final form and strength from the spirit of adoration." p. 478.

B. Role of the Holy Spirit in Christian Ethics

1. Function within the Trinity
2. Spirit in the world
 - a. In the world, and all its aspects
 - b. as "moral reminder" of the Gospel message
 - c. Thus, points to a life in the Spirit
3. Life in the Spirit
 - a. Dynamic of grace
 - b. Häring: "By sending us the Holy Spirit, the Spirit of glory, Christ takes us into his mission of glorification which is fulfilled if we live in the freedom to love as Christ did." p. 476.
 - c. See also the work of L. Gregory Jones, *Transformed Judgement: Toward a Trinitarian Account of the Moral Life*, (Notre Dame: University of Notre Dame Press, 1990).
 - (1) Argues that the most superior form of moral judgement is one grounded in and lived in the presence of the mystery of the Triune God. Jones avers that the primary friendship a person should have is with God. He also discusses and critiques the work of Alasdair MacIntyre, Stanley Hauerwas, and others.
 - (2) Jones studied under Stanley Hauerwas at Notre Dame, and taught theology at Loyola College in Baltimore, and now is at Duke.
 - (3) I'd say that his Trinitarian theology, while interesting, is a bit

impoverished from the point of view of dogmatic theology. I question too, whether "friendship" (as understood in our contemporary ethos) is really the best concept to express the Trinitarian moral life.

C. Moral Imagination as Spirit-inspired

1. One author, Jonathan Wilson, speaks of an 'evangelical imagination' which he describes as "an activity produced when the Church is led by the Spirit into a way of life whose practices are its participation in the everlasting actuality of God's work.
2. "As a product of the Holy Spirit, the evangelical imagination is a work of grace. This work of grace incorporates humanity into a new reality, identified by the story and images of the Gospel, which shows itself in new ways of living. As we participate in the new reality of God's everlastingly actual redemption, we learn to practice that reality by learning, for example, to give thanks, to be forgiven and to forgive, to live sacrificially, to confess our sin, to bear one another's burdens. ... These and other practices in the Church both signify our participation in God's redemptive-creative work and also train us to see God's work and participate in it." Jonathan R. Wilson, "By the Logic of the Gospel: Proposal for a Theology of Culture" *Modern Theology* 10 (1994): 404.
3. "As we practice these things, we develop a more perceptive, more penetrating evangelical imagination." Wilson, p. 405.
4. Resonance with the basic insights of a moral theology which accents more vision, virtue, character, and narrative.

D. Discernment of spirits and moral virtuosity

1. Classic term, with rich theological and biblical warrants
2. Value of St. Ignatius' Rules for the Discernment of Spirits, especially the Rules for the Second Week.
3. James Gustafson, "Moral Discernment in the Christian Life." In *Norm and Context in Christian Ethics*, 17-36. Edited by Gene H. Outka and Paul Ramsey. London: SCM Press, 1968. Also found in "Moral Discernment in the Christian Life." Ch. 5 in *Theology and Christian Ethics*. Philadelphia: Pilgrim Press, 1974. [same article as in Outka and Ramsey]
 - a. Gustafson suggests that we hold in abeyance "the practical moral question of what ought or are to do... [and instead claims] that it would be more fruitful to look more carefully at how we *discern* what we ought to do, or are to do." p. 17.
 - b. "Discernment of what one ought to do...involves a perception of what is morally fitting in the place of time and action." p. 23.

- c. Persons discern: "and persons have histories that affect their discernment." p. 24.
 - d. Their character too affects their discernment [and their vision: cf. St Ignatius in his own life]
 - e. Gustafson uses the term/image of becoming a moral virtuoso, which he describes in this way: "Moral sensitivity seems to contribute in the "discerning" moral man an intuitive element that leads to accuracy in moral aim, judiciousness in evaluation, and compelling authenticity in deed." p. 26.
 - f. The biblically informed Christian perspective will affect our concrete discernment. Moral discernment always takes place within communities; the moral discernment of Christians takes place within the Christian community. The community is in part the present gathering of Christians, in a congregation or some other group, that engages in the moral discourse that informs the conscientiousness of its members through participation in moral deliberation." p. 34.
 - g. To illustrate how I understand the concept of moral virtuosity I might use the example of the distinction between a musical score and its performance, for example of a Beethoven sonata, or a Mahler symphony (e.g., varying degrees of complexity and involvement, collaboration with others). The score would be "objectively" the same for all performances of the given piece, and one might expect a certain level of technical mastery. But what separates an amateur from a true artist is the *interpretation* and *creativity* given to the musical score. I believe that this is an apt metaphor for the proper usage of moral imagination and the individual response to a concrete moral situation, a response that Bernard Häring suggests should be marked by "creative fidelity" to Jesus Christ.
4. Insights from William C. Spohn
- a. "The Reasoning Heart: An American Approach to Christian Discernment." *Theological Studies* 44 (1983): 30-52.
 - b. Also found in *The Reasoning Heart*, ed. Frank M. Oppenheim, S.J., (Washington, D.C.: Georgetown University Press, 1986): 51-72.
 - c. Approach to Christian discernment based on the thinking of some American theologians which stresses the normative contribution of biblical symbols and distinctive Christian affectivity in guiding moral evaluation.
 - d. "Thus, William Spohn, building on [Jonathan] Edwards and [H. Richard] Niebuhr, emphasizes the role of the religious affections in discernment. Discernment is deeper than choice. It is affective attunement. To learn God's will, or in Whitehead's terminology, to discern the divine ideals, it

is necessary to let one's deepest tendencies be transmuted by meditation on the gospel and to allow one's personality to be refigured in the image of Christ. In other words, discernment involves contemplation of and growing attachment to the person of Christ." p. 16.

- e. From Drew Christiansen's introductory essay in *The Reasoning Heart*:
- 5. In this whole context the presence and work of the Holy Spirit is obviously an important factor. Recall the role of the Holy Spirit as Paraclete to "recall" what we've forgotten, and "teach" us what we could not earlier bear. Therefore, meditation on Scripture is key for the moral life of both the individual and the community. Plus the importance of moral dialogue, to see where the wind (the Spirit) is blowing in other communities.

LXXXVII. DEVELOPING A SPIRITUALITY FOR MORAL THEOLOGY

A. Bibliography

- 1. Richard M. Gula, S.S. *The Good Life: Where Morality and Spirituality Converge*. New York: Paulist Press, 1999.
 - a. This is an excellent book for a variety of possible uses, e.g., as a companion text in moral, spirituality, and/or pastoral theology courses, in adult education, RCIA, and/or general enrichment reading on how one could consider and grow in the life of a committed Christian disciple.
 - b. Gula grounds and develops his work in Scripture and the rich tradition of moral theology, and draws as well on the best of contemporary work in the field.
- 2. Mark O'Keefe, O.S.B. "Catholic Moral Theology and Christian Spirituality." *New Theology Review* 7 (1994): 60-73.
 - a. Argues that "the disciplines of moral theology and spirituality must ground their future development in explicit interaction with one another.
 - b. "Failure to attend to their relationship will cut them off from their own traditions and fail to provide the most authentic guidance to holistic growth in Christian living. The present study examines the historical relationship of the two disciplines up to their current state in the effort to identify useful insights from the past and to suggest some challenges for the future [p. 61]."
 - c. O'Keefe teaches moral theology at the St. Meinrad School of Theology.

B. Definition of the term "spirituality":

- 1. "Spirituality, then, is the quest, under the direction of the Holy Spirit but with the

cooperation of the believer, for holiness. It is the pursuit of the life lived to the glory of God, in union with Christ and out of obedience to the Holy Spirit."
[Stanley J. Grenz, *Revisioning Evangelical Theology: A Fresh Agenda for the 21st Century*, (Downers Grove IL: InterVarsity Press, 1993): 42].

2. Problematic aspect of an overly individualistic focus.

C. Historical Context of the Split

1. "The development of moral theology as a separate discipline distinct from dogmatic theology began in the sixteenth and seventeenth centuries with the development of extended commentaries on the *Secunda Pars* of the *Summa Theologiae* such as those of Thomas de Vio (d. 1534), Francis de Vitoria (d. 1546), and Francis Suarez (d. 1617).
2. "The Counter-Reformation period also saw the emergence of a new genre of manuals or textbooks of moral theology--the *Institutiones theologiae moralis*." (O'Keefe, O.S.B. "Catholic Moral Theology and Christian Spirituality, p. 63).

D. Implications of the Historical Split between Moral Theology and the Rest of Theology (and Spirituality)

1. "The moral theology of the sixteenth and seventeenth centuries, however, manifested not merely a process of developing theological specialization but a bifurcation in the inherent relationship of the moral and spiritual dimensions of Christian living. Catholic moral theology, under the influence of the philosophy of nominalism, gradually became focused on acts, rules, and casuistry, losing the broader Thomistic emphasis on virtues in the context of a striving to attain the ultimate end.
2. "Discussion of virtue was reduced almost to providing an organizing structure for discussing the sinful acts that 'opposed' particular virtues. Catholic moral theology--all the way up to the manuals of moral theology in use before the Second Vatican Council--remained tied to and more akin with emphases in canon law than to dogmatic theology and spirituality." (O'Keefe, "Catholic Moral Theology and Christian Spirituality, p. 63)
3. Creation of a two-tier understanding of spirituality and moral life
 - a. Upper level for the elite
 - (1) Practice of the evangelical counsels
 - (2) teleological mode
 - (3) Supererogation
 - b. Lower level for the common people
 - (1) Keep the Ten Commandments

(2) Deontological

(3) Minimalistic

E. Renewed Post-Vatican II Moral Theology and Spirituality

1. Vatican II's emphases

- a. The People of God
- b. Universal Call to Holiness, cf. *Lumen Gentium*, ch. 5
- c. *Gaudium et Spes* and involvement in the world
- d. Changes in ecclesiology, changes in understanding of "Christian perfection" and spirituality

2. Community of Discipleship

- a. Primary identity as moral agent: a disciple who follows the Lord, individually and in community
- b. Use the dynamic of the Spiritual Exercises to recapture this dimension

3. Renewed moral theology, such as the work of Bernard Häring

- a. "Häring's work was fueled largely by the belief that there are two basic and inseparable forms of the human response to God's gratuitous self-offering: worship (both private and communal) and moral living. The two responses cannot be separated in the lives of the individual Christian." (O'Keefe, "Catholic Moral Theology and Christian Spirituality, p. 66)

4. "In short, while the contemporary, ongoing renewal of Catholic moral theology has largely reclaimed the discipline's theological and biblical foundations, it has still not progressed to the point of manifesting the connection between moral and spiritual striving. It must be said, then, that Catholic moral theology is still cut off from the full dynamism of authentic Christian living. It does not yet fully reflect the actual lives of Christians who must pray in order to become truly good and who must become morally good in order to grow in prayer and holiness." ((O'Keefe, "Catholic Moral Theology and Christian Spirituality, p. 67)

F. *Rapprochement* between morality and spirituality

1. "First, Catholic moral theology must continue to reclaim the broader and even transcendent context provided by its relationship with spirituality. Moral theology cannot be restricted to norms and decisionmaking [*sic*], nor even to virtue and character. Moral theology serves the Christian life aimed at sharing together in the divine life of the Trinity--a life with our sisters and brothers in triune

community. The Christian life is a radically new life in Christ, conformed to Christ, transformed in Christ." p. 69.

2. "Second, contemporary moral theology must continue to point to the Christian moral life as empowered by grace, made possible only by God's gracious presence and action in individual Christians, in the Christian community, and in the world. Moral theology must therefore recover what the tradition discussed as 'infused virtue' (moral and theological), and charity as the 'form' of the virtues and thus of the moral life--a love empowered by and ultimately directed toward God. It is only in this transcendent and grace-filled context that discussions of virtue, natural law, norms, acts, and decision-making can make sense as *Christian* ethics. Otherwise moral theology will continue the bifurcation of the moral life from the spiritual life and thus fail to provide authentic and holistic guidance to Christian men and women struggling to become both good and holy." p. 69.
3. "Third, contemporary spirituality cannot lose touch with the insights discussed in the traditional treatises on ascetical theology. This requires that contemporary spirituality recover notions of purgation and asceticism that are authentically and appropriately world-affirming and creation-serving and that guide Christian women and men in the integration of all of their desires into their striving after God." p. 70.
4. "Fourth, the ongoing renewal of Christian spirituality seems well served by the contemporary discipline's attention to experience. The most fundamental human experience which is the focus of both spirituality and moral theology is the drive to authentic self-transcendence in prayer and action." p. 70.
5. "Fifth, building on a foundation in experience, moral theology and spirituality might usefully develop a common language to discuss such // realities as their foundational experiences, the authentic development of mature human and Christian living, and the supports and hindrances to that development." pp. 70-71.
6. Paul Wadell echoes these same basic themes:
7. "It is unfortunate that in recent centuries Catholic theology has tended to split morality and spirituality, enervating the former and isolating the latter. Once this occurs morality tends to be minimalistic and spirituality elitist. An ethics divorced from the Christian spiritual life is unlikely to be overly juridical and legalistic, asking not what should we do to become as much like God as we possibly can, but what must we avoid if we are not to sin.
8. The second question is important, but it does not go far enough. We learn from it what to avoid, but not what to embrace; it teaches us what we should not choose, but says nothing of what we must deeply love." [Paul Wadell, C.P., *The Primacy of Love: An Introduction to the Ethics of Thomas Aquinas*, (New York: Paulist Press, 1992): 17].

G. Post-Vatican II Directions

1. Implicit recognition of the connection between morality and spirituality seen in

more recent Vatican documents such as

a. the *Catechism of the Catholic Church*

- (1) As one commentator notes "The text [of Part Three of the Catechism which treats of morality and moral theology] does not begin with a review of 'thou shalt not's'.
- (2) "Rather, the first part begins with a reflection on the 'spirituality' of the human vocation and the Gospel vision of happiness found in the Beatitudes; moves through a discussion of grace and sin; attends to the meaning of the human and Christian virtues; and only then reviews the two-fold commandment of love which is found in the Decalogue as well as the role of the community of faith in moral development." [Michael D. Place, "Book Three: Life in Christ," *Chicago Studies* 33 (1994): 38].

b. and *Veritatis Splendor*

2. E.g. Bishops' Synod on the Laity and Family
3. Evangelization

H. Potential of mining traditional Ignatian spirituality:

1. Finding God in all things
2. Contemplation in Action
3. *Magis*
4. Discipleship
5. Discernment of spirits, both individual and communal

I. Other Benefits of a closing inter-connection between spirituality and moral theology

1. A greater attention to spirituality within the discipline of moral theology will help avoid the pitfall of substituting "theologizing" for a personal faith commitment.
2. Help bring the concrete into the abstract.

J. Spirituality of the Common Search for the Truth (cf. *Veritatis Splendor*)

1. Often this is not really seen as something connected with "spirituality" but I think it is important and helpful to view the search for truth in this way
 - a. Way of countering our "evil imaginations of the heart" to use H. Richard Niebuhr's expression (*The Meaning of Revelation*)

- b. And also important to counter the negative aspects of our individual and collective ethos, etc.
 - 2. Something that we do together: truth is something no one arrives at alone, but only through ongoing conversation with others. We come to truth not singly but collaboratively.
 - 3. Epistemologically, none of us, or even the Church, Magisterium, etc. can perceive "the whole truth and nothing but the truth"
 - 4. Dialogue Approach for Mutual Aid and Enrichment in the spirituality of the common search for the truth
 - a. Dialogue is a process, with a methodology (or technique), that perhaps is not immediately self-evident.
 - b. Central point is a "conversion" to this dialogue process
 - c. Here the voices and critiques from feminist ethics and theology are very important
 - d. Perhaps some hints here as well from inter-religious dialogue
 - 5. Remember too, the presence and influence of sin; we are all, even confessionally *simul iustus et peccator*
 - 6. Need for confession, both of praise and belief, as well as sin and repentance, which implies a need for conversion, sustained by our constant need for grace!
- K. Revision of Notion of Dissent seen in regards to the spirituality of the common search for the truth
 - 1. By "dissenters" in making clear that no attack is meant on the charism of the Magisterium
 - 2. By the Magisterium in realizing that their charism does not dispense them from study, learning, and listening, and that truth is not essentially propositional, and therefore the plenitude of truth requires participation of all.
- L. Liminality and the Appropriation of truth
 - 1. In any moment of history in which significant paradigms begin to shift there is bound to be a certain period of unsettledness, discomfort, and even conflict.
 - 2. This stage is marked by what I would like to term "liminality." Liminality is a concept taken over from both developmental psychology and cultural anthropology, and refers to the experiences which mark the passage from one stage of life to another. We see this most clearly (and painfully!) with adolescence: seemingly nothing is sacred, all values (other than absolute

independence) seem to be negated, and so on. Yet, we know that this stage does not last forever. And this stage is a key factor at achieving maturity. Perhaps many of the difficulties and conflicts associated with the various paradigm shifts I have touched on above can be likened to this stage of liminality. We are in the process of regaining our bearings, but in this process I believe we shall all emerge as more mature Christians. For example, in bioethics, perhaps more clearly than in some other areas, we can see the function of "liminality" as new concepts and refinements find their place in the moral tradition.

3. We made reference to this concept in regards to bioethics (quoting John Mahoney on the acceptance/non-acceptance of brain death as the basic criterion for determining the moment of human death [cf. Mahoney, *Bioethics and Belief*, p. 38])
4. This needs to happen in our sexual ethics as well, and this is a point stressed by Lisa Cahill in her article "Sex and Gender: Catholic Teaching and the Signs of Our Times," *Milltown Studies* 34 (1994): 31-52.

M. Ignatius' Presupposition

1. *Spiritual Exercises*, Introductory Annotation, #22: "In order that both the one who is giving the Spiritual Exercises, and the one who is receiving them, may more help and benefit themselves, let it be supposed that every good Christian is to be more ready to save his neighbor's proposition than to condemn it. If he cannot save it, let him inquire how he means it; and if he means it badly, let him correct him with charity. If that is not enough, let him seek all the suitable means to bring to mean it well and save himself."
2. This "Presupposition" is not just for retreats, but for our whole life.
3. This *odium theologicum* has done great damage to Christian unity and the whole project of coming to a fuller understanding of human morality.

N. Mahoney's Notion of the "Challenge" of Moral Distinctions

1. "The Challenge of Moral Distinctions." *Theological Studies* 53 (1992): 663-682.
 - a. Revised version of the First Annual Joseph B. Brennan Lecture in Applied Ethics, delivered at Georgetown University's Center for the Advanced Study of Ethics on 1 April 1992.
 - b. Mahoney is Professor of Moral Theology at King's College, University of London.
2. "The making of moral distinctions, i.e. of morally relevant distinctions, presents us with a challenge to which we can respond in a variety of ways. One response is to ignore the challenge. Another is to consider it a challenge which modern society is incapable of accepting. A third, more positive, response is to accept some moral distinctions as an illuminating discovery throwing light on how we may, or should, behave. And a final response to the challenge is to accept some

distinctions as satisfying or helpful at least for the time being, while keeping an open mind to the possibility of their being further refined or eventually superseded." p. 664.

- O. Feminist issues and Christian spirituality of moral theology
1. Need to move to and through "consciousness"
 2. Recognizing that this will involve often a good deal of anger
 3. Anger can have positive values
 4. But if anger gets locked into moral outrage it will become problematic for both the individuals and the Christian community
 5. Helpful pastoral book on this issue is Carolyn Osiek's *Beyond Anger: On Being a Feminist in the Church*. New York: Paulist Press, 1986.
 - a. A good analysis of causes and stages of feminist anger in and with the Church.
 - b. Osiek also suggests some important pastoral considerations on dealing with and moving through this anger, as well as some strategies for continuing to live in a Church whose reality will continue to be very painful for committed feminists.
- P. A note about spirituality and the sacramental work of the all the priests in the Christian community of the priesthood of all believers. All of us, regardless of gender and ordination status, is genuinely called to be a priest.
1. A good recent expression of what I am getting at is found in Diana Wear's recent article "Grace happens" published in the September/October 1998 issue of *Catholic Women's Network* (p. 13), and used by me here with the explicit permission of the author herself (who was a M.Div. student at JSTB who graduated in May, 1999).
 2. Here are Diana's own words: "Recently, I began interning as a chaplain at a hospital working with seriously ill children—walking a torturous journey with children and their loved ones. One night after complaining to a co-worker about my plight in the church, she earnestly said to me, 'I know ordination is important to you, but you don't need a tongue depressor around your neck to be a priest here'. I had heard that line many times before, but this time I got it. This holy place where I had come to pastorally support the sick and the dying had also become a healing place for me. It was a place where I have been accompanied by people helping me 'claim' my priesthood. It was God's doing for sure. It was not simply that place, rather it was finally understanding what had developed in the years of seminary training and service—being formed through God's grace. I no longer suffer those ecclesial throbbing pains because some people in the church say I cannot be a priest. I am getting on with [*sic*] business of being a *priest*." (Emphasis in the original).

- Q. I think there is much wisdom in what Diana has said, and also much challenge. If we don't accept and nurture our common call to priesthood first we will never be good priests of any stripe. In summary here are three key aspects for such a spirituality: first, that it is always grounded in the community (there is no independent ecclesial "I" that is not a person who finds his or her primary identity as a disciple *within* the community of believers; second, our spirituality must be one "for the long haul," i.e., a spirituality able to deal with, but also live through, my own sins and the sins of others, as well as the social sins and structural evil of the institution. Finally, our spirituality must be a spirituality of the Spirit, which means it is essentially practiced and informed through discernment, and leads, in the sense of the Ignatian "Rules for the Discernment of Spirits," to both individual and communal growth and liberation. Recall here Jesus' own statement of his mission in John 10:10: "I have come that they may have life and have it to the full."

LXXXVIII. APPROACH TO ADULT EDUCATION IN MORAL THEOLOGY

- A. Start with a prayer, Scripture, reflection
- B. Try to build on what the people already know and build on the earlier catechesis and instruction they may have received.
- C. Be clear and concise in your definitions
- D. Use some examples to illustrates concepts and problems
- E. Try to help people see the moral complexity of concrete situations, and move them beyond looking for simple "clear-cut" black and white answers
- F. Try to develop a sense of "history" in the development of moral teaching
1. Help people to see where there is constancy in the Tradition
 2. And where there are divergent voices
 3. And where there has been genuine development
 4. As well as where conflict and division remain
 5. For all of the above it would be helpful to have a few good illustrative examples of constancy, inconsistency, error, and development in the Church's moral teaching
 6. In this vein see Maureen Fiedler, and Linda Rabben, eds. *Rome Has Spoken: A Guide to Forgotten Papal Statements and How They Have Changed through the Centuries*. New York: Crossroad, 1998.
 - a. Individual chapters dealing with a range of theological and moral topics, from infallibility, biblical interpretation, ecumenism, religious freedom, usury, sexual ethics, and so on.

- b. The format of each chapter provides a historical sampling of various magisterial statements (papal, conciliar, and from various dicasteries of the Holy See) on the topic at hand, and concludes with a short essay on the Church's teaching in this area by a specialist in the field.
 - 7. See also John T. Noonan's brief article, "On the Development of Doctrine." *America* 180 (3 April 1999): 6-8, which details changes in the Church's teaching in five areas: adultery, the death penalty, religious liberty, slavery, and usury. This article might be helpful in adult education settings as well.
 - 8. Some common and effective examples include teaching on usury, on slavery, on freedom of conscience and religious liberty, a change in the primacy of the procreative end in marriage, and the condemnation and subsequent rehabilitation (1992) of Galileo, etc.
 - 9. Try to use these examples judiciously, and not in a belittling manner, but as a way to illustrate that the Church, like any human institution, has grown, is historical, and needs to correct mistakes made.
- G. Problems to try and avoid:
- 1. Try to establish yourself as working within the Church and its Tradition, etc.
 - 2. Try to avoid giving the appearance of setting yourself up as a "more enlightened" source of wisdom than the Magisterium, pastor, local bishop, or other groups within the Church
- H. Stress developing "adult" responses
- 1. Gather as much information as possible
 - 2. Move to an informed decision in good conscience
 - 3. Reiterate the Church's constant tradition of the sanctity of conscience
 - 4. Help people to make and "own" adult decisions; to take responsibility for their own choices in this area as well
 - 5. Avoid setting up yourself or any other external authority as the "higher" authority in these personal areas.
- I. Use examples, and if at all possible, case studies using issues which will be likely to be real life issues for *this particular group*.
- J. Allow time for small group work, if appropriate.
- K. Give time for questions, but you may need to control this, and perhaps end this period. Some people can dominate a group, and you may need to say, "Let's talk about this at the break, but we need to move on now..."

CE 2056 Fundamental Moral Theology

- L. Indicate readable and relatively short works for further reading and ongoing education

LXXXIX. BIBLIOGRAPHY SUGGESTIONS FOR ADULT EDUCATION

- A. General works good for overview (somewhat simpler)

1. Gula, Richard M., S.S. *Moral Discernment*. New York: Paulist Press, 1997.
2. Overberg, Kenneth R., S.J. *Conscience in Conflict: How to Make Moral Choices*. Cincinnati: St. Anthony Messenger Press, 1991.
3. Keenan, James F., S.J. *Virtues for Ordinary Christians*. Kansas City: Sheed & Ward, 1996.
4. Higgins, Gregory C. *Where Do You Stand? Eight Moral Issues Confronting Today's Christians*. Mahwah NJ: Paulist Press, 1995.

- B. Specific issues (and which tend to be a bit more difficult)

1. McCormick, Richard A., S.J. *The Critical Calling: Reflections on Moral Dilemmas Since Vatican II*. Washington, D.C.: Georgetown University Press, 1989.
2. McCormick, Richard A., S.J. *Corrective Vision: Explorations in Moral Theology*. Kansas City: Sheed & Ward, 1994.
3. McCormick, Patrick, C.M. *Sin as Addiction*. New York: Paulist Press, 1989.
4. O'Keefe, Mark, O.S.B. *What Are They Saying About Social Sin?* New York: Paulist Press, 1990.
5. Gula, Richard M., S.S. *Euthanasia: Moral and Pastoral Perspectives*. New York: Paulist Press, 1995.
6. Curran, Charles E. and McCormick, Richard A., S.J., eds. *Readings in Moral Theology No. 8: Dialogue About Catholic Sexual Teaching*. New York: Paulist Press, 1993.
7. Hanigan, James P. *What Are They Saying About Sexual Morality?*. New York: Paulist Press, 1982.
8. Cahill, Lisa Sowle. *Between the Sexes: Foundations for a Christian Ethics of Sexuality*. New York: Paulist Press; and Philadelphia: Fortress Press, 1985.

XC. ONGOING PROFESSIONAL EDUCATION

- A. Suggestions for further course-work
- B. Suggestions for On-going Reading

CE 2056 Fundamental Moral Theology

March issue of *Theological Studies*

The Tablet and/or *America*

Studies in Christian Ethics

Semi-annual published by T & T Clark, organized around a single theme. Subscription \$34.95 to T & T Clark, 59 George Street, Edinburgh EH2 2LQ, Scotland.

Moralia

Revista de ciencias morales en español

Has a good annual review of literature on moral theology, organized thematically.

Félix Boix, 13
E-28036 Madrid
SPAIN

Studia Moralia

Semi-annual periodical published by the Alphonsianum in Rome (Redemptorist school of moral theology). Articles in English, French, German, Spanish, and Italian.

Located in the GTU Library *in the stacks* (not with the other periodicals) at BJ1249 .S88

Theology and Sexuality

Louvain Studies

Published quarterly by the Faculty of Theology of the Katholieke Universiteit Leuven.

Irish Theological Quarterly

APPENDIX I: GLOSSARY OF FUNDAMENTAL MORAL TERMS

Compiled by
James T. Bretzke, S.J.
Jesuit School of Theology-at-Berkeley

N.B. Items in bold refer to the titles of Church documents

ACCULTURATION

ACTUS HOMINIS AND ACTUS HUMANUS (See Bretzke's *Consecrated Phrases: A Latin Theological Dictionary* for definition of these terms)

AUTONOMY (Moral)

AWARENESS AND CONSENT, SUFFICIENT

BONUM EST FACIENDUM ET PROSEQUENDUM, ET MALUM VITANDUM (See *Consecrated Phrases* for definition of this term).

CASUISTRY

CHARISM

CLASSICIST WORLD VIEW

Glossary of Moral Terms

CIRCUMSTANCES, OF A MORAL ACTION

COMPROMISE, MORAL

CONSCIENCE

CONSTANCY OF TRADITION

CONSCIENCE, CERTAIN

CONSCIENCE, DOUBTFUL

CONSCIENCE, ERRONEOUS

CONSENT, SUFFICIENT

CONSEQUENTIALISM

CONTRA NATURAM (See *Consecrated Phrases* for definition of this term)

Glossary of Moral Terms

COOPERATION WITH EVIL (MATERIAL & FORMAL, IMMEDIATE, MEDIATE, OR REMOTE)

CULTURE

DEONTOLOGY

DESUETUDE

DEUS IMPOSSIBILIA NON IUBET (See *Consecrated Phrases* for definition of this term).

DIGNITATIS HUMANAЕ (See *Consecrated Phrases* for definition of this term).

DISCERNMENT, MORAL

DISPENSATION

DISSENT, THEOLOGICAL

DISTINCTION BETWEEN MORAL GOODNESS & BADNESS, AND MORAL RIGHTNESS &
WRONGNESS

DOUBLE EFFECT, PRINCIPLE OF

DUTIES, CONFLICT OF

DUTIES, POSITIVE AND NEGATIVE

ENCULTURATION

EPIKEIA

ETHOS

EUTHANASIA

EVANGELIUM VITAE (See *Consecrated Phrases* for definition of this term).

EVIL, INTRINSIC

EVIL, LESSER [*MINUS MALUM*]

Glossary of Moral Terms

EVIL, MORAL

EVIL, ONTIC

EX CATHEDRA (See *Consecrated Phrases* for definition of this term).

EXITUS ET REDITUS (See *Consecrated Phrases* for definition of this term).

“FAITH & MORALS” (*DE FIDE VEL MORIBUS*)

FAMILIARIS CONSORTIO

FINIS OPERANTIS (See *Consecrated Phrases* for definition of this term).

FINIS OPERIS (See *Consecrated Phrases* for definition of this term).

FORUM, INTERNAL/EXTERNAL

FREEDOM, Moral and Basic

FUNDAMENTAL OPTION

GAUDIUM ET SPES (See *Consecrated Phrases* for definition of this term)

GOOD, ONTIC

GOOD, MORAL

GRADUALISM

HABIT, MORAL

HERMENEUTICS

HIERARCHY OF VALUES, DUTIES, TRUTHS

HUMANAE VITAE (See *Consecrated Phrases* for definition of this term).

IGNORANCE, INVINCIBLE & VINCIBLE

IMAGO DEI (See *Consecrated Phrases* for definition of this term).

INCULTURATION

INFALLIBILITY

IN FORMA SPECIFICA, COMMUNI (See **Addenda** to *Consecrated Phrases* for this term).

INTENTION, MORAL

INTRINSIC EVIL (*INTRINSICE MALUM IN SE*)

IUS AD BELLUM (See *Consecrated Phrases* for definition of this term).

IUS IN BELLO (See *Consecrated Phrases* for definition of this term).

LAW, DOUBTFUL

LAW, ETERNAL (*LEX AETERNA*) (See *Consecrated Phrases* for definition of this term).

LAW, POSITIVE

Glossary of Moral Terms

LEGALISM

LEX DUBIA NON OBLIGAT (See *Consecrated Phrases* for definition of this term).

LEX INDITA, NON SCRIPTA (See *Consecrated Phrases* for definition of this term).

LEX TALIONIS (See *Consecrated Phrases* for definition of this term).

LUMEN GENTIUM (See *Consecrated Phrases* for definition of this term)

MAGISTERIAL TEACHING: CHARACTER, FREQUENCY, AND LEVELS OF AUTHORITY

MAGISTERIUM, ORDINARY and EXTRAORDINARY

MANUALS, MORAL (MANUALIST TRADITION)

MATERIAL NORMS

MATTER, GRAVE (LIGHT)

Glossary of Moral Terms

MEANS, DIRECT & INDIRECT

MEANS, ORDINARY & EXTRAORDINARY

MIDDLE AXIOMS

NATURAL FAMILY PLANNING (NFP)

NATURAL LAW

NATURAL LAW, UNIVERSAL PRECEPTS

NATURALISTIC FALLACY

NORMA NORMANS (NON) NORMATA (See *Consecrated Phrases* for definition of this term).

NORMS, UNIVERSAL

NORMS, MIDDLE AXIOMS

Glossary of Moral Terms

NORMS, CONCRETE

OBLIGATION, MORAL

OBSEQUIUM RELIGIOSUM (See *Consecrated Phrases* for definition of this term).

OCCASION OF SIN, PROXIMATE OR REMOTE

PARS PROPTER TOTUM (See *Consecrated Phrases* for definition of this term).

PARVITAS MATERIAE IN SEXTO (See *Consecrated Phrases* for definition of this term).

PERSONA HUMANA (See *Consecrated Phrases* for definition of this term).

PERSONALISM (PARADIGM)

PHYSICALISM (PARADIGM)

PROBABILISM

Glossary of Moral Terms

PROPORTIONALISM

PVS [*Persistent Vegetative State*]

RATUM ET CONSUMMATUM (See *Consecrated Phrases* for definition of this term).

REASON

REASON, PRACTICAL

REASON, SPECULATIVE

RECTA RATIO (See *Consecrated Phrases* for definition of this term).

RIGORISM

SCANDAL

SCRUPLES

Glossary of Moral Terms

SENSUS FIDELIUM (See *Consecrated Phrases* for definition of this term).

SIN

SIN, MORTAL & VENIAL

SIN, OF OMISSION AND/OR COMMISSION

SIN, ORIGINAL

SIN, SOCIAL

SLIPPERY SLOPE ARGUMENTATION

SOCIAL SIN

STRUCTURAL EVIL

SUPER EGO

Glossary of Moral Terms

TELEOLOGY

TEMPTATION

TOLERANCE (OF EVIL)

TOTALITY, PRINCIPLE OF

TRADITION

TUTORISM

UNIVERSAL PRECEPTS (of the natural law)

[LEX VALET] UT IN PLURIBUS (See *Consecrated Phrases* for definition of this term).

UTILITARIANISM

VERITATIS SPLENDOR (See *Consecrated Phrases* for definition of this term).

VICE

VIRTUE

VOLUNTARISM

APPENDIX 2: PASTORAL COUNSELING GUIDELINES

Some Pastoral Counseling Do's and Don'ts

By James T. Bretzke, S.J., S.T.D.*

In general I suggest the following “*questions*” to help guide pastoral responses to a particular person (s) whom you meet for any sort of pastoral counseling (outside of confession). The overall purpose of these questions is to help surface the concrete “*issues*” in a particular situation, and then to identify and help formulate an appropriate pastoral response to the person(s) whom the issues involve. One doesn't have to “answer” or “address” these questions in a programmatic fashion, but I think they are helpful in formulating a response that is both concrete and pastorally helpful. After the questions I indicate some further observations as *points to ponder*. Neither the questions nor the following points are absolute rules or invariable principles; use them judiciously to the extent that they are helpful, and leave this or that question or point aside if it doesn't seem to apply or is not appropriate in a given concrete situation.

8 Starting Questions: Designed to get at and the address the real *issue(s)* involved

- 1) What is my *pastoral role* in this case and what am I being *asked* to do?
- 2) What are the morally relevant *features* of this case?
- 3) What are the *presuppositions* both I and the other(s) bring to this case?
- 4) What further *information* is needed in order to respond to this case?
- 5) What are the moral *principles* operative in this case?
- 6) What kind of a pastoral *response* should I make in this case? and
- 7) What kind of pastoral *strategies* would I use in my response?
- 8) And perhaps the *most important pastoral* question: Who and/or what is *most in need of reconciliation* in this situation?

Further Points to Ponder

Take an appropriate amount of time. Watch trying to rush a session. People need time to tell their stories, and it's probably best to let them do so in their own way, in their own words, and in their own speed. Yet, this is not an absolute “rule”—some people will need help in bringing the session to both a close and closure. Don't feel that everything must be either addressed or solved in one session. Don't be afraid to set up a follow-up session (or more).

Track your questioning carefully and please be judicious in your use of questions. Why are you asking this or that question? Certainly ask a question for clarification if there is some item which seems crucial to your understanding of the person's story, but which isn't clear to you (yet) in their telling of the story. However, I'd avoid asking questions just in order to have the “full picture” or “all the facts,” since the purpose of the session really is healing and not some after-the-fact adjudication of responsibility or criminality. I think this last point is particularly important in dealing with situations involving a long-past event which continues to haunt someone, such as abortion. Rather than go into great detail about just how the pregnancy came about and the circumstances which led to the abortion decision I think it probably would be more helpful to stay with the person where she or he is here and now. What do they feel “now”? Why? How can we bring God more tangibly into this person's life and self-awareness here and now?

Try to focus not merely on the “intellectual” but also on the emotional and affective dimensions. The heart, more than the head, is probably crucial in our moral living. Questions like “Do you believe God can forgive you?” may elicit an intellectual “yes” (a notional assent), which has not reached the depths of the person's heart which is still crying out “No! God can't forgive me!” Effective pastoral counseling will have

* These are based on my *own* pastoral experience and *not* on a degree in counseling!

to try and convince and change the heart more than the head, so try and keep this in mind in devising your pastoral strategies.

Take their Problem Seriously, but watch the Problem-Solving tendency. This guideline calls for a definite balancing act. The person must feel that she or he is being taken seriously and that you really do understand *their* issue (even if it is not or would not be a troubling issue for you). Be careful not to homilize or too easily present a solution based on generalities like “God will hear and answer your prayers.” On the other hand, try not to get sidetracked into a discussion of how to resolve the issue in a social service mode. This is a natural tendency for those in the helping professions—to try and resolve the pastoral issue by “solving” the problem which brings the person to you. Try and stick with the pastoral issue itself, and bring the person into a deeper relation with God, which is usually should be the focus of the encounter. Remember too that some problems just cannot (or will not) be solved this side of heaven. Entrusting the person and his or her problem to God’s loving Providence may be the only (and/or best) thing that can be done at this point in time.

Keep God in the picture. Even if He has to remain in the background for the person you’re talking to (if that person would not be “ready” for a more explicit referencing of the discussion to God and God’s loving presence), *you* should keep in mind that God is very much present and working with and through you.

Stay in the present tense. Many pastoral issues obviously will have their roots in the past, but we cannot go back in time and change whatever action, decision, event, etc., that had a part to play in bringing the person to you. However, you can deal with the person in the present and move them to the future. God forgives the past, He doesn’t “erase” it so that we can then “re-record” our lives in a different way. Forgiving the past allows us to move ahead (not back) into our present and future.

Be careful of using technical jargon or abstract principles. While it is important that you do know these things, it probably is not overly useful to bring them into your pastoral conversation, except in rare circumstances when you might want to clarify a key point with the person you’re speaking with.

Be careful of suggesting an action-plan if you don’t know the person’s situation adequately. One size doesn’t fit all in pastoral counseling, and total honesty may not always be the best policy. For example, in dealing with a woman who has underwent an abortion some years before she married her present spouse it may not always the best thing for her to tell her husband. Much would depend on this woman, her relationship with her husband, and a host of other issues. A related principle would be to try and keep a number of possible options open or various pastoral strategies so that if one line or approach doesn’t seem to be working you can then fall back on Plan B or Plan C, and so on.

Track your own feelings and reactions. This is always important, but is absolutely crucial when dealing with someone whose problem, character, politic leanings, etc., rub you the wrong way. Remember that your pastoral role rarely (if ever!) would call for you to “judge” the person or get them to ascribe to your political leanings. This also applies even in cases where you know that you’re “right” and/or in complete agreement with what the Church clearly teaches on a certain matter. Pastorally the key is to facilitate God’s working in this person, and God often convinces in subtle and slow ways, so it is important to keep the person open to God’s Spirit. Remember that true conversion takes time, and may involve a number of detours.

Don’t feel you have to go it alone. You can make referrals and you can ask others for advice. A trusted mentor that you check in with periodically can also be helpful as you reflect on your pastoral experiences and approaches. Nevertheless, remember that the person did come to *you*, and if you make a referral too quickly or too easily they may feel either rejected or that their problem is so great or that their sin is so terrible that they cannot easily find help or forgiveness. Yet, do not try to handle a situation or question which you realize is clearly beyond your competence. You can say “Let me pray about this a bit and let’s

meet again,” or “Part of your issue involves a technical question (e.g., a point in canon law) that I am not sure of, and I’ll need to clarify this point with someone better versed (assuring them that this will be done in both an anonymous and confidential manner!).” Don’t be afraid to ask one of your old teachers or someone in the parish or diocesan office for help in these sorts of cases.

A Final Note: Keep the person in your prayers. Not everyone will be in a place where they might feel comfortable to actually pray with you, or to be prayed over, but I think with most people you *can* let them know that you will continue to keep them in your prayers—which means that you are telling them that God continues to keep them (and you!) in His provident care, concern, and love. Please remember that as God’s minister you are also in His special care as well!

APPENDIX 3: EXEGESIS AND INTERPRETATION OF MAGISTERIAL DOCUMENTS

Prepared by James T. Bretzke, S.J., S.T.D.

91. Five Common Misconceptions Regarding Church Texts
 - a. No text is self-evident, nor self-interpreting, nor self-applying (all texts need to be first translated, read, understood, interpreted and only then applied)
 - b. All texts are *not* created equal (just as the Church is hierarchical, so some texts are more authoritative than others depending on the character of the content, the manner in which the text is presented and under whose authority the text is given)
 - c. The “latest” text is *not* necessarily the most authoritative (one needs to look carefully at the manner and level of authority of the text)
 - d. There is no “The Vatican” which exists as a monolithic entity (one needs to look carefully at who authors the text and at the type of authority the text itself carries)
 - e. The language used in the text does *not* necessarily mean the same as in general idiomatic usage (one needs to be clear on technical meanings of certain words, concepts, formulae, and so on)
92. Begin with Translation
 - a. What is the language of the official text? (*Editio typica*)
 - b. What do all the words mean in *that* language? Do they mean exactly the same in *this* language? Where might be some changes in nuance, loss and/or confusion of meanings?
 - c. Are there differing possible translations? (E.g., for *obsequium religiosum* [*Lumen gentium* #25] or *intrinsece inhonestum* [*Humanae vitae* #14])
 - d. Are there technical meanings which might be different from the usual vernacular usage? E.g., “human act” (*actus humanis*) or “intrinsically disordered” or *sub secreto*.
93. After Translation Move to Exegesis, Using the Basic Tools of Exegesis
 - a. Pay attention to the form(s), context, and intended audience
 - b. Source criticism (especially look at drafts, revisions, language)
94. Guidelines for Interpreting Magisterial Teaching Given in Vatican II (*Lumen gentium* #25)
 - a. The **character** of the teaching
 - i. Not all truths are of the same importance, and thus the Church explicitly states there is a hierarchy of truths necessary for salvation.
 - ii. The character of the teaching and the manner of teaching may be on different levels (e.g., we can have a “lower” doctrine on the hierarchy of truths, yet have it proclaimed at the highest level of authority, such as the Marian doctrine of the Assumption.

- b. **Frequency of repetition**
 - i. Errors are “corrected” and/or teaching is “changed” *not* by saying “we were wrong” but by ceasing to repeat a certain position, e.g., the teaching that interest-taking was intrinsically evil.
 - ii. Even some teachings that have been “frequently repeated” over a long period of time still can be changed (e.g., the teaching on freedom of religion, which was explicitly condemned by Gregory XVI and Pius IX, but which was affirmed by Vatican II in *Dignitatis humanae*).
- c. **Manner of the teaching**
 - i. How (in what form) is the text itself delivered?
 - ii. To whom is it explicitly addressed?
 - iii. Under whose authority is *this* text issued, *even* if it is meant to explain something else? (E.g., the Congregation for the Doctrine of the Faith *Responsum* to the presumptive infallibility of John Paul II’s *Ordinatio Sacerdotalis*)

95. Additional Interpretive and Application Guidelines

- a. Distinction (where applicable) between “ideal” and “fulfillment” commands and legislation
- b. Distinction between theory in the abstract and application in the concrete
- c. Legal world-view of Roman (Italian) law; minimalism is not necessarily a vice nor the same as laxism according to this legal culture.

96. Levels of authority of Magisterial teaching based on the manner in which it is proposed:

- a. Teaching solemnly proposed *de fide definita* in *ex cathedra* form
- b. Conciliar teachings, which themselves have differing levels of authority (e.g., Constitution, Decree, Declaration)
- c. Papal Encyclicals (addressed to all people? to the whole Church? to a particular area or group?)
- d. Papal Apostolic Exhortations (especially following the tri-ennial Synod of Bishops)
- e. Apostolic Constitutions (e.g. establishment of a particular celebration, such as the Holy Year, or which address various matters, such as penitential practices, the reform of the curia, etc.)
- f. Apostolic Letters given "motu proprio" (e.g., a personal letter written by a pope either to the whole church, a local church, or some particular group or body; or used to issue norms, establish a new institute, restructure various situations, etc.)
- g. Occasional papal allocutions (e.g. from a congress, etc.; Wednesday audience)

97. Documents of Roman Dicasteries (Offices of the Vatican)
- a. Congregation, Council, Commission, Office (levels of bureaucratic importance)
 - b. Declaration, Instruction, Letter, Notification, *Responsum*, etc. (levels of content importance)
98. Mode of dicasterial promulgation, e.g. issued *In forma communi* or *In forma specifica*
- a. *In forma communi*: without specific papal approbation, through with his approval. The vast majority of Vatican documents issued by the various congregations and dicasteries are in this mode. *Dominus Iesus* is an example.
 - b. *In forma specifica*: with papal approbation in which the pope *explicitly* takes over and makes his own (i.e., as if issued in his name) a document promulgated by a Vatican office. This is rare, and the most recent example is the 1997 Vatican “Instruction on Some Questions Regarding Collaboration of Nonordained Faithful in Priests’ Sacred Ministry”
99. Magisterial teachings of individual bishops and Bishops' Conferences likewise must be looked at in terms of the above considerations of exegesis and manner of teaching, etc.
100. Some canonical principles for interpretation and application
- a. *Nisi* clauses (the exception *is* the rule!) The law often states an ideal, and the application is found through the stated exceptions and modifications.
 - b. *Odia restringi et favores convenit ampliari* (This principle of canon law interpretation holds that burdens or strictures are to be interpreted in a narrow sense of application, while on the other hand favors are to be widely applied. [cf. Canon 18])
 - c. Automatic and imposed penalties and extenuating circumstances (i.e., *latae* and *ferendae sententiae*). One size does *not* fit all! and the focus is on the pastoral care of the individual involved rather than the punishment of the crime.
 - d. *Vacatio legis* (delay between promulgation and implementation; this is done so that proper refinements, exceptions, dispensations might be obtained before the law goes into effect)
 - e. Custom has the force of law: *Consuetudo optima legum interpretis*. People(s) and their lived history are what counts.
 - f. Desuetude (a law which falls into disuse ceases to bind)
 - g. Non-reception (in which a law, though validly promulgated by a legitimate authority, is never “received” and put into practice by those for whom it is intended, and thus does *not* have the force of law).
101. A Note on the *Catechism of the Catholic Church*
- a. This document is largely a summary compendium of Church teaching, done by a committee over several years, and published by Pope John Paul II. It is *not* explicitly a

papal document, nor is it a collegial document of all the bishops of the Church in the sense of a conciliar document.

- b. The *stated* primary purpose of the *Catechism* is to provide an aid for bishops and bishops' conferences (the designated primary audience) in the preparation of catechetical materials better adapted to the needs of their individual dioceses. The *Catechism* is *not* meant to be the universal, exhaustive, and ultimate highest authority of Church teaching for each and every person(s), place or situation.
- c. The *Catechism* often uses brief excerpts from other Church documents to make its points, and therefore, it is crucial to pay attention to the footnotes given in the *Catechism* as these will give the fuller text that the passage in the *Catechism* is treating. These individual texts in turn would enjoy their own "authority" based on the principles outlined above. Thus, other things being equal a quotation from Matthew's Gospel in reference to a certain point would have greater weight than the Congregation for the Doctrine of the Faith's *Persona humana*.
- d. The *Catechism* generally speaking does *not* claim to be "new" Church teaching, and it would be misleading to suggest that the sum of the many different parts which make up the *Catechism* would somehow be greater than the individual texts themselves or that the *Catechism* supercedes any major Magisterial document outlined above.

102. Summary Points:

- a. All of the above considerations are part of the Tradition of the Church in the official exercise of the Magisterium and thus are explicitly recognized and accepted by the Magisterium itself.
- b. Reading, understanding, interpreting and applying Church texts is related to human individuals and human communities. Therefore, differing situations and contexts must be taken into account. It is not like loading a new piece of software on a computer.
- c. Technical skill is certainly necessary to do the above, but a more apt metaphor would be an artistic performance rather than a mechanical operation. Seen in this metaphor a given magisterial text might function a bit like a musical score: the notes, time value, key, etc., are all given, but the level of "perfection" in the execution of the score depends much on the virtuosity of the performer. A computer, Jim Bretzke, and Glenn Gould might all "perform" a Bach variation, with reasonable "accuracy" in terms of sticking to the musical score. However, there is little doubt that most if not all listeners could easily discern whose performance was whose, and probably there would be widespread, if not unanimous, agreement about which performance is "best" (Jim Bretzke's grandmother being long dead!).
- d. Remember the ultimate *norma normans non normata*: It is God's definitive revelation of God's self in Jesus Christ, and Jesus' own ministry and Gospel message which stand above the whole Church, including all of its members, regardless of their rank and office.

103. Suggestions For Reference and/or Further Reading

Bretzke, James T., S.J. *Consecrated Phrases: A Latin Dictionary of Theological Terms*.
Collegeville: Liturgical Press: 1998.

This book-length dictionary compiles, translates, and explains the meaning of a large number of Latin terms employed in the various branches of theology: moral, biblical, canon law, systematic, liturgical, and historical). Going beyond a simple dictionary, this work indicates the meaning, context, and tradition for these phrases, and serves also as a concise theological encyclopedia, though limited in scope to Latin terms.

Sullivan, Francis A., S.J. *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium*. New York: Paulist Press, 1996.

Very good for developing an understanding of how to exegete and interpret the various levels of teaching contained in Vatican documents. Helpful in dogmatic theology as well. Good historical examples are used to illustrate the various points.

LIST OF WORKS CITED

- American Multi-Society Task Force on PVS. "Definition of PVS." *New England Journal of Medicine* 330 (1994): 1499-1508.
- Arregui, Antonio, S.J. *Summarium Theologiae Moralis. Ad recentem codicem iuris canonici accommodatum*. Editio tertia decima iuxta recentissimas declarationes Pontificiae Commissionis ad Codicis canones authentice interpretandos. Westminster MD: The Newman Bookshop, 1944.
- Beauchamp, Tom L., and Childress, James F. *Principles of Biomedical Ethics*. 4th edition. New York and Oxford: 1979, 1983, 1989, 1994.
- Betsworth, Roger G. *Social Ethics: An Examination of American Moral Traditions*. Louisville: Westminster, John Knox Press, 1990.
- Black, Peter C.Ss.R. "Revisions of Homosexuality: The Catechism and 'Always Our Children'." *Louvain Studies* 25 (Spring 2000): 72-81.
- Böckle, Franz. *Law and Conscience*. Translated by M. James Donnelly. New York: Sheed and Ward, 1966.
- Boyle, John P. *Church Teaching Authority: Historical and Theological Studies*. Notre Dame: University of Notre Dame Press, 1995
- Boyle, Patrick. *Parvitas Materiae in Sexto in Contemporary Catholic Thought*. Lanham: University Press of America, 1987.
- Bretzke, James T., S.J. *Bibliography on Scripture and Christian Ethics*. Studies in Religion and Society, 39. Lewiston NY: Edwin Mellen Press, 1997.
- _____. "Charting the Common Ground: Moral Discourse and the Abortion Debate." Paper delivered to the College Theology Society Annual Convention, St. Norbert's College, DePere, WI 4 June 1999.
- _____. *Consecrated Phrases: A Latin Dictionary of Theological Terms*. Collegeville: Liturgical Press, 1998.
- _____. "Cultural Particularity and the Globalization of Ethics in the Light of Inculturation." *Pacifica* 9 (1996): 69-86.
- _____. "Scripture: the 'Soul' of Moral Theology? -- *The Second Stage*." *Irish Theological Quarterly* 60 (1994): 259-271.
- Broad, C.D. *Five Types of Ethical Theory*. New York: Harcourt Brace, 1930.
- Burke, Margaret Ellen. "Social Sin and Social Grace." *The Way Supplement* 85 (January 1996): 40-54.
- Burggraeve, Roger. "Meaningful Living and Acting: An Ethical and Educational-Pastoral Model in Christian Perspective." *Louvain Studies* 13 (1988): 3-26; 137-160.
- Cahill, Lisa Sowle. *Between the Sexes: Foundations for a Christian Ethics of Sexuality*. New York: Paulist Press; and Philadelphia: Fortress Press, 1985.

List of Works Cited

- _____. "Catholic Sexual Ethics and the Dignity of the Person: A Double Message." *Theological Studies* 50 (1989): 120-150.
- _____. "Feminist Ethics," *Theological Studies* 51 (1990): 49-64.
- _____. "Sex and Gender: Catholic Teaching and the Signs of Our Times," *Milltown Studies* 34 (1994): 31-52.
- _____. *Sex, Gender and Christian Ethics*. New Studies in Christian Ethics. New York: Cambridge University Press, 1996.
- _____. *Women and Sexuality*. New York: Paulist Press, 1992.
- Callahan, Daniel. "An Ethical Challenge to Prochoice Advocates: Abortion and the Pluralistic Proposition." In *Bioethics* 21-35. Edited by Thomas A. Shannon, 4th ed. New York: Paulist Press, 1993.
- _____. "The Sanctity of Life Seduced: A Symposium on Medical Ethics." *First Things* (April 1994): 13-15.
- _____. *Setting Limits: Medical Goals in an Aging Society*. New York: Simon and Schuster, 1987.
- Carlen, Claudia, IHM, *The Papal Encyclicals 1740-1878*. The Pierian Press, 1990.
- Catechism of the Catholic Church*. "Part Three: Life in Christ." Garden City: Doubleday Image, 1995.
- Catholic Bishops' Conference of the Philippines (CBCP). *Catechism for Filipino Catholics*. Manila: Ecce Word & Life Publications, 1997.
- Childress, James F., and Macquarrie, John, eds. *The New Dictionary of Christian Ethics*. Philadelphia: Westminster Press, 1967, 1986.
- Coleman, John A., S.J., ed. *One Hundred Years of Catholic Social Thought: Celebration and Challenge*. Maryknoll: Orbis Books, 1990.
- Congregation for the Doctrine of the Faith. "Instruction on Certain Aspects of the 'Theology of Liberation'." Part I. "Instruction on Christian Freedom and Liberation." Part II. Vatican City, 1984 and 1986.
- _____. "Response to Questions concerning Uterine Isolation and Related Matters." *Origins* 24 (1 September 1994).
- The Constitutions of the Society of Jesus and Their Complementary Norms*. St. Louis: Institute of Jesuit Sources, 1996.
- Conn, Walter E. "Ethical Style for Creative Conscience," *Louvain Studies* 7 (1978).
- Corriden, James A. *Canon Law as Ministry: Freedom and Good Order for the Church*. New York: Paulist Press, 2000.
- _____. "The Canonical Doctrine of Reception." *The Jurist* 50 (1990): 58-82.

List of Works Cited

- Couture, Roger A., O.M.I. "The Use of Epikeia in Natural Law: The Early Developments." *Eglise et Théologie* 4 (1973): 71-103.
- Crowe, Michael Betram. *The Changing Profile of Natural Law*. The Hague: Martinus Nihoff, 1977.
- Curran, Charles E. *The Catholic Moral Tradition Today: A Synthesis*. Moral Traditions and Moral Arguments Series. Washington, D.C.: Georgetown University Press, 1999.
- _____. "Catholic Social and Sexual Teaching: A Methodological Comparison." *Theology Today* 45 (1988).
Also found as chapter 5 in Curran's *Tensions in Moral Theology*, 87-109. Notre Dame: University of Notre Dame Press, 1988.
- _____. "The Changing Anthropological Bases of Catholic Social Ethics," in *Readings in Moral Theology No. 5: Official Catholic Social Teaching*. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1986.
- _____. "The Development of Sexual Ethics in Contemporary Roman Catholicism." Chapter 4 in *Tensions in Moral Theology*, 74-86.
- _____. "Masturbation and Objectively Grave Matter." Chapter 8 in Idem. *A New Look at Christian Morality*, 201-221. Notre Dame: Fides Publishers, 1968.
- _____. *Tensions in Moral Theology*. Notre Dame: University of Notre Dame Press, 1988.
- Curran, Charles E., and McCormick, Richard A., S.J., eds. *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*. New York: Paulist Press, 1979.
- _____. *Readings in Moral Theology, No. 3: The Magisterium and Morality*. New York: Paulist Press, 1982.
- _____. *Readings in Moral Theology No. 4: The Use of Scripture in Moral Theology*. New York: Paulist Press, 1984.
- _____. *Readings in Moral Theology, No. 6: Dissent in the Church*. New York: Paulist Press, 1988.
- _____. *Readings in Moral Theology, No. 7: Natural Law and Theology*. Mahwah: Paulist Press, 1991.
- _____. *Readings in Moral Theology No. 8: Dialogue About Catholic Sexual Teaching*. New York: Paulist Press, 1993.
- Curran, Charles E., Farley, Margaret A., McCormick, Richard A., S.J., eds. *Readings in Moral Theology No. 9: Feminist Ethics and the Catholic Moral Tradition*. New York: Paulist Press, 1996.
- Daly, Mary. *Beyond God the Father: Toward a Philosophy of Women's Liberation*. Boston, Beacon Press, 1973, 1977.
- _____. *The Church and the Second Sex*. New York: Harper & Row, 1968, 1975.
- _____. *Gyn/ecology, The Metaethics of Radical Feminism*. Boston: Beacon Press, 1978.

List of Works Cited

- _____. *Outercourse: The Bedazzling Voyage*. San Francisco: HarperSanFrancisco, 1992.
- _____. *Pure Lust: Elemental Feminist Philosophy*. Boston: Beacon Press, 1984.
- Davis, Henry, S.J. *Moral and Pastoral Theology*. 4 volumes. London: Sheed and Ward, 1935, 1938, 1958.
- Demmer, Klaus, M.S.C. *Deuten und handeln: Grundlagen und Grundfragen der Fundamentalmoral*. Studien zur theologischen Ethik, no. 15. Freiburg: Verlag Herder, 1985.
- _____. "Theological Argument and Hermeneutics in Bioethics," in *Catholic Perspectives on Medical Morals: Foundational Issues*, 103-122. Edited by Edmund D. Pellegrino, John P. Langan and John Collins Harvey. Dordrecht: Kluwer Academic, 1989.
- DeParle, "Beyond the Legal Right: Why Liberals and Feminists Don't Like to Talk about the Morality of Abortion," *The Washington Monthly*, April 1989, pp. 28-44.
- Doering, Bernard. "Silent Dissenter: Jacques Maritain on Contraception." *Commonweal* (18 May 2001): 17-20.
- Dublanchy, Rev. *Dictionnaire de théologie catholique*. Vol. 10. Paris: Letouzey et Ané, 1929
- Dulles, Avery, S.J. "Authority and Conscience." *Church* (Fall, 1986): 8-15.
- Also in *Readings in Moral Theology, No. 6: Dissent in the Church*, 97-111. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.
- _____. "The Magisterium, Theology and Dissent." *Origins* 20 (28 March 1991): 692-696.
- _____. *Models of the Church*. Garden City: Doubleday, 1974; Image Books, 1978. Dublin: Gill and Macmillan, 1976; Expanded edition. 1987.
- Evans, Michael A., S.J. "An Analysis of U.N. Refugee Policy in Light of Roman Catholic Social Teaching and the Phenomena Creating Refugees." Ph.D. Dissertation for the Graduate Theological Union, 1991.
- Fagan, Gerald M, S.J. *Fidelity in the Church—Then and Now*. *Studies in the Spirituality of Jesuits* 31 (May 1999).
- Farley, Margaret A., R.S.M. "Feminism and Universal Morality." In *Prospects for a Common Morality*, 170-190. Edited by Gene Outka and John P. Reeder, Jr. Princeton: Princeton University Press, 1993.
- _____. "Sexual Ethics." In *Sexuality and the Sacred: Sources for Theological Reflection*, 54-67. Edited by James B. Nelson and Sandra P. Longfellow. Louisville: Westminster/John Knox Press, 1994.
- Also found in Reich, Warren T., ed. *Encyclopedia of Bioethics*. New York: Free Press, 1978, 1982.
- Fiedler, Maureen, and Rabben, Linda, eds. *Rome Has Spoken: A Guide to Forgotten Papal Statements and How They Have Changed through the Centuries*. New York: Crossroad, 1998.

List of Works Cited

Finley, Mitch. "The Dark Side of Natural Family Planning" *America* 164 (23 February 1991): 206-207.

Flannery, Austin P., O.P., trans. and ed. *The Documents of Vatican II*. New York: Pillar Books, 1975.

Fletcher, Joseph. *Situation Ethics*, 1967.

Fowl, Stephen E. Fowl, and Jones, L. Gregory. *Reading in Communion: Scripture and Ethics in Christian Life*. Grand Rapids: William B. Eerdmans, 1991.

"Freedom to Disagree" [unsigned editorial]. *The Tablet* (14 July 2001): 1007.

Fuchs, Josef, S.J. "The Absoluteness of Moral Terms." *Gregorianum* 52 (1971): 697-711.

Also found in Fuchs' own *Personal Responsibility and Christian Morality*, trans. William Cleves, et. al., (Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1983), 115-152. Also found in *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, ed. Charles E. Curran and Richard A. McCormick, S.J. (New York: Paulist Press, 1979), 94-137; as well as in *Introduction to Christian Ethics: A Reader*, ed. Ronald P. Hamel and Kenneth R. Himes, O.F.M. (New York: Paulist Press, 1989), 487-512.

_____. "Christian Morality: Biblical Orientation and Human Evaluation." *Gregorianum* 67 (1986): 745-763.

Also found as Chapter 1 in *Christian Morality: The Word Became Flesh*, 1-18.

_____. *Christian Morality: The Word Became Flesh*. Translated by Brian McNeil. Washington, D.C.: Georgetown University Press; Dublin: Gill and Macmillan, 1987.

_____. "Conscience and Conscientious Fidelity," ch. 10 in Idem, *Moral Demands and Personal Obligations*. Washington, D.C.: Georgetown University Press, 1993.

_____. "Epikieia Applied to Natural Law?" Chapter 10 in Id. *Personal Responsibility and Christian Morality*. Translated by William Cleves and others. Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1983.

_____. "God's Incarnation in a Human Morality," ch. 4 in Id. *Christian Morality: The Word Became Flesh*.

_____. "Good acts and good persons." *The Tablet* 247 (6 November 1993): 1444-1445.

_____. "A Harmonization of the Conciliar Statements on Christian Moral Theology." Chapter 40 (vol. 2) in *Vatican II: Assessments and Perspectives, Twenty-five Years After (1962-1987)*, 479-500. Edited by René Latourelle, S.J. New York: Paulist Press, 1989.

_____. "Historicity and Moral Norm." Chapter 6 in Idem. *Moral Demands and Personal Obligations*, 91-108.

_____. "Human Authority--between the Sacral and the Secular." Chapter 7 in Id. *Christian Ethics in a Secular Arena*, 100-113. Translated by Bernard Hoose and Brian McNeil. Washington, D.C.: Georgetown University Press, and Dublin: Gill and Macmillan, 1984.

_____. "The Magisterium and Moral Theology." *Theology Digest* 38 (1991): 103-107.

List of Works Cited

- _____. "Morality: Persons and Acts," in id. *Christian Morality: The Word Became Flesh*.
- _____. "Our Image of God and the Morality of Innerworldly Behavior." Chapter 3 in *Christian Morality: The Word Became Flesh*, 28-49.
- _____. "The Phenomenon of Conscience: Subject-orientation and Object-orientation." In Idem. *Christian Morality: The Word Became Flesh*, 118-133.
- _____. "The «Sin of the World» and Normative Morality," *Gregorianum* 61 (1980): 51-76.
- Also found as ch. 8, pp. 153-175, of *Personal Responsibility and Christian Morality*, trans. William Cleves, et. al., (Dublin: Gill and Macmillan, 1983).
- _____. "Vatican II: Salvation, Personal Morality, Right Behavior." Ch. 2 in Idem, *Christian Morality: The Word Became Flesh*.
- _____. "'Whoever hears you hears me': episcopal moral instruction." *Theology Digest* 41 (1994): 3-7.
- English digest of "'Wer euch hört, der hört mich': Bischöfliche Moralweisungen." *Stimmen der Zeit* 117 (1992): 723-731.
- Gallagher, John A. *Time Past, Time Future: An Historical Study of Catholic Moral Theology*. New York: Paulist Press, 1990.
- Gallagher, Raphael, C.Ss.R. "Fundamental Moral Theology 1975-1979: A bulletin-analysis of some significant writings examined from a methodological stance." *Studia Moralia* 18 (1980): 147-192.
- Gill, Robin. *Moral Communities*. The Prideaux Lectures for 1992. Exeter: University of Exeter Press, 1992.
- Gilléman, Gerard, S.J. *The Primacy of Charity in Moral Theology*. Translated by William F. Ryan, S.J. and André Vachon, S.J. from the second French edition. Westminster MD: The Newman Press, 1959.
- Gilligan, Carol. *In a Different Voice: Psychological Theory and Women's Development*. Cambridge MA and London: Harvard University Press, 1982.
- Glaser, John. "Conscience and Super-Ego: A Key Distinction." *Theological Studies* 32 (1971): 30-47.
- Also found in *Conscience: Theological and Psychological Perspectives*, 167-188. Edited by C. Ellis Nelson. New York: Newman Press [Paulist], 1973.
- Grabowski, John S. and Naughton, Michael J. "Catholic Social and Sexual Ethics: Inconsistent or Organic?" *The Thomist* 57 (1993): 555-578.
- Graneris, Msgr. Giuseppe. "Conscience," "Moral Theology, "Sin (Actual)." In *Dictionary of Moral Theology*. Compiled and edited by Francesco Cardinal Roberti and Msgr. Pietro Palazzini. Translated from the Second Italian Edition Under the Direction of Henry J. Yannone. London: Burns & Oates, 1962.

List of Works Cited

- Grenz, Stanley J. *Revisioning Evangelical Theology: A Fresh Agenda for the 21st Century*. Downers Grove IL: InterVarsity Press, 1993.
- Grisez, Germain. *The Way of the Lord Jesus. Volume One: Christian Moral Principles*. Chicago: Franciscan Herald Press, 1983.
- Gritsch, Eric W. and Jenson, Robert W. "Christian Life--Brave Sinning." Chapter 10 in *Lutheranism: The Theological Movement and Its Confessional Writings*, 137-152. Philadelphia: Fortress Press, 1976.
- Gula, Richard M., S.S. *Euthanasia: Moral and Pastoral Perspectives*. New York: Paulist Press, 1995.
- _____. *The Good Life: Where Morality and Spirituality Converge*. New York: Paulist Press, 1999.
- _____. *Moral Discernment*. New York: Paulist Press, 1997.
- _____. *Reason Informed by Faith: Foundations of Catholic Morality*. New York: Paulist Press, 1989.
- _____. *What Are They Saying About Moral Norms?*. New York: Paulist Press, 1982.
- Guroian, Vigen. "The Bible in Orthodox Ethics." Chapter 3 of Id. *Ethics after Christendom: Toward an Ecclesial Christian Ethic*. Grand Rapids: William B. Eerdmans, 1994.
- Gustafson, James M. *Ethics and Theology*. Volume 2 of *Ethics from a Theocentric Perspective*. Chicago: University of Chicago Press, 1984.
- _____. "Moral Discernment in the Christian Life." In *Norm and Context in Christian Ethics*, 17-36. Edited by Gene H. Outka and Paul Ramsey. London: SCM Press, 1968.
- Also found in "Moral Discernment in the Christian Life." Ch. 5 in *Theology and Christian Ethics*. Philadelphia: Pilgrim Press, 1974.
- _____. "The Place of Scripture in Christian Ethics: A Methodological Study." Chapter 6 in *Theology and Christian Ethics*, 121-145. Philadelphia: Pilgrim Press, 1974.
- Also found in *Readings in Moral Theology No. 4: The Use of Scripture in Moral Theology*, 151-177. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1984.
- _____. *Varieties of Moral Discourse: Prophetic, Narrative, Ethical, and Policy*, The Strob Lectures. Grand Rapids: Calvin College and Seminary, 1988.
- Hamel, Ronald, and Himes, Kenneth. *Introduction to Christian Ethics: A Reader*. New York: Paulist Press, 1989.
- Hanigan, James P. *What Are They Saying About Sexual Morality?*. New York: Paulist Press, 1982.
- Häring, Bernard, C.Ss.R. *Free and Faithful in Christ: Moral Theology for Priests and Laity: Volume 1, General Moral Theology*. Slough: St. Paul Publications, 1978.
- _____. *The Law of Christ: Volume 1, General Moral Theology*. Westminster: Newman Press, 1963.

List of Works Cited

- _____. *Medical Ethics*. Rev. ed. Middlegreen: St. Paul Publications, 1972, 1974.
- _____. "Sin in Post-Vatican II Theology." In *Personalist Morals: Mélanges Louis Janssens*, 87-107. Edited by Joseph A. Selling. Louvain, 1988.
- _____. "A Theological Evaluation," In *The Morality of Abortion: Legal and Historical Perspectives*, ed. John T. Noonan, Jr. Cambridge: Harvard University Press, 1970.
- Harrison, Beverly Wildung. *Making the Connections: Essays in Feminist Social Ethics*. Edited by Carols S. Robb. Boston: Beacon Press, 1985.
- Hays, Richard B. *The Moral Vision of the New Testament: Community, Cross, New Creation. A Contemporary Introduction to New Testament Ethics*. San Francisco: Harper San Francisco, 1996.
- Healy, Edward, S.J. *Moral Guidance*. Revised by James F. Meara, S.J. Chicago: Loyola University Press, 1942, 1960.
- Higgins, Gregory C. *Where Do You Stand? Eight Moral Issues Confronting Today's Christians*. Mahwah NJ: Paulist Press, 1995.
- Hollenbach, David, S.J. *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*. New York: Paulist Press, 1979.
- _____. "The Common Good Revisited." *Theological Studies* 50 (1989): 70-94.
- Hoose, Bernard. *Proportionalism: The American Debate and its European Roots*, (Washington, D.C.: Georgetown University Press, 1987.
- _____. "Proportionalists, Deontologists and the Human Good." *The Heythrop Journal* 33 (1992).
- _____. *Received Wisdom?: Reviewing the Role of Tradition in Christian Ethics*. London: Geoffrey Chapman, 1994.
- Janssens, Louis. "Artificial Insemination: Ethical Considerations." *Louvain Studies* 5 (1980): 3-29.
- Also found "Personalism in Moral Theology." In *Moral Theology: Challenges for the Future. Essays in Honor of Richard A. McCormick, S.J.*, 94-107. Edited by Charles E. Curran. New York: Paulist Press, 1990.
- _____. "Ontic Evil and Moral Evil." *Louvain Studies* 4 (1972): 115-156.
- Also found in *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, 40-93. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1979.
- Jennett, B. and Plum, F. "Persistent Vegetative State after brain damage: a syndrome in search of a name." *Lancet* 1 (1972): 734-7.
- John Paul II, Pope. *Evangelium vitae* (Encyclical Letter on the Value and Inviolability of Human Life). *Origins* 24 (6 April 1995): 707-716.

List of Works Cited

- _____. *Reconcilatio et Paenitentia* (Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today) 2 December 1984.
- _____. *Veritatis splendor* (Encyclical Letter on Fundamental Moral Theology) 1993.
- Johnstone, Brian V., C.Ss.R. "From Physicalism to Personalism." *Studia Moralia* 30 (1992): 71-96.
- Jonas, Hans. *The Imperative of Responsibility: In Search of an Ethic for the Technological Age*. Translated by Hans Jonas and David Herr. Chicago: University of Chicago Press, 1985.
- Jone, Herbert, O.F.M., Cap. *Moral Theology*. Englished [sic] and adapted to the laws and customs of the United States of America by Rev. Urban Adelman, O.F.M. Cap. Westminster: The Newman Press, 1957.
- Jones, L. Gregory. *Embodying Forgiveness: A Theological Analysis*. Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1995.
- _____. *Transformed Judgement: Toward a Trinitarian Account of the Moral Life*. Notre Dame: University of Notre Dame Press, 1990.
- Kaczor, Christopher. "Double-Effect Reasoning from Jean Pierre Gury to Peter Knauer." *Theological Studies* 59 (1998): 297-316.
- Keane, Philip, S.S. *Sexual Morality: A Catholic Perspective*. New York: Paulist Press, 1977.
- Keeling, Michael. *The Foundations of Christian Ethics*. Edinburgh: T. & T. Clark, 1990.
- Keenan, James, S.J. "The Distinction Between Goodness and Rightness." Chapter One in Idem, *Goodness and Rightness in Thomas Aquinas' Summa Theologiae*, 3-20. Washington, D.C.: Georgetown University Press, 1992.
- _____. "Moral Theology and History." *Theological Studies* 62 (March 2001): 86-104.
- _____. "St Thomas Aquinas and Ethics Today." *New Blackfriars* 75 (1994): 354-363.
- _____. *Virtues for Ordinary Christians*. Kansas City: Sheed & Ward, 1996.
- Kelly, Kevin T. "The Changing Paradigms of Sin." *New Blackfriars* 70 (1989): 489-497.
- _____. *Divorce and Second Marriage*. London, 1982.
- _____. "A Medical and Moral Dilemma." *The Month* 26 (April 1993): 138-144.
- _____. *New Directions in Sexual Ethics: Moral Theology and the Challenge to AIDS*. London: Geoffrey Chapman, 1998.
- _____. "Sin, Spirituality and the Secular." *The Way* 32 (1992): 13-22.

List of Works Cited

- Knauer, Peter, S.J. "The Hermeneutic Function of the Principle of the Double Effect." In *Readings in Moral Theology, No. 1: Moral Norms and Catholic Tradition*, 1-39. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1979.
- Kopfensteiner, Thomas R. "Death with Dignity: A Roman Catholic Perspective." *Linacre Quarterly* 63 (November 1996): 64-75.
- _____. "Protecting a Dignified Death: A Contemporary Challenge for Moral Reasoning." *New Theology Review* 6 (November 1993): 6-27.
- _____. "The Theory of the Fundamental Option and Moral Action." In *Christian Ethics: An Introduction*, 123-134. Edited by Bernard Hoose. Collegeville: Liturgical Press, 1998.
- Kosnik, Anthony, et. al. *Human Sexuality: New Directions in American Catholic Thought*. A Study Commissioned by The Catholic Theological Society of America. Garden City: Doubleday, 1979.
- Kotva, Joseph J., Jr. *The Christian Case for Virtue Ethics*. Moral Traditions and Moral Arguments. Washington, D.C.: Georgetown University Press, 1996.
- Langan, John, S.J. "Catholic Moral Rationalism and the Philosophical Bases of Moral Theology." *Theological Studies* 50 (1989): 25-43.
- Lanza, Msgr. Antonio, and Msgr. Pietro (now Cardinal) Palazzini. *Principles of Moral Theology, Vol. 1, General Moral Theology*. Translated by W.J. Collins, M.M. Boston: Daughters of St. Paul, 1961.
- Lebacqz, Karen. *Justice in an Unjust World: Foundations for a Christian Approach to Justice*. Minneapolis: Augsburg, 1987.
- Levada, William. *Infallible Church Magisterium and the Natural Law*. Excerpta ex dissertatione ad Doctoratum in Facultate Theologiae Pontificiae Universitatis Gregoriana. Rome: Pontifical Gregorian Press, 1971.
- Lonergan, Bernard, S.J. "The Transition from a Classicist World-View to Historical-Mindedness." In *Law for Liberty: The Role of Law in the Church Today*. Edited by James E. Biechler. Baltimore: Helicon Press, 1967.
- MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory*. 2nd ed. Notre Dame: University of Notre Dame Press, 1981, 1984.
- Mahoney, John, S.J. *Bioethics and Belief*. London: Sheed and Ward, 1984.
- _____. "The Challenge of Moral Distinctions," *Theological Studies* 53 (1992): 663-682.
- _____. *The Making of Moral Theology: A Study of the Roman Catholic Tradition*. The Martin D'Arcy Memorial Lectures, 1981-2. Oxford: Oxford University Press, 1987.
- Markham, Ian S. *Plurality and Christian Ethics*. New York: Cambridge University Press, 1994.
- McCormick, Patrick, C.M. "Human Sinfulness: Models for a Developing Moral Theology." *Studia Moralia* 26 (1988): 61-100.

List of Works Cited

- _____. *Sin as Addiction*. New York: Paulist Press, 1989.
- McCormick, Richard A., S.J. *Corrective Vision: Explorations in Moral Theology*. Kansas City: Sheed & Ward, 1994.
- _____. *The Critical Calling: Reflections on Moral Dilemmas Since Vatican II*. Washington, D.C.: Georgetown University Press, 1989.
- _____. "Moral Considerations' Ill Considered." *America* 166 (14 March 1992): 210-214.
- Also found in McCormick's *Corrective Vision: Explorations in Moral Theology*.
- _____. "Moral Theology 1940-1989: An Overview." *Theological Studies* 50 (1989): 3-24.
- _____. *Notes on Moral Theology: 1965 through 1980*. Boston: University Press of America, 1981.
- _____. *Notes on Moral Theology: 1981 through 1984*. Boston: University Press of America, 1984.
- _____. "The Teaching Office as a Guarantor of Unity in Morality." *Concilium* 150 (1981): 72-81.
- _____. "Value Variables in the Health-Care Reform Debate." *America* 168 (29 May 1993).
- Also found in McCormick's *Corrective Vision*.
- McCormick, Richard A., S.J., and Ramsey, Paul, eds. *Doing Evil to Achieve Good: Moral Choice in Conflict Situations*. Chicago: Loyola University Press, 1978.
- McManus, James, C.Ss.R. "Moral Theology Forum: The 'Declaration on Certain Questions concerning Sexual Ethics', a Discussion [with Sean O'Riordan, C.Ss.R. and Henry Stratton]." *The Clergy Review* 61 (1976): 231-237.
- Meilaender, Gilbert. *Faith and Faithfulness: Basic Themes in Christian Ethics*. Notre Dame: University of Notre Dame, 1991.
- Natural Family Planning: Nature's Way--God's Way*. Milwaukee: De Rance, Inc., 1980.
- Nelson, James B., and Longfellow, Sandra P., eds. *Sexuality and the Sacred: Sources for Theological Reflection*. Louisville: Westminster/John Knox Press, 1994.
- Niebuhr, H. Richard. *The Meaning of Revelation*. New York: Macmillan, 1941 and 1960.
- _____. *The Responsible Self: An Essay in Christian Moral Philosophy*. With an Introduction by James M. Gustafson. New York: Harper & Row, 1963.
- Noonan, John T. Jr. "An Almost Absolute Value in History." In *The Morality of Abortion: Legal and Historical Perspectives*, 1-59. Edited by John T. Noonan, Jr. Cambridge: Harvard University Press, 1970.
- _____. *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*. Enlarged edition. Cambridge: Harvard University Press, 1965, 1986.

List of Works Cited

- _____. "On the Development of Doctrine." *America* 180 (3 April 1999): 6-8.
- O'Connell, Timothy E. *Principles for a Catholic Morality*. Minneapolis: The Seabury Press, 1976, 1978. Revised edition, San Francisco: Harper and Row, 1990.
- O'Donnell, Thomas J., S.J. Reply to the Congregation of the Doctrine for the Faith's "Response to Questions concerning Uterine Isolation and Related Matters." *Linacre Quarterly* 61 (August 1994): 58-61.
- O'Keefe, Mark. OSB. "Catholic Moral Theology and Christian Spirituality." *New Theology Review* 7 (1994): 60-73.
- _____. "Fundamental Option and the Three Ways," *Studies in Formative Spirituality* 13 (1992): 73-83.
- _____. *What Are They Saying About Social Sin?* New York: Paulist Press, 1990.
- Osiek, Carolyn, R.S.C.J. *Beyond Anger: On Being a Feminist in the Church*. New York: Paulist Press, 1986.
- Overberg, Kenneth R., S.J. *Conscience in Conflict: How to Make Moral Choices*. Cincinnati: St. Anthony Messenger Press, 1991.
- Palazzini, Pietro. "Sin." In *Sin: Its Reality and Nature: A Historical Survey*, 151-179. Edited by Pietro Palazzini. Translated by Brendan Devlin. Dublin: Scepter Publishers, 1964.
- _____. (Cardinal). *Vita e virtù cristiane*. Roma, 1975.
- Paul VI, Pope. *Humanae vitae* (Encyclical Letter on the Regulation of Births). 25 July 1968. *AAS* 60 (1968): 481-503; in *Vatican Council II. More Post-Conciliar Documents*, ed. Austin Flannery, O.P., (Collegeville: The Liturgical Press, 1982): 397-416.
- Peschke, Karl Heinz. *Christian Ethics: Moral Theology in the Light of Vatican II*. 2 Volumes. Alcester and Dublin: C. Goodliffe Neale, 1985, 1986.
- Pennsylvania Bishops. "Nutrition and Hydration: Moral Considerations" (*Origins* 30 January 1992).
- Pilarczyk, Archbishop Daniel. "Pastoral Letter on Dissent to the Cincinnati Archdiocese," 6 June 1986. *Origins* 16 (31 July 1986).
- Also found in Curran and McCormick, *Readings in Moral Theology*, No. 6, pp. 152-163.
- Pinckaers, Servais, O.P., *The Sources of Christian Ethics*. Translated by Sr. Mary Thomas Noble, O.P. Washington, D.C.: Catholic Univ. of America Press, 1995.
- Place, Michael D. "Book Three: Life in Christ," *Chicago Studies* 33 (1994).
- Plantinga, Cornelius, Jr. *Not the Way It's Supposed to be: A Breviary of Sin*. Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1995.
- Pontifical Council for the Pastoral Care of Migrants and Travelers, and Pontifical Council *Cor Unum*, "Refugees: A Challenge to Solidarity." *Origins* 22 (15 October 1992).

List of Works Cited

- Porter, Jean. *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*. Grand Rapids: Eerdmans, 1999.
- Quay, Paul M., S.J. "Contraception and Conjugal Love." *Theological Studies* 22 (1961): 18-40.
- Quevedo, Msgr. Orlando B., O.M.I., D.D. "Formation in the Social Teaching of the Church." *Landas* 6 (1/1992): 3-17.
- Quinn, Archbishop John. "The Exercise of the Primacy." *Commonweal* 123 (12 July 1996): 11-20.
- _____. *The Reform of the Papacy: The Costly Call to Christian Unity*. Ut Unum Sint: Studies on Papal Primacy. New York: Crossroad, 1999.
- Ramsey, Paul. *Who Speaks for the Church?* Nashville: Abingdon Press, 1967.
- Ratzinger, Joseph Cardinal. "Magisterium of the Church, Faith, Morality," in *Readings in Moral Theology, No. 2*, 174-189. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1980.
- Regan, Augustine, C.Ss.R. "Grappling with the Fundamental Option." *Studia Moralia* 27 (1989) 103-140.
- Reich, Warren T. "Life, Prolongation of." In *The New Dictionary of Christian Ethics*, 351-352. Edited by James F. Childress and John Macquarrie. Philadelphia: Westminster Press, 1967, 1986.
- Reich, Warren T., ed. *Encyclopedia of Bioethics*. New York: Free Press, 1978, 1982.
- Reidy, Maurice. *Freedom to Be Friends: Morals and Sexual Affection*. London: Collins, 1990.
- Rigali, Norbert, S.J. "Christian Morality and Universal Morality: The One and the Many." *Louvain Studies* 19 (1994): 18-33.
- Rogers, Eugene F., Jr. "The Narrative of Natural Law in Aquinas's Commentary on Romans 1." *Theological Studies* 59 (June 1998): 254-276.
- Rosato, Philip, S.J. "Linee fondamentali e sistematiche per una teologia etica del culto." Capitolo Primo in *Corso di Morale: Volume 5, Liturgia (Etica della religiosità)*, 11-70. A cura di Tullo Goffi e Gianino Piana. Brescia: Queriniana, 1986.
- Ruether, Rosemary Radford. *Gaia & God: An Ecofeminist Theology of Earth Healing*. San Francisco: HarperSanFrancisco, 1992.
- _____. *Mary, the Feminine Face of the Church*. Philadelphia: Westminster Press, 1977.
- _____. *Sexism and God-talk: Toward a Feminist Theology*. Boston: Beacon Press, 1983, 1993.
- _____. *Women-church: Theology and Practice of Feminist Liturgical Communities*. San Francisco: Harper & Row, 1985.

List of Works Cited

- Sapp, Stephen. *Full of Years: Aging and the Elderly in the Bible and Today*. Nashville: Abingdon Press, 1987.
- Schneiders, Sandra. *The Revelatory Text: Interpreting the New Testament as Sacred Scripture*. San Francisco: HarperSanFrancisco, 1991.
- Schrage, Wolfgang. *The Ethics of the New Testament*. Translated by David E. Green. Philadelphia: Fortress Press, 1988.
- Schubeck, Thomas, S.J., "Ethics and Liberation Theology," *Theological Studies* 56 (1995).
- Schüssler Fiorenza, Elisabeth. *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins*. New York: Crossroad, 1985.
- Seesman, Heinrich. "Peira." In the *Theological Dictionary of the New Testament*. Volume 6, pp. 23-26. Edited by Gerhard Freidrich. Translated by Geoffrey W. Bromiley. Grand Rapids: Eerdmans, 1968.
- Selling, Joseph A. "Magisterial Authority and the Natural Law." *Doctrine and Life* 47 (August 1997): 334-342.
- Shannon, Thomas A., ed. *Bioethics*. 4th Edition. New York: Paulist Press, 1993.
- Shelton, Charles, S.J. "Helping College Students Make Moral Decisions." *Conversations on Jesuit Higher Education* 2 (Fall, 1992).
- Skiba, Bishop Richard J. "Theological Diversity and Dissent within the Church." In *Shepherds Speak: American Bishops Confront the Social and Moral Issues that Challenge Christians Today*, 20-33. Edited by Dennis M. Corrado and James F. Hinchey. New York: Crossroad, 1986.
- Smith, Msgr. William B. "The Question of Dissent in Moral Theology." In *Persona Verità e Morale: Atti del Congresso Internazionale di Teologia Morale (Roma, 7-12 aprile 1986)*. Roma: Città Nuova Editrice, 1987.
- Spohn, William C. *Go and Do Likewise: Jesus and Ethics*. New York: Continuum, 1999.
- _____. "The Reasoning Heart: An American Approach to Christian Discernment." *Theological Studies* 44 (1983): 30-52.
- Also found in *The Reasoning Heart*, 51-72. Edited by Frank M. Oppenheim, S.J. Washington, D.C.: Georgetown University Press, 1986.
- _____. "Spirituality and Ethics: Exploring the Connections." *Theological Studies* 58 (1997): 109-123.
- _____. *What Are They Saying About Scripture and Ethics?*. 2nd ed. New York: Paulist Press, 1984, 1995.
- Steichen, Donna. *Ungodly Rage: The Hidden Face of Catholic Feminism*. San Francisco : Ignatius Press, 1991.
- Steinbeck, John. *Of Mice and Men*.

List of Works Cited

- Stortz, Martha Ellen. "Discerning the Spirits, Practicing the Faiths." *1998 Graduate Theological Union (GTU) Distinguished Faculty Lecture*. Berkeley, CA.
- Sullivan, Francis A. S.J. "The Authority of the Magisterium on Questions of Natural Moral Law." In *Readings in Moral Theology, No. 6: Dissent in the Church*, 42-57. Edited by Charles E. Curran and Richard A. McCormick, S.J. New York: Paulist Press, 1988.
- _____. *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium*. New York: Paulist Press, 1996.
- _____. *Magisterium: Teaching Authority in the Catholic Church*, 138-152. Dublin: Gill and Macmillan, 1983.
- _____. "The Theologian's Ecclesial Vocation and the 1990 CDF Instruction." *Theological Studies* 52 (1991): 51-68.
- Tanner, Norman, S.J. "Sin in the Middle Ages." *The Month* 254 (September/October 1993): 372-375.
- Tavard, George. "Tradition in Theology: A Problematic Approach." In Robert M. Grant, et. al., *Perspectives on Scripture and Tradition*. Edited by Joseph F. Kelly. Notre Dame: Fides Publishers, 1976.
- Thiel, John E. "Tradition and Authoritative Reasoning." *Theological Studies* 56 (1995): 627-651.
- Thomas Aquinas. "Summa Theologiae: Question 94. Of the Natural Law." In *Readings in Moral Theology, No. 7: Natural Law and Theology*, 101-113. Edited by Charles E. Curran and Richard A. McCormick, S.J. Mahwah: Paulist Press, 1991.
- Tracy, David. *The Analogical Imagination: Christian Theology and the Culture of Pluralism*. New York: Crossroad, 1981.
- Traina, Cristina L.H. *Feminist Ethics and Natural Law: The End of the Anathemas*. Moral Traditions and Moral Arguments. Washington, D.C.: Georgetown University Press, 1999.
- Trible, Phyllis. *God and the Rhetoric of Sexuality*. Philadelphia: Fortress Press, 1978.
- _____. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives*. Overtures to Biblical Theology. Philadelphia: Fortress Press, 1984.
- Untener, Bishop Kenneth. in "Humanae vitae: What Has It Done to Us?" *Commonweal* 18 June 1993.
- Vatican. "Ethical Implications of a People's Changing Visage." *Origins* 22 (15 April 1993): 758-761.
- _____. (Cardinals of 8 Dicasteries). "Instruction on Some Questions Regarding Collaboration of Nonordained Faithful in Priests' Sacred Ministry." *Origins* 27 (27 November 1997).
- Verhey, Allen and Lammers, Stephen E., eds. *Theological Voices in Medical Ethics*. Grand Rapids: William B. Eerdmans Publishing Company, 1993.

List of Works Cited

- Wadell, Paul, C.P., *The Primacy of Love: An Introduction to the Ethics of Thomas Aquinas*. New York: Paulist Press, 1992.
- Walter, James. "The Relation between Faith and Morality: Sources for Christian Ethics." *Horizons* 9 (1982): 251-270.
- Wear, Diana. "Grace happens." *Catholic Women's Network* (September/October 1998): 13.
- Weber, Helmut. "Il Compromesso Etico." Parte Secunda, Capitolo 6 in *Problemi e prospettive di teologia morale*, 199-219. A cura di Tullo Goffi. Brescia: Queriniana, 1976.
- Wildes, Kevin W., S.J. "Ordinary and Extraordinary Means and the Quality of Life." *Theological Studies* 57 (1996): 500-512.
- Wilson, George B., S.J. "'Dissent' or Conversation Among Adults?" *America* 180 (13 March 1999): 8-10; 12.
- Wilson, Jonathan R. "By the Logic of the Gospel: Proposal for a Theology of Culture" *Modern Theology* 10 (1994).
- Woods, Walter J. *Walking With Faith: New Perspectives on the Sources and Shaping of the Catholic Moral Life*. Collegeville: Liturgical Press, 1998.
- Woywood, Stanislaus. *The Casuist: A Collection of Cases in Moral and Pastoral Theology*. Vol. 3. New York: Joseph F. Wagner; London: B. Herder, 1910, 1925.

INDEX

*N.B. This **Index** was largely prepared using key terms and word searches. Therefore, to obtain as many references as possible consult synonyms for various terms. For example, see both “birth control” and “contraception” to obtain all the entries in this area.*

- 6 C's, 5, 11, 21, 164, 174, 193, 205, 236
- Abelard, 91
- abortion, 5, 87, 98, 99, 132, 196, 201, 215-217, 221, 224, 235
- Absolute, 53, 55, 74, 78
- absolutes
 - moral, 61, 115
- abusus non tollit usum, 199
- accidents, 90, 94, 100, 197
- acculturation, 134, 140
- actus hominis, 54
- actus humanis, 274
- actus humanus, 27, 54, 91
- actus naturae, 55
- actus personae, 55
- adaptation, 50
- addiction
 - sin, 124
- Address to Italian Midwives, 83
- adult education, 252, 254
- adultery, 193, 196, 253
- Advocate, 155
- Aeterni patris, 10
- affective dimension, 11
- affectivity, 222, 243
- After The Choice
 - post-abortion program, 235
- aggressor
 - unjust, 94, 95
- aging, 228
- AIDS, 66, 132, 217
- AIH, 207
- allocutions
 - papal, 275
- Always Our Children, 198
- America, 255
- anathema, 36
- anger, 128, 130, 223, 251
- anointing of the sick, 227
- Anselm of Canterbury, 91
- anthropology
 - cultural, 15, 51, 105
 - philosophical, 173
 - theological, 14, 15, 28, 33, 43, 45, 46, 48, 70, 77, 104, 224, 237
 - Thomistic, 7
- apartheid, 184
- Apostolicam actuositatem, 170
- approved authors, 120
- Aristotle, 45, 117
- arms industry, 135
- Arregui, Antonio, 30
- artificial insemination, 59
- ascetical theology, 47
- assent
 - authority, 158, 167
 - believers, 154, 167
 - conscience, 65
 - faith, 167
 - intellectual, 168
 - obsequium, 168
 - See also obsequium religiosum, 65
- Auer, Alfons, 39, 170
- Augustine, 24, 25, 46, 58, 100, 194
 - Confessions, 77
 - sermon on sin, 122
- authority, 9, 63, 67, 70, 72, 77, 106, 152, 154, 155, 157, 165, 169
 - absolute, 158
 - apostolic, 36
 - authoritarianism, 153
 - biblical, 4, 156, 183, 188
 - bishops, 164, 167, 171, 175, 233, 276
 - breakdown, 204
 - charisms, 162
 - Christian, 156, 185
 - confessors, 177
 - conscience, 62, 72, 177, 178, 253
 - dialogic, 158
 - dissent, 169
 - levels of, 174, 275
 - levels of , 275
 - Magisterium, 5, 33, 63, 69, 72, 104, 152, 153, 155, 159, 160, 162, 164, 166, 168, 169, 200, 202, 203, 206, 231
 - moral, 63, 70
 - of reason, 27
 - papal, 34, 167
 - patriarchal, 17
 - Protestant, 153

public, 95
 religious, 157
 sanctions of, 6
 spousal, 210
 superego, 82, 83
 teachers, 34, 167
 textual, 205
 autonomy, 4, 42, 43, 62, 70, 166, 219, 220, 222
 bioethics, 225
 conscience, 62
 moral, 62
 avarice, 128
 Baptism, 150, 203, 236
 Barnabas, 169
 Barth, Karl, 4, 215
 Baum, Gregory, 144
 beatitudes, 237, 238, 248
 Beauchamp, Tom, 223
 Bellah, Robert, 53
 Bellarmine, Robert, 28
 Bellow, Saul, 161
 beneficence, 225
 bestiality, 213
 bias, 16
 biblical interpretation, 252
 bioethics, 12, 46, 56, 92, 98, 135, 173, 192, 216,
 223-229, 235, 250
 Biblical, 227
 birth control, 204, 210, 212, 213, 226
 Birth Control Commission, 38, 199, 210
 Birth Control Commission, 38, 199, 210
 bishops, 34, 163, 164, 167, 168, 175, 204, 231
 Bishops Conferences, 163, 175, 190,
 203, 276
 Pennsylvania, 231
 Synod, 123, 143, 186, 248
 Bishops' Institute for Social Action
 BISA, 148
 Black, Peter, C.Ss.R., 198
 Bland, Tony, 232
 Böckle, Franz, 39, 104, 108, 109
 Boff, Leonardo, 145
 Bonum est faciendum et prosequendum, et malum
 vitandum, 109, 112, 133
 Bonum ex integra causa, malum ex quocumque
 defectu, 88
 bonum fidei, 58, 210
 bonum prolis, 58
 bonum sacramenti, 58
 indissolubility, 210
 Boyle, John P., 152, 155
 Boyle, Patrick, 33, 105, 115
 brain death, 225, 232, 250
 Brave Sinning, 125, 137
 Bretzke, James, 37, 50, 54, 72, 235, 274, 277
 Natural Law Overview, 104
 bribery, 134
 Broad, C.D., 2
 Brody, Baruch, 88
 brotherhood, 123, 235, 246
 Buddhism, 41
 Bujo, Bénézet, 41
 burdens, 169
 Burggraeve, Roger, 51
 Burke, Margaret Ellen, 143, 145
 business ethics, 6, 134
 Caffarra, Carlo, 40, 170
 Cahill, Lisa Sowle, 40, 115, 191, 204, 218, 221,
 222, 250, 254
 Callahan, Daniel, 216, 228
 canon, 7, 161, 184, 188, 190, 236
 canon law, 27, 30, 47, 151, 169, 178, 215, 245,
 276
 canon-within-the-canon, 7, 8, 156, 189, 190
 canonicity, 7
 canons of fidelity, 235
 capital punishment, 87, 186
 Caravaggio, 239
 Casti connubii, 24, 25, 36, 199
 casuistry, 18-20, 23, 27, 29, 30, 33, 113, 130,
 189, 238, 245
 Catechesi tradendae, 186
 Catechism for Filipino Catholics
 extraordinary means, 233
 Catechism of the Catholic Church, 90, 91,
 125-128, 197, 205, 225, 248
 common good, 225
 conscience, 62, 64
 finis operis/operantis, 91
 fonts of morality, 90
 grave matter, 126
 homosexuality, 198
 Ignatius' Presupputio, 205
 Levada, 165
 morality and spirituality, 247
 mortal sin, 126
 nature and authority of, 276
 personal sin, 125
 sexuality, 197
 social sin, 139
 subsidiarity, 160
 sufficient awareness, 126, 127
 venial sin, 128
 celibacy, 214

Celtic penance, 149
 Centesimus Annus, 35
 subsidiarity, 160
 certitude, 170
 change
 moral teachings , 5
 character, 3, 18, 27, 44, 45, 55, 60, 68, 76, 129,
 180, 181, 185, 236, 238, 242,
 243, 246
 charism
 of infallibility, 167
 of office, 161, 172, 249
 charisms, 162
 charity, 29, 36, 37, 101, 118, 130, 133, 180, 182,
 202, 247, 250
 chastity, 201
 Childress, James, 2, 223
 Chosen People, 1
 Christ, 4, 124, 237
 authority, 167
 Body of, 9, 36
 command, 182
 disciples, 167, 185, 238
 doctrine, 167
 faith, 172
 freedom, 52, 241
 grace, 125
 Holy Spirit, 241
 image, 244
 Imitation, 186
 kingdom, 130
 law, 109
 mission, 115, 237, 241
 morality, 52
 Mystery of, 37, 182
 name, 167
 New Life in, 51, 54, 112, 194, 247
 person, 208, 244
 Peter, 156
 promise, 237
 revelation of, 160
 Saved in, 51
 servant of, 157
 solidarity, 52
 teaching, 202
 United in, 47, 146, 245
 vicar of, 157
 vocation of the faithful in, 37
 way, 130
 Christiansen, Drew, 244
 Christlikeness, 124
 Christology, 4, 51, 104, 115
 Chrysostom, John, 12
 Cicero, 45
 circumstances, 15, 18, 20, 23, 24, 28, 70, 74, 89,
 90, 92, 94, 95, 101, 102, 111,
 114, 115, 127, 133, 134, 164,
 176, 177, 187, 199, 207, 212,
 213, 229
 civil disobedience, 135
 classicist world-view, 10, 14, 16, 17, 32, 33, 56,
 195, 205, 206
 cloning, 198
 coitus, 16, 56, 213
 coma, 232
 Comblin, Joseph, 41
 commandment
 fulfillment, 177
 goal, 177
 commensurate reason, 95, 97
 Commentary on Romans
 Thomas Aquinas, 107
 commercialism, 184
 Commission, 276
 common good, 44, 45, 63, 71, 95, 120, 132, 147,
 179, 225, 227
 law, 106
 Common Ground, 5
 common morality, 221
 communion
 bishops, 167
 freedom, 53
 God, 47, 139, 154
 God and the Church, 149
 Holy, 30
 people, 139
 People of God, 154
 person, 44, 209, 212
 saints, 8
 Scripture, 189
 sexual, 212, 213
 communitarianism, 222
 community, 4, 6-8, 15, 16, 18, 19, 23, 44, 51, 54,
 60, 71, 75, 85, 112, 118, 130,
 135-139, 163, 179, 182-184,
 186, 188-190, 197, 208, 210,
 217, 227, 230, 236, 238, 243,
 244, 246-248, 251, 252
 compromise, 40, 132-135, 214
 conception, 223
 condom, 17, 132, 217
 confession, 28, 54, 67, 68, 80, 81, 83, 122, 123,
 128, 129, 138, 148, 149, 151,
 177, 214, 227, 242, 249

individual, 140
 Confirmation, 236
 Confucianism, 41, 45, 51, 105, 144
 Congregation, 276
 Congregation for the Doctrine of the Faith, 59,
 82, 126, 140, 165, 168, 169,
 175, 176, 192, 198, 209, 223,
 231, 275, 277
 fundamental option, 82
 Liberation Theology, 139
 conjugal love, 17, 93, 198, 210
 Conn, Walter E., 74-76
 conscience, 32, 53, 54, 61-64, 67, 69-74, 76,
 82-84, 89, 103, 108, 111, 112,
 115, 120, 126, 127, 161, 166,
 168, 171, 177, 178, 180, 182,
 197, 253, 254
 (not) burdening, 151, 177
 and superego, 76, 77, 82
 anterior, 84, 85
 autonomy, 62, 225
 Bretzke's "Spiral of", 72
 Catechism of the Catholic Church, 62,
 64
 certain, 65
 Church authority, 171, 177, 178
 collective, 67
 compromise, 133
 delicate, 130, 177
 Dignitatis humanae, 62
 doubtful, 65
 erroneous, 65-67, 74, 85, 177
 error, 62, 63, 69-71
 formation, 65, 67, 70, 163, 177, 180,
 182
 freedom of, 34, 72, 253
 Fuchs, 73, 74
 fundamental, 73
 Fundamental Option, 78
 Gaudium et spes, 62
 Lonergan, 74, 75
 manualist tradition, 27
 O'Connell, 84-86
 personalism, 61
 posterior, 84
 sanctity of, 62, 63, 65, 70-72, 168, 179,
 253
 sanctuary, 62
 situational, 73
 consensus
 false, 153
 consent
 sufficient, 23, 81, 126-128
 consequentialism, 100-102, 209
 Constitution, 275
 Constitutions of the Society of Jesus and Their
 Complementary No, 6
 Consuetudo optima legum interpretes, 276
 Contemplation in Action, 248
 Contemplation to Obtain the Love of God, 2
 continence
 periodic, 83
 contra naturam, 3, 59, 100
 contraception, 3, 13, 16, 17, 24, 101, 115, 178,
 196, 199, 201, 207, 213
 Familiaris Consortio, 147
 finitude, 102
 gradualism, 147
 conversion, 4, 61, 65, 75, 92, 121, 129, 135, 136,
 138, 139, 142, 148, 150, 158,
 185, 194, 249
 gradualism, 147
 cooperatio in malum, 132
 cooperation in evil, 129-131, 134, 135
 formal, 131, 134
 material, 131, 134
 coram Deo, 78
 Corriden, James, 178
 cost benefit analysis, 228, 230
 Council, 276
 Couture, Roger, 116, 117
 Covenant, 1, 112, 135, 136, 142
 moral law, 103
 cover stories
 social sin, 140
 creation, 6, 13, 26, 42, 45, 48, 56, 162, 183, 194,
 209, 240, 247
 stance, 13
 credibility, 6, 11, 200, 204, 216, 236
 criticism, 176
 Cross, 6, 183, 187, 190
 cross-cultural, 7, 141, 144, 181
 Crowe, Michael, 104
 cult of forgiveness, 145
 cultural narratives, 140
 social sin, 141
 culture, 5, 10, 13, 16, 23, 33, 49, 50, 52, 60, 61,
 67, 70, 104, 105, 113, 114,
 125, 147, 155, 169, 176, 211,
 221, 222, 224, 229, 235, 242
 American, 144
 Confucian, 144
 non-Western, 43, 105, 134
 social sin, 140

therapeutic, 138
 curia, 275
 Curran, Charles, 11, 15, 32, 40, 43, 47, 66, 70,
 98, 102, 103, 106, 108, 115,
 126, 152, 154, 168, 175,
 204-207, 214, 218, 254
 custom
 law, 276
 Daly, Mary, 218
 David
 and Nathan, 122
 Davis, Henry, 31
 Day of Atonement, 142
 de fide, 162, 174, 275
 death, 18, 92, 99, 118, 123, 184, 216, 223,
 228-230, 250
 dignified, 231
 death penalty, 196, 253
 Decalogue, 1
 Declaration, 275, 276
 Decree, 275
 deductive approach, 10, 105, 206, 208
 definition
 irreformable, 36
 Dei verbum, 154
 Demmer, Klaus, 39, 42, 92, 108, 115, 116, 173,
 226
 demography, 200
 deontology, 2, 17, 94, 114, 115, 177, 179, 181,
 209, 236, 246
 DeParle, Jason, 216
 deposit of faith, 159, 165, 167, 168
 despair
 sin of, 78
 desuetude, 114, 178, 276
 Deus impossibilia non iubet, 24
 Deus semper maior, 78
 dialogue, 5, 6, 8, 86, 102, 148, 169, 188, 223,
 244, 249
 inter-religious, 6
 dicastery, 276
 Dignitatis humanae, 35, 37, 48, 49, 61, 65, 72,
 168, 275
 discernment, 3, 71, 85, 118, 119, 135, 148, 152,
 153, 161, 179, 180, 184, 188,
 209, 230, 240, 242-244, 248,
 254
 Rules for (Ignatian), 184, 242, 252
 discipleship, 2, 6, 45, 112, 184-186, 239, 244,
 246, 248
 culture, 49
 moral law, 103
 discourse
 biblical, 188
 ethical, 19, 20
 moral, 5, 11, 17-21, 51, 163, 164, 204,
 207, 221, 228
 narrative, 18, 19
 policy, 20
 prophetic, 17
 Six-C's, 5, 6, 21, 164
 varieties, 17-21, 149
 disease, 138
 disordered, 59, 214
 dispensation, 116-118, 120, 177, 178
 dissent, 70, 104, 115, 169-171, 175-177, 206,
 249
 Maritain, Jacques, 203
 divorce, 215
 doctrine
 development of, 35, 196, 253
 Doepfner, Cardinal, 208
 Doering, Bernard, 203
 Dominus Iesus, 276
 Donum Veritatis, 168
 Donum vitae, 198, 223
 dotage, 127
 double effect, 87, 88, 92-94, 96, 98-100, 133
 Dublanchy, 30
 Dulles, Avery, 28, 169, 176, 177
 Dunwoodie, 170
 Dussel, Enrique, 41
 duties, conflict of, 177
 duty, 83
 negative, 83
 positive, 83
 Easter Duty, 28
 ecclesia discens, 158
 ecclesia docens, 158
 ecclesia semper reformanda, 148, 152
 ecclesiology, 4, 115, 163, 165, 171, 246
 ecology, 6, 15, 51, 177, 183
 economics, 139, 183, 220, 229, 235
 ectopic pregnancy, 98
 ecumenism, 6, 252
 Editio typica, 274
 education
 adult, 252, 254
 Edwards, Jonathan, 243
 ego, 76
 Elliot, T.S., 22
 emotions, 11
 Enlightenment, 44
 ensoulment, 235

envy, 128
 epikeia, 39, 99, 116-118, 134, 178, 179
 equiprobabilism, 120, 228, 234
 error
 objective, 63
 eschatology, 6, 18, 134, 184, 185
 ethical discourse, 19-21, 51
 ethnocentrism, 140
 ethos, 18, 20, 23, 50, 51, 67, 68, 106, 138, 155,
 161, 224, 230, 242, 249
 ethos critique, 144
 euthanasia, 87, 224, 230, 231, 233, 254
 evangelical counsels, 245
 Evangelii nuntiandi
 inculturation, 49
 Evangelium vitae, 87
 evangelization, 49, 68, 105, 248
 Evans, Michael, 48
 evil
 intrinsic, 5, 39, 90, 94, 98, 100, 114,
 115, 138, 193, 198, 201, 214,
 226
 lesser of, 3, 94, 132, 133, 166, 201, 214
 moral, 68, 88, 91, 92, 95-97, 99, 115,
 133, 212, 213
 ontic, 91, 92, 96-99, 114, 115, 133,
 212-214
 ex cathedra, 36, 167, 174, 275
 ex imperfectione actus, 128
 ex parvitate materiae, 128
 ex toto genere suo, 128
 excommunication, 34, 38
 exegesis, 172, 176, 190, 205, 229, 234, 274
 Magisterial documents, 274
 existentialism, 45
 exitus et reditus, 107
 experience, 160, 192, 233, 247
 American, 38
 community, 8, 190
 conscience, 73
 conversion, 139
 data, 13
 evil, 138
 hermeneutics of, 15
 human, 10, 11, 16, 23, 67, 105, 109,
 119, 139, 145, 151, 166, 195,
 217, 247
 lay people, 11
 liminality, 249
 marginalized, 11
 married people, 193
 women's, 220, 221
 expert in humanity
 Magisterium, 159, 160
 extra ecclesia nulla salus est, 63
 extraordinary means
 justice, 234
 facticity, 53, 132
 Fagan, Gerald M, S.J., 153, 154
 failure
 moral, 170
 faith, 4, 8, 9, 19, 36, 51, 154, 159, 162-165, 167,
 170, 172, 211, 227, 241, 248
 virtue, 78
 faith and morals, 36, 162, 167, 211
 false consciousness, 145
 Familiaris Consortio, 147
 contraception, 147
 Farley, Margaret, 40, 159, 192, 218-222
 feminism, 7, 11, 17, 125, 145, 216, 218-223, 249,
 251
 Liberal, 219, 220
 Marxist, 220
 Radical, 220
 Socialist, 221
 ferendae sententiae, 276
 fertility, 210, 223
 fetus, 12, 99, 235
 fide vel moribus, 162
 fidelity, 63, 153, 171
 authority, 153
 bonum fidei, 58
 Church, 153
 conscience, 65, 66, 111
 creative, 22, 112, 152, 207, 243, 278
 Häring, 22, 112, 207, 243
 Magisterium, 152, 164, 171, 278
 obsequium religiosum, 153
 Spirit, 154, 163
 Fiedler, Maureen, 172, 252
 Fields, Sally, 93, 227
 filial piety, 144, 158
 Finding God in all things, 248
 finis operantis, 91, 92, 111
 birth control, 202
 finis operis, 91, 111
 birth control, 202
 finis operis semper reducitur in finem operantis,
 91
 finitude, 102
 Finley, Mitch, 211
 Finnis, John, 40, 103, 234
 Fletcher, Joseph, 38, 40
 flourishing, Christian, 124

fontes moralitatis, 24
 fonts
 of moral theology, 4, 63, 71, 238
 fonts of morality, 24, 90, 94
 Ford, John, 203
 forgiveness, 6, 61, 121, 125, 138, 146, 148, 182,
 194, 236
 cult of, 145
 forma communi, 175
 forma specifica, 175
 formal cooperation, 131, 134
 fornication, 193, 194
 Fowl, Stephen, 189, 191
 Francis de Vitoria, 29
 Franco-Prussian War, 36
 Frankena, William, 88
 Frankl, Victor, 51
 freedom, 52, 53, 59, 63, 68, 71, 78, 79, 81, 109,
 112, 120, 129, 143, 205, 206,
 241
 basic or core, 53, 78, 80
 of debate, 164
 peripheral, 80
 religious, 35, 61, 72, 252, 275
 friendship
 marriage, 200
 with God, 48, 180, 241, 242
 Fuchs, Josef, 3, 26, 39, 42, 43, 58, 65, 66, 73, 78,
 87, 89, 93, 99, 101-103, 105,
 108, 110-112, 115-118, 144,
 152, 157, 161-165, 170, 176
 compromise, 133
 conscience, 133
 fundamental option, 53, 77, 123, 126, 180, 193,
 211, 212
 Congregation for the Doctrine of the
 Faith, 82
 Magisterium, 80
 Persona humana, 82
 fundamentalism, 187
 Galileo, 253
 Gallagher, John, 22
 Gallagher, Raphael, 23
 Gasser, Bishop, 170
 Gaudium et spes, 38, 48, 50, 52, 55, 59, 66, 67,
 69, 72, 93, 123, 163, 168, 170,
 189, 246
 gender, 183, 191, 192, 196, 204, 219-221, 250
 General Congregation
 34th Jesuit, 153
 genetics, 226
 genocide, 140
 Gill, Robin, 15
 Gilléman, Gerard, 36
 Gilligan, Carol, 54, 218, 221
 Gilson, Etienne, 57
 Ginters, Rudolf, 103
 Glaser, John, 54, 76, 77, 82, 83
 globalization of ethics, 15, 50
 Gloria Dei Vivens Homo, 46
 gluttony, 128
 goodness, 1
 Gould, Glenn, 277
 Grabowski, John, 160
 grace, 4, 6, 24, 25, 29, 51, 53, 79, 80, 82, 108,
 109, 125, 129, 137, 142, 143,
 145, 150, 152, 182, 194, 209,
 211, 236, 241, 242, 247-249
 actual, 24, 29, 151
 and sin (Lutheran), 124
 and the natural law, 107
 sanctifying, 24, 29, 150
 social, 25, 145, 147
 gradualism, 147
 Graneris, Giuseppe, 31, 64, 66, 126, 127
 Greene, Graham, 30
 Gregory the Great, 127
 Gregory XVI, 34, 71, 275
 Grenz, Stanley, 245
 Grisez, Germain, 40, 103, 171, 203, 234
 Gritsch, Eric W.
 (not) burdening, 125
 guilt, 54, 67, 68, 76, 77, 82, 114, 130, 136, 138,
 139, 214
 corporate, 145
 false, 130
 neurotic, 136
 shared, 131
 guilt-feelings, 84, 177
 Guindon, André, 192
 Gula, Richard, 32, 45, 71, 77, 85, 104, 106, 111,
 180, 182, 224, 244, 254
 Guroian, Vigen, 237, 238
 Gury, Jean Pierre, 94
 Gustafson, James, 12, 16-21, 39, 42, 187, 188,
 238, 242
 Gustafson, James M., 149
 Haight, Roger, S.J., 142
 Hamel, Ronald, 22
 Hanigan, James, 151, 192, 197, 209, 210,
 212-215, 254
 Häring, Bernard, 22, 37, 38, 42, 51, 67, 69, 83,
 108, 112, 120, 123, 151, 185,

197, 207, 211, 224, 226, 227,
 235, 240, 241, 243, 246
 harmatia, 135
 Harrison, Beverly Wildung, 218
 Hauerwas, Stanley, 19, 23, 45, 48, 103, 217, 238,
 241
 Hayes-Moore, Louis, 233
 Hays, Richard, 183
 health care, 234
 Healy, Edwin, 31
 Henriot, Peter, 143
 heresy, 34, 87, 103, 137, 161
 heretics
 burning of, 111
 hermeneutics, 7, 15, 50, 92, 101-103, 106, 112,
 115, 169, 173, 183, 190, 205,
 234, 274
 heteronomy, 63
 hierarchy of truths, 274
 Higgins, Gregory, 254
 Himes, Kenneth, 22
 historical world-view, 14, 16, 17, 32, 56, 205
 holiness, 1
 Hollenbach, David, 40, 44, 47, 48
 Holy Office, 34
 Holy Spirit, 8, 9, 21, 38, 54, 124, 154, 155, 159,
 161-163, 167, 171, 199, 202,
 203, 236, 241, 242, 244, 245
 consensus, 154
 fidelity, 153, 154
 Holy War, 184
 Holy Year, 275
 Homilectic and Pastoral Review, 170
 homosexuality, 59, 193, 207, 208, 213-215
 Always Our Children, 198
 Catechism of the Catholic Church, 198
 Hoose, Bernard, 88, 89, 93-96, 98-101, 103, 115,
 116, 171, 172, 194-197, 214
 hope
 virtue, 78
 Hosea, 121
 Hsu, Francis, 43
 hubris, 135
 Hughes, Gerard, 103, 217
 human action, 10, 27, 59, 63, 69, 70, 87, 91, 98,
 106, 119, 142
 human acts
 finitude, 102
 manualist tradition, 27
 human rights, 15, 44, 48, 49
 Humanae vitae, 5, 38, 83, 87, 153, 192, 198, 199,
 202, 204, 274
 Hunthausen, Raymond, 192
 Hürth, Francis, 36
 hydration, artificial, 231, 233
 hysterectomy, 99
 hysteria, 127
 id, 76
 ideology, 145
 Ignatius of Loyola, 2, 184, 205, 242, 250
 ignorance
 invincible, 65, 66
 vincible, 65, 67
 imagination, 11
 evil, 184, 248
 imagination, moral, 19, 20, 181, 184, 242
 imago Dei, 46
 impediment, 177
 imperfectione actus, 128
 imperialism, 140
 impossibility
 physical or moral, 177
 Imprimatur, 126, 192
 In forma communi, 276
 In forma specifica, 276
 in-vitro fertilization, 223, 226
 incarnation
 culture, 49
 stance, 13
 inculturation, 41-43, 51, 105, 134
 indefectibility
 Church, 237
 indissolubility
 bonum sacramenti, 210
 individualism
 rugged, 144
 inductive approach, 10, 206
 infallibility, 36, 152, 154, 163-165, 167, 170,
 203, 252
 bishops, 167
 claims and limits, 160
 definition, 161
 Magisterium, 154
 natural law, 165, 166
 Ordinatio Sacerdotalis, 275
 Pastor Aeternus, 164
 Vatican I, 34, 35
 Vatican I, 164
 injustice, 7, 12, 132, 143-145, 188, 189, 221
 subsidiarity, 160
 institution, 143, 148
 Institutiones theologiae moralis, 29, 245
 Instruction, 276

- Instruction on Some Questions Regarding
 Collaboration of Nonorda, 175,
 276, 293
- intention, 23, 24, 58, 59, 79, 83, 88, 90-92,
 94-99, 102, 111, 115, 117, 126,
 131, 133, 167, 213
 lawgiver, 117
 procreative, 213, 214, 253
- Inter Insigniores, 5, 153
- inter-religious dialogue, 6
- intercourse, 195, 199, 210, 211, 213
- internalization, 143
- intoxication, 126
- intrinsece inhonestum, 201, 274
- intrinsece malum, 24, 39, 100, 115
- intuition, 11
- involvement, 148
- Iranaeus, 46
- Irish Theological Quarterly, 255
- iudicium de actu ponendo, 64
- iudicium de positione actus, 64
- ius naturale, 106
- ius vigens, 178
- IVF, 226
- Jaggar, Alison, 219
- Jansenism, 120
- Janssens, Louis, 14, 39, 42, 59, 87, 91-93, 96, 97,
 114, 123
- Jennett, B., 232
- Jenson, Robert W., 125
- Jerome, 12, 85, 182, 194, 195
- Jesus, 6, 102, 118, 122, 123, 156
 authority, 237
 disciples, 3, 18, 23, 47, 210, 237
 discipleship, 112, 240
 faith, 172
 Grisez, 171
 Holy Spirit, 8
 James and John, 156
 leprosy, 227
 Lordship, 184, 185
 Magisterium, 164
 ministers, 186
 mission, 115
 Peter, 156
 revelation, 184
 risen, 9, 18
 sin, 138, 239
 Spohn, 183
 temptations, 136
 Trinity, 47
 values, 103
- John
 sin, 121
- John Paul II, 1, 35, 36, 52, 72, 87, 123, 159, 186,
 198, 210, 275, 276
 Centesimus Annus, 160
 Familiaris Consortio, 147
- John XXIII, 199
 Mater et magistra, 160
 Seminary Instruction in Latin, 178
- Johnstone, Brian, 13, 32, 56, 58, 59
- Jonas, Hans, 65
- Jone, Heribert, 30
- Jones, L Gregory, 138
- Jones, L. Gregory, 48, 139, 189, 191, 241
- Journet, Charles, 203
- Jubilee, 136
- justice, 18, 98, 139, 179, 181, 183, 188, 189, 220,
 222, 225, 235
 bioethics, 225
 extraordinary means, 234
 legal, 117
 social, 42, 124, 142, 143
- Kaczor, Christopher, 94
- Kant, Immanuel, 44, 217
- karma, 43
- Keane, Philip, 192, 211, 212
- Keeling, Michael, 42, 43, 57, 60, 61, 195
- Keenan, James, 21, 39, 88, 254
- Keillor, Garrison, 25
- Kelly, Kevin, 123, 191, 215, 231, 232
- Kennedy, Terence, 103
- Kiely, Bartholomew, 102
- Kingdom of God, 18, 102, 130, 139, 142, 156,
 184, 185
- Kingdom of Heaven, 2
- Knauer, Peter, 87, 93, 94, 97, 100
- knowledge
 sufficient, 23, 81, 126, 128
- Kohlberg, Lawrence, 54, 181
- Kopfensteiner, Thomas, 39, 83, 229-231
- Koran
 sacred claim, 9
- Kosnik, Anthony, 192
- Kotva Jr., Joseph J., 179, 182
- Lambeth Conference, 199
- Lambino, Antonio, 41
- Lamentabili, 35
- Lammers, Stephen, 224
- Langan, John P., 10
- Lanza, Antonio, 31
- latae sententiae, 276
- Latin, 1, 54, 64, 135, 178

- law, 106
- common good, 106
 - custom, 276
 - divine, 32, 68, 87, 117, 119, 161, 170
 - doubtful, 119, 120
 - eternal, 32, 57, 107, 108, 170
 - human, 32, 68, 107, 117
 - impossibility, 117
 - inhumanity, 117
 - lawgiver, 117-119
 - manualist tradition, 27
 - natural, 10, 14, 16, 27, 28, 31, 32, 39, 53, 56, 57, 87, 96, 103-109, 111, 116-118, 133, 151, 159, 162, 165, 166, 170, 200, 207, 218, 235, 247
 - New, 107, 108
 - of nature, 106, 109
 - Old, 107
 - reason, 106
- laxism, 120, 129, 225, 275
- Lebacqz, Karen, 188, 189
- lectio continua, 8, 190, 208, 238
- sin, 121, 122
- Leers, Bernardino, 41
- legalism, 57, 76, 118, 119
- Leo XIII, 10, 35
- Letter, 276
- Levada, William, 165, 166
- lex aeterna, 108
- lex dubia non obligat, 119
- lex indita non scripta, 108
- lex scripta, 109
- liberalism, 34, 71
- liberation, 148
- Liberation Theology, 7, 11, 41, 42, 123, 145, 183
- Congregation for the Doctrine of the Faith, 140
 - social sin, 139
- Liguori, Alphonsus, 38, 68, 69, 120, 151
- invincible ignorance, 66
- liminality, 225, 249, 250
- Lio, Rev., 208
- liturgy, 4, 8, 162, 190, 215, 219, 237, 238, 240
- locutio contra mentem, 100
- Lonergan, Bernard, 14, 16, 32, 54, 56, 74, 75
- Longfellow, Sandra, 192
- Lordship of Jesus, 184, 185
- Louvain School, 39, 42
- Louvain Studies, 255
- love
- virtue, 78
- Lumen gentium, 47, 69, 155, 167, 169, 170, 205, 246, 274
- lust, 24, 25, 128, 209, 218
- Lustigier, Cardinal, 132
- MacIntyre, Alasdair, 44, 45, 48
- MacNamara, Vincent, 83
- Macquarrie, John, 2, 104
- Magis, 248
- Magisterium, 4, 7, 9, 16, 33, 63, 71, 72, 83, 93, 152-155, 158-164, 168, 170-172, 176, 198-200, 202-204, 206, 211, 233, 235, 249, 253
- authority, 159
 - concrete moral norms, 114
 - expert in humanity, 159, 160
 - fundamental option, 80
 - monetary policy, 159
 - natural law, 87, 104, 159, 162, 163, 165, 166, 170, 171
 - obsequium religiosum, 168, 171
 - sensus fidelium, 154
 - social & personal sin, 140
- Maguire, Daniel, 40
- Mahoney, John, 22-25, 28, 29, 87, 104, 113, 118-120, 134, 135, 162, 164, 196, 223, 225, 229, 235, 250
- Mandate of Heaven, 105
- Manichaeism, 24
- manualist tradition, 4, 22, 27, 28, 30, 31, 36, 92, 94, 105, 123
- manualistic tradition, 66
- Maritain, Jacques, 44, 47, 103
- birth control, 202
- Markham, Ian S., 5
- marriage, 55, 58, 59, 79, 82, 93, 143, 178, 194, 196, 197, 199, 200, 202, 210, 213, 215, 226, 253
- second, 215
 - unitive end, 56, 197, 198, 212, 214
- Marxism, 123, 220, 221
- Liberation Theology, 139
 - social sin, 139
- Mary, 159
- massa damnata, 24
- masturbation, 101, 126, 207, 208, 213, 214
- Mater et magistra, 160
- material cooperation, 131, 134
- material norms
- See norm, material, 61
- matter
- grave, 23, 81, 126, 128

- light, 126, 128
- matter, sinful, 23, 77, 81, 126, 168, 214
- May, William E., 40, 104, 234
- McCormick, Patrick, 124, 137-139, 254
- McCormick, Richard, 22, 39, 50, 88, 90, 102,
103, 115, 152, 169, 218, 224,
231, 233, 234, 254
- McInerney, Ralph, 103
- McManus, James, 207
- means
 direct/indirect, 98
 ordinary/extraordinary, 228-230, 233
- media, 201
- medical ethics, 52, 93, 183, 211, 223, 224, 226,
227, 232, 235
- Meilaender, Gilbert, 47, 49, 228
- metanoia, 135, 150
- Middle Ages, 12, 91, 117, 125
- middle axioms, 113
- migration, 210
- minimalism, 42, 47, 76, 120, 130, 246, 247, 275
- Minjung theology, 41
- minority, 141
- minus malum, 132, 133
- Mirari Vos, 34, 71
- mission, 2
- Modernism, 35
- monetary policy
 Magisterium, 159
- Moore, G.E., 89
- moral absolutes
 See absolutes, moral, 33
- moral act, 94, 95, 100, 101, 115, 212
 social sin, 140
- moral action, 91, 92
- moral agent, 44, 45, 54, 86, 91, 115, 179, 217,
246
- moral autonomy, 4, 42, 43, 62, 70, 166
- moral norm, 1, 13, 39, 54, 55, 58, 88-90, 110,
119, 135
- moral norms, 18, 21, 31, 87, 89, 97, 103,
110-112, 115-117, 119, 166,
187, 188, 211, 217, 220
- moral theology, 1, 2
- moral vision, 3, 19, 77, 181, 183, 184, 216, 217,
240, 242
- Moralia, 255
- Moser, Antonio, 41
- motherhood, 227, 235
- motu proprio, 174, 275
- munus, 154
- murder, 63, 68, 71, 102, 177
- Murray, John Courtney, 38, 104
- Mystical Body, 47
- narrative, 17-20, 45, 217, 238, 242
- nationalism, 184
- natura actus, 55
- natural family planning, 59, 211, 214
- natural law, 10, 11, 14, 16, 27, 31, 32, 39, 53, 66,
87, 96, 104, 106, 107, 110,
133, 195, 207, 218, 247
 and grace, 107
 and the New Law, 107
 Bretzke's schema, 104
 Christology, 104
 confessors, 151
 dispensation, 118
 epikeia, 39, 99, 116, 117
 eternal law, 108
 evangelization, 105
 Exitus et reditus, 107
 hermeneutics, 106
 history, 104, 105
 inculturation, 105
 law of nature, 106
 lex indita, 109
 Magisterium, 159, 162, 165, 166, 170,
200
 moral manuals, 105
 moral norms, 103, 109, 111, 118, 165,
166
 Nominalism, 27
 normatively human, 110
 order of nature, 56
 personalism, 62, 105
 physicalism, 57
 probabilism, 235
 Protestant, 27, 159
 recta ratio, 118
 reformulation, 118
 revelation, 103
 scientia naturalis, 108
 Scripture, 103
 secondary principles, 207
 sexual ethics, 87, 106
 ST I-II, q. 94, 107
 St. Paul, 107
 Veritatis Splendor, 109
- naturalistic fallacy, 59, 107
- Naughton, Michael, 160
- Nelson, James, 192
- Neo-platonism, 24
- Neo-scholasticism, 14, 22, 56, 195
- New Law

and the natural law, 107
 NFP, 211
 Nichomachean Ethics, 117
 Niebuhr, H. Richard, 18, 39, 42, 146, 184, 243, 248
 Nihil obstat, 126
 nihilism, 43
 Nisi clauses, 276
 nominalism, 26, 27, 29, 157, 245
 nonmaleficence, 225
 Noonan, John T., 13, 67, 196, 253
 norm
 ecclesial, 174, 275
 material, 23, 61, 114, 166
 norma normans, 13, 24, 145
 norma normans non normata, 7, 9, 277
 norma normata, 9
 norms
 concrete, 74
 Notification, 276
 nutrition
 artificial, 231, 233
 O'Connell, Timothy, 84, 85
 O'Donnell, Thomas, 231
 O'Keefe, Mark, 29, 82, 83, 244-246, 254
 O'Riordan, Sean, 38, 207
 obedience, 24, 26, 62, 70, 87, 116, 119, 120, 123, 135, 136, 169, 171, 202, 237, 245
 objectivity, 74, 229
 obsequium religiosum, 153, 168, 169, 274
 See also assent, 153
 occasion of sin, 129
 proximate, 129
 remote, 129
 Ockham, William of, 26
 Octogesima Adveniens, 114, 160, 164
 Odia restringi et favores convenit ampliari, 276
 Odia restringi, et favores convenit ampliari, 169, 178
 odium theologicum, 234, 250
 Office, 276
 Ognino method, 203
 Onan, 203
 oppression, 141, 145
 Optatam Totius, 37, 182, 190
 Opus Dei, 41, 170
 order of nature, 56
 order of reason, 56
 ordination, 251
 orgasm, 213
 Orthodox
 Eastern, 42, 215, 237
 orthodoxy, 35, 161
 orthopraxis, 23
 Osiek, Carolyn, 223, 251
 Outside the Church there is no salvation, 63
 Overberg, Kenneth, 254
 O'Keefe, Mark, 16, 143-145
 Palazzini, Pietro, 31, 127-129, 208
 parable, 5, 19, 150
 Paraclete, 155, 244
 paradigm, 13, 33, 48, 50, 55, 56, 102, 106, 112, 155, 236
 personalist, 14, 59, 93
 physicalist, 14, 55-57, 195
 sexual ethics, 206
 shift, 16, 28, 32, 56, 69, 249
 sin, 123
 paradigm shift, 139
 social sin, 139, 140
 parenthood
 responsible, 178, 197-200, 210, 226
 pars propter totum, 92, 226
 particularity, 74
 parvitas materiae, 128
 parvitas materiae in sexto, 33
 parvus error in principiis, 4
 passion, 127, 201
 Pastor Aeternus, 36
 infallibility, 164
 Pastoral Spiral, 148
 patient, medical, 225, 232, 233
 autonomy, 225
 care of, 226, 229
 patriarchy, 17, 220, 221
 Paul, 169
 sin, 121
 Paul VI, 49, 83, 87, 114, 159, 160, 164, 198, 199
 Paul VI, Pope
 Ratzinger, Joseph, 176
 peccatum/a, 135
 peira, 136
 peirasmos, 136
 peirazo, 136
 Pelagianism, 122
 Semi-, 125
 Pelikan, Jaroslav, 8
 penalty, 169
 penance
 Celtic, 149
 public, 149
 tariff, 149
 Penance, Sacrament of, 28, 202

Penet, Mary Emil, 42
 Penitentials, 23
 Pennsylvania Bishops, 231
 People of God, 155, 171, 246
 per accidens, 94, 99
 Perfect Society
 Church, 28
 perfection, 1, 42, 44, 47, 97
 Persistent Vegetative State, 231, 232
 Persona humana, 82, 192, 207, 277
 personalism, 13, 14, 39, 48, 56, 59, 60, 93, 105,
 191, 197, 204, 206, 208, 226
 weaknesses, 61
 Peschke, Karl Heinz, 127-132
 Peter Lombard, 91
 petting, 213
 Philippines, 234
 Philo, 12
 philosophia perennis, 9
 physicalism, 13, 44, 48, 55-59, 92, 195, 198, 206,
 207, 226
 physis, 227
 Pieris, Aloysius, 41
 Pilarczyk, Daniel, 175
 pilgrimage, 1
 Pinckaers, Servais, 26, 27, 40, 90
 Pius IX, 28, 34, 71, 275
 Pius X, 35
 Pius XI, 24, 36, 160
 Pius XII, 36, 83, 226, 229
 Place, Michael, 248
 Plantinga, Cornelius, Jr., 124
 Pliny, 12
 Plum, B., 232
 pluralism, 134, 216
 policy discourse, 20, 21
 Political Correctness, 6, 63, 72, 161, 216
 politics, 6, 10, 19, 20, 34, 71, 82, 139, 153, 159,
 187, 189, 216, 220, 221, 234
 Pontiff, Roman, 36, 167, 168
 Pontifical Council Cor Unum, 147
 Pontifical Council for the Pastoral Care of
 Migrants, 147
 poor, 1
 population, 210
 Populorum Progressio, 159
 Porter, Jean, 104, 107
 positivism, 43, 69
 possessions, 2
 postmodernism, 222
 praeter intentionem, 94, 99
 praxis, 8, 23
 prayer, 8, 129, 136, 178, 227, 240, 246, 247
 pre-marital sex, 208, 209, 213
 precepta magis propria, 114
 preferential option for the poor, 2
 presumption
 sin of, 78
 pride, 128
 priesthood, 251
 ministerial, 28
 of believers, 236, 251, 252
 Primacy, Papal, 34, 176
 primum non nocere, 225
 Primus inter pares, 157
 principalism
 bioethics, 225
 privileges, 169
 Pro-Choice Movement, 216, 217
 Pro-Life Movement, 216
 probabiliorism, 42
 probabilism, 42, 65, 94, 120, 225, 228, 231, 234,
 235
 extrinsic, 120
 intrinsic, 120
 procreation, 3, 12, 25, 59, 83, 93, 195-200, 207,
 209, 210, 212, 213
 pre-moral value, 98
 professional ethics, 134
 promiscuity, 209
 proof-texting, 82, 156, 190
 prophetic discourse, 17, 19-21, 135, 238
 prophets, 17, 21, 136, 142, 156
 proportionalism, 38, 39, 87, 88, 90, 92-94, 96,
 99-101, 115, 131, 177, 180,
 214, 230
 critique, 102
 proprium, 19, 21, 70, 185
 Protestant ethics, 22, 23, 33, 42, 47, 88, 119, 137,
 153
 natural law, 159
 providence
 eternal law, 107
 prudence, 65, 68, 118, 130, 133, 134, 225
 Psalm 51, 122
 punishment, 121, 138, 217
 capital, 87, 186
 purity laws, 12
 PVS (Persistent Vegetative State), 163, 231-233
 Quadragesimo anno, 160
 quality of life, 228, 230, 233
 Quanta Cura, 34, 71
 Quay, Paul, 16
 Quevedo, Msgr. Orlando O.M.I., D.D., 148

qui tacit consentire censeatur, 131
 quidquid recipitur ad modum recipientis recipitur,
 161
 Quinn, Archbishop John, 34, 153, 176
 infallibility, 160
 Rabben, Linda, 172, 252
 racism, 140
 Rahner, Karl, 12, 50, 54, 78
 Ramsey, Paul, 88, 153, 235
 Rational Claim, 13
 rationalization
 personalism, 61
 Ratzinger, Joseph, 102, 154, 159, 176
 reason, 12, 109, 110, 118, 127, 201, 219, 222,
 239
 circumstances, 90
 human, 15, 57, 109, 113
 law, 106
 moral, 32, 51, 56, 85, 113, 181, 199
 order of, 56
 practical, 64, 113, 163, 164
 proportionate, 95, 96, 98-100, 115, 212,
 213
 speculative, 113
 reception/non-reception
 canon law, 178
 Reconciliatio et Paenitentia, 123
 Reconciliatio et Paenitentia
 social sin, 139
 reconciliation, 4, 61, 76, 121, 139, 148-151, 183,
 185, 194
 Reconciliation, Sacrament of, 149-151
 recta ratio, 87, 108, 109, 118, 133
 redemption, 6, 185, 240, 242
 stance, 13
 Redemptor Hominis, 72
 Redemptorist School, 38
 reform
 criticism, 176
 papacy, 34, 176
 Reformation, Catholic Counter, 29, 125, 245
 Reformation, Protestant, 27, 29
 refugees, 48
 Regan, Augustine, 83
 Reich, Warren, 192, 224, 230, 233
 Reidy, Maurice, 197
 relationality, 97, 222
 Trinity, 47
 relationality-responsibility model, 207
 relativism, 11, 90
 religious liberty, 34, 196, 253
 remarriage, 215
 repentance, 138, 148, 150, 158
 Augustine on David, 122
 Rerum Novarum, 35
 responsibility, 23, 49, 54, 65, 84, 85, 108, 130,
 133, 139, 145, 181, 205-207,
 210
 Responsum, 275
 resurrection, 6, 18, 46, 187, 190
 resurrection destiny
 stance, 13
 retardation, 127
 Revealed Reality, 18, 40
 Revelation, 4, 8, 9, 31, 32, 37, 53, 101, 103, 154,
 159, 160, 165, 167, 168, 170,
 182, 184, 187, 203, 241
 rhythm method, 201, 209, 211, 213
 Rich Young Man
 Mt 16:19-22, 1
 Rigali, Norbert, 43
 Rigorism, Moral, 40, 120, 126
 Risorgimento, 28
 Robb, Carol, 218
 Roberts, Julia, 93, 227
 Rodman, Monika, 235
 Rogers, Eugene F., Jr., 107
 Roma locuta, causa finita, 9, 203
 Romans, 107
 Rosato, Philip, 240
 Ruether, Rosemary Radford, 218
 Rules for Thinking with the Church, 153
 Rynne, Xavier, 38
 sacraments, 27, 30, 47, 150, 215, 240
 Sacred Claim, 9
 Sacred Heart, 121
 salvation, 4, 34, 37, 42, 46, 65, 71, 101, 109, 115,
 120, 164, 174, 182, 241, 274
 Trinity, 47
 sanctity, 86
 conscience, 62, 63, 65, 70-72, 168, 179,
 253
 of life, 235
 sanctuary
 right of, 62
 sanctuary of conscience, 62
 Sanhedrin, 62
 Sapp, Stephen, 228
 scandal, 129, 130, 138
 active, 130
 of the weak, 130
 passive, 130
 scandalum pusillorum, 130
 Schasching, Johannes, 36

Schneiders, Sandra, 8, 9, 158, 183
 Schrage, Wolfgang, 183
 Schubeck, Thomas, 145, 146
 Schüller, Bruno, 39, 88, 89, 103, 239
 scientia naturalis, 108
 Scripture, 4, 7-9, 14, 16-18, 37, 40, 47, 63, 71, 84, 164, 182-184, 186-192, 196, 205, 237, 238, 240, 244
 sacred claim, 9
 scruples, 32, 54, 81, 92, 127, 129, 130, 132, 136
 secrets
 revelation of, 101
 sed contra, 94, 107
 seduction, 129
 Seesman, Heinrich, 136
 self-defense, 94, 95, 100
 self-mutilation, 92, 226
 Selling, Joseph, 39, 105, 159
 semi-wakefulness, 126
 semper et pro semper, 83, 127, 177
 semper sed non pro semper, 127, 177
 sensus fidelium, 154, 162, 203
 Servus servorum, 157
 sexism, 219
 sexual ethics, 6, 16, 25, 33, 46, 55, 56, 82, 83, 87, 106, 159, 160, 183, 191, 192, 194, 195, 198, 204-210, 212-215, 250, 252, 254
 sexuality, 25, 58, 160, 191, 192, 195, 197, 198, 204, 208, 209, 212, 214, 215, 218, 254, 255
 Augustinian, 25, 195
 New Testament, 196
 Patristic views, 194, 195
 Song of Songs, 196, 208
 Sgreccia, Elio, 198, 199
 shalom, 1
 sin as disturbance of, 124
 Shannon, Thomas, 224
 Shelton, Charles, 181
 signs of the times, 189, 209
 simul iustus et peccator, 28, 137, 249
 sin, 4, 6, 23, 24, 57, 62, 67, 69, 81, 82, 86, 89, 95, 97, 100, 103, 110, 120-125, 127, 129-132, 134-138, 145, 151, 155, 177, 183, 185, 190, 194, 195, 201, 209, 215, 227, 230, 236, 239, 247-249, 252, 254
 Biblical understandings, 121, 141
 capital, 127
 habitual, 129
 institutional, 142
 John, 121
 lectio continua, 121
 Lutheran position, 124
 mortal, 140
 occasion of, 129
 of commission, 127
 of omission, 127, 147
 original, 24, 97, 103, 125, 195
 Paul, 121
 personal, 140
 serious or mortal, 23, 24, 80-82, 125, 127, 128
 sin-solidarity, 136, 139, 145, 185
 social, 41, 54, 65, 137, 139, 140, 143, 145, 254
 stance, 13
 venial, 24, 125, 126, 128, 140, 195
 Sin-solidarity, 142
 Situation Ethics, 38, 40, 90
 slavery, 5, 13, 52, 71, 114, 196, 253
 slippery slope, 198, 199, 201, 228
 sloth, 128
 Smith, William, 40, 170, 171, 234
 Sobrino, Jon, 139
 social analysis, 139
 social grace, 145, 147
 social location, 11
 social sin, 139, 142, 144, 147, 254
 cover stories, 140
 sola gratia, 137
 sola scriptura, 28
 solidarity, 52, 146, 147
 Sollicitudo Rei Socialis, 159
 soteriology, 139
 source criticism, 172, 274
 species
 circumstances, 90
 moral, 90, 94, 99
 sin, 28
 Spiritual Exercises, 2
 spirituality, 4, 8, 23, 29, 47, 123, 124, 147, 148, 152, 192, 218, 220, 236, 244-249, 251, 252
 Ignatian, 248
 Spohn, William C., 19, 40, 42, 104, 182, 184, 187, 243
 Stafford, Francis, 215
 stance
 Charles Curran, 13
 Curran and Gustafson, 15
 Steel Magnolias, 93, 227

Steichen, Donna, 219
 Steinbeck, John, 68
 stem cell, 223
 sterilization, 201, 207
 Stoicism, 24
 Stortz, Martha Ellen, 4
 Stratton, Henry, 207
 structure
 social, 143
 structures of sin, 144
 Studia Moralia, 255
 Studies in Christian Ethics, 255
 Suarez, Francis, 29, 117, 245
 sub secreto, 274
 subjectivism, 11
 subjectivity, 73, 74
 subjectivity, 229
 submission
 of the will, 167, 168, 171, 176, 205
 wifely, 17
 subsidiarity, 160
 Catechism of the Catholic Church, 160
 Centesimus Annus, 160
 Mater et magistra, 160
 Quadragesimo anno, 160
 suicide, 63, 71, 177
 Sullivan, Francis, 104, 152, 168, 174, 176, 278
 Summa Theologiae, 24, 29, 55, 88, 90, 92, 94,
 103, 106, 109, 113, 114
 summum bonum, 26, 78, 240
 Super epistolas S. Pauli lectura, 107
 superego, 53, 54, 76, 77, 83, 84, 163
 supererogation, 245
 Syllabus of Errors, 34, 71
 symbolic systems, 145
 synderesis, 64, 71, 84
 syneidesis, 64, 84
 system, 143
 Tablet, 255
 taboos, 12
 Tanner, Norman, 125
 tariff penances, 149
 tautology, 109, 154
 Tavard, George, 162, 164
 taxes, payment of, 135
 Teaching, 169
 technology, 230
 teleology, 2, 3, 17, 177, 179, 245
 temptation, 129, 136
 Ten Commandments, 1, 31, 245
 tenenda, 36
 Tertullian, 46, 194
 theologia moralis, 23, 68
 theologians
 role of, 112, 152, 168, 175, 176, 206
 Theological Studies, 255
 Theology and Sexuality, 255
 theotokos, 159
 therapeutic culture, 138
 Thiel, John, 5, 152
 Thomas Aquinas, 7, 10, 11, 26, 30, 32, 33, 45,
 53, 55, 63, 77, 82, 85, 87, 88,
 90, 91, 94, 96, 98, 100, 103,
 104, 106-109, 113, 114, 117,
 126, 133, 180, 207, 241
 conscience, 64
 Thomas de Vio, 29, 245
 threefold office of Jesus, 154
 tien-ming, 105
 tolerance, 132, 134, 135
 totality, 59, 67, 92-94, 112, 200, 226, 227
 Tracy, David, 236
 Tradition, 4, 5, 7-9, 16, 28, 110, 162, 190, 192,
 238, 252, 253
 Magisterium, 277
 sacred claim, 9
 Traina, Cristina, 11, 74
 Transcendental Thomism, 39, 54, 74
 Trent, Council of, 27, 34, 129
 Tribble, Phyllis, 218
 Trinity, 3, 47, 154, 241
 tutorism, 42, 87, 94, 119, 120
 unitive end, 56, 197, 198, 212, 214
 universal morality, 218-222
 universal saving will, 78
 unjust
 see injustice, 143
 unrighteousness, 122, 135
 Untener, Kenneth, 204
 usury, 5, 114, 178, 196, 252, 253
 ut in pluribus, 98, 99, 114, 230, 233
 uterine isolation, 231
 utilitarianism, 100, 102, 228
 utopia, 18, 114
 Vacatio legis, 276
 vainglory, 111
 values
 pre-moral and moral, 97
 Vatican I, 36, 165, 170
 infallibility, 34, 35, 164
 Vatican II, 28, 35, 37, 38, 47, 48, 59, 65, 69, 72,
 92, 123, 129, 154, 163, 168,
 171, 173, 197, 209, 246, 274
 morality, 105

Verhey, Allen, 224
 Veritatis Splendor, 52, 55, 65, 67, 71, 72, 79, 80,
 87, 109, 115, 153, 163, 168,
 248
 fundamental option, 79
 Fundamental Option theory, 79, 82
 Mt 16:19-22, 1
 Vermeersch, Arthur, 36, 95
 Veterum Sapientia, 178
 vice, 3, 12, 31, 67, 127
 victimization, 138
 Vidal, Marciano, 38
 Vietnam, 11
 virtually exceptionless norms, 115, 209
 virtue, 3, 27, 29, 31, 45, 59, 70, 76, 82, 118, 120,
 134, 150, 167, 177-181, 185,
 208, 216, 217, 225, 236, 241,
 242, 245-248, 254
 ethics of, 179, 181
 virtues, 92
 virtuosity, moral, 242, 243
 Visser, Rev., 208
 vitalism, 230
 Voluntarism, 25, 26, 32, 42, 57, 67, 69, 87, 119,
 157
 Wadell, Paul, 82, 180, 247
 Walter, James, 4, 39
 war, 183, 215
 Weakland, Rembert, 35
 Wear, Diana, 251
 Weber, Helmut, 134
 Whitehead, Alfred, 243
 Wildes, Kevin, 228
 Wilson, George B., S.J., 169, 170
 Wilson, Jonathan, 242
 wisdom
 God, 107
 Wittgenstein, Ludwig, 5
 Wollstonecraft, Mary, 220
 Woods, Walter J., 149, 150
 works righteousness, 182
 World Council of Churches, 153
 Woywood, Stanislaus, 30
 Yoder, John Howard, 113
 Yom Kippur, 136, 142
 youth, 127
 Zalba, Marcelino, 30, 40
 Zeitgeist, 209
 Zielgebot, 177