

CHRISTIAN MORALITY: OLD MORALITY OR NEW MORALITY?

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As everyone knows, there has been considerable debate among Christians concerning whether older conceptions of morality ought not to be replaced by newer perspectives. This debate has concerned many issues, and no one could easily show which issues are pivotal. In this paper, I shall directly confront only one of the issues which--if not the key issue--is certainly one of the central issues in the debate.

The issue to be considered here is: Must a Christian morality include any universal moral norms, that is, norms which hold true always, everywhere, and for everyone, norms which must never be set aside regardless of the peculiarity of circumstances and the good intention of the person acting? I hold that there are such norms. Most who have discussed the question in recent years deny that there can be such norms. In treating this question here, several related problems in the confrontation between old and new moralities will be considered in passing, and I hope illuminated. It should become clear to the reader that while my position on the issue to be considered here can be characterized as an old-morality position, my integral view neither rejects all of the insights of the new moralists nor uncritically defends all of the positions of the old moralists.

First, a word to clarify the issue. No one doubts that there are moral norms which admit of no exception, if these are norms stated already in morally significant terms. Thus, unjust acts are always wrong; benevolent (or loving) acts are always good. The question is: which acts in the concrete qualify as unjust, on the one hand, or, on the other hand, as benevolent? Murder, at least, is always wrong--all would agree. But "murder" means unjust killing; killing as such is not always wrong, or, at least, the common

Christian moral tradition has not held that killing is wrong in all circumstances--for example, in the cases of capital punishment, just war, and self-defense against an unprovoked and deadly attack. The real issue is therefore to be stated as follows: Are there any patterns of behavior which can be described in terms which do not include an explicit or implicit moral characterization, patterns of behavior which thus described nevertheless settle the morality of an action in which they are performed, settle that morality so definitely that the moral character of such action could not change from bad to good or from good to bad regardless of circumstances and intention?

Further clarifications are necessary. The question is not whether all patterns of behavior described in non-moral terms determine the moral quality of acts including such behavior patterns; no one supposes that it is always right or always wrong to eat a slice of bread or to turn one's head. The question is whether there are any--that is, at least one--patterns of behavior which described in non-moral terms define the moral character of an act including such a pattern of behavior.

Moreover, the question is not whether circumstances and intention might not make some difference in the moral quality of any act. If circumstances are difficult and an intention good, such facts might mitigate the evil or intensify the goodness of an act already receiving its definite moral character as evil or as good from the very behavior pattern included in it.

Furthermore, I do not think that any pattern of behavior is such that a bad intention could not render an act including it evil. In other words, I willingly concede that there are no universal affirmative moral norms, ^{there are} no patterns of behavior to be done everywhere, always, by everyone regardless of circumstances and intentions. My thesis is limited: I only

maintain that there are some patterns of behavior which render actions in which they are included evil, and that this evil cannot be eliminated-- although it could be mitigated--by circumstances and intention.

Further, the thesis I defend--namely, that there are some negative moral norms which hold without exception--is a thesis about the objective morality of the act. A sincere but erroneous conscience binds, and I do not think there is anything which someone might not erroneously think to be morally good and even obligatory. But if conscience can be erroneous, it can be so only in contrast to the ~~absolute~~ truth of a moral judgment it fails to comprehend. The thesis that there are some moral norms of a negative character which hold without exception therefore is a thesis about interpersonal moral truth--that is, it is a thesis about principles which I maintain every right conscience should conform to.

Many authors expound the position which I oppose here.¹ I shall not undertake a survey, but shall instead limit myself to one statement of the opposing position, the statement of it ~~made~~ ^{made} by Josef Fuchs, S.J., in the article, "The absoluteness of moral terms," which was published as the lead article in the theological journal, Gregorianum, 52, 3 (1971), pages 415-457.

I have chosen this article for examination for several reasons. First, it is fairly recent, not out of date. Second, Father Fuchs is one of the leading Catholic moral theologians today; he has published many scholarly works in the field and has taught moral theology at the Gregorian University in Rome for many years. Third, his article was published in one of the most important theological journals, and accorded prominence there. Fourth, Father Fuchs' presentation of the position I will criticize is clearer and more coherent than most formulations of the position. Fifth, Father Fuchs provides an important theological framework for his view, and

I consider it extremely important from the viewpoint of Christian ethics not only to expose the deficiency--as I see it--of the ethical theory proposed in the article but also to expose the unorthodoxy--again, as I see it--of some of the more important aspects of the proposed theological framework.

Of course, I cannot discuss here every aspect of Father Fuchs' article with which I disagree. Readers should not assume that I agree with everything which I pass over in silence.

Father Fuchs speaks in his title of "moral terms" and elsewhere of "imperatives." These differences in terminology are not insignificant, but I do not think it will distort his position if we speak here of "moral norms"; he himself speaks of "behavioral norms," which he sometimes characterizes as "moral behavioral norms" (for example, p. 457). I shall use "moral norms" without qualification.

Father Fuchs limits himself to "actions relating man and his world," excluding actions such as blasphemy which bear directly upon God. If his general thesis were correct, I do not think this limitation could be justified, since actions which we think of as against God do not harm God; they are in conflict with the human value of orientation toward or relation to God. This value is only one among others; indeed, if it is absolutized, one invites religious fanaticism with its readiness to sacrifice any other human value for the sake of religion. This, however, certainly is not Father Fuchs' intention, and so I accept his limitation of his own thesis and qualify mine accordingly: I shall maintain that there are some universal, negative moral norms in addition to those regarding patterns of behavior in which there is some direct reference to God.

Father Fuchs refers in his title and throughout the article to the "absoluteness" of moral norms. He explains that moral norms can be considered absolute either in the sense that they are objectively (I would

prefer "interpersonally" as the word to exclude relativism, but shall use his terminology) true, that is, non-arbitrary and grounded in human reality itself, or moral norms can be considered absolute in the sense that they are thought of as universally valid, subject to no exceptions. He does not deny moral absoluteness in the first sense--that is, objectivity. His position is not a moral ~~relativism~~ ^{subjectivism} which would exclude truth from moral judgments. In fact, his argument is that the very objectivity of moral judgments is what demands that from a theoretical viewpoint universal moral judgments must be excluded. Since I agree with Father Fuchs in maintaining moral objectivity--interpersonal truth of moral judgments--and disagree with him on the issue of the possibility of some universal, negative norms, I shall not use his terminology of "absoluteness," which requires repeated clarifications and gains nothing once the appropriate distinctions have been made.

Father Fuchs' position is that theoretically "probably there can be no universal norms of behavior in the strict sense of 'intrinsic malum'." Practically, however, norms formulated as universals can have their worth. The use of the word "probably" in the conclusion should not be taken as a qualification on the content of the position; Father Fuchs evidently hesitates to state dogmatically a position he knows is difficult, but earlier on the same page he held it self-evident that "a precise description of an action as a statement of fact would, theoretically, scarcely admit of a universal moral judgement in the strict sense" (p. 450). The expression "intrinsic malum" is technical; it means precisely what I mean by saying that there are patterns of behavior which of themselves settle the morality of any action in which they are included, regardless of intention and circumstances, and settle the moral issue negatively--the act cannot help but be evil.

I shall first take up Father Fuchs' theoretical position, explain

it, and argue against it. Second, I shall propose an alternative I consider sound. Third, I shall take up and criticize his practical position.

Father Fuchs' theoretical position, ~~practically~~ is the following. The locus of objective moral truth is not in some natural reality, from which such truth can be read off (p. 432). Rather, the locus of objective moral truth is in right reason; right reason is not necessarily discursive, but is an observing-judging-understanding which can also be intuitive (p. 432). From a positive point of view, the work of discovering or projecting moral norms "consists in understanding man himself, his own total reality, together with his world, in order to assess the significance of the alternatives for action available to him and so arrive at a moral affirmation" (pp. 434-435). Right reason finds expression in two forms. In one, it projects norms of behavior in advance of the concrete act; the force of these norms is their objective validity, not universality. In the second role, right reason forms a moral judgment of conscience at the very moment of the act. From this it follows that the antecedent norm cannot represent an exhaustive judgment of actual reality; the person acting "must judge in light of his conscience to what degree a norm of conduct corresponds morally to a given situation" (p. 433).

In its role of formulating norms in advance of actions, reason is subordinate to certain criteria. Behavior should correspond to the "meaning" in general of being man, and to certain givens, such as sexuality. Practical knowledge of the possible outcomes and consequences of kinds of acts under "all kind of presuppositions" also is necessary. But experience alone, and especially individual experience, is not enough. Conduct must be related to its interpersonal significance and implications. In short, to arrive at a behavioral norm, a whole complex of factors has to be considered:

What must be determined is the significance of the action as value or non-value for the individual, for interpersonal relations and human society, in connection, of course, with the total reality of man and his society and in view of his whole culture. Furthermore, the priority and urgency of the different values implied must be weighed. [note omitted] By this procedure, man as assessor (the evaluating human society) arrives at a judgment, tentatively or with some measure of certitude, as to which mode of behavior might further man's self-realization and self-development. (p. 436).

The norm which is formulated is a locus of moral objectivity or truth. The norm defines moral good and evil, to the extent that it embodies the evaluative act of right reason. At the same time, the various values or goods which are considered and whose priority and urgency are weighed are pre-moral, although really human, values or goods (pp. 435-437).

The position in other words does not deny that certain goods, such as life, health, knowledge, and the like, are human values and their opposites humanly bad. What the position maintains is that considered in themselves, all such human goods are pre-moral; they do not find direct expression in universal or even in objectively correct moral norms. For such pre-moral values to gain expression in a formulated norm, an entire socio-cultural context must be considered; then moral norms can be formulated which best express the modes of behavior which would further human self-realization or self-development.

But this does not end the matter. Moral norms thus formulated by an evaluating human society are not necessarily objectively correct in all respects, much less necessarily valid in a universal way. Rather than homogeneity, there is diversity within society; moreover cultures themselves gradually change (p. 438). I would agree with Father Fuchs on this point; in fact, I would go much further than he does. The fact is that in any civilized society, at least, one can hardly speak of the moral norms of the society. As we find in our own socio-cultural situation, so we find-- if we take trouble to look--in the socio-cultural situation of Greece and

Rome in the first century of the Christian era, a multiplicity of competing life-styles. There is no contemporary moral code; there is not even a contemporary western European moral code; there is not even a contemporary Parisian moral code. Indeed, one will find important differences in moral judgments between any pair of sub-cultures one wishes to examine. The very concept of an "evaluating society" thus becomes suspect; what it perhaps means at most is the community of those who share a certain moral norm in common and who have developed it by some communication among themselves, however much they may differ from each other on other matters, including other moral norms.

In any case, Father Fuchs next considers the problem of the concrete application of moral norms. Any norm formulated before the act has a certain generality; confronted with the full, concrete situation, there can remain unexpected factors which require either an exception to or a restriction of the presupposed norm (pp. 440-443). This leads to the essential question:

When is human action, or when is man in his action (morally) good? Must not the answer be: When he intends and effects a human good (value)--in the pre-moral sense, for example, life health, joy, culture, etc. (for only this is recta ratio); but not when he has in view and effects a human non-good, an evil (non-value)--in the pre-moral sense, for example, death, wounding, wrong, etc. What if he intends and effects good, but this necessarily involves effecting evil also? We answer: If the realization of the evil through the intended realization of good is justified as a proportionally related cause, [note omitted] then in this case only good was intended. (p. 444).

Thus we encounter the concept of "proportionally related cause" in the context of concrete moral judgment, just as we encountered the concept of weighing the priority and urgency of all the values involved in the context of social formulation of norms.

Two comments are necessary at this point, before we proceed further in the explication of Father Fuchs' position. First, to the extent that any

proposed norm arising from social evaluation is not fully concrete, to the extent that it always can be incomplete and one-sided if not downright erroneous, the concrete moral judgment can hardly stop with an appraisal of one or another implication of a possible course of action, which might introduce an unusual balance of good and bad--pre-morally so-called--by a proportionally related cause. No, concrete moral judgment, if it is to deliver objective truth, somehow must consider everything involved--I say "must" on the assumption that only the total impact of the act on man's self-realization and self-development is the true, ultimate criterion of moral goodness. Thus, Father Fuchs' position theoretically at least demands that concrete moral judgment become right reason by ~~considering~~ the significance of the action as value or non-value for the individual, for interpersonal relations and human society, with reference to the total reality of man and society and in the context of the entire culture; that the priority and urgency of the various values involved must be weighed; and that the action will be right if the evils it will effect are offset by proportionally related causes (goods)--"evils" and "goods" here both understood, of course, in a pre-moral sense.

A second comment is that the case in which an action intends and effects a good, but in the process also effects an evil, is by no means an exception; it is, in fact, ~~unusually~~ the rule. Whenever anyone undertakes to bring about a certain good, and actually does so, something is lost; at least, valuable human resources such as time (part of one's life) and energy are used, and they will not be recovered. On the other hand, no one ever sets out to effect an evil--in the pre-moral sense, of course--precisely as such. The most malicious person who ever lived nevertheless acted in his malice for certain purposes which he conceived as pre-moral human goods; in fact, perhaps, his goals were only partial aspects or pale reflections of

the integral, human goods recognized by less malicious persons. Still, the Marquis de Sade did not seek evil as evil; he sought the pre-moral good of artistic creativity in an hitherto unexplored medium and he also sought pleasure, which he undoubtedly viewed as healthful for himself, at least. I do not propose the example as a reductio ad absurdum; one can easily and plausibly argue that the Marquis had no proportionally good reason for what he was doing. My point simply is that once one undertakes to define the moral good and evil of human actions in terms of the pre-moral goods and evils intended and effected, then all concrete moral judgments will have to consider and weigh all the relevant pre-moral goods and evils, since there are always some of both to be considered.

Thus, when Father Fuchs says ^(p. 445) that "the evil (in a pre-moral sense) effected by a human agent must not be intended as such, and must be justified in terms of the totality of the action by appropriate reasons," the first part of the requirement is vacuous, since no one intends evil (in a pre-moral sense) precisely as evil. The important point which remains, and which expresses ^{Father} Fuchs' position, is that pre-moral evil must be justified in terms of the totality of the action; the totality includes all the consequences, extending outward to the whole socio-cultural context.

My interpretation of Father Fuchs' position can be confirmed and the sense of it made clearer by considering three further points which he makes.

First, he argues that morality in the concrete is determined only by simultaneous consideration of the object of the act, the circumstances, and the end. He explicitly denies that the pre-moral badness of the object of the act can settle the morality of the act; he specifically states that in taking this position he is setting aside a reservation which was part of the "traditional doctrine" of the fonts of morality. (p. 445). Norms for

actions as such prior to a consideration of circumstances and end cannot be moral norms, for there is a tacit assumption that one has taken into account all possible circumstances and intentions, which cannot be done a priori (p. 446). At times, Father Fuchs goes so far as to suggest that there is a logical mistake in regarding patterns of behavior as human acts: "killing as such, since it implies nothing about the intention of the agent, cannot, purely as such, constitute a human act" (p. 444). The answer to this, of course, is that no one ever supposed that the behavior pattern of killing taken as such is a complete human act; the references one might find to it as such simply mean that this is a pattern of behavior which is a human act when some circumstances and intentions are added to it. Thus, if I say that ~~performing~~^{forcing} sodomitic intercourse ~~on~~^{upon} six-year-old children is a morally evil act, I do not mean that the behavior pattern as such is a moral act; what I mean is that engaging in such behavior, regardless of one's intention and the circumstances, is a morally evil act.

Second, Father Fuchs argues that the maxim, "The end does not justify the means," excludes only the use of what has already been judged to be a morally bad act as a means to some ulterior end. In cases of pre-moral evils, the intention of the agent specifies the unity of the act; thus, given due circumstances and a right intention, pre-moral evils can be accepted as necessary physical means to a morally good action (pp. 446-447). What Father Fuchs does not seem to realize here is that on his own theory, what he refers to as a morally bad act cannot be assumed to be a complete human act if there is a further possibility of its serving as a means to an ulterior good end. In such a case, one must judge that the moral act has been constituted too hastily, and a reassessment might also entail that the totality which had been considered a morally bad act can now become part of a larger morally good act, since there is the added circumstance and further intention of realizing the ulterior good end. (Of course, I do not

mean to claim that Father Fuchs would have to maintain that the outcome of reappraisal would always be favorable; he need not admit that every act is good. All I am pointing out is that even acts which at some time prior to the moment of choice are judged and decided to be morally evil can, materially, turn into morally good ones by a subsequent review, if his principles are correct.)

Finally, Father Fuchs considers the notion of "intrinsic malum," which in past moral-theological discussion and moral teachings of the magisterium of the Catholic Church has been used to characterize certain kinds of acts--for example, direct abortion. Father Fuchs maintains that no acts can be intrinsically evil in this sense; an intrinsically evil act is simply one which in the concrete situation, all things considered, is evil. Such an act is truly wrong and absolutely to be avoided. But short of complete concreteness, limits in ~~theoretical~~ ^{moral} norms are always ^{theoretically} possible (pp. 448-451).

The primary difficulty with Father Fuchs' position is that the method of moral evaluation he proposes is impossible. I say "impossible" in the strict sense; I do not merely mean it faces difficulties. I mean that the suggestion that anyone should make a moral judgment in the way he proposes is an empty proposal, for one can no more follow the advice given than he can ~~draw a triangle with four sides~~ ^{say which is larger, the number twenty-two or the size of this page.} 2

To see the impossibility of the advice given, consider first the ultimate objective criterion which is proposed: "which mode of behavior might further man's self-realization or self-development" (p. 436). From one point of view--from the point of view of a strictly pre-moral consideration--anything anyone ever does furthers man's self-realization and self-development in some fashion. Man is as much developed, his potentialities are as truly realized, when he does evil as when he does good. Anyone who does not understand this point would do well to study Nietzsche. From

another point of view, one which is not altogether pre-moral, the vague language of self-realization and self-development can be given some content by reference to specific human goods. Father Fuchs, in fact, does refer to certain specific human goods: for example, life, health, joy, culture, and so forth (p. 444). There are suggestions of others in the article, but these are sufficient. "Joy" is perhaps vague, but we can probably assume that he means integral personal and interpersonal human functioning, unimpeded by conflict either within or among individuals. "Culture" also is a rather vague term, but we can probably suppose that this would include the expansion of knowledge, the expansion of creative work in the fine arts, and the perfection of various forms of play. In any case, Father Fuchs does indicate a few human goods, and if they are to mean anything, they must mean something definite. The preference he has for these instead of their opposites is presumably not arbitrary; the judgment that these are human goods is objectively sound. But that objective value is no more to be found laying around in nature than is the objective validity of a moral norm. Nature has no special preference for life over death; both are dealt out eventually to all organisms without exception. The common human preference expressed by Father Fuchs when he regards life, health, joy, and culture as pre-moral goods is, in fact, an expression of human evaluation; even if the evaluation is not yet a ^{concrete} moral judgment, it is relevant to morality because it defines possible objectives for human action.

If one is going to consider concretely which mode of behavior is most likely to contribute to the achievement of such goods, then all possible modes of behavior must be considered; since the final consideration can be made only in the face of the full concrete reality, all possible modes of behavior must be considered deliberately and in their full concreteness. Now, this demand might not seem difficult at first, since we usually deliberate about only two or a few alternatives. But we do this because we

assume that there are many things we simply are not interested in doing, and many aspects of the concrete situation we can safely (morally) ignore. But when the criterion of moral goodness is what Father Fuchs proposes, we no longer can limit ourselves to two or a few possible courses of action. If we do, we often will concretely contribute less to the good than we otherwise might. However, if we set aside the assumption that we need only think about live options, in any concrete situation there are actually an indefinite series of alternatives which we could consider.

Not only must we consider an indefinite series of alternatives, we also would have to examine all of their consequences; Father Fuchs' own account extends as far as the whole socio-cultural context. But surely it is parochial to stop there. We live in a world in which no society or culture is an island; what we eat for dinner has a bearing upon starvation in a distant land. If we are going to do justice to the consideration of the (pre^moral) good and evil to be effected, we must consider all of the consequences of all of the alternatives, extending into the future indefinitely. Of course, inquiry begins to dry up at some point, but we can never be sure it will not yield further, vital information if it is pressed ~~out~~^{on} a little longer.

Not only must we consider the indefinite consequences of an indefinite series of alternatives, we also must determine whose (pre^moral) good and evil will count, and for how much. This may seem easy: let every human person count and let each count for one, none for more than one. Even at that there would be a difficulty, since some acts might yield great benefits for many over a long term, but only at the cost of devastating harm to others--for example, experiments using human beings as subjects might hasten the techniques for curing cancer, and these experiments might be carried on much more effectively if the scientists felt free to cause cancer in people who are free of it. There is the further difficulty: where do we draw the

boundaries around the human race? Are the unborn to count, as they have counted for some purposes--for example, in arguments about preventing genetic damage from nuclear fallout? Or are they not to count, as the United States Supreme Court decided in dealing with the abortion issue? Or are they to count, but on the principle that some persons are less persons than other persons--a position Father Fuchs himself seems to adopt when he says that in permitted abortion there is a liability with regard to the life of the fetus (a pre-moral value) (p. 447)?

Perhaps the fact that Father Fuchs' method invites us to consider and weigh all the consequences of all possible alternatives and to take into account somehow all persons--interpreting the last requirement in one way or another--are enough to make it clear that the moral method he proposes is in some difficulty. Yet, one might argue, this is only difficulty. Perhaps all these problems can be solved. We are not yet faced with the demand *do the impossible.* to ~~draw a triangle with four sides~~. But we are.

For his method tells us to weigh ~~the~~ priority and the urgency of the different values, to allow ^{pre}moral evils when there is a proportionally serious reason--in other words, to quantify all the values to be effected, and to consider that alternative morally right which yields the greatest net good over evil consequences. This calculation is impossible. The values of the ^{pre}moral domain which he mentions--life, health, joy, and culture--are not commensurable with one another. There is no scale on which they can be weighed; there is no common denominator among them. No one can say that two units of health are equal to three of joy and one of culture, for there is no such system of units and no way for making the various units commensurable even if the various values themselves could be measured.

Trying to commensurate--weigh--values in diverse categories is like asking: "Which is larger, this page or the number ^{twenty-two?} ~~22~~" The question is

~~Meaningless~~ nonsensical. We can assign a number to the units of continuous quantity which make the size of the page, but only by arbitrarily selecting some unit of continuous quantity (- e.g., inches or centimeters -) as the one by which we will measure.

Continuous and discrete quantities are not in the same genus; therefore, while the word "larger" can be used of both in somewhat the same sense, the two kinds of quantities cannot be directly compared in the way that the question assumes.

Moreover, even trying to commensurate values of the human kind in the same, generic category runs into the same difficulty. If we take for granted a traditional ethics, according to which no innocent person should be killed, then it makes sense to argue that each person's life is equal to every other's, for all share ~~the~~ same, ^{unmeasurable} ~~infinite~~ dignity. But as soon as we accept the view that there are no universal negative moral norms, we also must admit that there are no inalienable rights. At this point, discussions of right to life are inundated with arguments concerning the "quality of life," and this means precisely that the lives of people who are reasonably happy and productive are one thing, while the lives of those who are miserable and useless are another matter altogether.³ Since the very idea that there is any balance to weigh the values upon is nonsensical, such arguments about quality of life are unanswerable--not because they are too cogent to answer, but because one cannot reply to ~~unanswerable~~ nonsense.

If what I have been saying is correct, someone might ask why it seems to Father Fuchs and to so many other intelligent people that the weighing and balancing of which he speaks is possible? Why does this seem to be a meaningful criterion, if it is not?

There are several reasons. In the first place, the metaphor of the scale makes us think of the act of choice, which we often imagine as a weighing of alternatives and a tipping toward the one chosen. But choice

is not moral judgment; if anyone thinks it is, then he denies the moral objectivity both Father Fuchs and I accept. Thus, while it is quite true that I might prefer eating a good dinner to watching an interesting moving picture show, or vice-versa, the choice I make is not a matter of weighing the values involved. I treat one as less valuable to me here and now, and I do this by choosing it. I have to choose it in the end, precisely because I cannot weigh the values ~~and come to a~~ ^{and come to a} ~~conclusion.~~ ^{conclusion.} If it were possible to weigh values, my concrete practical judgment would be determined by that process, and I would need no choice.

Another reason why it might seem reasonable to talk about weighing values, including one's from very different categories, is that we seem to do precisely this all the time. What else is happening when we put a monetary value on so many and such heterogeneous goods and services, making goods of diverse categories commensurable? We do impose commensurability, true, but the imposed commensurability reflects the choices people make or are likely to make ^(and the availability of various items,) not an objective appraisal of relative values. ~~Exchange only occurs~~ ^{The fact that one can buy a volume of Shakespeare's plays for less than the price of a short pornographic novel does not show that the latter is more valuable} ~~to the extent that the common system of preferences and the system of each individual's preferences are not exactly the same. It is obvious that the economic system works very well with an extremely low level of agreement as to what any commodities are worth.~~

If one is dealing with a well defined and unified objective, which can be obtained by definite and limited means, then one can seek the most efficient manner of attaining the objective. In ~~this~~ ^{such a} case, ~~we~~ ^{one} can calculate; this is precisely the sort of situation in which the methodology proposed by Father Fuchs will work. In its place, it is an excellent method. The whole difficulty is that the self-realization or self-development of man cannot be defined as a simple, unified objective, which can be attained by definite and limited means. There is no technique for living a good human

life; a moral theology which seeks escape from legalism by adopting the methodology of engineering might be new, but it is hardly better. Human good cannot be engineered; if one insists on applying the method of engineering in moral theology, the result will not be the liberation of man, but the reduction of him to the ~~inanimate~~ condition of a depersonalized object.

Another reason we might suppose that the weighing Father Fuchs proposes is possible is that in many cases there are widely shared preferences about values in diverse categories. Perhaps we derive joy from watching a beautiful sunset. But who would give his life to watch such a spectacle, however lovely it might be? Again, we are dealing here with preferences. We cannot say a priori that no one could ever sanely choose to watch the glory of a beautiful sunset one more time, even if he were told by his physician that the strain of getting up from his sick-bed to go to the observation platform might kill him. If one is dying anyway, why not die in pursuit of joy? From this example, one needs only imagination to proceed ^{with} ~~some~~ indefinite extrapolations against ~~the~~ common preferences. Of course, on a moral principle which has nothing whatever to do with weighing values one against another, we do usually think that if I would not willingly give my life to watch a beautiful sunset, it would be quite wrong for me to take someone else's life in order that I or some third party might watch a beautiful sunset. The principle here is the Golden Rule. It cannot be accepted as a universal norm by those who reject all such norms, for it can be stated in non-moral, purely descriptive terms: "Do not treat others in a way in which you would object to being treated if you were in their place."

There is a further difficulty in the proposal Father Fuchs makes. This difficulty does not demonstrate his position impossible, as I think the difficulty about non-commensurability does, but it shows his position to conflict with the moral intuitions ~~of~~ most of us share. The difficulty

is that once one recognizes that the morally good action as well as the morally bad one is a mixture of pre-moral good and evil, then if the criterion of moral goodness includes a total evaluation of consequences, only one alternative will be right, all other possibilities will be more or less morally evil. In this case, one is in every situation held to do what is best; doing anything less is more or less immoral. Nor is it ~~ever~~ possible for anyone ever to do anything above and beyond the call of duty in the concrete; the most that can be said is that sometimes one has a strict moral obligation to do what no general norm requires, what no one else would be expected to do, and what people in general would consider one perfectly innocent if one omitted to do it.

From a theological point of view, the fact that the weighing of values, if it were possible, would lead deliberation to a determinate conclusion in such a way that choice would no longer be necessary, is a very important implication. Human action is for a good. If one alternative definitely outweighs another in the objective value it contains, then human action by the very fact that it is for good must take the alternative which includes the definitely greater net good. It is no accident that those who hold consequentialism have usually been determinists. ⁴

But determinism is absolutely incompatible with Christian faith. We believe that God made man freely, and that God made man in his own image. The creative act of God becomes the model of human freedom; significantly, one finds no clear doctrine of freedom in classical Greek philosophy, but it is clearly proclaimed in Philo and in the Christian Church fathers. ⁵ Moreover, God confronts man with a choice: accept the Covenant or reject it, accept the Gospel or reject it. This choice, of faith or unbelief, is the paradigmatic act of human freedom; man makes or breaks his whole existence by this choice. Thus a moral theory which implies determinism, as Father

Fuchs' moral theory does--although he certainly did not intend it--is radically unorthodox, not simply in respect to traditional Christian moral conceptions, but even with ^{regard to} an absolutely basic point of Christian doctrine regarding the nature of man (cf. Gaudium et spes, 17).

While moral theology ought not model itself on engineering, an analogy with an art, dietetics, might be useful to help us begin to see why there must be some universal, negative moral norms. Of course, we must remember that this is only an analogy. In itself it proves nothing. But consider that no one can set out what should be a good diet a priori. No one can tell without considering the actual foods available and the persons who will eat them, as well as many other circumstances, how best to feed people with what is available. And, in unusual circumstances, even many of the negative rules of good diet must go by the boards. For example, usually one should not eat a great deal of mustard, unmixed with other food; however, in case one has ingested certain poisons, the mustard might be the right antidote. One can imagine that rules of dietetics differ in different places and times; undoubtedly, some of the best rules of the art will be modified or overturned in the evolution of knowledge and human needs for nourishment.

Still, one could lay down some universal, negative rules for the dietician, and be quite confident that no developments will ever require their revision. For example: "Never serve a lunch consisting of caustic soda, ground glass, and asbestos, with hydrochloric acid as beverage."

The object of dietetics is nutrition; the substances mentioned would be deadly. We do not have to say anything about how these dishes might be prepared, about the peculiar conditions of those eating the lunch, or any-

thing else. Much less dramatic but still true: "Do not substitute salt for sugar in confectionary recipes." A mother ^{teaching her daughter how to cook} might have to tell her child this; ^{salt and sugar} ~~the two~~ after all, look alike. But although the insight depends

~~upon the~~

upon a certain amount of experience, it is nonetheless univerrally valid.

Of course, it might be objected that these examples work just because the purpose of the arts of dietetics and cooking are well defined, and so there are kinds of behavior which are simply incompatible with those purposes. The good of man is not well defined; thus there can be no kind of behavior which is incompatible with the good of man. This is a just observation, if we are speaking of the absolutely ultimate good of man. Undoubtedly, providence can make all things, including moral evil, work together for the good of those God loves. ⁶ But what God can make of immorality cannot be a criterion for human moral action. And the point previously made stands: the good of man is such that the process of enlarging the context of action can never put a human conscience in a position to determine what is best-- "best" in the sense of yielding the greatest net good. A criterion which cannot be a criterion of evil cannot be a criterion of good either.

Father Fuchs tries to support his argument against unexceptionable, universal moral norms by pointing out that human nature changes, that man is a historical being (pp. 429-431 and passim). Undoubtedly, human nature does change, for evolution continues within man's culture, if not much in his biology, and culture also belongs to man's nature as person. The tendency in other species is for individuals to gain a perfection of life proper to their type; the perfection of human persons is individual (not to deny that it is also social). Individual persons who are good are very different from one another; each saint's life is an intelligible whole which ^{has a unity} ~~is~~ something like ^{that} ~~the unity~~ of a separate, sub-human species.

The stage of the development of human nature on the face of the earth is not uniform; there is such a thing as cultural lag. Yet there is real evolution, and humankind is responsible, within some limits, for its own history. To deny this would be to deny the concrete reality of free

choice and to exclude the indeterminate creative capacity which man has in virtue of having intelligence and free choice.

For this reason, it is altogether mistaken to try to establish natural moral laws by simply looking at human nature as it is, and then trying to read off what is proportionate to it. ⁷ In this I agree with Father Fuchs (pp. 429-431), although I believe he continues to imagine that norms are somehow established by looking--now by looking at man's total human situation. It is this belief which misleads him into thinking that there is a social-evaluative process which produces basic norms of morality, but which also condemns them to merely relative and conditional validity.

I would instead emphasize the unchanging conditions which are necessary for the very possibility of continued human development. Father Fuchs notices that there are some such conditions--for example, body-soul unity, personality, accountability, interpersonality; he asserts that even these belong to man according to variable modes (p. 429). I think he ought also to have included the fact that certain ^{pre}moral values are permanent goods for man--for example, life, health, joy, and culture. Of course, these too are realized in variable modes, and our understanding of their possibilities grows as time goes by. Our modern conception of health, for example, is far richer and more sophisticated than was that of primitive ^{man} or ancient civilized man.

The basic insight that life is a good to be preserved can develop a richer content as time goes by. But there is no one who understands what life and death are who does not know that for man death is a human evil to be avoided. In a certain sense, we do not understand death ^{better} ~~any more~~ than we understand life, but we are no more or less mystified by the reality of death than were our remote ancestors, and we, they, and men to come will be no less certain that death is a human evil.

Of course, one cannot base a precept, ^{"N} never kill a human person, " directly on the fundamental character of death as an evil which is directly contrary to a fundamental and permanent human good. Father Fuchs never tires of pointing out that the moral precept is not, ^{"N} never kill; the moral precept is, ^{"M} murder is wrong. And "murder" means unjust killing.

Two points should be noticed here. In the first place, the traditional Christian moral precept was not simply about killing nor was it always formulated in terms of the moral characterization of killing as unjust. It was formulated as a rule against killing the innocent. "Innocent" did not necessarily have a moral sense; it meant those who were outside three categories: convicted criminals (those found guilty by an authorized social process, whether in fact ^{they were} morally innocent or not); members of the enemy force in war (combatants, again whether justifiably engaged or not); and unprovoked assailants threatening immediate and possibly deadly harm (again, apart from consideration of their moral responsibility). In other words, three categories were exempted, not ~~really on moral terms~~ ^{directly by moral criteria} but by rather clear empirical and without declaring that the killing of individuals in these groups would always criteria. After setting these three groups aside, the rest of mankind was ^{be morally right} declared off-limits to the would-be killer. Thus, the moral norm forbidding the killing of innocent persons was one of the sort which I wish to defend and which Father Fuchs seeks to reject.

The other point is that the norm against killing the innocent meant that this pattern of behavior could not be included as such in one's act. It did not mean that one might not have to die, willingly, for example, in defense of his faith. But in that case, his act was not killing; it was the persecutor who killed while the martyr merely died. Some Christian moralists have denied this distinction; I do not think Father Fuchs would deny it. ~~It seems to me that those who do deny it are quite perverse in claiming that Christ was a suicide, even if they add that his suicide was~~

Traditional moral theology also distinguished between direct and indirect killing. To kill even as a means to some ulterior, great good was regarded as direct killing. But if a person in one and the same act both promoted some value and at the same time, as a side effect incidental to his main action, caused a death, then his act would not be direct killing, provided that certain additional conditions were fulfilled. Since this matter is very technical and I have considered it at length elsewhere, I will not treat it further here.⁸ However, it is important to notice that if one holds that the intention ~~specifies~~ specifies the unity of the action--as Father Fuchs does (p. 447)--then the distinction between means and end is obliterated. In this case, no effect is incidental, and the impossible methodology Father Fuchs proposes will be invoked to justify those killings traditionally regarded as indirect, but also ~~some~~ ^(may be invoked to justify) killings traditionally regarded as direct.

The criterion of moral goodness I propose is that a morally right act must be consistent with openness to the full human good. The full human good, as faith teaches, is perfected ~~in~~ ⁱⁿ eternal life with God in the heavenly community; included in this eternal life also are the fulfillments of human desires for bodily immortality without sickness and pain, for knowledge of truth, for joy, for peace, and so on. No merely human act would be proportionate to the attainment of this full human good, although the human-divine act of Christ--that act which included his life, passion, death, and resurrection--is sufficient to ~~avail unto the attainment of~~ ^{bring about} man's full human good. Our own acts, insofar as they are united with and incorporated into this act of Christ, also contribute something to this final end. But we cannot directly determine the morality of our acts by their relationship to this ultimate end, since their relationship to it remains to a great extent hidden from us in the mystery of grace and ~~in the mystery~~ of the Kingdom.

For this reason, fundamentally, we cannot judge the rightness of our acts by the value--good and bad--of their consequences. We must instead maintain an openness to the full human good. The various pre-moral goods such as life, joy and culture are ends in themselves in the sense that we know no higher good by which we can specify our acts. ^{These} ~~This set of~~ goods are many and incommensurable. We know that each of them somehow contributes to our participation in the full human good, but we do not see precisely how it does so. This being the case, we may and ought to do what we can to pursue, foster, and share such human goods. But we may not act directly against any one of them.

If we do act directly against any of the goods which is intrinsic to the human person and which is ultimate (as a principle of specification), we do so because we treat one of the other goods or that same good in some other instance as absolutely superior. In other words, we turn our action against one of these goods only by disregarding the unique, irreducible and incommensurable way in which it contributes to our participation in full human good; we treat that for which we do act[^] the "justifying value" which we appeal to[^] as if it were itself the full human good. ^{Hence} ~~In other words~~ the weighing and proportioning that Father Fuchs proposes really implies that we have access to the common denominator of all goods--divine goodness. To the extent that we try to act in the manner he suggests, we do not really weigh and proportion; we make an idol out of the good we intend. Even if we wish these good consequences to justify subordination of the other human good only in one case, still in that case we have treated the good we intend as if it comprehended the value of the good we act against. But the intended good does not comprehend the goodness of the violated one; only the full good of man, which is in God, includes both. The method of moral reason^{in a} Father Fuchs proposes, therefore, is precisely a method of

rationalizing sin. It is a method of setting up what we intend (and ^{of} pretending ^{it to be} ~~the~~ the greatest good to be obtained in a concrete situation) as a false god.

The alternative, then, is that we refrain from acting against any of the goods intrinsic to the person, ^{the goods are} which ~~is~~ ultimate ~~as~~ ~~is~~ principles of specification. To refrain from acting ^{goods such as} against the good of human life is not to make an idol of ^{them} ~~it~~. These goods are the basic principles which make meaningful, free human acts possible. We must avoid undercutting ^{the} these principles; their unfolding constitutes human cultural evolution to the extent that this evolution is a creative development which can contribute something to the restoration of all things to the Father, through and with and in Christ.

This is why we can say, at least, ^{that} direct killing of the innocent is wrong. To say this is by no means to provide a complete ethics or moral theology for the guidance of action relative to ^{the} ^{of life.} ~~this~~ value. One must also say: Feed the hungry, give drink to the thirsty, cloth the naked, and so on. This positive side never can be formulated in moral norms that hold always, everywhere, for everyone, regardless of circumstances and intentions. But if the negative norm is not accepted, there is no room for creative development. If I have killed the innocent, then no one can feed his hunger, give drink to his thirst, or even cloth his nakedness. At best, ^{someone} ~~they~~ can cloth his corpse and give it a Christian burial, praying for his soul and for ^{the soul of} ~~the~~ him whose hand spilled this innocent blood.

Thus there must be universal negative moral norms. To deny that there are such norms is to assert either that we have access to the ultimate principle of goodness--which in practice we do not--or it is to assert that the goods intrinsic to the person which are the ultimate principles of specification for our acts are not really irreducible aspects of man's personal value, which is his natural ~~and essential~~ participation in divinity,

What I have been arguing might become clearer if we consider it in a restricted case. Marital love is a good intrinsic to the persons of man and wife in their unity. This good is not merely a means to some further end; unlike an automobile or a dose of medicine, marital love is an ultimate principle of specification ^(-- although not the only one --) for acts of married life. Beyond marital love lies only the ultimate and full human good--the heavenly community in which Christ is united with his Church, ^{the heavenly community} ~~this union~~ of which marriage itself is a ^{sacrament.} ~~great mystery.~~

The meaning of the good of marital love is not exhausted by our present understanding of it. Every couple who truly love one another grow constantly in their understanding of their love; as they do so, they look back with a realization of how little they understood at earlier stages. Some of this growth of understanding certainly can be communicated from age to age. Thus our understanding of the demands of marital love grows. It would be a mistake to think that a husband and wife today have no more responsibility to and for each other than did man and wife in Old Testament times.

Precisely for the sake of this growth, we must not attempt to delimit marital love positively. To say, once and for all, what marital love is and must be, would be to kill it. Yet, if man and wife do not have some way of understanding marital love, they cannot pursue and foster it. The solution is simple: marital love is "defined" negatively, in terms of exclusive and permanent rights, mutually given and received, to marital acts. Thus the negative, universal norms which exclude divorce (with remarriage) and adultery ~~are necessary~~ precisely ~~to~~ maintain the openness which is necessary for the constant growth in marital love.

If a married person thinks that some good outweighs his obligation to marital love and thus justifies divorce or adultery, he is assuming that

the justifying good is definitely greater than the good which is subordinated to it. ^{On the one hand,} ~~This assumption means~~ ^{could} ~~that one can calculate the value of~~

marital love, and it is of only a certain, precise, finite value. If so, one must know what marital love in its positive reality is; one must ignore as irrelevant the irreducible and unmeasurable value of marital love.

This irreducible and ^{un}measurable value is clear, for marital love is a

~~great mystery, in a peculiar way, not replaceable by anything else on earth.~~

~~it is a human~~ sacrament of mankind's participation in divine life, and it

is an aspect of the reality of which it is sacrament. ^{on the other hand,} Or, ~~else~~ the assumption

that the good which justifies divorce or adultery is definitely greater than marital love must mean that this justifying good is large enough to

comprehend the total value of marital love. Only the divine goodness itself is so great a good. To treat any good which can specify an act as ^{if it were} the

divine goodness itself is idolatry. For the Christian, therefore, divorce

and adultery not merely violate marital love; they are also sins--instances

of treating the finite good as if it were divine goodness itself. Moreover,

inasmuch as marital love is a ^{sacrament,} ~~great mystery,~~ sins against it also are sins

against Christ and the Church, sins against holiness itself.

Unfortunately, moral theologians and canonists in the past have talked too much as if the issue at stake in the universal exclusion of divorce and adultery were merely a matter of preserving "the bond" or keeping sexual behavior within the boundaries of legal constraint. Many certainly knew better, and the justification of ^{their} technical language is its brevity and precision. But technical language also can be misleading for those who have forgotten the underlying realities. What is at stake is an irreducible and incommensurable aspect of human good; of the life of the couple themselves as persons who share in divine life, of the reality of Christ's unity with his Church, and of the possible unfolding of this

reality--marital love--until in the heavenly community it converges with all other human goods in the ultimate fullness of eternal life.

This brings us to the third point of our consideration of Father Fuchs' paper. While his position excludes universally valid norms theoretically, he maintains that ~~practically~~ such norms have ^{practical} value on several grounds.

First, they point to values and non-values in the $\bar{\Lambda}$ pre-moral sense. Second, there are some norms stated as universals "to which we cannot conceive any kind of exception; e.g., cruel treatment of a child which is of no benefit to the child." Third, norms which respond to a particular human and social condition can be stated as universals although they hold only in general--that is, they admit of exceptions. Fourth, norms stated as universals can serve as reference points for a thorough examination of the extent to which a universal norm is inapplicable in a particular case for which it was not intended, or no longer fits the conditions of contemporary society (pp. 450-451).

In response to the first of these points, it is clear that if Father Fuchs' theory were correct, the proper way of calling attention to $\bar{\Lambda}$ pre-moral goods and evils would be simply by calling attention to them and indicating precisely what they are. In other words, if the value of the precept, "No one should ever kill an innocent person," is simply that it calls attention to the $\bar{\Lambda}$ pre-moral value of human life, it would be much better simply to say: "Human life is a very ^{great} ~~considerable~~ good." To propose the false precept is only to confuse and mislead, and since it is not necessary to confuse and mislead, there seems to be no justification for it.

In regard to the second point, I am afraid Father Fuchs' imagination is simply weak if he cannot imagine a situational exception to the norm he states. If one can justify killing the innocent, one surely should

be able to justify torturing an innocent child to death. I shall come back to this point shortly.

In regard to his third point--that ^{moral norms formulated as universals} ~~they~~ answer to given conditions but hold only generally, not without exception--Father Fuchs seems to me not to realize the impact of the theory he has proposed. If there are no universal moral norms, stating some general rules as if they were really universal can only be misleading. If the ~~the~~ pluralism of culture is to be taken seriously, we must realize that no norm will fit any larger group than that which agrees in holding it. To consider such norms valid for such groups is to confirm insularity and to invite a relativism which ultimately reaches the level of the individual; at this point there remains no semblance of moral objectivity. Moreover, inasmuch as Father Fuchs himself regards any norm short of the final judgment of conscience as abstract, even general norms seem superfluous, for the real weighing and balancing and proportioning of everything involved must come at the end; otherwise, one is simply assuming something without checking it out, and no such assumption can be justified.

A similar criticism must be made of Father Fuchs' fourth point: that universal moral norms can serve as a fixed point for a thorough investigation. A false principle is of help only to the extent that inasmuch as one knows a priori--as Father Fuchs claims one can know a priori in regard to any universal moral norm--that it is false, one can look somewhere else. But the investigation cannot hope to arrive at a true moral norm unless it reaches the concrete particular with all of its circumstances.

In general, I do not think that Father Fuchs has realized that in embracing an ethical theory which determines the rightness of particular acts by their consequences, he has made all ^{general} moral norms irrelevant. Despite the theory he has proposed, I suspect Father Fuchs feels he can leave

standing traditional moral teachings to which he does not see any objection. The difficulty is that the consequentialist methodology simply removes the foundation from under all traditional morality, based, as it was, on an insight into the irreducibility and incommensurability of the fundamental goods which constitute the human person.⁹

To return to the case of torturing an innocent child to death. Let us imagine a situation in which a terrorist group, which has as its slogan the readiness of members to die for the sake of gaining a better life for their children, is engaging in extremely disruptive terrorist activities. The terrorists keep planting bombs, which kill many innocent persons, including many children. The irony of the terrorists' attachment to their own children and their disregard of the lives of the children they are killing is not lost on the population, which insistently demands effective action to end the bombings. Might we not imagine a frustrated government issuing a decree informing the terrorists that the population at large is as much attached to its children as the terrorists are to theirs, that the bombing must stop, and that if it does not, any terrorist who is captured and ~~convicted~~ for a bombing in which children are killed not only will be put to death, but he also will be condemned to first watch his own children being tortured to death. Such a decree might be effective--who know^s? It could save many innocent lives--who knows? One thing we do know: terrorism really occurs, children are killed in the course of terrorist attacks, and children often have become victims in counter-insurgency operations--for example, in Vietnam.

Of course, I do not think that the argument proposed in favor of torturing innocent children to death is a good argument. It is merely as plausible as any consequentialist argument is likely to be. Since the consequentialist methodology proves nothing, it can rationalize anything. One could object that the killing of the terrorist's children could

backfire, that it could have very bad consequences in the long run. One could also argue that the long run consequences would be good. Some "evidence" can be gathered to support either "conclusion." In fact, neither position is a conclusion; both positions are taken in virtue of one's prior ~~sense of~~ ^{opinion about} what is right. The weighing and balancing really is impossible; therefore, no one ever really does it. At the same time, within a consequentialist framework, no conclusion can be proved false, because there nowhere exists any scale for checking the consequentialist's assertion^s as to what outweighs what.

~~Once one begins to think about the implications of consequentialism,~~ ^{formulate} it is not difficult to ~~begin making up~~ numerous universal moral norms which few consequentialists would wish to say admit of exceptions in practice. For example, consider the following. No government ought to try to kill every atheist within its jurisdiction. No one ought to force a six-year-old child to engage in sodomitic intercourse. No one ought to capture human persons, transport them across the seas, and sell them at auction. No one should push the buttons to initiate an all-out nuclear war. No moral theologian or philosopher should publish an article in which he asserts to be true statements which he firmly believes to be false. No priest should require those who are too poor to contribute anything in the offertory collection to stand outside the Church's doors and windows to hear Mass. No one who has a plentiful supply of water should refuse to give a glass of it to a peaceable, non-threatening and thirsty traveler who politely asks for a drink. No one should destroy an artistic masterpiece to get publicity for his own art works. No one ought to punish a child for stealing cookies from the cookie jar by dipping the child's hand in boiling water. No professor should give permanent grades to students in proportion to his affection for and dislike of them, disregarding their performance in the course

and examinations. No one should grab a baby by its feet and bash its brains out by hitting its head repeatedly against a stone wall. No one selling a certain commodity should charge a higher price to customers desperately in need of it than to customers whose need is less. No government ought to require poor people to submit to sterilization as a condition for continuing to receive the benefits of government programs generally available to all citizens. No gang of youngsters should make a game of seeing which member can deflate the most tires of automobiles parked in public lots without getting caught by the police. No one should castrate choir boys to keep their voices from changing.

The foregoing examples include some limitations of certain traditional, more general prohibitions. Yet the resulting prohibitions are still universal; they apply to all the instances of ~~an indefinite set~~ ^{certain classes} of cases. These examples also include some mention of circumstances and purposes, but the actions described are still such that they could be recognized without value judgments; for example, the prohibition of forcing six-year-old children to engage in sodomitic intercourse does not include the qualification "unchastely" or "unjustly" or "except in the way in which Christ would do it." Such qualifications are unnecessary, since the act is intrinsically evil, ^{(any further} regardless of ⁾ circumstances and intentions.

^{I assume,} Father Fuchs would grant that such moral norms are practically to be taken as universal, but he would maintain that exceptions cannot be ruled out. We simply cannot think of the circumstances and intentions which would justify the exception. I consider these examples to indicate that there are fundamental human goods which we do recognize as principles which should not be directly attacked. We would not wish to think of exceptions. Still, if one accepts consequentialism and is sufficiently imaginative, it ~~would~~ ^{is} be possible to imagine some sort of plausible argument for

allowing an act of each of these kinds in some circumstances with the appropriate good intention. After all, some of these acts have been done by upstanding persons who surely considered themselves to be acting in good conscience.¹⁰

. . . .

The remainder of this article will be devoted to the theological framework which Father Fuchs presents for his essay in the rejection of universal moral norms. He presents this framework in a few scattered paragraphs at the beginning of his article. There he also discusses the question of universal moral norms supposedly found in scripture, in the teaching of the Church, and in natural law. In the following treatment of the theological topics, I shall first summarize Father Fuchs' basic theological position, second I shall criticize that position, and third I shall criticize some of the more important statements Father Fuchs makes in his consideration of the various supposed loci of universal moral norms.

Father Fuchs begins his article with the following statements:

Christ's mission was not to establish a new moral order, new moral laws. Nor was it His primary intent to teach a moral doctrine corresponding to creation. The significance of His coming was rather to redeem sinful mankind, to transform him interiorly by grace, to make him one who believes and loves (p. 415).

A few pages later, in setting forth hermeneutic principles for interpreting the moral teaching of the New Testament, Father Fuchs begins by asserting: "Holy Scripture was never meant to be a handbook on morality; consequently it may not be so used" (p. 418). Again, after concluding that St. Paul does not teach moral norms as thesis--a point to which we shall return--Father Fuchs says ~~that~~^{that} the Church addresses herself thematically and dogmatically to moral questions. He then asks and answers a key question:

Does the Church give us thereby a system of universal morally valid norms which God has not given us in Holy Scripture?

In general, then, unlike Paul, the Church "teaches" norms of moral conduct. Why, really? The answer often given runs: Because the Church has to teach the way to salvation, and true morality is the way to salvation. This answer might be considered valid if taken cum grano salis. For ultimately there is the question whether marriage, for example, is to be understood and lived according to Congolese or Western European style; surely not an unimportant cultural and ethical question, but not in itself determinative of salvation. (p. ~~422~~ 422-423).

And Father Fuchs goes on to declare that faith and love do determine salvation.

~~Before continuing the exposition of Father Fuchs' position, we might note a certain inadequacy in his assumptions. When he refers to the question whether marriage is lived "according to Congolese or Western European style," he seems to intend an allusion to the difference between polygyny and monogamy, which were respectively the normative styles of marriage among some Congolese tribes and some Western European culture groups. But one finds in the Congo Christians who accept the monogamous style as normative, and do so on the strength of their conviction that this style represents the will of God, as revealed by Christ. At the same time, one finds in Western Europe many persons including some Christians who accept either monogamy or successive polygyny (divorce and remarriage) as normative. In fact, probably there are few Western Europeans who accept strict monogamy as the normative style for living married life, except those who--like their brothers in the Congo--do so on the strength of their conviction that this style represents the will of God, as revealed by Christ.~~

Given Father Fuchs' initial position, one might wonder what he conceives the relationship of morality to Christian life to be. Does he have any place whatever for taking morality seriously? He does.

After stating that Christ's mission was not to establish a new moral order, Father Fuchs goes on to state that loving faith must bear fruit, that it must give witness to the truth, that it must "verify itself in morally correct conduct," that it must be carried out "by a way of life proper to 'man as Christian'."

Indeed, faith, love, and salvation do not depend upon the rectitude of the norms of living that are basic to one's life practice. Yet faith and love are not genuine, if there is no effort to manifest through one's life practice the "right" mode of life,--i.e., corresponding to the reality of human-Christian existence (p. 415).

And after stating that Holy Scripture was never meant to be a handbook on morality, Father Fuchs goes on:

Inasmuch as it speaks of God's ways with mankind, it must speak also of man's behavior--his religio-moral behavior--toward God. Indeed, since Scripture is concerned with the conversion and salvation of the sinner, and therefore with his personal transformation, statements regarding the religio-moral situation of man are central to the Bible. Nevertheless, it is not the particular imperatives which have this central position, but the fundamental imperative of fidelity and obedience to God, of the following of Christ, of life according to faith and baptism or, as with John, according to faith and love. But these moral-religious imperatives are transcendental, that is, they refer to the personal human being as a whole and not to specific moral conduct (pp. 418-419).

Finally, after stating that marriage-style is not in itself determinative of salvation, Father Fuchs goes on:

The manner in which faith and love--which do determine salvation!--are expressed in daily life, by premarital abstinence or premarital intercourse, for example, is not a matter of totally free choice. And since man must strive to incarnate his faith and love in the "true" way of human beings, the Church assists him by her "teaching". Clearly, this answer also does not entirely satisfy. In any case, it remains true that the materiality of culturally and ethically right mastery of the concrete reality of life--education, economy, technology, sexuality, etc.--are not directly concerned with salvation, or union with God; only faith and love, together with the effort to incarnate this materiality in the "true" way in the reality of life are thus concerned. That the material mode of this Incarnation can represent only a secundarium, already makes it reasonable that within certain limits moral pluralism might well be possible (p. 423).

In sum, Father Fuchs does not deny that morality is related to and necessarily has a place in Christian life. Man's response to God in faith and love is a religio-moral act of absolutely central significance; it does determine salvation. Specific moral conduct also has a certain importance in Christian life, but such specific conduct does not directly concern salvation or union with God; such conduct is a secundarium; it can "incarnate" faith and love in the "true" way of human beings; it can show the genuineness of faith and love; it is a fruit of faith and love; it bears witness to the truth. Thus, particular moral imperatives cannot be completely arbitrary, but moral pluralism within limits might well be possible.

Someone might object to this theological framework that it pays insufficient attention to those elements of Catholic faith which indicate that morally good works are a principle of salvation, and that morally evil acts absolutely obstruct the way of salvation. For example, Christ is portrayed at the last judgment (Mt 25:34^{ff.}) consigning those who did good works to heaven and those who did not to hell, on the principle that "as long as you did it for one of these, the least of my brethren, you did it for me." Moreover, the Council of Trent has defined the doctrine that good works are a principle of meriting eternal life, always presupposing grace, of course (D._A^S 1582).

It might be that Father Fuchs has not been careful enough to nuance his statements to take adequate account of the Catholic doctrine concerning good works. But to pursue this line of argument, I think, would lead to no decisive result. Father Fuchs' position should not be understood as if he excluded altogether the importance of morality--and moral truth--from Christian life. Therefore, his formulae need not and should not be interpreted in such a way as to contradict the Catholic doctrine of works, provided that we are talking about the authentic meaning of that doctrine, and

not some gross oversimplification of it derived from anti-Protestant polemics or popular preaching. Morally good works certainly have no salvific efficacy except insofar as they are the fruit of faith and love; the good works for which Christ rewards those who act charitably toward their neighbors are significant precisely insofar as they manifest ~~and in turn~~ love of Christ himself.

The truth of this point can be driven home in two ways. First, a baptized infant who dies before the use of reason is granted a share in eternal life with God, despite the fact that he has done no morally good act, has resisted no temptation to do a morally bad act, and has not even elicited acts of faith and love. Second, although there seems to be no clear teaching on the matter, can we doubt that a person, motivated by charity, who acts with an upright but invincibly erroneous conscience, also merits for his "good work" even though it is materially morally evil? For example, can we doubt that those who sacrificed their lives in crusades launched to suppress heresies, believing that they were doing the will of God, truly ~~truly~~ died as martyrs for Christ, although we should now say that the use of force to fight heresy was ~~wrong-headed and~~ a violation of a fundamental human right to free conscience?

The primacy which Father Fuchs accords to faith and love also has a positive foundation in Sacred Scripture itself. The New Testament is the proclamation of the Good News: that for us men, and for our salvation, the Word of God has become man, entered into human history, proclaimed the reign of God, demanded not sinlessness but faith and love, suffered, died, and rose again, winning for mankind freedom from sin and from the law, gaining for all who believe and love a share in the divine family, a participation in divine life, an adopted sonship. It profits man nothing if he gain the whole world but lose eternal life; one thing alone is necessary; the reign of God and justification are to be sought first of all, the rest

is secondary; one need^{only} ~~not~~ be converted to God and be baptized to be saved. Moreover, Christ has freed us from law as well as from sin; the single word of loving one's neighbor as oneself fulfills the entire law; but the word of love is not itself a law; rather this word of love is a gift, poured forth in our hearts by the Holy Spirit; therefore, the Christian produces the fruit of the Spirit by spontaneous vitality, not by scrupulously following some sort of legalistic code (Gal 4:31-5:19; Rom 3:21-7:6; 1 Jn 2:3-11; 4:7-5:5; Mk 7:1-23; 12: 28-34).

Moreover, Father Fuchs' emphasis on the formal principles of rightness and his insistence on the strictly secondary status of the materiality of life is in line with one of the leading traditions in philosophical ethics. For Aristotle, human goodness is in activity of the soul according to virtue, especially the activity of theoretical contemplation of God, but also the activities of daily life; yet the significance of the latter is not so much in their content, as in the order of reason which is introduced by adherence to the mean of virtue and the equality of justice. For the Stoics, human goodness is in a certain attitude and state of soul, in which wisdom is achieved; particular precepts are not important in themselves, and everything but virtue is really non-good. For Augustine, the one thing necessary is to love God; sin is a turning from God toward any creature, and putting one's end in the creature; God alone is to be enjoyed, all else is to be used. For Kant, the only thing in or out of the world which is good without qualification is good will; morality is in no external law, but in following the autonomous law of reason, which is a purely formal requirement. For Sartre, the one thing necessary is authenticity, and the one thing evil is bad faith; Gide is a saint.

Thus Father Fuchs seems to have very strong ground for his view of the relationship between the formal principles of morality and its

material embodiment. Both faith and philosophy seem to testify to the absolute primacy of the formal principles--for the Christian, faith and love. Both seem to regard the material expression of the formal principles as a consequence, a sign, an evidence, a fruit, or a disposition toward the primary value which is embodied in the formal principles. The material expression of the central moral principle is not altogether extrinsic nor merely accidental to what is primary; still, the material expression seems to be distinctly secondary, a property following upon what is essential, or a medium--essentially neutral in itself--in which the principle of value projects itself and thus gains a certain objectivity, perhaps, but certainly nothing of its value.

Father Fuchs expresses this outlook most clearly when he says that the right mastery of the concrete reality of life is not directly concerned with salvation, or union with God (p. 423). I think this position is profoundly erroneous, and that its practical implications for Christian life are altogether vicious. (Notice that I attack the position, not the author; I have indicated the ^{plausible} ~~adequate~~ grounds ^{Father Fuchs has} ~~there are~~ for thinking the position correct.)

Faith and love certainly do have primacy. The true ground for this primacy is that the primary significance of salvation is reconciliation with God, union with him, sharing in his life, adoption as his child. Faith accepts God's gracious invitation to join his own family; love is the very life of the family, since it is the very reality of God himself.¹¹

For various reasons, we do not take seriously enough and literally enough the reality of adoption and sharing in divine life. The reality itself so boggles the mind that we find it hard to keep a consistent grip on it. Moreover, for good reasons we fear any sort of confusion of creature

with creator. Then too, we find it easier to think in terms of outward realities, of actions and of possessions, rather than in terms of the very being of things. Finally, we know ourselves--that we are only sinful men. How, then, can we possibly take seriously the idea that we share in divine life?

Undoubtedly, this sharing is a mystery; we must believe it against the appearances. Clearly, too, the reality of such sharing must ^{begin} ~~be~~ altogether ⁱⁿ a gift of God, not ^{in an actor in} a product of our making. Still, our faith is that the Word of God saw fit to share our humanity in order that we might share his divinity. His sharing in our humanity ^{is} ~~was~~ genuine; he is true man. Our sharing in his divinity must likewise be genuine; we are true gods. Three persons are divine by nature; we are not divine persons. Yet we human persons by God's love for us have become brothers of Christ; we are co-heirs with him of what belongs to him as natural son of God. Created persons are adopted as fourth, fifth, and nth members of God's family.

If we keep this fundamental truth in mind, a number of otherwise difficult points become clear. In Christ, God has become man's neighbor; through Christ, man becomes God's neighbor. Love of God and love of neighbor merge into one another, although they can still be distinguished. To act toward our brother whom we see is to act toward God whom we do not see; to serve our neighbor is to serve God in Christ. The gap is bridged.

Moreover, as gods we are above all law. No one tells God what to do, as if laying down a law for him. Thus, the children of God have perfect liberty. Nor should they lose or give of that liberty, for they cannot do so without losing or giving up the divinity which has been given them. But as God naturally acts in accord with his own Spirit, who is perfect wisdom and truth, so must the adopted members of God's family walk in the Spirit. Then they spontaneously act not foolishly nor badly, but in accord

with the Spirit of truth and love who has been given them, and this Spirit although divine, is not alien, but is their very own Spirit, since they too are now divine.

Compared with the life to which we are entitled by our divinity, nothing which belongs to us according to our humanity is of much account. No good or gift which pertains to our natural inheritance as men can compare in value to the inheritance which belongs to us as adopted sons of God. Yet we remain men. Just as Jesus is a divine person whose divine and human natures remain distinct, although perfectly united in him; so we are human persons whose human and divine natures remain distinct, although by no means separate realities. Our humanity is not annihilated; divinity does not take away our human nature. Rather, our human personhood, precisely as human, is essential to our divinity, since our divinity is adoptive. Parents who wish to adopt a child must first find one, one who has been naturally born, one who is unwanted and whose origin is perhaps questionable. So it is with God's adoption of us. Our natural birth and origin remain; they are never obliterated.

Our natural birth was questionable; mankind existed not simply without divine life, but separated from God, as enemies of his. In a state of alienation from God, mankind also suffered the loss of human goods, for from sin came death, dissension, and a lack of inner integrity (Rom 5-8). Throughout the history of faith, men hoped for life, because they lived in fear and horror of death. The meaning of life gradually unfolded; hope moved to higher levels.¹² Jesus came that mankind might have life, and have it more fully (Jn 10:10). This is life everlasting, the sharing in divinity.

But it also includes the good of human life, the overcoming of the human evil of death. Dying he destroyed our death; rising he restored our life. The rising of Jesus from the dead certainly was more than a mere

resuscitation of a corpse. The life he restored to us certainly is more than mere bodily functioning. But although the body which dies is sown in corruption while the body which rises comes to a life of glory, still the more does not substitute for the less. Jesus is not dead; his remains have not rotted away somewhere. Mary is not dead; her body does not lie under the soil of Israel. And our resurrection, too, will truly negate and overcome the death we know. ¹³ St. Paul is most emphatic about this (I Cor 15), and he probably *fully understood* ~~knew well enough~~ Greek theories of immortality which did not involve bodily life.

Could God not have overcome mankind's alienation from himself, and given mankind a share in divinity, without overcoming the merely human evil of bodily death? The question is speculative. Clearly, human death as such is not incompatible with divine life (D. 1000, 1305). But Christ became man not merely to save our souls, but to save us; we are human persons. Complete salvation of the human person cannot bypass the human evil of death, which followed from sin. Thus, Christ died in order that he might overcome death; the life which he won for us also is human life.

Thus the concrete reality of human life is directly concerned with salvation, because salvation is not exclusively a matter of union with God. Human persons are saved; they share in divine life. But their sharing in divine life also fulfills their human possibilities. Thomas Aquinas already argued that in heavenly beatitude, every human desire is fulfilled (Summa contra gentiles, 3, 63). Surely, the love of God which is great enough to give us the infinitely valuable gift of his own life also is great enough to include the relatively trivial gifts of mere human goods. Moreover, God would not love us as persons, who are after all human, if he did not care enough to satisfy our naturally good desires, desires which he himself

established in our human hearts.

It follows that our charity toward ourselves and toward our fellow-men must not exclude concern about the materiality of the concrete reality of life. This materiality truly must incarnate faith and charity, but "incarnation" here must not be taken as the mere expression in a medium of the reality of salvation. Rather, incarnation here is the assumption by divine life of human goods, first of all in the person of Christ himself, then also in those who are born again in Christ. We are ^{united} with God by unity with Christ; we become human gods by communion with the God-men. To refuse a thirsty man a drink of water is an offense against charity, because the quenching of his thirst is an integral part of the divine life which is realized or willed by God to be realized in the finite reality of this human person.

Even according to man's nature, the human person is made in the image of God; no one could truly love the human person without also loving him of whom this person is an image, and no one could love God without loving men who are made in God's image. The adoption of men into God's own family tightens this relationship. Human goods are redeemed, perfected, and incorporated into the salvific act of Christ. All things were created through Christ; it has pleased the Father to reconcile all things to himself through Christ; Christ has reconciled us in his body of flesh by his death (Col. 1:15-23). The divine life which belongs to man by adoption must not be confused with the human goods which are his by nature, but neither may the two be separated.

This sublime truth ^{is} ~~was~~ taught by the Second Vatican Council. Considering the apostolate of the laity (Lumen gentium, 36), the Council reviewed ^s the fundamental principles of the kingship of Christ. All of creation is to be liberated in this kingdom (Rom 8:21); a great promise ^{and}

mandate are given to us: "For all things are yours, and you are Christ's, and Christ is God's" (1 Cor 3:23). It follows that the faithful must learn the meaning and value of all of creation, and how to relate it to the praise of God. By competence and activity ^{the} of the laity in secular fields, elevated by the grace of Christ, created goods are to be perfected for the benefit of every human person. The just distribution of these goods and their contribution to human and Christian liberty is to be promoted. "Thus," concludes the Council, "by the members of the Church, Christ will more and more enlighten the whole of human society with his saving light."

The same Council in its Decree on the Lay Apostolate (Apostolicam actuositatem, 5) explicitly ^{teaches} ~~taught~~: "Christ's redemptive work, while of itself directed toward the salvation of men, involves also the renewal of the whole temporal order." The spiritual and temporal orders remain distinct, but they are within a single divine plan, for God "intends in Christ to appropriate the whole universe into a new creation, initially here on earth, fully on the last day." The Church's mission is the salvation of men, which is achieved by faith in Christ and by his grace. Thus the common apostolate of the Church is to manifest Christ's ^{message} ~~message~~ by words and deeds and to communicate his grace to the world. The layman's share in this general apostolate includes work in the temporal sphere of things. "God's plan for the world is that men should work together to restore the temporal sphere of things and to develop it unceasingly" (Ibid., 7). Elements of the temporal order "not only aid in the attainment of man's ultimate goal but also possess their own intrinsic value" insofar as they have natural goodness. "This natural goodness of theirs takes on a special dignity as a result of their relation to the human person, for whose service they were created." And all things are destined to be united in Christ, but this destiny does not detract from the temporal sphere "but rather perfects

the temporal order in its own intrinsic strength and excellence and raises it to the level of man's total vocation upon earth." These last words are most important; the destiny of the temporal order adapts it to the integral vocation of man on earth, the vocation to follow Christ and to share in divine life through him. ¹⁵

Thus, when Father Fuchs states that Christ's mission was not to establish a new moral order, nor primarily to teach a moral doctrine corresponding to creation, we can agree with him. But when he neglects to mention that Christ's coming was partly to save man from death, we must complete ^{his} ~~the~~ description. We can agree that faith and love and salvation do not depend upon the rectitude of norms of living, but insist that the fullness of Christ's redemptive act substantively includes the goods of the human person as human. Hence, the message of salvation not only proclaims man's union with God, but man's communion in a perfected manhood with Christ. Faith and love should bear fruit in good works, should be made manifest in life. But faith and love also call directly for the pursuit of human goods and the avoidance of human evils.

When Father Fuchs tells us that Holy Scripture is not a handbook on morality, we can agree with him. It is much more than a moral handbook, for it concerns divine life more than it concerns human goods. And Holy Scripture as such is less than a handbook on morals, because only certain moral questions are treated explicitly and in detail. But when Father Fuchs suggests that the specific moral teachings contained in the New Testament are not an integral part of the message of salvation, we must disagree with him. Particular imperatives are not central, of course, but there is no a priori reason to assume that ~~some of~~ the particular imperatives ^{do} ~~not~~ reveal God's ^{salvific} will, to which our concrete action as Christians ought to conform.

When Father Fuchs suggests that faith and love together with the effort to incarnate the materiality of right mastery of concrete life are directly concerned with salvation, we can agree, in the sense that anyone who ^{does} the best he can will be saved. But when he suggests that the correct resolution of cultural and ethical questions is not itself determinative of salvation, we must disagree. Ethical norms direct action toward human goods, and negative moral norms protect these goods and render their continuous unfolding possible; these goods and this unfolding pertain intrinsically to men's integral and historical reality. This integral and historical reality of the human person--in his individuality, his community, and even in his whole material environment--^{is subject to} ~~is subject to~~ the plan of redemption, ^{is being incorporated in} ~~the~~ salvific act of Christ, and ^{is included in} ~~the~~ ultimate end of the whole work of creation and redemption--an ultimate end which even now is being brought about, partly through ^{those} ~~the~~ works of men, elevated by grace, ^{which} ~~the~~ promote ^e the natural goods of the human person.

In short, some Catholic moralists in the past seemed to say that morally good acts only belong to Christian life as extrinsic means to man's supernatural end. Such extrinsicism makes it difficult to explain why the concrete materiality of such acts is of any importance at all. William Ockham's thesis that God might as well commend the contrary of all of the commandments, and that in such a case one would be saved by doing the precise opposite of what is now required of us, is an extreme example of such extrinsicism. ^{ic} Father Fuchs suggests that morally good acts only belong to Christian life as extrinsic consequences and manifestations of salvation. Thus, for him, ^{as} for Ockham, the materiality of moral action is not of itself determinative of salvation. A more adequate doctrine can include the traditional teaching regarding the meritorious act as a means of salvation and can include the emphasis on the primacy of faith and love. But the more

adequate doctrine also will include an emphasis upon the fact that in the person who is redeemed in Christ, natural human goods are a means to his ultimate supernatural end, not merely as an extrinsic means to the aspect of the end ^(divine life itself) which altogether transcends them, but also as an intrinsic and partially constitutive means to the integral end in which man's complete salvation--as a human person sharing divine nature--consists.

Nor should it be objected that goods proper to human nature to the extent that they can be achieved or violated by human acts here and now are extrinsic to the ultimate end of man as it will be realized beyond time and history. It is true, of course, that if an innocent person is unjustly killed, this fact will not interfere with the life he will enjoy after the resurrection of the dead. Nevertheless, the rightness of our acts is not measured by their good and bad consequences, but by their ordination toward or against human goods, as explained in the previous part of this paper, and the good of life now violated is not altogether other^{than}--but is included within--the good of immortal life which will then be restored. Moreover, the kingdom which is established by the redemptive act of Christ already exists on earth in a hidden manner, and the nurturing of human goods here and now contributes to this kingdom. Somehow, these goods even will be found again in the eternal kingdom, as Vatican Council II teaches

(Gaudium et spes, 39):

Earthly progress must be carefully distinguished from the growth of Christ's kingdom. Nevertheless, to the extent that the former can contribute to the better ordering of human society, it is of vital concern to the kingdom of God. [note omitted] For after we have obeyed the Lord, and in His Spirit nurtured on earth the ^{goods} values of human dignity, brotherhood and freedom, and indeed all the goods ~~fruits~~ of our nature and ^{fruits of our} enterprise, we will find them again, but freed of stain, burnished and transfigured. This will be so when Christ hands over to the Father a kingdom eternal and universal: "a kingdom of truth and life, of holiness and grace, of justice, love, and peace." [note omitted] On this earth that kingdom is already present in mystery. When the Lord returns, it will be brought into full flower.

Salvation is future, indeed, but the day of salvation also truly is present (2 Cor 6:2).

Vatican Council II expressed the ultimate principle of morality as the conclusion of an explanation that all human activity, as it proceeds from man, must be ordered to man:

Hence, this is the norm of human activity: that it be congruent with the genuine good of mankind, according to the plan and will of God; and that it permit man, as an individual and as a member of society, the cultivation and fulfillment of his integral vocation (Gaudium et spes, 35).

Father Fuchs rather similarly suggests that the norm of morality is, in the end, "which mode of behavior might further man's self-realization and self-development" (p. 436). Yet the two statements differ. The Council does not propose that norms and acts be judged by an estimate of their consequences--the position I have criticized previously--but proposes that activity be congruent with human good and open to man's integral vocation. And the Council understands man's integral vocation as including divine life as its primary principle, but also as including in a subordinate but real way, the goods proper to human nature insofar as it has been elevated by grace. The Council's view is based, ultimately, upon an insight regarding the implications of the Incarnation for human nature itself: "Since human nature as He [Christ] assumed it was not annulled, [note omitted] by that very fact it has been raised up to a divine dignity in our respect too" (Gaudium et spes, 22).

If the preceding argument has shown that concrete moral norms are intrinsically related to salvation, the theological implications are of the greatest significance.¹⁷ For, as the Second Vatican Council teaches, divine revelation contains the truths God chose to make known to us for our salvation, and sacred scripture is inerrant in teaching the truths God wished to communicate for our salvation (Dei verbum, 6, 11). Further,

sacred tradition "includes everything which contributes to the holiness of life, and the increase in faith of the People of God; and so the Church, in her teaching, life, and worship, perpetuates and hands on to all generations all that she herself is, all that she believes" (ibid., 8). At the same time, "it is not from sacred scripture alone that the Church draws her certainty about everything which has been revealed" (ibid., 9). From the preceding, it follows that divine revelation can be expected to include some concrete moral norms; that such norms if actually asserted in sacred scripture would be inerrant; that some norms expressed only implicitly or generally in sacred scripture might be made specific and explicit in tradition; and that such norms, insofar as they are part of divine revelation, are due the same assent of faith as is due to revelation as a whole.

This conclusion agrees with the teaching of the Council of Trent, which finds in the Gospel--i.e., in the whole of sacred scripture and in non-written tradition--the principle of all truth of salvation and all discipline of morals (D^S 1501). "Morals" here can be taken to include more than moral norms in the strict sense, and the modality of tradition need not be restricted to verbal expression; institutions, cult, rites, and constant practices also can convey the living reality of tradition.¹⁸ Nevertheless, when later authoritative teachings also refer to morals, as Vatican I does for example in distinguishing divine faith from natural knowledge "de Deo et rebus moralibus" (D. 3032), there is no reasonable basis for assuming that concrete universal moral norms were not part of what is referred to by "morals." Significantly, Vatican II, immediately after affirming the inerrancy of sacred scripture with regard to truths which God wished to communicate for our salvation, added a quotation from scripture itself which clearly refers to moral formation as well as to teaching of doctrine: ". . .all scripture is inspired by God and useful for teaching, for reproof, for correcting, for instruction in justice;

that the man of God may be perfect, equipped for every good work" (2 Tim 3:16-17). Whether or not this assertion was intended by its author to apply to the New Testament, the Council clearly applied it to sacred scripture in general.

It should not be supposed that the fact that some moral norms can be known by natural reason alone precludes the possibility that they also be included in revelation. For both the First and Second Vatican Councils agree in teaching that revelation also includes truths necessary for salvation in order that man, even in his present condition, can know these truths "in rebus divinis" easily, with absolute certitude, and with no contamination by error (D. 3005; Dei verbum, 6). If the earlier argument is correct in concluding that concrete moral norms direct human acts, elevated by grace, to the attainment of human goods precisely insofar as those goods intrinsically contribute to the salvation of the human person, whose human nature also is transformed by participation in divine life, then such concrete moral norms do express truths "in rebus divinis." Moreover, it should be noted that this teaching of the recent Councils was adopted from St. Thomas Aquinas, who regarded theology as a sacred doctrine¹⁹ primary speculative, but also practical¹⁹ insofar as it concerns human acts ordered to man's supernatural end.

Divine revelation as contained in tradition and scripture is called the "deposit of the word of God." The task of authoritatively interpreting the word of God "has been entrusted exclusively to the living teaching office of the Church"; the authority of this teaching office, exercised in the name of Jesus Christ, extends precisely as far as the deposit of the word of God extends "sancte custodiendum et fideliter exponendum" (Lumen gentium, 25; cf. Dei verbum, 10). The prerogative of infallibility is enjoyed by the teaching office of the Church under two

distinct conditions. First, if a matter of faith or morals is defined as a revealed truth to be held by faith throughout the universal Church, whether such a definition be given by an ecumenical council or by a Pope speaking ex cathedra. (Lumen gentium, 25; cf. D.^S 3011, 3074). Second, if a matter of faith or morals is proposed by ordinary and universal teaching authority-- that is, by the bishops teaching authoritatively, united among themselves and with the Pope, and agreeing in a single judgment as the position definitively to be held (Lumen gentium, 25; D.^S 3011). If the preceding argument is correct, there is no reason to exclude the possibility that some negative universal moral norms, contained in divine revelation but perhaps only generally or implicitly in sacred scripture, can be defined as truths to be accepted by divine and Catholic faith. Moreover, one cannot exclude a priori that certain moral teachings which are not solemnly defined have been taught infallibly in virtue of the manner in which they have been proposed by the ordinary and universal teaching authority.

The fact that such moral teachings might have been presented as matters of natural law does not preclude their having been taught infallibly. As has been explained, revelation can include truths pertinent to salvation which in themselves could be known by reason; the possible need for such revelation to exclude uncertainty and the admixture of error is especially likely in the case of moral truths, the violation of which (or condonation of violations of which) is very likely to lead to rationalizations. Moreover, in the context of the teaching of the Church, "natural law" should not be understood as if it were a purely philosophical expression; the expression signifies man's personal participation in the office of direction which primarily belongs to God. Thus, one frequently meets the expression, "divine and natural law," which does not signify two principles for the direction of human acts, but only one--namely, the moral principle of

Christian life which directs the Christian insofar as he is a human person in respect to those goods proper to the human person which also, in the person elevated by grace, intrinsically contribute to salvation.

Finally, authoritative teaching of the Church's teaching office, particularly as it is exercised by the Pope, deserves a religious assent of soul, a true submission of mind and will, even when that teaching does not enjoy the prerogative of infallibility. Such assent, on the preceding argument, surely is as much due to the rejection of some practice as universally immoral as it is to any other matter which cannot be excluded a priori from the competence of the Church's teaching office--a competence which extends as far as revelation extends, the latter boundary being defined in terms of the truth which pertains to salvation. (Lumen gentium, 25). The strength of the obligation to assent in such cases is a knotty question which I do not wish to consider here, but the Second Vatican Council clearly conceived such teaching as authoritative in a manner which would exclude the application of the principle: "the force of the authority is no greater than the force of the arguments." If the Council had not wished to exclude the application of this rule, there would have been no point in demanding "religious assent" and in basing that demand on the fact that the bishops and Pope in such cases are teaching "in the name of Christ."²⁰

In sum, true moral norms direct human action to goods which are intrinsic to the human person. Some such norms are universal; these are negative, they serve ~~as presuppositions~~ ^{for the practical purpose of action to} define the goods, which are unfolded and deepened by human freedom and creativity. Thus, universal moral norms are not read off of static human nature nor are they read off of human nature in a concrete historical context, but they are the presuppositions of the exercise of freedom of choice by which in his historicity man--as an individual and in community_^ is a self-constituting process.

The goods which constitute the human person as human are not excluded by the participation in divinity which man enjoys as an adopted child of God. These human goods also are redeemed by the salvific act of Christ. Hence, the human acts of man elevated by grace and moved by the Spirit contribute intrinsically and directly to the work of salvation; the concrete attainments of these human acts positively contribute to the redemption already present, and the omission of acts which would directly violate the goods which constitute the human person is required inasmuch as these same goods are to be preserved and transformed in the final phase of redemption, when all things are made new and Christ returns all to his Father.

Insofar as ^{concrete} moral norms pertain to salvation, they fall within the formal subject matter of divine revelation. Whether such norms might also be known by unaided reason, they ~~may~~^{can} be revealed, and if ~~so~~^{they are}, they demand the same assent of faith which is due to the whole of divine revelation. Revelation is not necessarily completely embodied in sacred Scripture; it also is present in tradition, which is more than merely verbal, but includes the reality of Christian life as it has been shaped by Christ and received from the apostles. The teaching office of the Church extends as far as revelation extends. Therefore, moral norms properly fall within the subject matter with which this teaching office must concern itself. In principle, infallible teaching of moral norms cannot be excluded, and such infallible teaching need not be embodied in formal definitions, although such definitions are not to be ruled out. Even non-infallible moral teaching can be authoritative, and such teaching demands a religious assent which supercedes the level of arguments, including theological arguments, which might be offered about these same matters.

With this foundation, we are now in a position to consider some of the views which Father Fuchs expresses with regard to the non-universality

of moral norms "in Revelation (Holy Scripture), in the teaching of the Church, in the formulated tenets of natural law" (p. 418).

Father Fuchs states that Christianity has tended to take moral norms in Scripture as absolute, inasmuch as they are God's word; but this speaking also is in a human mode. Hence, although there are concrete "operative" moral norms expressed in Scripture, there remains ~~the~~ ^{the} problem of how they are to be interpreted--that is, whether any of them is universally valid. The problem of interpretation implies that "moral theology will have to go to school to contemporary exegesis, to avoid lapsing into unauthorized good-will reading" (p. 418). The conclusion of Father Fuchs' consideration of some of the concrete moral norms in scripture is stated as follows:

The foregoing considerations obviously do not permit us to conclude that the norms of behavior found in the New Testament are no longer valid today. Only, we must reflect whether the criterion of their possible absolute (i.e., universal) validity is Holy Scripture itself, whether it can be and is intended to be [note omitted]. The moral behavioral norms in Scripture are directed to actual persons of a definite era and culture. Hence their character of absoluteness would not signify primarily universality, but objectivity; and the latter can denote either the objectively right evaluation in a particular culturally conditioned human situation or necessary conformity to the moral views of the morally elite in a given society. (pp. 421-422).

The question which arises here is how Father Fuchs can be certain that the moral norms in Sacred Scripture are directed exclusively to persons of a definite era and culture--i.e., one now past--for only on this basis can he justify his inference: "Hence their character. . . ." But before we can answer this question by an examination of the arguments Father Fuchs proposes, it is first necessary to criticize the injunction he lays down that moral theology "go to school to contemporary exegesis" and the implication he draws from the question he asks about concrete moral norms found in Scripture: " . . . whether the criterion of their possible absolute (i.e., universal) validity is Holy Scripture itself, whether it can be and is intended to be."

There can be no doubt that all of us must pay attention to and learn from specialists in the study of Sacred Scripture; their guidance is indispensable if we are to avoid a variety of serious and avoidable errors. As we shall see, Father Fuchs himself has perhaps not spent enough time in the school of contemporary exegesis; perhaps, like most of us, he needs to go back for another lesson! But it also is important to bear in mind the limitations of Scripture scholarship as a discipline which attempts to be scientific.

T. A. Collins has summarized developments in Old Testament scholarship during the twentieth century by explaining that around the turn of the century there was near unanimity on many matters of Old Testament criticism. Nevertheless, "During the mid-20th-century there has arisen new knowledge, new approaches to old problems, and new tests of conclusions long since held sacred."²¹ W. F. Albright, a highly respected non-Catholic scholar, has explained how accumulating evidence forced alteration of positions which had been regarded as established; according to him, most modern literary and historical criticism of both the Old and New Testaments presupposed an evolutionary historicism, which demanded conclusions which are falsified by archaeological evidence and recent discoveries of ancient near-eastern writings.²²

My point in calling attention to this state of affairs is not to impugn the value of scholarship regarding Sacred Scripture. Rather, I wish only to point out that biblical scholarship, even when its conclusions are accepted as certain by a near unanimity of those competent in the field, remains subject to the risks of any human science. Scientifically certain conclusions today can be falsified by new evidence tomorrow. Even when all Scripture scholars agree upon some conclusion, their judgment is not infallible. If one were convinced that a certain proposition were a matter

of divine and Catholic faith, then one would believe that proposition to be infallibly taught. In case all Scripture scholars agreed that this proposition was not true (an unlikely supposition), the Christian would not be unreasonable in continuing to hold his faith against such a scientific consensus, because the conclusions of scholarship clearly are not infallible. Of course, in a case of this sort, the believer competent to investigate the matter would not be dispensed from examining the evidence proposed in favor of the conclusion of the scholars, and from reconsidering the question whether the proposition he believed really does pertain to divine revelation.

In many cases, the judgments of competent biblical scholars do not form a consensus. On many matters there is disagreement. For example, there are at least a dozen theories about the correct manner of reading the Sermon on the Mount.²³ In such cases, the very fact of disagreement among the competent shows that their judgments are opinions which are supported by some evidence and argument but which cannot be regarded as conclusions established by competent scholarship as such. If they were so established, they would have cogency such that they would gain nearly unanimous acceptance. In cases where there is such disagreement, different theological perspectives often are the determinative factor. The use of opinions of Scripture scholars by theologians, when those opinions are not shared by all competent Scripture scholars, therefore is a question-begging procedure.

If one assumes that the Christian faithful have no access to revealed truth except by way of Sacred Scripture, and that Sacred Scripture must be read and understood according to the normative guidance of literary-historical scholarship, then the certitude of faith is undermined. The non-infallibility of biblical scholarship would imply the fallibility of the entire content of faith. The priority of the criteria of scholarship would imply that Sacred Scripture must be studied with the same assumptions

which obtain in the study of any other ancient text. The multiplicity of opinions on any matter would remove that matter entirely from the field of known content of faith and place it in the area of optional opinion.²⁴

The ^{only} alternative to this conclusion is not biblicist fundamentalism.

~~Another~~ Another alternative is the Roman Catholic solution, which regards Sacred Scripture as it exists within apostolic tradition, and which reserves a role for the judgment of the magisterium which takes priority over the differing opinions of scholars. This position has been spelled out carefully by the Second Vatican Council (Dei verbum, 9-10)²⁵.

Any book is not simply a bundle of pages covered with words. It is a communication, a cultural object. To understand the book, one must presuppose certain boundary conditions for interpreting it. These conditions will not be altogether expressed in the book itself, and perhaps they will not be fully articulated anywhere. Those who look at what is materially the same book with a diversity of suppositions about the boundary conditions for its interpretation, really are viewing formally diverse books, and there is every reason to expect them to arrive at diverse interpretations.

From one point of view, the Bible is a collection of writings of human authors; many of these writings followed a preceding oral tradition. The communications in the oral tradition, the compositions by the various human authors, and the collection of these into more extensive and integrated literary forms all took place in definite cultural contexts, with definite intended audiences and uses of the material in mind. These facts form some of the boundary conditions for interpreting the Bible. But the Bible remains an expression in language of the revelation of God, destined by God not only for the edification of the original audience but also for believers (actual and potential) of all ages. From this point of view, the interpretation of Sacred Scripture at any particular historical moment is subject to a history

of understanding within faith, and the magisterium of the Catholic Church has authority with regard to interpretation of Scripture inasmuch as this magisterium has a divine mandate to communicate the revelation of God in Christ, a revelation partially represented in the language of Sacred Scripture.

The Council of Trent therefore declared that in matters of faith and morals which belong to edification in Christian doctrine no one ought by his own private prudence turn the sense of Sacred Scripture from that which the Church has held and holds. It belongs to the Church to decide the correct sense and interpretation of Sacred Scripture. Moreover, ^{Scripture} ~~they~~ ^{is} not to be interpreted against the unanimous consent of the Church Fathers (D. 1507; cf. Dei verbum, 10).

This teaching, of course, should not be read as if it obliterated the distinction between infallible and non-infallible teaching. Nor should it be supposed that every particular use of a biblical passage in an authoritative document of the magisterium amounts to a definitive interpretation of that passage. On the other hand, the point the Council of Trent was making should not be read in a minimalizing and rationalistic spirit, as is done by those who argue that since perhaps there is no single passage of which the Church has ^{infallibly} declared a certain interpretation as ^{the one} ~~infallible~~ to be held and since, moreover, there are very few passages on which there is unanimous agreement among the Church Fathers (who, in any case, did not use modern, critical methods of exegesis!), therefore, the interpretation of Scripture in practice can and must fall back on the norms of literary-historical scholarship without regard to the manner in which the Bible has been understood and still is understood by the Church.

The point I am making can be illustrated very clearly by an example. The Church Fathers certainly agreed in understanding the New

Testament as teaching that Jesus actually lived, suffered, died on the cross, was raised from the dead, and now lives. The Church always has held and still does hold that the New Testament conveys these facts. Historical scholarship cannot ascertain the facts with infallible certitude; in fact, some scholars have questioned some of these facts. The difficulties and disagreements of scholars on these matters, however, do not in the least undercut the infallible certitude of Catholic faith. Moreover, although one will find no infallible definition stating that the relevant texts must be interpreted as having a certain meaning, no Catholic is justified in turning the sense of Scripture in a way which would disagree with the meaning and interpretation which the Catholic Church has held and holds the relevant passages of Scripture to have.

A Scripture scholar certainly can and perhaps should examine the extent to which relevant passages of Scripture were meant by their human authors and understood by their first readers to assert that Jesus is not really dead. A scholar's results could produce less historical certitude than might be expected; scholars also can be expected to disagree to some extent. It is not the scholar's business to find in the Bible what is not there. Fortunately, faith is not completely dependant upon what scholarship can find in the Bible. But scholarship of the kind we are concerned with here is based on inductive logic; it is a matter of formulating hypotheses and trying to verify them. No Catholic interpreting the Bible is entitled to read relevant passages in such a way that the assertion of his hypothesis is inconsistent with the faith-proposition that Jesus is not dead. Also, when Scripture scholars suggest that a matter of doctrine be regarded as open, they exceed their competence unless it can be definitely settled by the methods of Scripture scholarship. A Scripture scholar who speculates against Catholic dogma ignores an essential boundary condition for a Catholic understanding of Scripture; he also enters the area of theology proper, which has its own boundary conditions.

All of this consideration of exegesis and its conditions leads to the following answer to the question Father Fuchs raises about whether the criteria for determining whether concrete moral norms found in Scripture are universal. Is the criterion of their possible universal validity in Holy Scripture itself; can it be there, was it intended to be there? The answer is negative. What is in Holy Scripture itself cannot be disregarded; historical critical scholarship cannot be disregarded; but the criterion of the possible universal validity of moral norms ^{also} ought to be looked for in the Church Fathers, ^(and especially) in the position the Church has held and holds on the question.

If we take a moral norm such as, "Direct killing of the innocent is wrong," we will find many relevant passages on the matter in the Bible, including the New Testament. None of these passages nor anything else in the Bible itself settles whether this norm is universally valid. However, a study of the Church Fathers and an examination of what the Church has held and does hold with regard to direct killing makes clear that at least this norm is universally valid. In making this examination, one not only needs to notice references to the Bible or verbal statements of the wrongness of such killing. One also has to observe penitential practice, canon law, the practices of the liturgy, and so on. All of these are ~~valuable source~~ ^{evidences} of tradition, for they show conclusively that the Church held and holds that the salvation of the killer of the innocent is at stake. At the same time, the reasons given for the prohibition of direct killing of the innocent are an important testimony, since they make clear that the position is not maintained on the basis of some particular culturally conditioned human situation nor on the moral views of the morally elite of a given society. Of course, the formulation of the norm developed, particularly with respect to the question of defining--not in moral but in empirical

terms--who is innocent, and also with respect to the distinction between direct and indirect killing.²⁶

This moral precept, moreover, has been taught in practice by Catholic bishops throughout the world, for it has been taught everywhere that direct killing of an innocent person--given the usual conditions of subjective imputability--is a mortal sin. Bishops knew about and sanctioned this teaching, the penitential practice that followed from it, and the other practices which from time to time related to it--for example, excommunication of the killer. If anything has been universally taught as a matter of faith and morals essential to salvation (hence as revealed) by the bishops dispersed around the world and united with the Pope, the truth of this moral norm has been so taught. It follows that we are dealing here with a moral precept infallibly taught, one which must be accepted with the same act of faith with which the rest of divine revelation is accepted. At no time should a Catholic accept the consequentialist doctrine that it might be expedient that an innocent man should die for the larger socio-cultural well-being. Nor ~~can~~^{ought} a Catholic accept as right and good the direct killing of the innocent even when this becomes an institution of a given society ~~which~~^{and} is accepted as right and humane and even obligatory by the morally elite of that society--for example, as the killing of the native peoples was accepted by the morally elite of the Americas, as the killing of the Jews was accepted by the morally elite of Nazi Germany, as the killing of the unborn is accepted by the morally elite of the United States, Britain, and other nations where abortion has been legalized.

In particular, Father Fuchs raises the question whether the norms of the Sermon on the Mount are to be taken as universal norms, or as models for the behavior of Christians who will be ready to act upon them under particular conditions not specified by the Lord. He regards the latter as

likely from the context and manner of expression, but cites no exegetical authority for the opinion. Rudolf Schnackenburg's consideration of the question in his book, The Moral Teaching of the New Testament, came to the contrary conclusion.²⁷ The norms of the Sermon on the Mount must be interpreted and delimited, but then must be regarded as necessary; the grace of God and the mercy of God are the answer to the problem of practicability. Of course, other exegetes would disagree, but such disagreement leaves the issue one to be settled by an investigation of tradition, not by an unsupported moral-theological option.

Father Fuchs also points to renewed discussion of "the Lord's word with regard to the indissolubility of marriage (Mt. 19,3-10)" (p. 419). Is it a universal norm or an ideal? He concludes that the discussion at least shows that the acceptance of a scriptural norm as objectively valid does not involve recognizing it as a universal norm.

Rudolf Schnackenburg discusses the passage mentioned, and its parallels in Mark, Luke, and First Corinthians; his conclusion is that the prohibition of divorce is a universal norm, but he does not even consider the possibility that this "norm" might be an "ideal."²⁸ E. Schillebeeckx, O.P., in his work on marriage originally published in 1963 also considers the relevant Scripture passages and comes to a similar conclusion; he also treats the question of the so-called "Pauline privilege."²⁹

Against the notion that we are here dealing with an ideal we have the entire weight of the tradition, including the tradition of the separated Christians who argued that the prohibition admitted exception in case of adultery, since their argument would have been nugatory had the passage implied merely an ideal. We have the definition of Trent that the Church has not erred in its teaching on divorce "iuxta evangelicam et apostolicam doctrinam" (D.^S 1807). We have the practice of the Church through the ages,

which made the salvation of many rest on the understanding of this norm as universally binding, not as an ideal. We have the historically significant events which led to the Reformation in England; if the teaching of Scripture on divorce is only an ideal, then Henry VIII was right, the Pope was wrong, the Act of Supremacy was perhaps justified as a necessary means to nullify the erroneous Papal ruling, and St. Thomas More, St. John Fisher, and the rest died martyrs in a bad cause.

And what is to be said for the view that the teaching on divorce in sacred scripture only expresses an ideal? Perhaps it is the experience of those Christian people who practice masturbation in early adolescence, fornication in later adolescence, contraception in marriage, and who find it difficult to believe that adultery is always wrong. Having made the last discovery, it is not too difficult to understand why they might also find in their present culture, and in accord with the opinion of the morally elite in their society, that marriages break down irreparably, that living a celibate life is inhuman and impossible for a Christian today, and therefore that marriage cannot be absolutely indissoluble. It follows with irrefutable logic that the scriptural teaching on divorce cannot mean what it says and what it always has been taken to mean.

As we saw, Father Fuchs also suggests that whether marriage is to be understood and lived according to the Congolese or the Western European style is surely not an unimportant cultural and ethical question, but not in itself determinative of salvation (p. 423). I assume the allusion here is to the difference between polygamy and monogamy, which were respectively the normative styles of marriage among some Congolese tribes and some Western European sub-cultural groupings. But there are Christians in the Congo who accept the monogamous style as normative, and do so on the basis of their conviction that this style represents the will of God revealed by Christ. At the same time, one finds in Western Europe many persons who

in practice accept the polygamous style as normative--either by accepting the institution of the mistress or concubine, or by accepting the successive polygamy of divorce with remarriage. In fact, there are probably few Western Europeans who accept strict monogamy as the normative style for living married life, except those who--like their brothers in the Congo--do so on the basis of their conviction that this style represents the will of God revealed by Christ.

~~Probably it is useless at present to point out that~~ The Council of Trent specifically anathematized anyone who said it is licit for Christians to have many wives at once ^{who said} and that this practice is not prohibited by divine law (D^s 1802). The ^{canon} ~~statement of course~~ does not formally say that the practice is incompatible with salvation; it only says that saying it is licit and not against divine law is incompatible with salvation. From this one could argue that polygamy is Christlike but that saying it is so is heretical.

Of course, Father Fuchs does not say that it is licit for Christians to practice polygamy nor does he say it is not contrary to divine law; he merely says the issue is not of itself determinative of salvation. And we have seen previously the profound sense in which that statement could be true.

As a matter of anthropological fact, polygamy and easy divorce were generally common in African tribal groups.³⁰ The precise styles of marriage vary tremendously, however, and so it is strictly meaningless to talk about the Congolese style of understanding and living marriage.³¹ Among one Congolese tribe, the Lele, studies made as recently as 1949-1950 revealed the persistence of a style of marriage complementary to other styles simultaneously accepted; according to this peculiar style, about ten percent of the women of tribe became "wives of the village." This was

not a form of prostitution, but an accepted, recognized, institutionally protected, honorable form of marriage. A wife of the village was at the disposal of all men of a given village, except her own clansmen, under specified conditions; all the men were fathers to all her children; one granddaughter of every wife of a village is expected to be returned as a village wife to that village from which she came.³²

Patrice Lumumba described more recent marriage styles among the more advanced Congolese living in cities. He points out as fundamental that easy divorce always was accepted in the Congo. He described the condition of wives; because of ancestral ideas still strongly held by many Congolese husbands, wives are regarded not as their companions and closest friends but as servants, or disguised slaves. He offers the advice to his fellow countrymen: "We must have more respect for our wives than for ourselves, our friends, our uncles and aunts." He observes: "Our wives are human beings with the same rights as ourselves to human dignity." He deplores the scandal of religious marriages entered into without firm commitment: "Either one gets married and wears the Cross to show one's love for Christ or one does not." He advocates fidelity to marriage as a "life contract": "the wife is not like a shirt one can change at will." And he concludes: "Let us, as far as possible, give up the practices of our forebears; we belong to a different generation."³³

These data reveal the danger of talking about the normative style of marriage or anything else in a given place, without considering the heterogeneity and dynamism of culture. These data also concretize somewhat the reality too easily passed over of a marriage style which might after all have some direct relevance to salvation. They also go some way toward suggesting what human value might underlie the Christian teaching of the universal norm of indissolubility.

Father Fuchs also discusses St. Paul's moral teaching. He begins by noting that St. Paul ascribes to the Lord definite sayings regarding moral behavior and attributes others to his own understanding in the Spirit (p. 419). He then goes on to assert that Paul presupposes most of the moral norms he teaches, accepting them from the moral wisdom of the good men of his time. From this Father Fuchs concludes that "Paul does not present himself as a teacher of moral living, still less as a teacher of specifically moral conduct" (p. 420). Since ^{Paul} ~~he~~ assumed a given morality from Stoic, Judaic, and Diaspora-Judaic sources, we must ask whether that morality, at least in large part, was not historically and culturally conditioned. Father Fuchs takes Paul's teaching on women's position in marriage, society, and the Church as a self-evident instance of directives conditioned by the times. This leads to the suggestion that perhaps Paul's moral teachings were absolute in the sense of binding for his own time, but not universal:

For the affirmation that certain explicitly mentioned modes of conduct ban one from the kingdom of God, from companionship with Christ and from the life given by the Spirit remains true if these modes were to be judged negatively, in accordance with the moral evaluation proper to that age and accepted by Paul. Paul therefore did not teach such evaluation as thesis, but admitted it as hypothesis in his doctrinal statement on the Christian mystery of salvation. Thus it remains to be established whether in Paul's cultural milieu, because of the actual conviction of the morally high-ranking segment of society, every "honorable" Christian had to share exactly this conviction, or whether this conviction was the only objectively justified one and was not based on definite options (p. 421).

The conclusion drawn from all this is not that the norms of behavior found in the New Testament are no longer valid today. Still, Father Fuchs ~~does~~ ^{proceeds} in the next section, on norms in the ecclesial community, to assume that God has not given us universal morally valid norms in Holy Scripture and that St. Paul did not teach moral norms but expressed himself on moral questions hypothetically and "in obliquo" (pp. 422-423).

The first thing to be noted about this argument is that it simply does not follow logically. The fact that St. Paul accepts many ordinances from the moral wisdom of his time does not mean that Paul does not present himself as a teacher of moral living. In the passage quoted, the sentence, "Paul therefore did not teach such evaluation as thesis. . .," does not follow from anything preceding it. I think that the illicit deduction is based on the assumption that moral norms could not pertain directly to the message of salvation; this assumption has been criticized at length above.

The second point worth noting is that some of the norms of behavior Paul proposes are not indicated as universal but as counsels; some are prudential conclusions specifically based ^{on} ~~about~~ considerations of charity in particular situations which ^{Paul} ~~he~~ describes; some are affirmative norms, and so in the very nature of the case cannot be universally valid. But there remain several specific moral norms which certainly seem to be presented as universal, negative norms--for example, Paul's condemnation of fornication in 1 Corinthians, 6:12-20.

It hardly needs to be said again that to regard this moral norm as mere hypothesis ^{probably} goes against the entire tradition of Christian moral teaching ^{and} penitential practice, and ^{is inconsistent with} ~~the important fact~~ that moral passages in the Epistles have been included and still are included in the liturgy, with the evident intent of instructing the faithful. When the Epistle has been read, the lector concludes: "This is the word of the Lord." If Father Fuchs is correct, the Church is ^{deceiving} ~~lying to~~ the congregation who hear these words; the lector should say: "These are words of Paul the Apostle, adopted from ^{the} Stoic, Judaic, and Diaspora-Judaic ethos, valid at the time absolutely, and perhaps, but not necessarily, still valid for you today."

from the assumption

Father Fuchs' argument [^] that Paul accepts the moral wisdom of the "good" men of his time, Jew and Gentile, to the conclusion that Paul only presupposed these norms, and did not offer himself as a teacher of Christian norms of conduct, demands critical examination. Undoubtedly, some influences of both Jewish and pagan moral teaching can be found in Paul. But what is the significance of these influences? The two sources were perhaps blended in some thought with which Paul was familiar--Philo, for example, represents a "Diaspora-Judaic" ethos which must have been widespread. But Paul certainly was capable of distinguishing what was Jewish from what was pagan, and so it seems reasonable to consider the problem of possible influences without special concern for the mixtures which existed. The relationship of Paul to Jewish and to pagan sources of moral wisdom ~~is~~ presents two distinct problems.

What Paul adopted from Jewish sources must be considered in view of the continuity and discontinuity between Judaism and Christianity, ^e between the Law and the Gospel. Divine revelation ended with Christ, but it did not begin with him (Heb 1:1). The books of the Old Testament, "though they contain some things which are incomplete and temporary, nevertheless show us true divine pedagogy" (Dei verbum, 15).

Christ himself is portrayed in the gospels as adopting and continuing--but also as deepening--the traditional demands for faith and love.³⁴ The commandments of love of God and neighbor, presented as the great commandments which sum up the whole Law and the prophets (Mt 22:34-40; Mk 12:28-34; Lk 10:25-28) are already found in the Law (Dt 6:5; Lev 19:18). This fact does not show, however, that Jesus merely proposed these commandments as hypothesis. He also said: "A new commandment I give you, that you love one another: that as I have loved you, you also love one another" (Jn 13:34-35). Thus the command of love was both old and new (1 Jn 2:7-8). To love one

another as Jesus loves us is to love one another with a love at once human and divine; in Jesus, God is our neighbor; through Jesus, our neighbor is an adopted divine person. The people of God of the Law becomes the children of God of the Gospel.

In addition to the command of love, Jesus also assumed the validity of traditional prohibitions of murder, adultery, theft, and so on (Mk 7:20-23; 10:19; Mt 15:18-19; 19:18-19; Lk 18:20). The Sermon on the Mount (Mt 5:17-48) indicates clearly enough that these commandments, in their concreteness, were not merely accepted as hypothesis by Jesus; he assumed them as valid but inadequate, and insisted upon intensifying their demands. At the same time, Jesus' treatment of divorce shows that he did not adopt traditional moral standards indiscriminately.

Paul, like Jesus, exercised careful discrimination with respect to what he accepted and what he did not accept from the Jewish tradition. The very diligence Paul exercised in freeing his gentile Christians from demands of the Jewish tradition which are not essential to the Gospel, argues strongly that any moral demands Paul assumes from the Jewish tradition and presents as essential for salvation to his Christians--for example, ^{in Galatia} ~~at Corinth~~ are requirements of the divine will which have universal validity. Because Paul, after all, considered that the greatest possible development in man's nature and history had occurred in Christ, anything which survived that transformation could hardly in ^{Paul's} ~~the~~ eyes have been a mere expression of the Jewish ethos, or of the socio-cultural ^{standards} ~~tradition~~ of the time.

The question of possible borrowings from pagan sources is another matter. The question as it pertains to Paul's moral teachings cannot be separated from a larger context--the question of the relationship of Paul's teachings in general to pagan thought of his time.

There existed at the time of Paul in the Graeco-Roman world a variety of pagan mystery religions. They had ideas and rites which related to the coming to earth of a divine being^{and} his sacrificial death, resurrection from the dead, and initiation which sometimes involved a sacred meal, by which the initiate could be united with the god and share his immortality. Serious scholars have argued that Paul's doctrine adopted and adapted the notions of the mystery religions, thus transforming an earlier, simpler, Jewish form of Christianity.³⁵ Hugo Rahner, S.J., has examined the whole question carefully; he concludes that the notion of borrowing is false, but that there are important correspondences, and that these can be understood by a common source, namely, the nature of the religious human being.³⁶ On the other hand, a non-believing scholar sympathetic to the thesis that Paul borrowed from the mystery cults argues that what is peculiar to Paul's Christianity is only the impact of Judaic ideas on his form of mystery cult; the same scholar concludes that few educated men today can accept Christianity without radical reinterpretation precisely because of this out-dated and culture-bound element, mystery-cult salvation.³⁷

The mystery cults were not especially strong either on dogma or on morality. Stoicism is a different matter, and the philosophic character of Stoicism is a wholly different sort of thought from that of the mystery cults. It is rather startling, therefore, to find that some serious scholars trace what is peculiar in Paul's theology to Stoicism, and favorably contrast Paul's Christianity with the "mythological Christianity" of the Christians at Jerusalem. According to one version of this thesis, Paul has adopted from Stoicism the idea of conscience, a metaphysics of corporealism, a theory of the history of the universe, a doctrine of divine immanence and providence, a religion of worship according to reason, a theory of human

structure, a doctrine of innate ideas, a theory of immortality, the notion of salvation by faith rather than by works, the doctrine of the mystical body, the notion of rebirth in the spirit, and much of his moral teaching.³⁸

The same author sees in Paul a very un-Stoic sense of shame and horror in speaking of sin, and a set of sexual tabus, which are explained as coming from Paul's Jewish background.³⁹ The Stoic source this author suggests as representative of the ethics which Paul adopted from that school is Panaetius of Rhodes. Cicero's De officiis is the main work in which the ethics of Panaetius comes down to us. ¶ The De officiis is a treatise on virtue--organized according to the classic scheme of the four cardinal virtues--on utility or expediency, and on the relation between the two. No doubt, some passages parallel certain passages in the moral teaching of St. Paul, but much of the book is concerned with matters which are missing in Paul's teaching--for example, that one should count moral rectitude as the only good and should strive to be free of all passion (i, 67), that those who are able should enter public service (i, 72), that one should avoid exposing himself to danger needlessly (i, 83), that one should never do anything for which he cannot give a good reason (i, 101), that one should exercise for a good complexion and dress neatly (i, 130), that one should observe the reactions of others to his behavior (i, 146), how to win the affection of others and influence them (ii, 19ff.), how to acquire popularity and glory (ii, 31ff.), how to exercise kindness and generosity, including philanthropic extravagance, according to one's station in society (ii, 52ff.), and so on.

Stoicism, in any case, was not all of a piece. But there are certain distinctive features, including the following: the identification of happiness with freedom from disquietude (apathy), the ideal of the wise man who is free of all faults and mistakes, the imperative of resignation to the course of events beyond one's control, and the permission of suicide

as an honorable way of preserving one's independence and calm.⁴⁰

St. Paul uses the key word of Stoic ethics, virtue (aretê) only once (Phil 4:8). He nowhere mentions the four cardinal virtues, which were basic in Stoic ethics and classic in Greek thought since Plato. In the one place in which we find four God-given goods which come nearest to the four cardinal virtues, holiness and redemption replace temperance and fortitude; and, what is more important, justice, wisdom, holiness, and redemption are identified with Jesus Christ (1 Cor 1:30). This identification of these perfections with Christ can be no accident; Paul is purposely rejecting the centering of human perfection in man's own excellences of soul. The verse in question follows shortly after Paul has pointed out that Christ is foolishness to the Greeks, but the wisdom of God; the foolishness of God is wiser than men (I Cor 20-29). No wonder Paul does not speak of aretê. A scholarly study of sophrosyne in Greek literature concludes that while Paul refers to the virtue and uses the word with familiar meanings, he transforms the idea by relating it to grace and holiness, faith and love.⁴¹

Father Fuchs mentions as ~~examples~~ examples of Paul's borrowings from the moral wisdom of his time the tables of domestic rules and the catalogue of vices (p. 420). Cicerone points out ^(De officiis, iii, 15) that the duties he is treating are regarded by the Stoics as a sort of second-rate goodness, suited to everyman, not proper for the real sage. Seneca mentions tables of household duties but does not bother to state them; he is much more interested in the theoretical discussion of whether such precepts are useful in moral education or not (Epistulae morales xciv-xcv). Epictetus says many fine things about sexual virtue, but Paul could hardly have appreciated his precepts:

In your sex-life, preserve purity, as far as you can, before marriage, and, if you do indulge, take only those privileges which are lawful. However, do not make yourself offensive, or censorious, to those who do indulge, and do not make frequent mention of the fact that you do not yourself indulge (Encheiridion, 8).

Of course, Paul borrowed. But one cannot read any of the Stoic authors whose works have come down to us in substantial part without being struck by the fact that the whole moral atmosphere of the epistles of Paul is different from that of the Stoic writers. Some have pointed out that all of Jesus' moral teaching can be found, somewhere or other, in the Talmud. A. M. Hunter wittily retorted: "No doubt, and how much more?"⁴² The same comment applies well to the suggestion that Paul's moral teaching is adopted from the Stoic philosophers of his time.

Finally, going back to school with the exegetes once more, Rudolf Schnackenburg concludes his summary of Paul's moral teaching by stating that in it the motives of popular ethics had limited significance, and similar sounding concepts are mostly merely formal borrowings from a standard vocabulary. He concludes:

Hence it cannot be maintained that the missionary to the gentiles came down to the level of his hearers and curtailed the commandments; on the contrary, he wanted to bring them mature and irreproachable to meet the Lord.⁴³

Yet, as we have seen, from a Stoic point of view the sort of moral teaching Paul offered--in the tables of domestic duties in particular--would rate only as an inferior sort of guidance ^{suitable} ~~capable~~ for the public at large, unsuited to the spiritually elite.

Father Fuchs remarks that it is self-evident to us that Paul's directives concerning marriage, society, and the Church were conditioned by the times (p. 420). In the English edition of his study on marriage, originally published in 1963, E. Schillebeeckx, O.P., devoted thirty pages to a discussion of the question, and then postponed a final conclusion to

the later, philosophical and phenomenological part of his work.⁴⁴ While the ultimate conclusions might agree with Father Fuchs' view, the extent of this study hardly seems to indicate that the conclusion is self-evident. Moreover, if Paul's underlying point is that there is some sort of natural difference between men and women, involving a priority of husband to wife, and having a profound theological basis, then it cannot be said that the falsity of his teaching is self-evident even to some Christians who are separated from the Roman Catholic Church, but who no more allow the ordination of women for the sacred ministry than does the Roman Catholic Church.

In any case, the proposal that this particular teaching is not universally valid, even if that proposal is in all respects correct (and not merely a half-truth based on an insufficiently careful discrimination of the points Paul is making), does not show that Paul's moral teaching in general is of the same sort. As with dogma, seemingly conclusive passages of Sacred Scripture have not been accepted as such in Christian tradition, but have been subjected to refinement and development; so with moral teaching, the manner in which these passages have been held and are held is of primary significance.

The entire teaching of the New Testament, not merely its moral teaching, was given in a particular cultural context. The ultimate question we must answer is: What does God wish to communicate to us today for our salvation by means of these writings? This question is not easy to answer in any case. But it is not reasonable to argue that because the moral teaching of St. Paul can also be found, more or less, in other sources of his time, that this teaching in particular is only ~~supported~~^{hypothesis.} Similar arguments can be made against at least some of the doctrinal statements of St. Paul, as we have seen. Unless we approach Sacred Scripture with an a priori assumption that concrete universal negative moral norms cannot be part of the message of salvation, I see no reason for supposing that--for

example--St. Paul's rejection of fornication as behavior unsuited to the Christian is not universally valid^y and binding upon us today.

Father Fuch^s proceeds in his study from a search for universal moral norms in Scripture to a consideration of norms in the ecclesial community. I have found it necessary to introduce considerations about tradition and the magisterium in my remarks about his handling of sacred scripture. In doing so, I have followed the approach indicated clearly enough by Vatican II (Dei verbum) which treats scripture, tradition and magisterium together in its teaching on divine revelation. Father Fuchs begins his discussion of "norms of the ecclesial community" as if he were taking up *history* where Scripture leaves off, although much of his consideration seems to be concerned with the possible activity of the magisterium today, or at any particular historical moment (pp. 422-428). Inasmuch as I do not think this question can be treated apart from the context of revelation, including Scripture and tradition, much of what he says in this section seems to me to be undercut if the preceding argument is correct. On the other hand, to the extent that apart from fundamental universal negative moral norms, I think the rest of morality is subject to evolution of a radical kind, much of what Father Fuchs says in this section seems to me to be probably correct, if its application is restricted to that larger part--much larger in mere bulk--of moral teaching subject to radical revision.

With regard to "norms of the ecclesial community," Father Fuchs states that ^this community had its morality "which, even if it did not derive purely from Revelation, was regarded as being connected with or compatible with christian belief." Again, the Church teaches on moral matters "and indeed, as she repeatedly declared during Vatican Council II, also in regard to moral questions on which she had no explicit revelation" (p. 422). I do not find such declarations in the documents of Vatican II, although they

might be there. If they are, the meaning could be that the magisterium is competent to make explicit what is implicit in revelation.

In any case, the important point is that there either are some concrete and universally valid moral norms included in revelation--implicitly or ~~explicitly~~^{Et}, in ~~Scripture~~^S or, more specifically, in tradition--or there are no such norms in revelation. If there are, then these norms fall within the competence of the magisterium. If there are no concrete and universally valid moral norms in revelation, then no such norms can fall within the competence of the magisterium. A Pope or Council might nevertheless say what they think on some particular matters, but such statements would be mere obiter dicta, lacking all authority, and therefore in no way standing as ecclesial statements.

Of course, if there are some universally valid and also concrete moral norms which fall within the competence of the magisterium, there also can be concrete conclusions which depend partly upon universally valid principles and partly upon particular facts and ^{Christian} creative insights into potential developments of human goods. Such concrete conclusions would necessarily lack universal validity, but would nevertheless represent a form of guidance pertinent to the Christian lives of the faithful here and now. Such conclusions might be proposed by the magisterium, not as irreformable, but as normative. This situation would illustrate a proper function of that activity of the magisterium which calls for religious assent, but which cannot, in principle, call for an assent of faith.

If, however, there are no concrete and universally valid moral norms, then it seems to me impossible that any concrete conclusions of limited validity could be reached. "To consider the concrete situation in the light of faith" is meaningless if the operative moral norms are not intrinsically determinative of action which belongs to salvation. Moreover,

if the only moral norms which are actually revealed are formal ones, there can be no homogeneity between the formal principles and the material conclusions which are supposedly derived when a situation is considered in the light of faith. Thus, for example, if Christians do not have assurance by faith that the direct killing of the innocent is always excluded, I do not see how they can draw any conclusions whatsoever "in the light of faith" about such questions as abortion laws, nuclear deterrence policy, the extermination of the Jews, or any other matter. The norms of faith and love, even joined with the injunction not to kill unjustly, lead to no definite conclusion unless some concrete content is implied. The light of faith is powerful, but the content of divine revelation is incapable of determining judgments in respect to subject matters with which it has no homogeneity. This is precisely the reason why one cannot correctly deduce conclusions of natural science or mathematics from revelation.

Father Fuchs makes a point of the argument that "in the two thousand years of the Church seemingly no definitive doctrinal decision on moral questions has been made, at least insofar as these would be related to natural law, without being at the same time revealed" (p. 426). As a matter of fact, there exists the canon of the Council of Trent rejecting polygamy (D. 1802); this certainly seems to be a definitive decision, it is concerned at least with what one can say on a moral question, and it does not depend on any New Testament text (since none condemns polygamy) nor on any Old Testament text (where, seemingly, some accept the practice). This is not to say that the Council of Trent did not suppose the rejection of polygamy for Christians to be somehow revealed. If the Council considered the matter to pertain to natural law without being revealed, it would have exceeded its competence in this definition. But revelation cannot be limited to what is explicitly contained in Sacred Scripture.

Underlying this point is the question: Why, if the Church could infallibly teach universally valid and concrete moral norms, do we not find definitions of such norms, as we do find definitions of points of faith? There are several ^{likely} reasons why such definitions ^{probably} were not ^{often} given up to the present time. First, until very recently, few who accepted the authority of the Church questioned the truth of the concrete and universally valid moral norms she has taught and still teaches; the problem was one of practical violation. Practical violation does not call for definition, which addresses itself to faith, but for discipline, which addresses itself to hope and charity. Second, the function of definitions of faith is not simply to put the seal of infallibility on a certain proposition, but also to obtain the formulation of the proposition itself as normative for Christian discourse and reflection. In the case of moral norms, no one was ignorant of the formulae, nor of what they meant. Third, definitions of doctrine indicate to the believer what he must accept with an assent of faith as a condition of salvation. Moral norms pertain to salvation not so much by obtaining intellectual assent, even of faith, as by obtaining the serious effort of fulfillment--what is at stake is not saying: "Lord, Lord;" but the doing of God's will, or at least, the effort to conform oneself to it. Thus, the universal and constant teaching of the Church that certain concrete modes of behavior are ^{always} serious matter is equivalent in the moral sphere to a dogmatic definition in the sphere of faith.

Father Fuchs emphasizes respects in which moral teaching at the concrete level is subject to development and asserts that "before there is question of 'decision' the 'teaching' Church is in all instances a 'learning' Church" (p. 426). This position is certainly correct with regard to the developments, specifications, and explications of fundamental, concrete and universally valid norms. But absolutely speaking, there is no Church

to learn until some teaching has been given. In other words, the impetus of divine revelation is the origin of the process of the Church's teaching, and there is no Church to learn unless this initial teaching has formed it.

Another way of putting the point I wish to make here is that if one wishes to appeal to the experience and evaluation of the ecclesial community, or even of a certain group within it, as a criterion for moral decision by the Church as such, then there must be some appropriate criterion according to which the experience ⁱⁿ ~~is~~ question qualifies as Christian in its *quality* ~~form~~. If, for example, those who accept the Christian teaching that marriage is a bond of fidelity at once exclusive and indissoluble find by their experience that sexual intercourse can express the genuine reality of marital love, even when procreation happens accidentally to be impossible, then their insight can qualify as a discovery by the learning Church. But if those who do not accept and seriously try to practice the Church's firm and constant teaching that contraception is to be excluded from married life discover by their experience that ~~adultery~~ seems sometimes justified as a means to maintain interest, and thus harmony, in a given marriage, then there is good reason to question whether the discovery contributes to the learning Church. And if those who do not regard adultery as always unjustifiable, discover that marriages inevitably break down and that a celibate life in separation from one's former husband or wife is intolerable, then there is additional question about the quality of the experience. The same difficulties arise with respect to the experiences of priests who in pastoral practice condone the violation of moral norms, and concerning the rationalizations of theologians who attempt to provide a theological basis for such practices. If experience of the life of Christians is to be a locus theologicus, there must be some criteria which indicate that the experience is Christian, not simply a matter of conformity to the style of the world.

Father Fuchs argues that the Church

arrives at norms of moral conduct only by way of a long process of learning to understand and ^{to} evaluate. And this comprehension and evaluation are accomplished not only by the hierarchy of the ecclesial community who, it may be, ultimately provide a decisive orientation, but by the Church as a whole, within the community of believers--where, not rarely, a special role falls to the theologians. It is far from true that a moral question is submitted to the pastors of the Church, so that in solitary reflection they can reach an authoritative decision. (pp. 425-426).

This statement certainly makes sense when it is applied to moral norms other than those which are universally valid. Even in cases of norms which are universally valid, it might be worthwhile for the magisterium to consult widely, to establish various study groups and commissions, to welcome advice from all quarters, and to deliberate carefully about the formulation and expression of the unalterable norm before reaching the point of reasserting it. Such a process would wrongly be taken as indicating that the norm in question was in doubt, and thus not binding. Theologians, if they were fulfilling their task most effectively, could be most helpful in making clear why the norm in question presented difficulty, and how it might best be expressed ^(and explained) so that it would win ready acceptance and serve effectively in the building up of the body of Christ. At the conclusion of such a process, it would be strange indeed if it were suggested that the process had never occurred, merely because the "decisive orientation" provided by the magisterium did not respond to the wishes of many whose voices had been heard, listened to, and carefully considered.

Nothing which I have said is intended to exclude the possibility of legitimate development, even in respect to the explication, refinement, and reformulation of fundamental, universally valid, negative moral norms. Clearly, the exclusion of direct killing of the innocent has developed; personally, I expect that further developments will make clear that capital punishment and most forms of modern warfare also are incompatible with the

divinely revealed evaluation of the sacredness of the life of the human person.⁴⁵ But development is one thing, while reversal of fundamental principle is quite another. On what ground could the ecclesial community reach moral certitude that the killing of the innocent is sometimes permissible?

¶ The difficulties which Father Fuchs points out in respect to a timeless statement of moral norms also afflict the statement of fundamental dogmas. If the whole of Christian teaching is not to be subjected to a process of dialectic oriented by no stable principles, therefore, the decisive role of the magisterium must not be conditioned by "it may be." Moral questions, *like all* ~~no more than~~ matters of faith, are ~~subject~~ *not susceptible* to certain settlement apart from an existential disposition to submit oneself to a truth one may not be able fully to understand. Matters of faith involve mystery; moral questions can cut against dispositions contrary to values, which render one incapable of objective judgment in his own case.

In a number of places in his article (e.g., pp. 437-440), Father Fuchs seems to suggest that the moral norms developed and accepted in a given culture are concretely normative--and thus "absolute" in the sense of objectively true--for that culture. He does not wish to regard this position as cultural relativism, and when dealing with the question of the status of woman in the teaching of St. Paul even suggests that we can determine whether the norms of his culture or of ours are more suited to "the nature of women in society" (p. 420). The latter suggestion seems to indicate that there are some transcultural norms, and that even if human nature changes (p. 429), the nature of woman does not!

Recent thought in anthropology tends to replace the cultural relativism earlier prevalent with the view that the variety and development of cultures is an expression of efforts to serve the metacultural reality of a universal human nature.⁴⁶ But there are also three difficulties in

any attempt to regard the given reality of any concrete culture, including its existing norms, as objectively normative. First, there is the problem of proceeding to "ought" from "is." The fact that a certain culture has certain norms cannot be a justification of those norms; otherwise, there is never a ground for criticism and development. Second, there is the very real and important problem, mentioned earlier in this paper, of the multiplicity and conflict one finds within any actual culture. It is easy enough to talk about the marriage-style normative in the Congo, for example, but such talk is meaningless, as we saw above. Third, even if one were able to discriminate a certain grouping as a discrete and integrated culture, and even if one were willing to accept its existing norms as ipso facto objectively valid, there would remain the problem of discovering an unambiguous and authoritative formulation of the norms in question.

I think that in the history of philosophy, Hegel's notion of the morality embodied in the concrete reality of the nation("das volk") comes nearest to expressing the sort of ethics projected by Father Fuchs in those passages in which he stresses the relativity of concrete norms to the social-cultural conditions.⁴⁷ However, I see no reason for accepting Hegel's concept of the ultimacy of "das volk" and a number of excellent philosophical reasons against it. Among these reasons, apart from general defects in Hegel's philosophy and the closed dialectic which is his method, are the points mentioned above, especially the question of locating a discrete and integrated reality (not mythical entity) which can be called "das volk."⁴⁸

If any social reality has the qualifications needed to provide cultural norms which at the same time are objectively valid as moral norms, that society would seem to be no socio-cultural reality in which Christians find themselves other than the Church itself. For the Roman Catholic, at least, there is some reason to suppose that the established norms of the

community have an objective validity, there has been (at least until recent years) a reasonable chance of identifying the discrete and integral reality of the community which constitutes the visible Church, and there has been an authoritative source of unambiguous formulation of the moral norms accepted as valid in the community.

This suggestion might seem odd, indeed. Yet Vatican Council II seems to regard the norms of the ecclesial community as established, and the norms of various cultures and societies which the Church encounters as subject to judgment, rectification, and transformation (Lumen gentium, 13).

The Council teaches:

Through her [the Church's] work, whatever is good in the minds and hearts of men, whatever good lies latent in the religious practices and cultures of diverse peoples, is not only saved from destruction but is also healed, ennobled, and perfected unto the glory of God, the confusion of the devil, and the happiness of man (ibid., 17).

And again:

The good news of Christ constantly renews the life and culture of fallen man. It combats and removes the errors and evils resulting from sinful allurements which are a perpetual threat. It never ceases to purify and elevate the morality of peoples. By riches coming from above, it makes fruitful, as it were from within, the spiritual qualities and gifts of every people and every age. It strengthens, perfects, and restores [Note omitted] them in Christ (Gaudium et spes, 58):

The Council also indicates that the Church is enriched from and learns from the various cultures it encounters. But the Council's attitude certainly seems to indicate that the Church as mater et magistra has first to teach, second to learn, then again to teach, and so on.

Most of what I have to say with regard to the subject of natural moral law already has been stated in the first, philosophical part of this paper. Father Fuchs proposes to examine natural moral law (pp. 428-432) as if to find there a distinct locus of the universal moral norms which he does not find in revelation (Scripture) and the norms of the ecclesial

community. I am inclined to agree with his view that there is no such distinct locus, since natural moral law cannot correctly be imagined as if it were a code, written somewhere, ready to be consulted. In any case, so far as moral theology is concerned, the universal norms which are relevant are those which are somehow or other included in revelation. The natural moral law is of interest only insofar as the actual development of moral teaching in the Church, which is an unfolding of revelation, has made use of this concept to signify certain universally valid principles.

Father Fuchs suggests that human nature itself changes. There is a legitimate sense in which this can be said; man is a self-developing reality, as explained in the first part of this paper. But it also should be noticed that there are theological limits to the assertion of the change in human nature. Human persons of all ages are saved only through their sharing in one and the same nature with Jesus Christ, who deigned to share our nature in order that we might share his divinity. A human nature which transformed itself so far that it no longer was the same as that which the Word of God assumed would have no link with this one mediator. This point is not merely offered as a contentious argument; philosophers such as Nietzsche, Marx, and Dewey precisely did project, in their various ways, a radical transformation of man's nature. Their idea, of course, was to find in historical process a substitute for the transformation into divine life promised by Christian faith, but in their case, the grace they offered did not perfect nature without supplanting it.

If one wishes to insist upon the historicity of man rather than upon his nature, stressing the dynamic rather than the stable principles of the process, the same conclusion follows. Jesus Christ entered into history and performed within it the redemptive act of his life, passion, death, and resurrection. Only by uniting our lives with this fundamental

act can we be saved. In order that this unity be possible, we must understand that historicity and temporality are by no means one and the same. Temporally, Christ's death and resurrection occurred long ago; historically, we can live together with this redemptive act. Jesus is the same yesterday, today, and forever (Heb 13:8); the sacrifice of the Mass is one with the sacrifice of Calvary, and the communion of the Eucharist is ad vitam aeternam. *(a union of our lives in Christ's act)*

If anyone assumes that historicity does not presuppose a transtemporal unity, he cannot live in the day of salvation. But the very transtemporal unity by which we can be present with the redemptive act of Christ includes the value of overcoming death, of knowing the truth, of living in friendship.

Father Fuchs stresses that man is person and nature in one. He does not mean this in a strict, theological sense which would preclude the possibility of the Incarnation, but only that the nature of man has no reality extrinsic to that of the person who is human (pp. 430-431). Thus he says:

understood
Nature is not ~~thought~~ as human, unless it is thought of as a personal nature. Thus, it is not enough to say nature (for example, sexuality) "belongs to" the human person.

And he states that this terminology occurs in the encyclical, Humanae vitae, 10 (pp. 430-431, with note 18). As a matter of fact, the terminology does not occur in the encyclical; Pope Paul instead was asserting that "reason discerns in the power of procreating life biological laws which pertain to the human person" (emphasis added). The point is not that nature or sexuality is extrinsic to the person; the point is that because one is dealing here with the biological laws of human sexuality, these laws are intrinsic to the person. "Pertinet" means intrinsic determination, not extrinsic possession. Pope Paul stressed this point because of the dualism evident in the arguments of proponents of contraception, when they objected that the merely biological laws of sexuality (as they saw them) could not be normative for the human person.

Father Fuchs accepts the view that conscience applies objective --that is, true but not universal--behavioral norms to concrete cases. But he regards the full significance of conscience as something deeper than mere application:

In terms of the concrete situation, then, it is clear that the norm of action cannot represent an exhaustive judgment of the actual reality, and that the actor must judge in ~~the~~ light of his conscience to what degree a norm of conduct corresponds morally to a given situation.

Insofar as only the ratio (recta ratio) of conscience judges the reality ultimately and comprehensively in terms of the concrete element in it that is to be actualized, it exercises merely an auxiliary ~~function~~ function, as compared to the ratio (recta ratio) of behavioral norms (433).

The context seems to call for the statement that behavioral norms are auxiliary to conscience rather than the reverse, and perhaps that is what was intended. In any case, the sense is clear: a general norm of any sort is conditional, inasmuch as the concrete reality actualized in and by the act is what is ultimately significant. Thus, the judgment of conscience is the only ultimately decisive criterion of morality.

Does this imply that conscience cannot err? No, Father Fuchs specifically states that conscience can err and sometimes does, and that there must be an effort to make the judgment (ratio) of conscience recta ratio (p. 432). The criterion of rectitude of the judgment of conscience is in the evaluative process by which pre-moral values and disvalues are weighed (pp. 435-437); this is the theory of moral reasoning criticized above in the first section of this paper.

Father Fuchs also holds that the individual is to act in the light of his situation-conscience, not directly in the light of norms (p. 454). But he does not wish individuals to form their judgment arbitrarily; he insists upon a role for the ecclesial community in formulating norms which are objectively valid, although not universal, and which represent "orientation toward concrete human (total-) reality" (p. 423). At the same time, he

suggests that moral-theological reflection might ^{find} ~~discover~~ that accepted norms ~~might~~ need to be "re-thought." This could happen either if it were discovered that in the christian past, false norms were set (perhaps in virtue of a practically unavoidable mistake), or because accepted norms turn out to be imprecise or insufficiently explicit in their limitations, or because received norms "can be related very accurately to a social situation, a culturally conditioned evaluation, a partially developed self-concept, and the like" in virtue of which those evaluations are for us definitively past (pp. 453-454). Precisely how moral theology is supposed to reach such conclusions is not explained at this point, but it seems that the general idea of weighing consequences and considering the present socio-cultural situation would have to be the method, since none other is offered. These methods have been criticized already.

The important point with regard to conscience, however, is that ^{Father} Fuchs goes on to argue that

. . .doubts and reversed judgments occurring justifiably in a [christian] community can also, naturally, influence the mental attitude and the formation of conscience taken by the individual according to his capacity and responsibility, when he decides to participate in the reflective evaluations of his community and follow the judgment of his adviser. Doubtless, much depends on a responsible discernment of spirits, perceptible through [note omitted] and dependent upon a moral faith-instinct (K. Rahner), which, however, must not be equated with mere susceptibility to what has been traditionally handed down (p. 455).

Furthermore, Father Fuchs suggests that when all norms are considered, there also remains the possibility of an exception in a justified individual case. Such an exception, if really objectively justifiable, must be dealt with along the lines of moral-theological rethinking, since the exception probably will be presented as a rule in similar or analogous cases, which can therefore "be carried through to^a competent (not necessarily authoritative) judgment" (p. 455).

Since the ways in which Father Fuchs proposes to establish moral objectivity already have been criticized, the present question will be concerned only with his notion of conscience, assuming that there are some objective methods for its rectification, even though they cannot be those he suggests. Conscience, for him, really is the ultimate standard of what is to be done. Although conscience can be mistaken, it is an ultimate authority, capable in principle also of setting aside objective norms accepted hitherto in the community, either by following moral-theological advice, or in a particular case on its own reflection. Conscience also is a judgment which, when it is correct, Father Fuchs identifies with recta ratio. Each of these notions must be examined.

Perhaps the best point from which to begin examination is by going back, once more, to the school of exegesis. According to the careful study of C. A. Pierce, "conscience" in the New Testament means 1) a painful reaction in man's nature or the capacity of such reaction 2) to one's own past (or already begun) action or one's character as involved in such action 3) fallibly indicating that what one is doing or has done is wrong.⁴⁹ Conscience is characteristic of man as man, not peculiar to the Christian, and it is far from representing the best source of moral information. "Conscience" would be rightly used in sentences such as "My conscience is bothering me" or "I have something on my conscience" but it would not be correctly used in a statement such as "My conscience tells me that what I ought to do in this situation is such-and-such an act." The latter is not New Testament usage because of the reference to the act to be done--precisely the role which Father Fuchs wishes to assign to conscience. Much less would "conscience" as it is used in the New Testament be correctly used in a general statement such as "Christian young people may responsibly decide according to their consciences that in certain circumstances fornication is permissible and even obligatory for human and Christian self-fulfillment."⁵⁰

Moreover, in Pierce's view, it is inappropriate to regard a clear conscience as evidence at all secure that one is not guilty of sin, ^{not only} since conscience can err, but also since his reading of the New Testament texts indicates that conscience is much more a negative guide than an assurance of validity about what one has done.

Speaking as an Anglo-Catholic, in view of his study of "conscience" in the New Testament, Pierce deplores the advice given by Church leaders that people "act according to conscience." For, he explains, what is meant today by "conscience" is some sort of mixture of reason, emotion, and habit which comes nearer to the classic idea of "choice" than to the New Testament concept of "conscience"--the latter being as much a second-rate and undependable norm as any legal code, but nevertheless at least valid so far as it went.⁵¹

In this context, Pierce says:

The Church is nevertheless right, and has the duty, to teach that Conscience is inviolable; that any action must be stopped or, if too late, repented, if it has awoken conscience. Nor would any authority be justified in overruling it in this sense. But to allow men to suppose it infallible, while understanding it in a sense wider to a ludicrous degree than any it has in the N.T. is as great a disservice to them as can be imagined. It is nothing less than a complete abdication of the office to which she is appointed. She who is commissioned to proclaim to men the self-revelation of the One God, Creator and Lawgiver, King and Father; she whose first creed was 'Jesus is Lord'; she upon whom the Holy Spirit rests with power, whose Apostles can assert that they 'too have the Spirit of God' (1 Cor 7:40) and can tell the most refractory little ones that they 'have the mind of Christ' (1 Cor 2:16); she who has not only the power but the duty to bind and loose on earth (cf. Matt 16:19, 18:18); is in these last days content to abandon her children to a 'nursemaid' [note omitted] only authorized to act when all else has failed and they are rushing headlong into disaster, and then not with advice, counsel or guidance, but only with deterrent pain.⁵²

From this it would seem to follow that a moral theology which seeks to be faithful to the perspectives of the New Testament would do well to look for a less misleading word than "conscience" as an appropriate expression in English for the ultimate practical judgment.

Of course, Father Fuchs is not using the word "conscience" either in the narrow sense Pierce finds in the New Testament or in the very loose sense it has in modern English, and which Pierce deplors. What Father Fuchs means by the word is closer to what Hegel calls "formal conscience":

Conscience is the expression of the absolute title of subjective self-consciousness to know in itself and from within itself what is right and obligatory, to give recognition only to what it thus knows as good, and at the same time to maintain that whatever in this way it knows and wills is in truth right and obligatory. Conscience as this unity of subjective knowing with what is absolute is a sanctuary which it would be sacrilege to violate.⁵³

Hegel also points out that conscience, as formal, can be in error; it is a merely subjective principle which requires an objective (non-arbitrary) content. For Hegel, this non-arbitrary content arises from the actual social-cultural order, as an objective ethical order; conformity to the requirements of one's place in society is thus the standard of moral rectitude. Why, one might ask, is such conformity not complete negation of the sacred principle of conscience? For Hegel the answer is that the actual ethical order represents the same spirit which is fundamentally the reality of the individual self; thus conformism is actually self-realization.⁵⁴

Father Fuchs seems to remove some of the objectivity Hegel assumed, although he initially stresses the role of the objective--though not universally valid[^] norms of the community~~^~~ by suggesting that the individual conscience can follow the implications of doubts and reversed moral-theological judgments, and ultimately make exceptions even to norms not yet called into question. His position is, in effect: How could it be otherwise? The universal or any collection of universals still leaves the concrete situation indeterminate; therefore, the conscience ultimately must determine. And inasmuch as the individual is finally responsible, he and he alone must in the last resort act upon considerations which are morally certain to him; he cannot abdicate this responsibility by blindly following authoritative

teaching (pp. 453-457).

It might be argued that the Second Vatican Council endorsed a concept of conscience which is close to that expounded by Father Fuchs. For the Council calls conscience "the most secret core and sanctuary of a man. There he is alone with God, whose voice echoes in his depths" (Gaudium et spes, 16). Apart from the fact that the use of the English word "conscience" to translate the Council's "conscientia" is not the Council's responsibility, and could be regarded as a mistake for reasons explained already, one also must note that the Council stressed two additional points in this context. First, in the depths of conscience man detects a law written in his heart by God, a law which is not imposed upon man by himself, a law which demands obedience, a law which is fulfilled by love of God and neighbor. Second, conscience can be invincibly ignorant, without detracting from its dignity; but the same cannot be said of "a conscience which by degrees grows practically sightless as a result of habitual sin" (ibid.).

Because the Council treats conscience as a capacity which can go wrong, the formation of conscience also is taught:

In the formation of their consciences, the Christian faithful ought carefully to attend to the sacred and certain doctrine of the Church. [note omitted] The Church is, by the will of Christ, the teacher of the truth. It is her duty to give utterance to, and authoritatively to teach, that Truth which is Christ Himself, and also to declare and confirm by her authority those principles of the moral order which have their origin in human nature itself (Dignitatis humanae, 14).

It should be noted that the Council does not say that the principles of the moral order which originate in human nature are not somehow revealed.

Suppose, however, the situation is one in which an individual, perhaps with the advice of moral-theological reflection, considers that he has serious reasons for a judgment contrary to that proposed by the teaching office of the Church; suppose, further, that the judgment proposed by the teaching office is not proposed explicitly as infallible. In such a case,

would an individual not be abandoning his personal responsibility if he did not follow his own conscience, even contrary to such an authoritative judgment? How can the individual accept an authority which is not convincing to him personally, without abandoning his autonomy and dignity as a free person?

In the first place, how can the individual be certain of his own position? What is in question whenever there is a disagreement in a matter of moral principle clearly is not a mere matter of fact, nor a mere formal truth which can be self-evident by virtue of its meaning. Moral truths are like neither of these; the fact of disagreement itself argues against the certitude ~~of either position~~ of either position. Thus, the individual who accepts authority is not abandoning certitude for obedience, but is yielding his prior opinion to what is--objectively--a contrary opinion.

Such yielding, nevertheless, would not make sense if one assumed that the authority accepted was itself no more likely to be sound than one's own opinion. But in case one is yielding his personal opinion to the authentic teaching of the magisterium, one is listening to a teacher speaking in the name of Christ and with the light of the Holy Spirit (Lumen gentium, 25). And this holds true even when the teaching is not irreformable. Of course, it is always important to bear in mind that a particular teaching (on a certain occasion) not proposed as such as infallibly taught--~~nothing~~ (was proposed as infallible) in the documents of Vatican II--can nevertheless be infallibly taught--as is much in the documents of Vatican II--on other grounds or in other ~~documents~~ documents.

The question of whether one abdicates his personal freedom in accepting the moral guidance of the magisterium when it is not humanly convincing to himself, ultimately is a question of faith. If one really believes that the Pope, for example, can speak in the name of Christ, and that his teaching expresses the guidance of the same Holy Spirit who has

been given us, in virtue of whom we are adopted children of God, then the acceptance as one's own judgment and will of such teaching is not an abdication of one's own responsibility and dignity. Rather, in this case, conformity to the teaching which is authoritatively given is self-appropriation, since one sees in the teaching one's best and most real self--one's own Spirit. On the other hand, to demand to be convinced by arguments is to demand that the manner in which one makes one's judgment be dispensed from the implications of faith, because even if the particular teaching is not in itself a matter of faith, the priority of the judgment of the magisterium to one's personal opinion is a matter of faith.

In effect, Hegel's point that the objective content which rectifies formal conscience arises from the actual ethical order of society--insofar as that order objectifies spirit with which one is identified in his deepest self--is a secularized version of a Christian truth. A Christian cannot locate spirit in the actual ethical order, but a Christian--at least, a Roman Catholic Christian--can locate and identify the objective guidance of the Holy Spirit in the actual teaching of the Church.

Still, has the Spirit not also been given to the entire Church, and in a particular way to theologians who enjoy a certain charism of their own teaching office? Of course, and the issue of whom to follow does depend upon a responsible discernment of spirits, as Father Fuchs says. But how one is to proceed in making such a discernment responsibly again is a question of faith. For some Christians, the final rule of faith is individual judgment prayerfully made after reflection upon the words of Scripture and of the Church; for some Christians, the final rule of faith is the "sense of the meeting"; for some Christians, the rule of faith is the consensus of the expert opinion of theological scholarship; for some Christians, the rule of faith is the binding or loosing judgment of an authorized magisterium.

Note that the question of faith, here again, is not the substantive issue-- the teaching in question--but how to discern the direction of the Holy Spirit in situations in which many voices within the Church express disagreeing positions, and all claim to speak on behalf of the ^{same} Spirit.

Still, it may be argued, the authoritative teaching proposed by the magisterium must remain a general norm; the final judgment of conscience is concrete. Therefore, however binding the norm might be, the judgment of conscience must go beyond it, and can in a particular case require an action which is different from that to which the norm in its generality seems to point. The Council, it is worth noting, told Catholics to carefully attend to the teaching of the Church, and to form their consciences in its light, which is quite another matter from saying that one must simply conform to the Church's teaching.

Two ^{kinds of} cases must be distinguished. First, there are all the cases in which the moral teaching is affirmative, or if negative, is not a universally valid negative norm. Second, there are cases in which the moral teaching under consideration is a universally valid and negative norm. In the first set of cases, one must attend to the teaching of the Church and form one's conscience in its light, but additional principles might determine the final practical judgment, such that the norm is neither fulfilled in this case nor negated in it. In the second set of cases, the formation of conscience becomes a simple matter of conformity, if one is really in the position of accepting the norm as binding. For a universally valid and negative norm--assuming it is also concrete in its terms--either is fulfilled or negated in the particular case to which it applies. The only function for conscience in such a case is to identify the performance as an instance of the forbidden type; such identification involves and can logically involve no principle, but is simply a matter of recognition.

In other words, if a moral theologian or philosopher accepts as a universally binding, negative moral norm the requirement that he never affirm something in a professional publication as true which he firmly believes to be false, then he will admit an obligation in conscience not to publish a certain sentence, affirming it as true, as soon as he recognizes that sentence as expressing a proposition he firmly believes to be false. The recognition is vital, but it is not a matter of an additional principle, argument, reflection. If the scholar feels it necessary to reflect--for example, to consider whether it might not have many good effects to affirm the statement as true even though he regards it as false--then it is clear that he does not ~~accept~~^{regard} the norm suggested as universally binding. In that case, such a scholar might find many good reasons to publish statements he firmly believed false, while pretending to think them true.

This is the reason why Vatican Council II was able to express itself not in terms of attending to the magisterium and forming conscience in light of the Church's teaching when it dealt with the matter of contraception. In this context, formation of conscience is equivalent to conformity to the norm; non-conformity to the norm simply negates it:

. . .but in their manner of acting, spouses should be aware that they cannot proceed arbitrarily. They must always be governed according to a conscience dutifully conformed to the divine law itself, and should be submissive toward the Church's teaching office, which authentically interprets that law in the light of the Gospel (Gaudium et spes, 50).

And the conclusion drawn in the next section (51) follows:

. . .children of the Church may not undertake methods of regulating procreation which are found blameworthy by the teaching office of the Church in its unfolding of the divine law.

This sentence concluded with a footnote reference to past documents of the magisterium bearing on the matter, mentioned the existence of a commission studying "certain questions" with a view to the final judgment of the Pope,

and indicated that the Council was not settling these "certain questions." The Council then proceeded immediately to an extremely important and almost universally ignored statement, a statement which justifies the authoritative intervention of the Church's teaching office in the matter in question:

Everyone should realize that human life and the task of transmitting it are not realities bound up with this world alone. Hence they cannot be measured or perceived only in terms of it, but always have a bearing on the eternal destiny of man (Gaudium et spes, 51).

In other words, the matter of procreation falls within the scope of the magisterium because it bears on salvation; the matter in question is one of divine law, which the Church neither makes nor perceives in human nature alone, but "unfolds" and "authentically interprets in the light of the Gospel." The character of the norm is such that conscience rightly formed in the light of faith--the conscience of a child of the Church--has no option but to conform to the norm of divine law.

Nevertheless, might it not be possible that an individual should feel himself certain not only that it is permissible but even that it is obligatory that he act in a manner which negates the norm unfolded by the magisterium, speaking in the name of Christ, claiming the assistance of the Holy Spirit? Certainly, many who are not children of the Church find themselves precisely in this position, on this and on other matters, and for this ^{very} ~~same~~ reason they are not children of the Church. But what about someone who at the same time regards himself as a Catholic? I do not see how such a position is possible from a logical point of view, for it is incoherent, but that does not by any means indicate that those who take it are insincere. In the depths of the conscience, as in the depths of the sea, there can be considerable obscurity, and that obscurity is likely to be intensified rather than mitigated if tons of printers' ink are dumped in the region through which the rather weak light of an individual's faith

has to penetrate. This is to say nothing of the possible case of which Vatican Council II spoke when it mentioned a conscience practically sightless as a result of habitual sin.

In other words, a sincere and upright conscience can be invincibly in error about practically anything. The ratio of conscience is not recta ratio. This is a point clearly made by Thomas Aquinas, who calls practical wisdom, not conscience, "recta ratio agibilium." Compared with the judgment of practical wisdom, the judgment of conscience remains theoretical; it tells what ought to be, but it does not determine what is to be. Conscience is based upon norms objectively apprehended; practical wisdom flows from values to which one is actually committed. Conscience can err because it expresses the best judgment of man's still-divided heart; practical wisdom is error proof because it manifests the simplicity of a pure heart. Conscience can be seduced into attempts to calculate net goods, following the model of techné (art); practical wisdom in its judgment always conforms to the orientation established in the soul by the magnetic attraction of the true, final end--salvation, with all that this includes. Conscience, in other words, remains for Thomas as it is for the New Testament, a second-rate and legalistic principle. Christian practical wisdom expresses love; its fruits are the fruits of the Spirit.⁵⁵ The extent to which Father Fuchs and others who are attempting to renew Catholic moral theology remain enmeshed in the problems of universal norms and conscientious judgments is evidence of the extent to which their efforts, unfortunately, are still enmeshed in legalism. Legalism is perhaps inevitable, but it is a shame when it persists in dominating an area from which almost everyone would like to expel it.

One final consideration with respect to conscience grows out of remarks which St. Paul makes about conscience in settling the question of

eating meat sacrificed to idols. To do so in a temple is always excluded, since that amounts to participating in idol worship (1 Cor 10:14-22). But when buying meat in the market or having something to eat at an unbeliever's home, one should ask no questions for the sake of conscience (1 Cor, 10:25, 27). The meaning seems to be that since eating the meat which has been sacrificed to idols is not wrong in itself in such circumstances, one is better off not to be scrupulous, for by asking unnecessary questions one is likely to end with a conscience--a sense of having done something wrong. But if someone else asks whether the meat has been sacrificed to idols, and it has, then one should not eat it, for the sake of the weaker individual's conscience, not for one's own (1 Cor 10:28-29). The reasoning seems to be that a person who knows there is nothing wrong in eating the meat might lead someone else, who is not so sure, to eat it, and in this way cause the weaker brother to suffer from a bad conscience. Thus, even though one has a right to eat, charity requires one not to.⁵⁶

If the interpretation is correct, St. Paul is sounding an extremely significant warning. When one is operating in the area where conscience is a factor--a situation which is not the ideal one of the spontaneous fruit of the Spirit--one must be careful not to scandalize a weaker brother even by doing something one knows to be objectively right, but such that his doing the same would give him a bad conscience. The implication is that those who have knowledge can sometimes bring others, by word or example, to do what those ^{there,} who are less sophisticated, cannot do with a clear conscience. To reassure a weaker brother that doing something is right, even when it is objectively right, may be no favor to him, for one's reassurance might be just enough to get him to act, but not enough to get him to act with a completely settled conscience.

This point is applicable to the responsibility of moral theologians

who confront a moral pronouncement of the magisterium which they think to be objectively mistaken. It has been argued that the moralist in this position has a responsibility in loyalty to Christ and the Church to dissent publicly and to inform the faithful that in his opinion they may responsibly decide according to their conscience that the act excluded by the teaching of the magisterium is permissible and even obligatory. The basis of the supposed responsibility of the moralist to act in this manner would be that by giving such advice he could free the consciences of faithful Catholics from what he sincerely believes is an unnecessary burden, and thus perhaps ~~even~~ prevent many from being driven away from the sacraments or out of the Church altogether by what he considers an erroneous pronouncement of the magisterium.

I have already explained that and why I consider such a theological opinion an invalid basis for Christian judgment; I see no reason to suppose that any theological ~~judgment~~^{opinion} in such a case can be acceptable as an alternative to the clear judgment of the magisterium. I do not therefore concede that the theologians' ~~judgment~~^{opinion} is correct. But I do concede that the theologians could be sincere, and thus the issue here is how they should regard what they are doing on their own assumption.

Granted, not conceded, that the theological opinion were correct and the judgment of the magisterium were mistaken, the problem for the theologian would still be more complex than has been realized. If we take into account St. Paul's point about the less sophisticated brother, the question should be asked: if the faithful can be led to follow the dissenting theological judgment, ~~can~~^{will} they be absolutely convinced that it is correct? In other words, is there a danger that some will accept the guidance of the theologians, yet not be convinced by them so completely that the acts contrary to the norm proposed by the magisterium will not still cause

a guilty conscience?

A convinced theologian might rejoin: "There is such a possibility, but it is a risk I have to take. After all, if I do not speak up, many will feel unnecessary guilt, and this can be removed by establishing in them the conviction that what they are doing is right--as I sincerely believe it to be." The position of the dissenting theologian, in other words, is that the magisterium itself is the source of scandal, and that he is simply trying to remove that scandal; if some are scandalized incidentally, that is too bad, but that is not his intent. Hence it is not his responsibility.

Still, there remains a significant difference. Granted, not conceded, that the theological opinion were correct and the judgment of the magisterium were mistaken, those who incurred unnecessary ~~scandal~~ guilt by violating the materially mistaken norm still could have recourse to the sacrament of penance to obtain mercy and forgiveness, provided that they still regarded themselves as guilty and were able to admit that guilt. However, those who adopted the theological opinion in practice and yet who could not overcome a sense of guilt could not consistently regard themselves as guilty, admit the guilt, seek forgiveness in the confessional, and ~~there~~ obtain mercy and grace. Moreover, having accepted a reason for acting contrary to conscience, ~~the~~ ~~and~~ and yet suffering pangs of conscience for which no remedy was available, such persons would suffer a progressive darkening of conscience, which might eventually affect not only the single matter which initiated the process, but the whole of moral life. ~~Eventually~~ ^{Eventually} ~~and~~, such individuals might cease going to confession altogether, might find their life as Catholics no longer meaningful, and might ^{in the end} ~~eventually~~ leave the Church.

The convinced theologian might be willing to admit this possibility, at least as a speculative possibility in some few cases. But he might argue that on the whole and in the long run, his dissent--which he considers sound--

still represents a service, for it helps to save those who not only accept his guidance but who are wholeheartedly convinced of the rightness of the position. Moreover, such a theologian might argue that his dissent has provided a basis for avoiding (what he sincerely regards as) a false formation of conscience in the future, and thus will forestall the unnecessary burden of ~~some~~ guilt on generations yet unborn. Perhaps it is necessary that a few weak brothers be lost in this generation for the sake of so great a benefit (as the dissenting theologian believes) for all members of future generations.

The argument has plausibility, as all consequentialist arguments do, and our dissenting theologian is very likely a consequentialist. Still, we might fairly ask him to grant, not concede, that the magisterium is correct and that his own judgment--certain though he was, sincere though he was, reinforced though he was by public reaction--was mistaken. Then what? Then it would follow that some in this generation were assisted to avoid ~~some~~ guilt, to do the ^{objectively evil} ~~forbidden~~ without suffering bad conscience. But others, whose "weakness" and "foolishness" happened to be--on this supposition--akin to the paradoxical strength and wisdom of God, which--on this supposition--^{with} was expressed in the name of Christ and the enlightenment of the Holy Spirit by the correct teaching of the magisterium, these others, little ones, weaker brothers, were led to perdition. Moreover, while formal guilt might be forestalled for some in coming generations, that result would--on the present supposition--be gained at a double cost, ^{First,} a crop of consciences invincibly in error about human goods which have a ^{and intrinsic} real bearing upon the eternal destiny of man, and another crop perhaps suffering qualms because of sensitivity to a divine law indelibly written in the depths of the heart, but lacking the reinforcement of sound teaching and the encouragement to admit these qualms and seek forgiveness. Second, a precedent would have been set such

that few would attend "to the sacred and certain doctrine of the Church" in forming their consciences on any matter. Of course, it was not dissenting theologians who first said, "Mater si, magistra no!" but dissenting theologians have given that attitude a seeming title to legitimacy which it never had before among those who regarded themselves as children of the Church.

Father Fuchs points out that in moral judgments, concerning really contingent realities, there is not a requirement for metaphysical proof, ". . . only a so-called moral certitude; with this we may be and should be content" (italics his, p. 457). As a general proposition, this statement is of course sound. But it is a matter of moral judgment, and a really contingent question, whether moral theologians convinced of an error in the teaching of the magisterium should publish their dissent--for example, in a statement saying that members of the Church may responsibly decide in accordance with their conscience that in certain circumstances the act excluded by the teaching of the Church is permissible and even necessary to preserve and foster human values and the possibility of salvation. I do not know whether--if I were a moral theologian convinced that the magisterium was in error and scandalizing the faithful--I would judge myself responsible in charity to publish my dissent or to withhold publishing it. I am sure that if I were a moral theologian who had the shadow of a doubt either about the substance of my dissenting position or about the charity of my motives, in publishing my dissent, then I would meditate prayerfully upon what scripture has to say about scandal, I would pray earnestly for the grace of repentance, and I would seek any legitimate means to repair what I had done. All the while, I would be aware that when I said there is a presumption for Catholics in favor of the truth of the magisterium's teaching, I would have to demonstrate the sincerity of that statement by my behavior in my work, not merely pay it

ceremonial lip-service before proceeding to my next denouncement of the unappealing image of a little man in a white cassock, anguishing in isolation over the final decision of a moral issue which affects the lives of practically all Catholics. (This image is not put forward by Father Fuchs, but it has appeared in serious writing by others, including moral theologians.)

There are three points, not directly related to Father Fuchs' article, upon which I wish to touch in conclusion, because they are important to see the matters discussed here in a correct context. These matters are: 1) the reality of a force of evil in the world and in history; 2) the reality of evil in our own Christian persons; 3) the need for compassion in the face of failure.

Scripture itself teaches clearly enough that evil is real. Some choose unbelief; the reality of freedom to say "Yes, be it done to me according to thy word" is also the reality of freedom to say "No, I will not be your slave." Moreover, the choice of unbelief and the real refusal to serve is not an altogether disorganized phenomenon. We fight against principalities and powers; we have an adversary who is eager to gobble us up. No age in human history is an unqualifiedly good age. The darkness can never extinguish the light, but the light has yet to overcome all darkness. Today, as ever, we live in a bad time, and it is the mission of Christians ~~to~~ to redeem it (Eph 5:16).

Speaking of the missionary activity of the Church, the Second Vatican Council pointed out that such activity frees from taint of evil, overthrows the devil's rule, and wards off the many forms which malice takes (Ad gentes, 9). In considering this teaching, we should bear in mind that the entire world is missionary territory; the evangelization of Rome itself is a task still incomplete. To a great extent, western Europe and the Americas are pagan lands. The Council also taught that atheism can

be chosen as such, but wisely added that not all who seem to be atheists and who think of themselves as such really are (Gaudium et spes, 19-21). A correlative truth, not stressed of late, is that not all who think of themselves as believers and who seem to be so truly are: "Not everyone who says to me, 'Lord, Lord,' will enter the kingdom of heaven. . . ."

The Second Vatican Council also taught that the world is infected by sin. A struggle against the powers of darkness pervades human history from beginning to end. Man must wrestle constantly if he is to cling to what is good. There is in the world a spirit of vanity and malice which makes into an instrument of sin what should serve God and man; this spirit is what is meant by "world," the Council explains, in St. Paul's teaching: "Be not conformed to this world" (Rom 12:2). The force of sin in human history can be overcome only by the cross and resurrection of Christ (Gaudium et spes, 37).

Good Pope John, always the man of Christian hope and joy, viewed the goodness in the world with joy, but also its evil with sadness. He expressed himself unmistakably; gazing on the world as Bishop of Rome he observed a spectacle joyful, on the one hand,

. . .and sorrowful, on the other hand, where man's liberty is abused and compromised, where man does not see the heavens opened, and refuses to believe in Christ the Son of God, Redeemer of the world and Founder of Holy Church, and turns wholly to the search of the so-called goods of this earth under the inspiration of him whom the Gospel calls the Prince of Darkness, the Prince of this world--as Jesus Himself calls him in His discourse at the Last Supper--to organize the contradiction and the struggle against truth and goodness, a nefarious position which accentuates the division between what the genius of St. Augustine calls the two cities, keeping ever active the forces of confusion so as to deceive, if possible, even the elect, and drag them headlong to ruin.⁵⁷

This statement was part of the allocution of January 25, 1959, in which Pope John announced the Roman Synod, the Second Vatican Council, and the revision of Canon Law.

The point of recalling these unpleasant facts of faith is to indicate two things. First, we must bear in mind that Christian truth and goodness faces an organized, powerful, and very real opposition. This opposition is not a myth¹ or a paranoid delusion. We can never take it for granted that what passes for "good" and "morally blameless" conduct among the better class of persons in our own society is therefore a standard of Christian concrete fulfillment of the promptings of the Spirit, of Christ² in faith and love. Second, we seriously err if we suppose that human history is unfolding toward an immanent perfection. There is no reason whatsoever to regard our time as better than that in which Christ was crucified and the early followers of Christ were slaughtered ~~en~~ in masse. We have seen horrors in our own lifetime³; how can we forget them? Not all persecution is bloody; some of the more effective is more subtle, but nonetheless malicious.

It follows from these two points that we should be inclined to read our Salvation History, at least, backward toward the time of Christ's death and resurrection, forward to the time of his coming. Between the two, we should keep in mind the possibility that specifically modern intellectual life could well be dominated by unbelief, that its philosophies could in great part be theologies of unbelief, that its social sciences and psychologies could be rationalizations and techniques of dehumanization, grounded in a principled, self-conscious, and systematic preference for the limited human good ^{over} ~~the~~ the open world of the heavenly community. If we bear these possibilities in mind, at the same time refraining from judging and condemning those who seem to be unbelievers, we will perhaps be cautious about transforming the meanings and directions of Christian life, as laid down in the beginning and as carried out by a multitude of saints who have preceded us, into the sense and values of today. Historicity is a double-edged sword. We should perhaps take into account the possibility that human history, in its

permanent ambivalence, is rushing away from Christ as well as rushing toward him.

My second concluding point regards the reality of evil in our own Christian persons. Our Lord has taught us to say "forgive us our trespasses" (Mt 6:12) even as we confidently address Our Father. St. Paul has made the ambiguity which we find in our own Christian persons clear. We have spiritual and unspiritual selves; we are justified, but still to be saved (Rm 8:5-27). We do not always carry out our good intentions, because the "flesh" and the Spirit are pulling in opposite directions (Gal 5:17). We have an old self and a new self; even as Christians, we must put off the old self and put on the new self (Col 3:5-15). We are indeed saved, but we are still sinful, and we must be reprov'd and guided; we must put off the old man and put on the new man (Eph 4:17-5:15).

Insofar as we have been saved, we are adopted sons of God. We share even now in divine life. We belong even now to God's family. We enjoy even now the glorious freedom of the children of God. We do not need orders from anyone. Our lives are not so much a matter of works of ours, as fruits of the Spirit. We can forget about conscience; its pain is a symptom of a divided heart.

But there remains the other side of our lives. The problem is not that we are constituted of matter and spirit, nor that there is any other sort of metaphysical dualism in our makeup. The problem cannot be that, for all parts of human nature were equally created good, and all parts are equally redeemed by Christ. The problem is that we lack personal, existential integration. Our nature as human persons is vast and complicated; our selves have mazes within mazes. There is a certain point in myself at which I say yes and in which the light of faith shines; the Spirit, please God, is there. But there are distant reaches of my self at which I say no and

there darkness still prevails. The Spirit is not yet welcome, and He is much too gentle to force an entry where He is not yet welcome. Gentle, not weak; He could overcome me if He would, but He will not take me by force since He wishes the gift of divine love also to be a gift which I give to myself, thus from the very beginning of my divine life sharing fully in divine life, even so fully as to share in giving this life to myself.

This ~~situation~~^{inward} division, so great a cross, so wonderful a gift, means that I must still be evangelized. I must still receive guidance and direction. The new man has not yet come of age. He is still a child. He needs rules. He needs a Holy Mother Church to tell him what to do. He needs a Holy Father, a placekeeper for Christ, to remind him of the rules, and to insist that they be obeyed.

Throughout my life I experience myself as liable to sin, as actually sinning. Knowing that my heart is divided, I am sure that it is not to be trusted implicitly. Knowing that there are spirits as well as the Spirit, I am not overly confident about my ability to discern. True, the Christian in me is infallible; the new self needs no Pope. But the old self is not only fallible, but false and deceptive. The gift of direction for my life in the human person of a placekeeper for Christ might seem demeaning to me. But why should it ~~be~~? I only need this direction to the extent that I am not yet redeemed. And I receive the service of such direction through another man only because, once more, God wishes men to share his divinity, even to the extent that here and now, there is a man who has divine prerogatives: to speak infallibly, to bind and loose on earth and in heaven. The Spirit could do all of this without the Pope, no doubt, but then there would be that much less of God's life already shared with men. ⁵⁸

Finally, we need compassion upon sinners, and first of all upon ourselves. When Jesus was scolded for eating with sinners, he said that

he came not to call the virtuous but to call sinners (Mk 2:15-17; Lk 5: 29-32; Mt 9:10-13). On friendly terms with tax collectors and prostitutes, Jesus explained ^{by parable} that one who repents and does what his father wills is far preferable to one who assents but then fails to fulfill the will of his father (Mt 21:28-32). We have been made familiar with the story of the woman taken in adultery; it is one episode in the Gospels the obvious meaning of which I think has not been called into question by a single exegete or moral theologian (Jn 8:3-11). Perhaps we are less familiar with the faintly scandalous but infinitely significant affirmation that Christ is our compassionate high priest, one who is fully familiar with our human infirmity, because he has been tempted in every way in which we are, although he did not sin (Heb 4:15).

The point of recalling the need for compassion also is twofold. On the one hand, if we were not sinners, we might be tempted to become such, when we consider the mercy of God. But we need not undertake any such presumptuous bid for mercy. We are sinners. The important point is to realize that this fact, while it lowers our self-esteem, is not altogether unfortunate. Sin permits repentance, repentance begets greater love. We could not love Jesus so much were we not aware that his death and resurrection has been for our sin. We are not so much forgiven because of our love, as we are forgiven because God loves us; we should not so much love God that we might be forgiven, as we should love him because he has forgiven us and will forgive us.

On the other hand, a moral theology which deprives us of a lively sense of our sinfulness is taking away one of the most precious possessions we have as Christians. If moral theology could take away our sins, not merely our sense of sinfulness, that would be wonderful indeed. But inasmuch as we are sinners--we must face it, not forget it--a lively sense of our

sinfulness is precious. We must know ourselves if we are to love ourselves properly. No one can love God whom he does not see, if he does not properly love himself who is his own closest and dearest neighbor. Perhaps it is wrong to say I am my own closest and dearest neighbor, but, after all, this is what we really think in our old, divided hearts, isn't it?

With respect to compassion, I wish to propose a position for moral-theological reflection. When I say that I propose the position for reflection, I mean precisely that; I do not wish anyone to adopt this view as a norm of pastoral practice, and I am ready to accept a judgment, whether definitive or not, of the magisterium on it.

The proposal is with respect to sins which persons who are and who wish to be Catholics find themselves falling into repeatedly. For example, alcoholism, some sexual sins, scolding the children, quarrelsomeness among husbands and wives, petty gossip, nastiness between brother priests living in the same rectory or sisters living in the same convent, and the like. Often we fall into such sins, but when we wake up, calm down, cool off, come to ourselves, recover our balance, and so forth, we recognize our sin and our guilt, we feel remorse, we wish to repent, we hope never to act so again--although, realistically, we expect that we shall.

My proposal is that in cases like this, regardless of the seriousness of the matter, one who keeps trying and who does what is in his power in between the times when he sins, ought not to be regarded and ought not regard himself as guilty of grave sin. Mortal sin would enter the picture only at the point at which one quit trying, failed to do what he could to forestall another fall when he was at his better moments, or settled into a permanent acceptance of the pattern as a necessary, although perhaps less good and regrettable, part of his life.

It should be noted that what I am proposing is not at all that the moral norms relevant to such cases are mere ideals to be attained,

not binding requirements of Christian life. If we were dealing only with ideals, then a fall would not be a sin at all; it would only be an imperfection. Avoiding the occasions, repentance after the fall, a purpose of amendment--none of these would be essential if we were dealing with ideals.

We often think of the kinds of sins under consideration here as "habits." In one sense they are habits, bad habits. Traditionally, a bad habit is a vice; habit, as we have seen, darkens conscience. But the habit which is a vice and which darkens conscience is called "habit" in a different sense. Habitual sins of weakness become habitual vices only at the point at which one is able to relax and to enjoy, to accept and to integrate the sinful practice as part of one's life. In other words, habitual sins of weakness, into which one falls repeatedly, but for which one keeps feeling guilty, against which one keeps struggling, the occasions of which one tries --when not under the spell--to avoid, for doing which one repents--such habitual sins of weakness precisely cannot be habits as vices and they cannot darken conscience.

I think that if the proposal made here is correct, two important implications follow from it. First, the mysterious phenomenon of the Catholic who commits serious sins, goes to confession and communion, again commits the sins, and so on, is resolved. Sins are being committed, but radical conversion is not occurring every day or every week. Sanctifying grace is not lost on each occasion of a fall. Still, the individual acts are sins; sin is not removed to some general attitude or ultimate commitment. It occurs ~~where we all know in our heart it does~~ ^{in the only place in which it can} occur--in the particular acts ^{including the acts which are} of our daily lives, ~~as well as in~~ larger commitments.

Second, the ordinary use of the sacrament of penance and the practice of frequent confession by Catholics can be explained, the need for it clearly seen. The sins are not formally grave, but they often are grave

matter. The humble Christian will want the assurance of divine mercy, the guidance of a sympathetic adviser, ^{and especially} the reinforcement of the grace of the sacrament in his struggle. If he fails to have recourse to the sacrament of penance on each occasion of sin, such a sinner will not be guilty of grave sin in virtue of failing to confess grave sins, nor when confessing need the penitent enumerate the specifications of the sin and the precise number of times it has been committed--assuming my proposal is correct--for the sin is not formally grave. On the other hand, if one does not have recourse to the sacrament of penance while one continues to ^{materially grave} fall into sins of weakness, then this failure to seek the help to be gained in the sacrament will be a serious matter in itself, for it will be a failure to do what one can to overcome the habitual sin of weakness. In other words, in a case such as this, not going to confession is very much like purposely entering the occasion of grave sin whilst one is not under the spell of the habit of weakness. 58

Finally, my consideration of the new moral theology might be objected to on the ground that I have treated it as if it were only a way of softening traditional moral demands. I am aware that the new moral theology has maintained all along that its ideal goal is not to mark out an easy life, but to make a more rigorous demand. Its ideal goal is not to relieve us of our obligations, but to get us out of the rut of supposing that our obligations as Christians are limited to a few specific matters. The ideal goal of the new moral theology is to make every Christian aware of his more serious obligations in justice and charity, to drive all of us out of the tight little system of tabus which marked out the few mortal sins whose avoidance, or timely repentance, would win us eternal life. The ideal goal of the new moral theology was to make us all understand that the moral requirements of Christian life are the demands of love of neighbor as oneself, and the implications of this insight for our moral lives would

be infinitely more extensive, and more stringent, ~~far more lively~~ than the demands of a simple set of rules set down by ecclesiastical authorities.

I understand all of this, and apart from the issue of universal negative moral norms, I applaud the ideal goal. But, being realistic, I think we must recognize that the ideal goal of the new moral theology does not seem any nearer realization in Christian life ~~or in practical teaching~~ ~~the message which really gets across to the faithful~~ than it was ten or twenty years ago. Indeed, the harder ~~and~~ the faster we ~~strive~~ ^{strive} toward the ideal goal of the new moral theology, the more it seems ~~to be~~ a lovely mirage which keeps receding before our eager eyes as we ~~advance~~ ^{struggle} ~~through~~ ^{contemporary} the ~~desert~~ ^{desert} of moral theology.

Apart from the question of realism considered in these objective terms, I, for one, am not sure that I am ready for the stringent demands projected by the ideal goal of the new moral theology. I think that when I am ready for them, I will not need moral theology or conscience to tell me what to do. The Spirit will gaze out ~~through~~ through my eyes of flesh and see what good ~~is~~ is to be done in the world. My heart will be moved, and Christ, not I, will live in me. And together we will renew the face of the earth.

NOTES

- 1) John R. Connery, S.J., "Morality of Consequences," Theological Studies 34 (1973), 396-414, provides references to and a critique of a number of authors, including Fuchs, who take a position similar to that under examination. Connery's critique depends upon some of the arguments against consequentialism which can be found in contemporary, secular ethics. I regard these arguments as plausible, but not as decisive; they depend upon an appeal to intuition at a point less fundamental than I consider it possible to go.
- 2) Someone might suggest that the solution to the problem is to be sought in intuition; we compare the alternatives and "see" which is better or "feel" the weight of greater value on one side than the other. This suggestion is made plausible by the fact that in concrete cases we can judge with a kind of moral intuition, as Father Fuchs says (p. 432). But against the suggestion are two points: first, the making of moral judgments by intuition and the justification of such judgments are two different things, as Father Fuchs also seems to recognize, since he does not propose intuition as a key to the problem of justification and does indicate (p. 455) that there is a basis for exceptions which is objective and demonstrable; second, it is not clear that a theory of justification such as Father Fuchs proposes can explain how we can make valid moral judgments intuitively. In modern secular ethics, consequentialist theories have been proposed as an alternative to various forms of intuitionism.
- 3) The appeal to "quality of life" has marked the debate on abortion; an extreme application of the idea is described by Frederic Wertham, A Sign for Cain: an Exploration of Human Violence (New York: 1966), 153-191.

4) Consequentialism emerged as a clear-cut position only in modern times; ancient egoism and sophistry were not moral theories, but rejections of moral objectivity. Modern consequentialists who were also determinists include Hobbes, Hume, Bentham, Mill, perhaps Hegel, Dewey, and Marx. It is noteworthy that an ethical theory of the Kantian type rejects both consequentialism and determinism. But the fact that one is a determinist does not necessarily lead to a consequentialist ethics; Spinoza and Nietzsche were determinists but not consequentialists, and the same is true of some ethical positions even in classic times--e.g., Lucretius and Plotinus.

5) Harry Austryn Wolfson, Philo: Foundations of Religious Philosophy in Judaism, Christianity, and Islam, vol. 2 (Cambridge, Massachusetts: 1962), pp. 452-453, summarizes the situation accurately; A. A. Long, "Freedom and Determinism in the Stoic Theory of Action," in Problems in Stoicism, A. A. Long, ed. (London: 1971), 173-199, shows that the Stoics he discusses were what would today be called "compatibilists"; Long also provides references to many other ancient authors. Compatibilism, though often regarded as an invention of David Hume, already was known to Suarez, who pointed out that it is just another form of determinism: Disputationes metaphysicae, XIX, ii, 8.

6) This is not a reference to St. Paul (Rom 8:28), which has a quite different meaning. The reference is to the notion of original sin as "felix culpa" and, more generally, to the traditional doctrine of divine providence, according to which God permits evil in creation only in virtue of the greater good which is to be achieved in its ultimate end, the goodness of which will consist in the heavenly community.

7) I have explained why neither traditional natural-law theory nor a consequentialism of the type Father Fuchs proposes can be satisfactory in my book, Contraception and the Natural Law (Milwaukee: 1964), 46-59; I

suggested that the objectionable theory of natural law has roots in Suarez, and unfolded the alternative in St. Thomas Aquinas in an article: "The First Principle of Practical Reason: A Commentary on the Summa theologiae, 1-2, Question 94, Article 2," Natural Law Forum, 10 (1965), 168-201. The proposal that human nature changes is discussed in the contraception book, 115-126.

8) Pius XII, Discorsi e Radio-messaggi, 13 (26 November 1951), 415-417, distinguishes direct from indirect killing in reference to abortion; my treatment of the topic is "Toward a Consistent Natural-Law Ethics of Killing," American Journal of Jurisprudence ~~and Legal Philosophy~~, 15 (1970), 76-91.

9) Thomas Aquinas, Summa theologiae, 1-2, qu. 20, art. 2-4, explains the traditional position, which is that the exterior act can have a malice secundum se which cannot be overcome by a good intention. Aquinas repeatedly cites the maxim, "bonum ex integra causa, malum ex quocumque defectu," to express the position that the principles of moral goodness are multiple; the moral act is not a simple, homogeneous unity, but a complex, the elements of which maintain a certain relative distinction, such that a defect in any principle of the act renders the whole bad, regardless of the perfection of the other principles.

10. The matter of the castration of the choir boys is too notorious to require discussion. It is noteworthy that Pope Paul III, in 1537-1538, tried to cut off the enslavement and spoliation of the peoples with whom western Europeans were coming into contact in the new age of exploration (cf. DS 1495; John Eppstein, The Catholic Tradition of the Law of Nations [London:1935], 418-420), but under powerful pressure he withdrew the sanction of excommunication, and Catholic theology gave this papal teaching about as much respect--as can be seen by looking at treatises on slavery

in standard theological works of the next several centuries--as the dissenting theologians gave Pope Paul VI's Humanae vitae in 1968. The precept excluding discrimination against those too poor to contribute to the offertory collection does not concern an offense directly against God; it is suggested by James 2: 1-7, and also by certain practices which were formerly in use in Catholic parishes and schools within my own experience; the justification was the dependence ^{of the pastor} on the good-will of wealthy parishoners. The exclusion of lying by scholars in their professional work is included here not because I assume anyone would violate it, but because I think it an example any Catholic moral philosopher or theologian would find hard to argue with. One might suppose that no consequentialist argument ever could be imagined for forcing children to engage in sodomitic intercourse; but let us suppose that a psychiatrist treating a seriously neurotic child is convinced that "acting out" of the child's fantasy of being sodomitically raped is a necessary part of the cure--would a consequentialist not regard an exception as necessary in such a case, relying on "expert" opinion? In an age of faith and religious fanaticism, the expert judgments of theologians were accepted as adequate warrant for torturing and killing heretics and unbelievers "for the greater good"; in an age of unbelief and technological fanaticism, the expert judgments of physicians, economists, military strategists and the like are accepted as adequate warrant for all sorts of crimes against humanity "for the sake of greater goods."

11. St. Thomas Aquinas develops the primacy of the theological virtues in his moral theology, and especially the primacy of charity; the theme has been explored with care by a number of authors in the past two decades, and may be reviewed in a still valuable study of Gérard Gilleman, S.J., The Primacy of Charity in Moral Theology (Westminster, Maryland: 1959). Much of the "new morality" stresses love without clearly distinguishing

human benevolence from agapé; the dogmatic significance of love in the New Testament is ignored or completely misunderstood. Father Fuchs may understand Christian love correctly, but, significantly, there is no evidence in the present article of how he does understand it, since-- like almost all the other peculiarly theological topics he mentions, faith and love play only a negative role, and contribute nothing positive to his explanation of morality, the standards of moral objectivity, and so on.

12. The evolution of hope can be seen clearly enough by comparing the various stages of God's self-revelation recorded in the Bible. Abraham (Gen 15) accepts God's word that he will have offspring and a land in which they can dwell; in this way, death is overcome. When God finally reveals himself in person (Heb 1:1-4) in Christ, faith accepts God's word that we shall have eternal life--a participation in divine life and immortality in the body at once; thus, death is overcome and overcome superabundantly. I speak directly in the preceding paragraphs of "our divinity" and of our becoming "gods" to stress the genuineness of the adoption of sons and the real unity implied in "partaking in divine life." My meaning is not other than what the Church believes and has taught since the beginning; obviously, in an age of polytheism, when men were turned into gods by decree, the Church had excellent reasons to avoid the language I use. But a relationship of participation involves a real unity, and sonship implies for us something very like the inverse of the Incarnation--Christ shared our humanity by becoming a true man, we share his divinity by becoming "gods," by which I mean neither that there is more than one God nor that we become divine persons, but precisely that we become 4th (the Blessed Virgin Mary), 5th, and nth members of God's family.

13. Karl Rahner, S.J., Theological Investigations, vol. 1, God, Christ, Mary and Grace, trans. Cornelius Ernst, O.P. (Baltimore: 1961), 225, says

of Mary: "She who by her faith received salvation in her body for herself and for us all, has received it entire. And this salvation is a salvation of the entire human being, a salvation which has begun even in its fullness. Mary in her entire being is already where perfect redemption exists. . . ."

Charles Møller, "Renewal of the Doctrine of Man," in Renewal of Religious Structures, ed. L. K. Shook, C.S.B. (Montreal: 1968), 447-463, reviews many theological sources, especially Gaudium et spes, ^mphasizing the unity of man as the reality redeemed. B. Lonergan, S.J., De Verbo Incarnato (Romae: 1964), 569, points out the conclusion to be drawn from the effect of the redemptive act upon human goods: "Neque transformatio mortis per Christum ita propter bona nostra spiritualia fuit ut excluderentur bona corporalia."

James M. Connolly, Human History and the Word of God: the Christian Meaning of History in Contemporary Thought (New York, London: 1965), 155-200, reviews a great mass of work done toward the development of a Catholic theology of history; this problem, although quite distinct from the one under consideration here, is related in that human goods as such must be placed within the context of Salvation History, and many of the theologies of history suggest ways in which acts bearing directly upon human goods by that very fact bear directly upon salvation. (I by no means subscribe to all of the ways in which this conclusion is explained; in any case, many of the authors cited by Connolly are directly contradictory to one another on important points.)

14. Pope John XXIII, Pacem in terris, paragraph 149 (AAS 55 [1963] 297). explains that competence and technique must be elevated to the truly human order based on truth, justice, love, and freedom; and then adds: "For this end it is certainly necessary that human beings carry on their own temporal activities in accordance with the laws governing them and following the methods corresponding to their nature. But at the same time it is also

necessary that they should carry on these activities as acts within the moral order: therefore, as the exercise or vindication of a right, as the fulfillment of a duty or the performance of a service, *Reason also demands that men wholly join* as a positive answer to the providential design of God directed to our salvation, *the chief goods of the soul in their active life as scholars, technicians and professional persons with the realities of these areas.* *and not neglecting*

15. The Council's formulation of the issue undoubtedly was influenced very strongly by work which had been done in the area of theology of history, summarized in the treatment by Connolly cited in note 13 above. The Council does not explicate the consequences of this insight for the human moral order as such in the precise manner in which I am trying to explicate them. But the Council clearly has endorsed the principle that the salvation of man consists not only in the union with God or vision of God (which, however, is both principal in salvation and the principle of all else) but also in the integral perfection of the human person. At the same time, awareness of the plurality of proposals for a theology of history which existed before or by the time of Gaudium et spes should prevent us from assuming that the Council is endorsing a particular anthropology or theology of history-- e.g., that of Teilhard de Chardin, S.J.

16. Ockham's position is best explained in Super quatuor libros Sententiarum (Lyon: 1494-1496), II, 19, O. The only unalterable precept is that of love and obedience to God. James Kevin McDonnell, Religion and Ethics in the Philosophy of William of Ockham (Ann Arbor, Michigan; University Microfilms: 71-30,354), an unpublished Ph.D. dissertation, explains this and related points in Ockham's ethical theory. As in many other cases, Ockham puts his finger here on a major unsolved problem of medieval thought: how are moral acts which bear directly upon human, temporal goods relevant to man's eternal salvation. His solution is a pure extrinsicism. I think many others before and after Ockham have had recourse to a similar extrinsicism at the level of reflection, but have refrained from expressing themselves

as bluntly, because they somehow were aware that regarding man's moral life as a purely arbitrary task and test is worthy neither of human dignity nor of divine wisdom.

17. Someone might object that my position is in conflict with the express teaching of the magisterium, for example, the statement of Pius XII in Magnificate Dominum, November 2, 1954 (AAS, 46 [1954], 671-672), when he reproved those who wished to withdraw moral issues from the competence of the magisterium: "The power of the Church is not bound by the limits of 'matters strictly religious,' as they say, but the whole matter of the natural law, its foundation, its interpretation, its application, so far as their moral aspects extend, are within the Church's power. For the keeping of the natural law, by God's appointment, has reference to the road by which man has to approach his supernatural end. But, on this road, the Church is man's guide and guardian in what concerns his supreme end." Three points must be made in answer to the objection. 1) My position does not deny that morally good human acts also are means to the transcendent end of man, where ^{the} means is extrinsic to ^{the} end in the way that the metaphor of the road and the destination suggests. My position adds an intrinsic means-end relationship, of a sort which Pius XII neither affirmed nor denied, since he simply was not talking about the same question. 2) The conceptual structure of the question--the terms in which it is formulated--is accepted as the structure of the answer, which is indicated by the "'matters strictly religious,' as they say"; Pius XII does not unqualifiedly assert the validity of this formulation, but rather seems to call it into question, while expressing the essential point he wishes to ~~teach~~ ^{make}, which is the competence of the magisterium in moral teaching, particularly with reference to the matters in regard to which that competence was being denied. 3) Pope Pius does not deny that the natural law pertains to salvation and is somehow

included in revelation, rather he seems to assert the opposite when he says "by God's appointment"; still, the relationship between natural and supernatural is left unclarified, and this lack of clarity is what I am trying to remove in order to exclude the extrinsicism of Fuchs' position. As far as I am concerned, even if my argument is not correct, the ~~conclusion~~^{position} is so thoroughly established not simply by teaching (such as that of Pius XII) but also by the practice of the Church, that I do not think it reasonable to doubt that the concrete content of moral life is directly related to salvation; nevertheless, Father Fuchs is only one of many who are calling this ~~conclusion~~^{position} into question, and my point is that in doing so they are failing to appreciate the implications for moral theology of recent and sound developments in the dogmatic understanding of man and of salvation.

18. Support for my statements about revelation and tradition can be found in René Latourelle, S.J., Theology of Revelation (including a commentary on the Constitution Dei Verbum of Vatican II), (Cork: 1968), 250-252, 476-478; Yves M.-J. Congar, O.P., Tradition and Traditions: an Historical and Theological Essay (New York: 1967), 50-64, 156-176, 348-375. John C. Ford, S.J., and Gerald Kelly, S.J., Contemporary Moral Theology, Vol. II, Marriage Questions (Westminster, Maryland: 1963), 271-275, discuss possible ways in which the Church's teaching regarding contraception might be thought to pertain to revelation; it might be explicitly or implicitly in Scripture, explicitly or implicitly in tradition, or it might be ancillary to revelation. My own view is that while certain special moral norms might belong to the competence of the Church "sancte custodiendum et fideliter exponendum" (Lumen gentium, 25) the deposit of faith--e.g., that no theologian should in his professional work affirm as true a proposition he firmly believes to be false--most moral issues would not fall under the competence of the magisterium in this way. If one looks to the possible explicit and implicit moral

content of Scripture, I think a great deal can be found, especially if one does not limit oneself to a consideration of more or less general precepts, but also to considerations of virtues (for example, wisdom), exemplars (for example, the life of Christ, the life of Paul), modalities of action (for example, the Golden Rule, the demand for a firm commitment for or against the Gospel) and other factors. Again, it might not be as difficult as first appears to be reasonably certain that a certain moral precept is part of tradition in the strict sense if one looks for the testimony of tradition not only in verbal expressions of precepts, but also--even especially--in the penitential practice of the Church and in other aspects of her life. "Actions speak louder than words," is a maxim especially relevant to acts of the Church. When St. Paul ordered the Corinthians to excommunicate the man who engaged in incest, he could not have expressed himself more emphatically if he had said: "The Lord commands that one not do this sort of thing," but he does not formulate the precept in recto (1 Cor 5:1-6). Similarly, when the ^{universal} Church teaches that a certain mode of action is ^{always} contrary to God's will and is an absolute obstacle to salvation, an express statement of the precept as belonging to tradition in the strict sense would only explicate and thematize what is clearly involved in the practice.

19. Summa theologiae, 1, qu. 1, art. 1-4. It should hardly be necessary to note that "faith and morals" does not imply that moral norms are extrinsic to faith, but marks a distinction of moments within the unity of acceptance of the Gospel and living out the practical implications of that acceptance; also, as stressed in the Council of Trent, the stress on morals undoubtedly answered the exclusion of the relevance of "works" to salvation. If one wishes to see how morality belongs to the truth "in rebus divinis" one need only consider the traditional--and, I hold, valid--expression of

the relationship: "God wills that man should do thus and so, refrain from such and such." The theology I have proposed of Christian morality intrinsically related to salvation can be expressed in a parallel--but, I hold, only more explicit--formula: God wills that we share his life as integral persons, enjoying the perfection of our participation in divinity also in those goods which according to our humanity contribute to our reality as beings in God's image, and ^{which} according to our divinity as adopted sons contribute to our reality as members of Christ, conformed to him as men to a fellowman, whose assumed humanity is perfected not annulled by his divinity.

20. The exclusion of the principle, "the strength of the authority is no greater than the strength of the arguments," where the moral teaching of the magisterium is concerned is explicit in Pius XII, Magnificate Dominum, November 2, 1954 (AAS, 46 [1954], 672). Pope John XXIII, Mater et magistra, paragraph 239 (AAS, 53 [1961], 456-457) firmly restated the rights of the magisterium in the moral domain and the obligations of the faithful to obey, also concrete conclusions from general principles. Some exegetes of Lumen gentium, 25, have made much of the changes in various versions of the texts, modi submitted by some bishops, the handling of these modi by the relevant commission, and the like, not noting that the Council was not in control of this whole process, did not vote on each of the steps, ^{was} hardly responsible for what a secretary of a commission or a relator said, and was not voting on anything but the text, certainly not on the explanation of the disposal of modi. I do not say that the background of the document as it stands is altogether useless in understanding it, but the Council as such should not be made the subject of acts it did not do, and the Council's intentions can only be accurately discerned in what the Council as such did, not in the intentions of elements of the apparatus expressed in various working materials, much less in the expressed intentions of certain members

of the hierarchy speaking for themselves. The Council's intent as expressed in what it did do could be incompatible with the intent of an individual who nevertheless saw fit, for whatever reason, to vote with the majority on the final issue.

21. T. A. Collins, "Bible, VI, 2: History of Exegesis," New Catholic Encyclopedia, vol. II, 504d.
22. William Foxwell Albright, History, Archaeology, and Christian Humanism (New York, Toronto, London: 1964), 56; the entire essay in which he makes this comment is well worth careful reading.
23. Harvey K. McArthur, Understanding the Sermon on the Mount (London: 1960), 106-127, summarizes twelve interpretations.
24. Van A. Harvey, The Historian and the Believer (New York: 1966), traces developments in New Testament scholarship, especially among Protestant exegetes and theologians, from Ernst Troeltsch to recent times. His study is particularly interesting, because Harvey himself ^{thinks} ~~assumes~~ that one must accept rather positivistic assumptions on peril of begging the question in favor of faith and inspiration; it never occurs to him that the positivistic assumptions themselves, also as they are taken over and developed in Kant and in subsequent philosophy, are susceptible to philosophic criticism independent of faith. Also, Harvey shows how the developing tradition of criticism and theology did not really undercut the initial assumptions, but continued to work within their frame of reference, which embodies the prevalent Enlightenment attitude toward science (based on reason and evidence), on the one hand, and, on the other, faith (based on authority). The question which is never raised in Harvey's discussion--and which I think also is ignored by Catholic scholars who are not altogether free of the same set of influences--is: What if the thought-structures of the Enlightenment are not ideologically neutral, but constitute, in fact, a kind of apologetic and theology of an act of un-faith, the position of those who have heard the Gospel and purposely

refused to accept it? I am neither proposing that we attempt to pass judgment on the hearts of individuals, nor that every single person who contributed to the complex cultural phenomenon we call "Enlightenment" was a non-believer; least of all am I suggesting that we despise the truth to be found in such thought-structures. I am merely suggesting that we look for ^{the} assumptions and pre-commitments ^(which are) uncritically accepted by critics; still, if the Devil himself speaks to us, we would be foolish not to see what we can learn, one way or another, from the fact, the context, and the content of his communication.

25. Latourelle, op. cit., 475-484.

26. In my book Abortion: the Myths, the Realities, and the Arguments (New York and Cleveland: 1970), 117-184, I undertook a study of the tradition on that matter such as I consider necessary on other moral issues, examining the Catholic tradition also in relation to other related religious traditions which contributed to or separated from it. While direct abortion is a narrower question than direct killing of the innocent, almost all the passages I studied would relate to the wider issue as well as the narrower one, and I am quite confident on the basis of this study ~~on the statement~~ ^{excluding} that at least this norm--(direct killing of the innocent--is held by the Church and has been held as universally valid.

27. Rudolf Schnackenburg, The Moral Teaching of the New Testament (New York: 1965), 82-89.

28. Ibid., 132-143.

29. E. Schillebeeckx, O.P., Marriage: Human Reality and Saving Mystery (New York: 1965), 141-155. An example of the argument that the New Testament teaching on divorce is only an ideal, see: Dominic Crossan, O.S.M., "Divorce and Remarriage in the New Testament," in William W. Bassett, ed., The Bond of Marriage: an Ecumenical and Interdisciplinary Study (Notre Dame, London:

1968), 1-33. Crossan thinks that the "best way to understand this categorical imperative of Jesus is to^{re}place it in the redactional setting which Mt 5,31-32 has given it" (30), but he does not give any reason why this is best, which is especially peculiar in light of the fact that earlier in the essay, in summing up the four references in the synoptics to Jesus' teaching on divorce, he concludes: "The literary history of the four texts thus consists of two events. The development of an isolated saying whose time and place setting is completely lost, and its integration into the development of another pericope, that of a debate with the authorities" (12). In other words, the exegetical argument (which itself, of course, could be wrong) detaches the saying from all contexts, but the conclusion (exegetical? theological? personal?) finds a best context for it. Crossan even notes that while commentators have been quite ready to distinguish "ideal and program, perfection and development" in respect to the six antitheses (Mt 5:21-48), "there has always been a far greater reluctance to apply similar norms of interpretation to Jesus' prohibition of divorce and remarriage" (31). If one follows the rule of reading the Scripture according to tradition, this fact would indicate that Crossan has perhaps not found the best place to put the logion he detached from the four places it occurs. But if one regards tradition as a resource primarily useful to relativize what seems absolute in Scripture, then the argument makes a certain sense.

30. Lucy Mair, African Marriage and Social Change (London: 1969), 1-4.

31. Ibid., 73-114.

32. Ibid., 90-91.

33. Patrice Lumumba, Congo, My Country (New York, Washington, London: 1962), 117-126; this book was written in 1956, and published posthumously.

34. Schnackenburg, op. cit., 34-42. Indeed, if one regards the Old Testament as wholly without authority for Christians, the New Testament becomes unintelligible.

35. John Herman Randall, Jr., Hellinistic Ways of Deliverance and the Making of the Christian Synthesis (New York, London: 1970), 104-105, 145-158; Herbert Braun, Gesammelte Studien zum Neuen Testament und seiner Umwelt (Tübingen: 1962), 243-282.
36. Hugo Rahner, S.J., Greek Myths and Christian Mystery (New York, Evanston),
- 37: "If after a careful investigation of the source material we come across similar usages in the mystery religions, this simply means that we have encountered what Prümmer [note omitted] calls the law of correspondence between object and form . . . according to which a religious human being must always make use of certain primitive symbols with which nature has provided him whenever he seeks to express something that is no longer of this world but exists on a higher plane. The common element here is the symbolism that is built into our nature and uses the things that are common to all human life."
37. Randall, op. cit., 105, 154-156.
38. E. Vernon Arnold, Roman Stoicism (London: 1911), 414-432. There is no end to the game of explaining everything in the New Testament as adopted from somewhere else; Rudolf Bultmann, Kerygma and Myth, ed. Hans W. Bartsch, trans. Reginald H. Fuller (New York, 1961), 1-15, makes quick work of the entire Creed, all of which he regards as "mythology" which is easily explained by origin^{from}--but he also says is in essence nothing but--Jewish Apocalyptic and the redemption myths of Gnosticism; Albright, op. cit., 276-277, points out that the Dead Sea Scrolls and the Gnostic codices of Chenoboskion indicate Bultmann is wrong about Gnostic influence, since it appears that the Gnostics were Christian heretics, rather than the reverse, and there is nothing characteristically Gnostic in the writings of John and Paul.
39. Arnold, op. cit., 425-428.
40. Eduard Zeller, Stoics, Epicureans and Sceptics, trans. Oswald J. Reichel, rev. ed. (New York: 1962), 223-340.

41. Helen North, Sophrosyne: Self-Knowledge and Self-Restraint in Greek Literature (Ithaca, New York: 1966), 316-319; the same author does detect Stoic influence on the book of Wisdom, noting among other things that it says wisdom teaches the four cardinal virtues (8:7). The account of Christ's passion alone would have indicated his foolishness to any Stoic; he clearly should have committed suicide before going through the agony in the garden.
42. Cited by Hunter, op. cit., 53.
43. Schnackenburg, op. cit., 306.
44. Schillebeeckx, op. cit., 171-201, the reference to the need for a philosophical-phenomenological analysis, 196. Schnackenburg, op. cit., 250-254, treats the passages on the status of woman in Paul; his main point is that Paul is not indicating inferiority of women, but indicating an "order" of creation; the headship of the husband is defined in terms of service and sacrificial love.
45. For my reasons for hoping for such development, see my article cited in note 8 above.
46. David Bidney, "Cultural Relativism," International Encyclopedia of the Social Sciences, vol. III (New York: 1968), 544, points out that cultural relativism is not so prevalent among professional anthropologists as was once the case. He sums up: "In the last analysis, culture is not the measure of all things, but nature is, and there are more things in nature than are ever grasped through our human, cultural symbols. Culture is but our human means of adjusting to nature and utilizing its powers in the service of mankind. This postulate of a metacultural reality renders scientific progress possible and saves us from the culturcentric predicament of historic idealism, historic materialism, and evolutionary positivism." Bidney goes on to point out that some social scientists seek to exclude all but formal principles as universally common, but he regards this view as false

to the facts: "There are concrete cultural, universal values because there are universal needs, biological, derived, and integrative, common to all societies. These cultural universals are not merely abstract categories but actual regulative modes of conduct and norms of conduct common to all cultures. Such transcultural values may be called absolutes as well as universals. Cultural relativists tend to stress cultural differences but neglect the uniformities and common elements based on the imperatives of universal human nature." Among the cultural universals Bidney might have in mind is the universal prohibition of incest in the nuclear family. But it is also important to note that there can be more objectively sound moral norms than are recognized universally, just as there are more objectively sound truths (also naturally knowable ones) about God than are known to all men.

47. G. W. F. Hegel, Philosophy of Right, trans. T. M. Knox (Oxford: 1942), paragraph 33 with addition, pp. 35-36, 233-234.

48. W. H. Walsh, Hegelian Ethics (London, Melbourne, Toronto, New York: 1969), 49-58, suggests various criticisms of Hegel's concrete ethics.

49. C. A. Pierce, Conscience in the New Testament (London: 1955), 104-110.

50. This sentence is not Fuchs'; it is my own formulation, for the sake of example, modeled on one of the statements subscribed to by some theologians and others who dissented from the teaching of Humanae vitae.

51. Pierce, op. cit., 124-126.

52. Ibid., 124; the omitted reference is to Epictetus; Scripture references have been elevated from notes into the text.

53. Hegel, op. cit., 91.

54. Ibid., paragraphs 141-156, pp. 103-110.

55. The appropriate references to Thomas Aquinas and to studies on this question may be found in my article: "The Logic of Moral Judgment,"

Proceedings of the American Catholic Philosophical Association, 36 (1962), 67-76. Cf. Th. Deman, O.P., La prudence in Saint Thomas d'Aquin, Somme théologique, 2a-2ae, Questions 47-56, 2nd ed. (Paris, Tournai, Rome: ~~Mascher~~ ~~Mascher~~ 1949), 478-523.

56. Pierce, op. cit., 75-83.

57. John XXIII, Sollemnis Allocutio, January 25, 1959 (AAS, 51, p 67).

58. Fuchs says (425): ". . .the Church is seen often in an all too spiritualized way; how very much the Spirit is merely 'incarnated' in the Church is overlooked; in other words, how very human the Church is and remains despite the assistance of the Spirit." This statement is strange. It is hard to understand the meaning of "incarnated" in reference to the Holy Spirit; the spiritual and the human are set against one another; and there seems to be an implication that the human--e.g., Christ as man?--cannot have divine prerogatives. Statements similar to this have been made by theologians attacking infallibility in general; one wonders whether they take the Incarnation seriously and believe that we are truly children of God, or whether they look upon the Incarnation as a pretense, and think of adoption as a legal fiction, perhaps expecting salvation only by a fiat of the divine will hereafter.

59. In contrast with my proposal, see the careful treatment of this problem by John C. Ford, S.J., and Gerald Kelly, S.J., Contemporary Moral Theology, Vol. 1, Questions in Fundamental Moral Theology (Westminster, Maryland: 1964), 201-247. The alternative presented for choice in such cases is simply to do the act or to refrain; the individual must see the positive value in refraining, but can only do so as long as he manages not to deliberate for long about the possibilities. When I suggest that confession becomes an obligation, I of course mean it to be an affirmative one subject to some possible delay or exception; still, I think it a serious obligation, since it is an important means in the struggle and is normally easily available.