ARE THERE EXCEPTIONLESS MORAL NORMS?

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Chapter 8

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I. A Look Back

All Catholic moralists agree on the exceptionlessness of some general norms (Love God and neighbor) and of norms which only exhort people to do what they know is right (Always be fair to others). But some today deny norms which received Catholic teaching proposes as exceptionless: One should never masturbate, fornicate, perform homosexual acts, engage in adultery, divorce and remarry, contracept, induce abortion, or otherwise directly kill innocent persons.[1] In what follows, I refer to these as "disputed norms." The question is: Considered *as exceptionless,* are the disputed norms true?[2]

During Vatican II, debate surfaced about contraception. There were initial attempts (including that of the majority of Paul VI's commission) to find some way to justify contraception without denying other disputed norms. But by some time in the 1970s, almost all Catholic thinkers who felt that contraception can be justified agreed that the way to justify it is to argue that none of the disputed norms is true.[3]

Today, theologians who deny the disputed norms claim to be the mainstream of Catholic moral theology.[4] In fact, in affluent countries they dominate most academic professional associations, scholarly publications, and institutions of higher education. Moreover, they enjoy considerable popularity, and some bishops agree with them. But John Paul II, many other bishops, many Catholic theologians and philosophers, and a substantial segment of other Catholics, even in affluent countries, still hold that the disputed norms are true.[5]

Some presentations in workshops of previous years sympathetically presented some arguments *against* the disputed norms.[6] My assignment is to provide an overview of arguments for the disputed norms' truth and a critique of the contrary arguments.[7]

II. Arguments That the Disputed Norms Are Not True

1) Most moral norms admit exceptions. For example, one should keep promises, but may break them for good reasons. Classical moral theology—the approved authors—developed the principle of double effect and even admitted exceptions to the norm against killing, when the killing is indirect or is done as capital punishment or in a just war. So, holding that all the disputed norms admit exceptions simply is a straightforward way of accomplishing what moral theology formerly accomplished deviously.[8]

2) Human nature and social conditions change. So, one cannot know that any norm is exceptionless. For example, the Church once condemned usury (meaning, the taking of interest), but today does not.[9]

3) The disputed norms point out acts which usually have bad consequences. But sometimes not choosing to do an act of these

sorts has worse consequences—a poor couple not using contraception has a baby they cannot care for. In such situations, one should choose the lesser evil. For to choose the greater evil is absurd.[10]

4) General principles can be clear and certain, but as one moves toward the concrete, circumstances complicate matters. So, St. Thomas teaches that prudent judgments can make exceptions to general norms.[11]

5) To suppose that the disputed norms are true is unreasonable. For it is to suppose that some choices would be wrong regardless of circumstances. This supposition leads to excluding some possibilities from deliberation before considering everything, which is unreasonable.[12]

6) The fundamental principle of morality is to love God and neighbor. But it does not seem that acts contrary to the disputed norms—for example, acts of masturbation—always are contrary to love of God or neighbor.[13]

7) The Holy Spirit is at work in the hearts of all Christians, and so their judgment on matters of faith and morals constitutes a *sensus fidelium*. But today many Catholics and other Christians deny the disputed norms. So, these norms cannot be essential to Christian morality.[14]

8) Not allowing exceptions to the disputed norms is rigid, not compassionate, and pastorally disastrous. Many people are leaving the Church over these peripheral issues.[15]

III. Faith Teaches that the Disputed Norms Are True

Vatican II provides ecclesiological premises for two arguments for the disputed norms' truth. The first of these is based on the infallibility of the People of God as a whole.

Scripture, tradition, and, until the present debate began, the whole magisterium agreed in teaching the disputed norms. Indeed, apart from the norm excluding remarriage after divorce, all Jews and Christians held and handed on the disputed norms until quite recently. Far from regarding them as peripheral, people of faith

always believed that the disputed norms pertain to God's commandments, which they understood as stipulations of the covenant. So, to deny these norms is to say that the whole People of God held and handed on *as revealed* a set of norms which were actually false. Now, if that were so, the People of God as a whole erred in their faith. But that is impossible.[16] So, the disputed norms are true.

The second argument is that through many centuries popes and the bishops in communion with them taught the disputed norms as moral requirements reducible to the Ten Commandments, and so as pertaining to revelation, to be believed with divine and Catholic faith. That universal, constant, and most firm teaching meets the conditions which Vatican II articulated for the infallibility of the ordinary magisterium. So, although the disputed norms have not been solemnly defined, they have been infallibly taught.[17]

IV. An Explanation of the Truth of the Disputed Norms

The preceding argument only tries to show *that* the disputed norms are true. To understand *why* they are true, one must understand why any moral norms at all are true.

God made human persons to know him, love him, and serve him in this life, and to be happy with him forever in heaven. In heaven, faith and hope will pass away, but love will remain. Human free choices are self-determining and lasting, and so human persons in heaven (as in hell) will be shaped by the choices they made in this world. Indeed, as Vatican II teaches, all the good fruits of human nature and work will be found again, freed of evil and completed, when God refashions this universe into the new heavens and new earth.[18]

God initially creates people with unfulfilled potentialities so that they can help to create themselves, and in that way be more like him than if he created them from the start with greater perfection. Thus, in this world, God continues to create people through their own choices and acts. As Trent says, God's goodness is so

great that he wants his gifts also to be our merits.[19] Therefore, everything we do in this world should be cooperation with God's creative work, directed by hope toward his kingdom.

To enable us to cooperate, God gives us freedom of choice, and also equips us with some natural knowledge of his plan. This human share in God's plan is "natural law." It is natural because it is based on our natural inclinations to goods which fulfill us. It is law because it consists of practical insights which direct our actions in regard to those basic goods. These insights direct us to choose to protect and promote these goods in ourselves and others, and never to choose to destroy, damage, or impede them.[20]

What are these goods which fulfill persons? Vatican II quotes the Preface of the Feast of Christ the King, which describes what God has in view as "a kingdom of truth and life, of holiness and grace, of justice, love and peace."[21]

One can explain and expand that list by looking at the various aspects of human nature, to whose capacities these goods correspond.[22]

As *animate,* we are organic substances. Life itself—its maintenance and its transmission—and health are one sort of basic good.

As *rational,* we can know reality and appreciate beauty. Knowledge of truth and esthetic experience are another sort of basic good.

As *simultaneously rational and animal,* we can transform the natural world by using things to express meanings and serve purposes. Excellence in work and play is another sort of basic good.

As *sexually differentiated and complementary persons,* we can unite into indissoluble couples from whom new persons emerge. Another sort of basic good is marriage including the children who spring from and fulfill marital communion.

As *agents through deliberation and choice,* we can strive to overcome personal and interpersonal conflict, or, to put the matter positively, we can try to foster various forms of harmony, and these also are sorts of basic good: friendship with God, justice and neighborliness with others, the harmony of one's feelings with reason, and the conformity of choice and action to conscience.

For two reasons, however, we need to know more of God's plan than natural law tells us.[23]

In the first place, natural law does not tell us the full significance of doing what is right in this world.[24] Only revelation makes it clear that our first responsibility is to love God perfectly and to love our neighbor, and that only such love will enable us to fulfill all the requirements of God's plan. Only revelation makes it clear that in making choices during this life, we have more at stake than earthly happiness, that we should seek the kingdom first of all and that other goods will be included in it, and that we must will only good in order to remain open to communion with God who is infinite good. Without revelation, we would not realize that just as God, although he sometimes permits evil, wills only good, so human persons, made in God's image, should never will anything bad, although they sometimes may accept something bad when it is inseparably connected with willing what is good.

In the second place, humankind is fallen and redeemed. So, the implications of natural law are different from what they would be in an unfallen world. Natural law remains the same: it still directs toward the goods which fulfill persons. But in the fallen world the possibility of realizing these goods is greatly reduced, and the need to struggle against the consequences of sin is greatly increased. Jesus' life, death, and resurrection show what this means, and his teaching explains it. To be truly good, fallen and redeemed human persons must conform to moral truths even when doing so sacrifices this-worldly fulfillment for the invisible, hoped-for kingdom, and so seems foolish.

Thus, specific norms of morality follow from our awareness of God's plan, an awareness which we have partly by spontaneous insight into the goods which fulfill us as human persons and partly by revelation, especially by Jesus' example and teaching.

Nevertheless, most of the moral norms which flow from natural law and the Gospel admit exceptions. All the specific, affirmative ones do. For they direct us to protect and promote the various goods which contribute to the full being of persons. But nobody can always and everywhere do at once everything suitable to serve these goods.

Many specific, negative norms also admit exceptions. For they forbid us to do what *ordinarily* violates love of others—for example, to appropriate their property for our own uses. However, since

property does not directly fulfill persons, but is only a means to their fulfillment, sometimes the appropriation of others' property is compatible with love for them and required by love for ourselves or others in need.

However, some specific negative norms admit no exceptions. These are norms concerning kinds of actions which can never be chosen without a will at odds with one or more of the basic human goods. Since these goods are aspects of the full being of persons, a will at odds with them is contrary to love of God, of neighbor, or of one's self in communion with God and neighbor. Since God is absolutely good, one who loves him wills only good and never wills to destroy, damage, or impede any part of the being or full being of any person made in God's image.

For instance, denying one's faith and blasphemy are always wrong because they are contrary to love of God. Taking revenge—that is, harming others to get even—directly killing the innocent, and contraception are always wrong because they damage, destroy, or prevent the very being of another, and so are inconsistent with love of neighbor. Masturbation, fornication, and homosexual acts are always wrong because in them one treats one's own body, contrary to the truth of the matter, as if it were an instrument distinct from oneself to be used for gratifying experiences. Such treatment of one's body is inconsistent with love of self fulfilled in communion with God and neighbor. For those united in Christian marriage, adultery and divorce with remarriage are always wrong because they simultaneously violate the sacrament and marital fidelity.

These disputed norms play an important role in Christian life, for their very negations mark the boundaries of the field within which human persons can cooperate with God's creative work. For example, if married couples have no way of identifying marital love, they cannot pursue and foster it. But experience shows that attempts to define marital love positively regularly reduce it to certain skillful performances, psychological satisfactions, or social advantages. Even if couples manage to attain such goods, they only succeed in limited, joint projects, rather than share in the gift of the unique, unending communion which God wants to create with them and in them. So, God's plan defines marital love negatively, in terms of exclusive and permanent rights to marital communion.

Thus, the disputed norms excluding adultery and divorce with remarriage hold open the way for the constant growth and creative newness of marital love.[25]

V. Answers to Arguments Against the Disputed Norms

1) As has been explained, most moral norms do admit exceptions, but the disputed norms do not. To understand this more fully, one must notice that the disputed norms do not directly concern outward behavior, but rather concern willing at odds with goods which fulfill persons. The approved authors developed the principle of double effect precisely to identify acts in which one wills only good but incidentally brings about something bad.[26] So, in conceding that acts which indirectly bring about someone's death can be morally good, the approved authors did not admit an exception to the norm against killing the innocent. Capital punishment and the killing of combatants in a just war are not exceptions to the received norm, which concerns only innocent life. The tradition accepted the limitation of the inviolability of life to the lives of innocents because Scripture seems to say that God himself sets that limit.[27]

2) Nobody has shown that human nature has changed in any way that would falsify the disputed norms, nor has anybody even explained what such a change would be like. Social conditions do change, and such changes can affect the nature of human institutions such as money. So, interest-taking which would have been unjust in earlier times can be just today. In general, moral norms which concern human institutions can be falsified. However, the disputed norms concern, not human institutions, but divine ones: sex, marriage, and human life.[28]

3) It would be absurd to choose what one recognized as a greater evil. Indeed, if one finds something more good or less bad in every respect than something else one was considering, the latter loses its appeal, and one cannot choose it. But choices contrary to the disputed norms never are choices of something judged to be less bad in all respects than the consequences of following them.

Of course, sometimes those who follow a disputed norm accept bad consequences, such as suffering and death, in refusing to will something bad as a means of avoiding those bad consequences. Moreover, to avoid bad consequences, those who will only good sometimes must refrain from willing some good. For example, to avoid the bad consequences of having a baby, couples sometimes must abstain from marital intercourse. However, it is never clear that the bad consequences of conforming to a disputed norm will be greater than the bad consequences of violating it. For the consequences of human acts extend into the next world, and only God knows all of them. For example, those who try to justify contraception under certain circumstances compare possible futures with and without a possible baby. But they cannot foresee the possible futures of God's kingdom with and without that possible person. Thus, although those who will only good must take into account the good and bad consequences which they foresee, those who violate one of the disputed norms and will something bad cannot justify their choice on the grounds that the alternative is a greater evil.[29]

4) St. Thomas does teach that prudent judgments sometimes make exceptions to general norms. However, he also teaches the truth of the disputed norms. And the two are consistent, for, as has been explained, most moral norms admit exceptions, and prudent judgments make those exceptions when appropriate. But the prudent person has all the virtues, and so is not inclined to will anything bad. Thus, at the very beginning of any deliberation the prudent person excludes any possibility inconsistent with the disputed norms.[30]

5) Without considering everything, one would be unreasonable to exclude any possible act which one could choose while willing only good. However, one is reasonable in refusing even to consider actions excluded by the disputed norms. For, as has been explained, knowingly to choose such an action is to will something at odds with love of God, of neighbor, or of one's self in communion with God and neighbor. And, at the beginning of deliberation, the reasonable person rejects such possibilities as temptations. Nor do those who reject the disputed norms consider everything. They try to judge by what they foresee, but do not consider that they should cooperate with God's creative work according to his plan.

6) It is a mistake to regard isolated outward performances as if they were complete moral acts. Morality chiefly is in the heart—that is, in deliberate willing. Sometimes an act contrary to one of the disputed norms—for example, an act of masturbation—is not contrary to love of God or neighbor because the agent lacks sufficient reflection or full consent or both. It does not follow that such an act is morally good, but rather that it falls short of being a morally significant act. But if one deliberately masturbates, one fantasizes and wills others to be sex objects. And, in general, one who deliberately wills something bad contrary to one of the disputed norms implicitly wills a whole set of unrecognized implications. For instance, in willing to treat one's own body as a subpersonal thing, one implicitly wills that others' bodies have that status. But for the human body to have that status is inconsistent with its having the status implied for it by central truths of Christian faith: the Word becoming flesh, his bodily presence in the Eucharist and our need to receive it, his bodily resurrection and our hoped for share in it, and so on.[31]

7) Although some Catholics reject the disputed norms, many still hold that trying to live by them is essential.[32] Now, if the Holy Spirit works in all the faithful, still he does not contradict himself. So, one must discern which group's judgment manifests the Spirit's action.[33] Those who accept the disputed norms agree with their ancestors in faith, who handed these norms on; those who reject them agree with people who gradually abandoned the tradition and who today make up the nonbelieving world. Insofar as the tradition of faith and the contemporary nonbelieving world contradict one another, it is reasonable to judge that the former rather than the latter manifests the Spirit's working. So, it is reasonable to discern the *sensus fidei* in believers who accept the disputed norms, rather than to regard as *sensus fidelium* the opinion of those who reject them.

8) Those who argue that not allowing exceptions to the disputed norms is too rigid, not compassionate, and pastorally disastrous assume that these norms are like positive laws, which the Church can either enforce, mitigate, or repeal. But since the disputed norms are truths pertaining to God's plan, not laws, continuing to teach them is helpful, not rigid. Teaching them also is compassionate, because it opposes great human evils such as mean-

ingless sex, killing the unborn, and destruction of families. Moreover, teaching the disputed norms is pastorally necessary because God has written them on people's hearts, and so failing to teach them does not repeal them, but only makes it harder for people to resist temptations and easier for them to rationalize conformity to the world, which they nevertheless half realize is divergence from the mind of Christ.[34] Besides, every Christian can live up to the disputed norms if he or she really wants to do so, because God provides sufficient grace.[35] Finally, some Catholics are leaving the Church, but the explanation is the general process of secularization, which is affecting most mainline churches in affluent societies.[36]

VI. A Look Ahead

The preceding overview of arguments for the disputed norms' truth and critique of arguments against them hardly exhausts the subject. However, this sketch should clarify several points.

First, the issue is more complex than one might think. Second, the Church is divided on the issue. Third, this division is bad. It impedes evangelization and catechesis, anguishes many pastors, and confuses the faithful. Fourth, the issue does not concern something peripheral on which the Church can simply agree to disagree.

I began by looking back to the origin of this issue around the time of Vatican II. Looking ahead, I think the resolution must come by a collegial effort of the pope and bishops, either in Vatican III or by some other form of collegial effort. That effort will need the help of teams of theologians who hold the opposing views. Those on each team should be asked to articulate their views fully and to criticize the arguments and counterarguments of their opponents.[37] Only with the help of such full theological debate will the pope and bishops completely understand the opposing positions and how each is related to the central truth and reality of Catholic faith—Jesus and his kingdom.

Until now, it seems to me, the situation has not been squarely faced. There seems to be a widespread fear of facing it.[38] However, if all the bishops set to work in union with the pope, one can be sure that the collegial effort will succeed.[39] For Jesus, who is

faithful, promised to stay with his Church. At the beginning, he sent the Holy Spirit with the sure gift of truth. He will not fail to provide this gift today.

Notes

1. The best single brief presentation of the whole argument against such exceptionless moral norms is given by Fuchs (1971), which is criticized specifically and in detail by Grisez (1985b).

2. Those who deny the disputed norms do not necessarily wish to assert that the acts which those norms exclude are generally good or permissible: see Curran (1986) 255–58 for a summary of his own views (with references to his prior works) emphasizing the modesty of his dissent.

3. The faithful at large appear to have followed. A 1987 Gallup poll (*National Catholic Reporter*, 11 September 1987, 8) reports not only that 66% of Catholics in the United States believe one can be a good Catholic without obeying the Church's teaching on contraception but also that 57% answer similarly with respect to remarriage after divorce and 39% with respect to abortion. Other polls (see Gallup and Castelli [1987] 51 and 182) indicated that by 1985 66% of Catholics in the United States wanted the Church to allow divorced Catholics to remarry and 58% approved of premarital intercourse.

4. See Sullivan (1983) 152 and 227–28 (n. 46). Curran (1986) convincingly argues that his views are very widely shared; moreover, a statement supporting him which he reprints (282–84), signed by some past presidents of the Catholic Theological Society of America and of the College Theology Society and by over 750 other theologians, makes the point (283) that "there are very many Catholic theologians who do dissent from noninfallible teachings."

5. The recent magisterium has affirmed the general proposition that there are exceptionless specific moral norms: Congregation for the Clergy, *Directorium catechisticum generale* (11 April 1971), n. 63 (*AAS* 64 [1972] 136): "Edoceri insuper debeat ipsa christianorum conscientia normas etiam adesse absolutas, seu in omni casu et pro omnibus obligantes"; John Paul II, *Reconciliatio et paenitentia*, 17 (*AAS* 77 [1985] 221–22): "Sunt enim actus, qui per se ipsos et in se ipsis, extra adiuncta, propter objectum suum semper sunt graviter illiciti. Hi actus, si sufficienti cum conscientia ac libertate ponuntur, semper gravem inferunt culpam." And the Pope cites the Council of Trent (DS 1544), which in rejecting the view that grace is lost only by unbelief, cites 1 Cor 6:9 for the proposition that also excluded from the kingdom are "those with faith who are fornicators, adulterers, effeminate, sodomites, thieves, covetous, drunkards, evil-tongued, greedy."

6. See McKeever (1981) 211–22; Cahill (1984) 121–35.

7. Three books undertaking the same task as this brief paper: Pinckaers (1986), May (1989), and Finnis (1990).

8. See Curran (1975) 173–209; Schüller (1978); McCormick (1981) 453, 506, 542, 711–13; Scholz (1984).

9. See Rahner (1976) 14–15; Sullivan (1983) 152; Noonan (1966). The argument often involves a schema according to which a shift in consciousness has been (must be?) made from a "classicist" world view to "historical consciousness"; see Lonergan (1967); Curran (1970) 116–36.

10. This argument expresses the theory of "consequentialism" or "proportionalism." For a very sympathetic account of it with many references to its chief proponents: Hoose

(1987). The development of the theory's leading American proponent can be followed in McCormick (1981) 349–67; 529–44; 709–11; and McCormick (1978) 35–50 and 193–267. For a very easily understandable statement of the theory, see the work (introduced by Curran) of O'Connell (1978) 144–73.

11. For this and related arguments against exceptionless norms using the authority of St. Thomas, see Janssens (1972) 125–26, 133, 139–41; (1977) 232; (1982) 38–40; (1988) 355–56; Häring (1978) 363; McCormick (1984) 115, 169; Scholz (1979) 166–69, 173, 178; Fuchs (1983) 192–94; Mahoney (1987) 241; Milhaven (1970) 141–72; Dedek (1979) 408–9.

12. Janssens (1972) 144; Janssens (1977) 231; Vacek (1985) 313; Mahoney (1987) 309–321; McCormick (1981) 700–701.

13. See Curran (1970) 7–26, 167–80; Häring (1978) 392–410.

14. The 30 July 1968 statement by certain Catholic theologians of dissent form *Humanae vitae*—see Curran et al. (1969) 25—includes the *sensus fidelium* argument without using the phrase: "No real importance is afforded the witness of the life of the Church in its totality; the special witness of many Catholic couples is neglected; it fails to acknowledge the witness of the separated Christian churches and ecclesial communities; it is insensitive to the witness of many men of good will; it pays insufficient attention to the ethical import of modern science." The *sensus fidelium* argument is protean; dissenting theology and its journalistic popularizers rely heavily on it and articulate it in various forms: "Moral norms must be drawn from *experience*"; "Moral teachings require *reception* on the part of the faithful to be obligatory"; "Cardinal Newman endorsed dissent when he spoke of '*consulting the faithful* in matters of doctrine' "; and so forth.

15. Many make this argument, but no one more passionately and repeatedly since the contraception controversy began than Bernard Häring, C.Ss.R. See, e.g., Häring (1989). Andrew Greeley et al. (1976) 313–27 argues *post hoc ergo propter hoc* that *Humanae vitae* caused the "declining Church"; they fail to consider the possibility that dissent contributed to the decline.

16. *Lumen gentium*, 12: "The body of the faithful as a whole, anointed as they are by the Holy One (cf. Jn 2:20, 27), cannot err in matters of belief. Thanks to a supernatural sense of the faith which characterizes the People as a whole, it manifests this unerring quality when, 'from the bishops down to the last member of the laity,' [note omitted] it shows universal agreement in matters of faith and morals." If the whole body of truth concerning faith and morals on which the Church at any time universally agrees were not infallibly held and handed on, the Church's pastors would not have been able to settle disputes when they arose by making solemn definitions based on what the whole Church believed in previous times.

17. *Lumen gentium*, 25. See Ford and Grisez (1978) for the full development of this line of argument, Sullivan (1983) 119–52 for a critique of the Ford-Grisez argument, and Grisez (1985a) for the response to Sullivan's critique; for a summary of other theological debate, see Grisez (1988) 12–16. Most dissenting theologians virtually ignored the Ford-Grisez argument. McCormick commented—(1981) 777—on it and on Joseph Komonchak's article which appeared in the same issue of *Theological Studies*: "It is noteworthy that these two studies are basically essays in ecclesiology. [Note omitted.] It would be immodest for a moral theologian to attempt to referee such a dispute, though it is clear that many theologians (what Komonchak calls 'something like a *consensus theologorum*') would favor the Komonchak thesis." Since the two articles appeared at the same time and since McCormick was commenting on both, neither he nor Komonchak was referring to a consensus of opinion about the Ford-Grisez argument among those who had *studied* it. Rather, Komonchak's invocation of an opposing consensus and McCormick's confident prediction that theologians

would favor Komonchak's thesis meant that they were sure that the Ford-Grisez argument would be rejected by theologians without studying it, and they apparently were right. Even Charles Curran, who on other occasions shared in fair debate, ignored the Ford-Grisez argument, for in a subsequent book—Curran (1982) 5—concerning the relationship between the magisterium and theology, in delimiting the subject to be treated, Curran blandly claimed that "all admit that the investigations of theologians have not involved the infallible teaching office of the Church"—precisely what Ford and I deny.

18. See *Gaudium et spes*, 38–39; see Grisez (1983) 459–71 and 807–30.

19. DS 1548/810.

20. See Grisez (1983) 41–72 and 173–228. A simple, strictly philosophical presentation of Grisez's ethical theory: Grisez and Shaw (1988).

21. *Gaudium et spes*, 39.

22. See Grisez (1983) 115–40. For an important clarification of the basic goods, see Grisez, Boyle, and Finnis (1987) 106–17 and 131–41.

23. See Grisez (1983) 599–682; Grisez (1984a).

24. See Grisez (1966).

25. See Grisez (1985b) 175–77, 191–93.

26. On this, see Boyle (1984).

27. Beginning with: "Whoever sheds the blood of man, by man shall his blood be shed; for God made man in his own image" Gn 9:6. For a compact summary of the tradition on the intentional killing of the innocent, see Grisez (1987) 292–99. For the argument that, despite apparent tradition, *all* intentional killing, even as capital punishment or in warfare, is wrong: Grisez (1970); Grisez and Boyle (1979) 336–441; Finnis, Boyle, and Grisez (1987) 297–319.

28. See Grisez (1983) 182–83, 859, 869 (n. 62) and 891–94 including relevant notes; Grisez (1985b) 169–77; Finnis (1980) 139–42.

29. For a very helpful summary of the various arguments against proportionalism: Kiely (1985). For fuller critiques of consequentialism or proportionalism: Grisez (1978); Grisez (1980); Grisez (1983) 141–71, including a critique (161–64) of McCormick's most cautious statement of his view (in McCormick [1978] 193–267); Finnis (1983) 80–120, including (99–104) a critique of McCormick (1978); Finnis, Boyle, and Grisez (1987) 238–72. For an explanation of the moral difference between contraception and natural family planning: Grisez, Boyle, Finnis, and May (1988). For a critique of proportionalism from a more strictly Thomistic viewpoint, see Pinckaers (1982); in the course of this article, Pinckaers makes clear how far St. Thomas is from the entire outlook of the proportionalists. Some other theological critiques of proportionalism: Connery (1973) and (1981); Citterio (1982); Composta (1981); Zalba (1982); Ermecke (1973).

30. For replies to the arguments which invoke the authority of St. Thomas, see the massive work of Belmans (1980); also see Lee (1981); May (1984); Grisez (1983) 148–49, 268–69.

31. See Grisez (1977); Grisez (1984b).

32. A poll of Catholics in the United States, taken shortly after the publication of *Humanae vitae* in 1968 (*National Catholic Reporter*, 11 September 1968, 9), found 25% answering "No" to the question: "Do you think it is possible to practice artificial methods of birth control and still be a good Catholic?" A similar 1987 poll, published exactly nineteen years later (*National Catholic Reporter*, 11 September 1987, 8), found 27% answering "No" to an almost identical question. The difference of two percentage points is hardly significant, but the constancy of this substantial minority's sense of faith is quite significant. Moreover, it is more impressive when one takes into account the fact that many of the more mature

members of the population polled in 1968 had died by 1987 and their places were taken by people too young in 1968 to be represented in a poll.

33. The supernatural sense of faith (cf. *Lumen gentium,* 12) is not to be confused with the consensus even of a majority of the faithful in affluent countries at the present time: see John Paul II, *Familiaris consortio,* 5, *AAS* 74 (1982) 85–86.

34. Paul VI and John Paul II teach (*Humanae vitae,* 29, *AAS* 60 [1968] 501; *Familiaris consortio,* 33, *AAS* 74 [1982] 121): "To diminish in no way the saving teaching of Christ constitutes an eminent form of charity for souls."

35. To deny this, as many seem to do today, is heresy (see DS 1536–39/804, 1568/828). John Paul II, "Address to participants in a seminar on 'Responsible Parenthood'" (17 September 1983), *Insegnamenti di Giovanni Paolo II,* vol. 6, part 2, 564; *L'Osservatore Romano,* Eng. ed., 10 October 1983, 7, forcefully recalls Catholic teaching concerning grace: "To maintain that situations exist in which it is not, *de facto,* possible for the spouses to be faithful to *all* the requirements of the truth of conjugal love is equivalent to forgetting this event of grace which characterizes the New Covenant: the grace of the Holy Spirit makes possible that which is not possible to man, left solely to his own powers. It is therefore necessary to support the spouses in their spiritual lives, to invite them to resort frequently to the Sacraments of Confession and the Eucharist for a continual return, a permanent conversion to the truth of conjugal love."

36. Roof and McKinney (1987) 170: "The big 'winner' in the switching game is the growing secular constituency.... The liberal religious traditions especially have a serious institutional problem of holding their own.... Liberal Protestantism's greatest losses come from those dropping out of religion altogether. But Catholics and Jews, and to a lesser extent some conservative Protestants, also lose considerable numbers to the nonaffiliate ranks. What was once a liberal Protestant 'problem' is now more generally one for the mainline faiths."

37. Unless the magisterium takes the initiative to organize theological debate on the issues which divide the two camps, it will not occur, not because of the human failings of either group of theologians, but because both camps realize that the theological argument has gone as far as it can go, because the issues now go to first principles: what faith is and how it is handed on.

38. The Holy See seems to be following a strategy of trying to appoint "better bishops." If so, that strategy will not solve the problem. For, first, even if all bishops eventually agree with John Paul II on matters disputed among theologians, the problems which have been raised will not have been resolved. And, second, since a bishop who begins by agreeing with the Pope usually cannot eliminate from his diocese all dissenting theologians (and all the priests and teachers who follow them), he can hardly avoid cooperating with them, and in doing so undercutting his own teaching efforts. Such a pastor is hardly acting consistently. Hence, he himself is likely to experience strong tendencies to consider dissenting opinions somehow acceptable and gradually to yield to them, with the bad result that there is a constant drift of bishops toward dissenting opinions.

39. For a much fuller description of the problem and the possible way to solve it: Grisez (1986). It is important to note that John Paul II has made it clear that he *believes* the teaching on contraception—that is, accepts it as part of the Catholic faith. In *Familiaris consortio,* 29, *AAS* 74 (1982) 115, he reaffirms "in continuity with the living tradition of the ecclesial community throughout history... the Church's teaching and norm, always old yet always new, regarding marriage and regarding the transmission of human life." He cites proposition 22 of the 1980 Synod of Bishops: "this Sacred Synod, gathered together with the Successor of Peter in the unity of faith, firmly holds what has been set forth in the Second

Vatican Council (cf. *Gaudium et spes*, 50) and afterwards in the Encyclical *Humanae Vitae*, particularly that love between husband and wife must be fully human, exclusive and open to new life (*Humanae Vitae*, 11; cf. 9, 12)." The phrase, "in continuity with the living tradition of the ecclesial community throughout history," suggests John Paul II's position on the status of the Catholic teaching concerning contraception. Elsewhere, he makes his position fully explicit. Nearing the end of his four-year long catechesis on the redemption of the body and on marriage—John Paul II, General Audience (18 July 1984), *Insegnamenti di Giovanni Paolo II*, vol. 7, part 2, 102; *L'Osservatore Romano*, Eng. ed., 23 July 1984, 1—he comments on *Humanae vitae*, noting that Paul VI stressed that the norm concerning contraception pertains to natural law, whose interpretation is within the magisterium's competence. Pope John Paul then adds: "However, we can say more. Even if the moral law, formulated in this way in the Encyclical *Humanae Vitae*, is not found literally in Sacred Scripture, nonetheless, from the fact that it is contained in Tradition and—as Pope Paul VI writes—has been 'very often expounded by the Magisterium' (*HV*, n. 12) to the faithful, it follows that this norm *is in accordance with the sum total of revealed doctrine contained in biblical sources* (cf. *HV*, n. 4). It is a question here not only of the sum total of the moral doctrine contained in Sacred Scripture, of its essential premises and general character of its content, but of that fuller context to which we have previously dedicated numerous analyses when speaking about the 'theology of the body.' Precisely against the background of this full context it becomes evident that the above-mentioned moral norm belongs not only to the natural moral law, but also to the *moral order revealed by God*: also from this point of view, it could not be different, but solely what is handed down by Tradition and the Magisterium and, in our days, the Encyclical *Humanae vitae* as a modern document of this Magisterium. [Emphasis his.]" Here John Paul II reasons from the manner in which the Church has taught concerning contraception to that teaching's being consonant with the whole of revealed doctrine, and then from relevant contents of Scripture, which he had expounded in detail, to the norm's belonging to the "moral order revealed by God." This papal belief powerfully confirms the thesis of Ford and Grisez (1978).

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Chapter 10

PASTORAL CONCERNS MORAL NORMS: EXCEPTIONLESS AND CONSISTENTLY PRO-LIFE

BISHOP: I'd like to address a question to each of the speakers, if I may. First of all, Dr. Haas, before I even ask the question, I want to say how pleased I was in hearing you emphasize the direct intervention of God in the creation of each human being and in the creation of the soul. With regard to your emphasis on the inviolability of innocent human life, the absolute sacredness of it: I'm still not sure how I would answer the problem of an insane aggressor, who is an adult, large, violent, who is threatening me or an innocent person with a meat axe or a gun or a grenade. According to definition, he would be innocent. I'm speaking about protecting ourselves and the right we have to defend ourselves even, if necessary, to the extent of taking his life.

DR. HAAS: The principle we have articulated is that one may never directly take the life of an innocent human being. One of the qualifiers in that principle is "innocent," but another qualifier is

"direct" so that, for example, you would try to protect yourself, it's an act of self-defense. You're trying to stop this assailant from harming you. And if in the process of stopping him from harming you, the unintended side effect might be his death, that would be something that you might be willing to accept.

BISHOP: No. I mean he's coming for me and he's five feet away and I'm going to shoot him.

DR. HAAS: The question is whether you're intending to kill him. I would think that what you really want to do is stop him not to kill him. In other words, the act that you're formulating is to *stop* this aggressor not to *kill* the aggressor. When St. Thomas writes about the right to self defense in the *Summa*, he talks about our not using any more violence than is necessary to prevent the assault. Our moral act is formulated interiorly in terms of the object, that is, what it is we want to accomplish. I would say here that what you want to accomplish is to stop this assailant not to kill him.

BISHOP: What about the child in the womb who is directly threatening the life of the woman. And could you say that same thing, that I'm not really intending to kill the child? I'm only intending the good effect? I don't think so. I mean that would seem to me to be direct.

DR. HAAS: Of course, it depends on the procedure we're talking about. The Church has never allowed the direct taking of a child even when it's threatening the life of the mother.

BISHOP: I know that.

DR. HAAS: It has never permitted that. But depending on the circumstances, it allows a whole number of procedures which could be determined by the practitioners of medicine to be the most effective way to try to save the woman's life and not kill the child while the probable unintended effect of that act would also be the death of the child.

BISHOP: But it would seem to me to be direct. I can't see it as an involuntary act on my part.

DR. HAAS: Well, would you be intending to kill the person? Would that be your intent or merely to stop him?

BISHOP: Stop, of course.

But know that I'm stopping him by killing him. I can't be very careful. I'm not a good shot.

DR. HAAS: You'll probably miss him then. You know, St. Peter wasn't a very good swordsman either. He only got the ear instead of the head. In a crisis situation, you don't have to put yourself at risk by taking more time to see that you're only going to harm him or slow him down rather than actually kill him. You just have to stop him, and it seems to me that is what your intent has to be.

BISHOP: Dr. Grisez, if I may ask you, in your call for or a serious suggestion as to some kind of a convocation, whether it's the Third Vatican Council or the gathering of theologians, how would you advertise that? What would you say? What are your expectations in calling such? Would this be a true dialogue? A true searching for the truth or what would be the nature of this convocation?

DR. GRISEZ: The presupposition of my proposal is that there is a real division over disputed questions, such as whether it's ever permissible to choose to kill the unborn, whether it's ever permissible to divorce and remarry, whether it's ever permissible to engage in homosexual acts. The pope and the bishops who agree with him on these matters are really divided from a fairly substantial number of bishops, not just one or two in the whole world, who disagree with him on these issues. Also, I think there's a fair number of bishops who are confused and would say: I don't want to disagree with the Pope, but I'm not sure all these received teachings are right, either.

BISHOP: Would this not be somewhat counterproductive, therefore?

DR. GRISEZ: If there really is a division, it seems to me absolutely essential that the Pope and all the bishops get back together once more. That doesn't mean they have to be personally present at the same meeting—a Vatican Council III. It may be done another way. But somehow they have to come to agreement. And the first thing they have to do is to admit to themselves and to one another: We're divided about important matters. As long as they don't admit this, they're rather like a family in which the husband and father has been drinking too much and really is an alcoholic but pretends he isn't. The wife knows they've got real trouble but she continues to pretend everything is all right. The children are more and more upset; they know something is wrong with Dad. But nobody wants to say: Dad's an alcoholic. The Church is like

that today. There's a real division but no one wants to say: We're really divided. That's bad, and we have to face up to it and do something about it.

BISHOP: To do what about it?

DR. GRISEZ: What I propose is not a one-sided approach, because there really are serious problems in moral theology itself. Charlie Curran didn't start saying different things than I say because he is stupid or because he's a bad person. Charlie Curran started saying different things than I say because he's looking at the same problems I'm looking at, doing his best to answer them, and coming up with different answers. He's trying to do his job. I'm trying to do my job. We disagree.

No matter what eventually you and the Holy Father and every other bishop in the world agree to, provided you all agree, I'm willing to say: That's my faith too, and I'll die for it. And I'm pretty sure Charlie Curran would say: That's my faith too, and I'll die for it.

First you must face up to the disagreement. Then, give me and those who disagree a chance to come before you and the Holy Father—a representative body of bishops, not all of them—and present our views and argue with each other. Sit still and listen until you learn what the issues are, and what we think about them. Ask us questions, and make us answer until you've heard all you want to hear. When that's done, both sides will have had a very fair opportunity to tell you what they're thinking. Then, throw us out. Send us home.

Then, sit down with the Holy Father. And ask yourself this very important question: What is the Catholic faith here? What is it that we believe? What is it that the Lord teaches is our way of life? How does what these theologians are saying relate to that? What must we tell Christian people they need to do to be saved? We don't want to tell them anything more than that, but we don't dare tell them anything less.

You'll be able to walk out of there and with full confidence and real sincerity say: We believe and the Holy Spirit teaches. And then there won't be any question about what we can do and what we can't do.

BISHOP: Dr. Grisez, I think that little footnote 38 you gave in your text is probably more pregnant than perhaps the size of it would suggest, because it's out of that kind of a context that you're

doing theology, at least in part. There is a definite sense of frustration that persons such as yourself feel with this particular group of people—

Somehow or other the course of events is such that Bishops can get swept along. You are no longer that prophetic person or that teaching person in the diocese you should be. I'd like you to comment on what I'm saying.

DR. GRISEZ: If I were a bishop today, I think I'd probably not do any better than most of you do. I think it's a very difficult situation. I would look around the diocese and see that there are some theologians who agree with the Pope and are very energetic in defending him and there are some who disagree with him and teach accordingly. I'd see that I've got quite a few priests who agree with dissenting theologians. They may not be loudmouths but they do agree with dissenting theologians and put their views into pastoral practice. And I've got some that support the Pope. I'd see that I've got teachers in the schools who are teaching the kids, even kids eight and ten years old, dissenting theology and I've got teachers who are teaching the Baltimore Catechism.

For God's sake, what a mess I've got here! That's the first thing.

You've got these people from *The Wanderer* on your back and they're saying you've got to fire all these dissenters and you can't possibly do that. It's insane. Discipline can't straighten out this kind of problem. Frankly, I don't know what I would do. I wouldn't try to fire all these people. Cardinal O'Boyle tried to discipline a few people and look what happened to him. (I was working for him that year and saw the whole thing close up.) I wouldn't want to go through that. I wouldn't want anybody in this room to go through that. And it didn't help much, I'm sorry to say. So, I've become convinced that that's not the way to go.

I'm not frustrated with bishops. I'm not angry at anybody. And I'm not criticizing our Holy Father. I think he's done the very best he can. But I do think that we've got a problem and the problem is that there's division in the magisterium and only the Pope and bishops can overcome that division. What I'm saying is: Face up to the problem. Recognize that you and the Pope and other bishops in the world are going to have to get together, face the problem, and overcome the division.

I have heard the line, "The Holy See seems to be following a policy of trying to appoint 'better bishops.' " That strategy isn't going to work and it's not going to work for two reasons:

First, bishop appointments don't answer Charlie Curran's questions. They don't answer my arguments. They don't answer anything. And the questions have to be answered. The modernist controversy should have taught the Church one thing: Questions must be faced up to and answered. They won't go away.

Second, if I were a bishop today, I would begin to feel after a while that dissenting opinions can't be all that bad. We've got to live with them. And pretty soon these *Wanderer* people would get on my back and I'd say: They're worse than the dissenters. And in some ways they are. They've even condemned me. Can you believe that?

(Laughter.)

BISHOP: I thought when you were describing the kind of forum that could address this situation, if we assess it accurately, would be a general council and that's all. What other way could you see doing that? Because it is something that probably is affecting the entire church in varying degrees. These issues that we were talking about here were quite deliberately set aside in the last general council for the most part, not entirely, but for the most part.

I would appreciate your reaction to the implicit questions that are in these remarks.

DR. GRISEZ: I don't mean to say that the only thing to do is to summon Vatican III. That might not be a good thing to do. There might be very good reasons not to take that route. I have suggested elsewhere that a new use of the Synod of Bishops could be made.

I think it would be a very desirable thing if the members of the Synod were elected in a different way than they have been. I think it would be good if the bishops of the world were divided by chance into groups of ten or so. Those groups would meet to discuss the problem that was going to be treated, and each group would elect one of its own members to be in the Synod. The Holy Father could also have some people that he wants, but essentially, it would be a representative body made up of bishops that were chosen by small groups of bishops who had thought about the topic of the Synod session and prayed about it.

The session could take up one question—for example, the question of the definability of the proposition that it's always wrong intentionally to kill the innocent. I think that proposition is terribly important and that it could be solemnly defined. If there were a representative body of bishops meeting in a Synod, they could hold a good debate by theologians, a really fair debate. Then they could come to a firm conclusion on that issue and recommend to the Holy Father what to do. He could prepare a document and circulate it to all the bishops for comments. And I think he could then issue a solemn definition which every bishop in the world would support. Now if that happened, I think it would totally change the present theological situation, and many other matters that are in debate would begin to be discussed in a different way.

A few years later, another session of the Synod might take up some other debated proposition. I think if you defined just two or three propositions that are particularly important, that would have the effect of clearing the confusion out of the whole area.

Now, a further point. This doesn't necessarily require a solemn definition and you could start doing something useful even without having the Pope involved. The National Conference of Catholic Bishops has never had a debate between theologians representing the two sides. You go to Collegeville now and then. You could spend a day, giving Charlie Curran and me two hours apiece to present our positions, and then thinking about it and talking about it. And you could spend another day asking us questions until you're tired of hearing us, and then talking about it and thinking about it.

I think that would be an instructive exercise and that Charlie and I would be happy to cooperate in doing it. We actually respect each other, and he takes the same attitude toward me that I do toward him. We disagree because theology cannot settle these issues. We theologians can only do our best. Only the Pope and you bishops can say: This is what the Catholic Church believes. We theologians can't tell people what the Catholic Church believes. We can tell them what we think we should believe and our reasons for thinking that. But only the Pope and Bishops are judges of the faith. Therefore, you should listen to our arguments and become informed about the issues on which your judgment is needed. That's all I'm asking you to do.

BISHOP: Dr. Grisez, I'm one of those bishops appointed before the good bishops were appointed.

(Laughter.)

So I don't know where that leaves me.

A postulate of your paper is that the Church is divided and you said in your comments, the Magisterium is divided. In reference to the teaching church, I find no division because of the status of the Magisterium itself. My understanding of Magisterium is that it is the Pope and bishops in agreement with him and I think in doctrinal agreement with him. My view of the current picture is of the Magisterium on one side and a few well-publicized dissenting theologians and other dissenters on the other side.

DR. GRISEZ: Well, I'm not going to give you a list of bishops' names or describe occasions, but I'm not talking through my hat. That's number one. Number two, the premise that the Magisterium is the Pope and Bishops in communion with the Pope is correct, but we mustn't define communion in a way that begs the whole question. Being in communion with the Pope essentially means this: that you're in good standing with the Pope. So the bishops who disagree, whom I could name, are in communion with the Pope. There's no question that they are. He can celebrate Mass with them, be in juridical and Eucharistic communion with them, and yet they disagree with him on these matters. That's the problem.

DR. HAAS: Just to address this briefly, I would point out that my wife and I are both converts to the Roman Catholic Church. We came into the Church while all of this controversy and division was going on.

We came into the Church to a large degree because of the consistency and the clarity and the force with which the Roman Catholic Church has taught everything that Dr. Grisez teaches or has articulated for us, if you will. We were aware that there was division but there was no shadow of a doubt in our minds, my wife's and my mind, as to what the Catholic position was. I have never read anything in print by a member of the U.S. hierarchy that would disagree with the Holy Father on this and, certainly, the U.S. hierarchy has never said anything corporately contrary to the teaching of the Pope. It has been totally consistent with what the Holy See has taught.

So I just want to say that a motivating factor for our conversion apart from grace and faith, was the consistency with which the teaching of the Catholic Church had been presented.

Now just the other day, I got a call from Channel 6 T.V. News because they were doing a special, if you will, on the 30th Anniversary of the pill—such a thing to celebrate—but they wanted somebody to present the "Catholic" position. They called the Archdiocese which recommended that they come talk to me. The interviewer gave me all of fifteen seconds to present the Catholic Church's position on contraception and the pill. You all know what that is like, to deal with the media today.

But the thing here is that everybody knows what the Catholic Church's position on contraception is.

BISHOP: Dr. Grisez, what is your opinion on the development of the Universal catechism that is going on now? Is that at least in part an answer to your problem?

DR. GRISEZ: Apparently, no. I think the catechism project has its merits and I hope it will come out well, but I don't think it's going to resolve the problem.

One can see the conflict I've been talking about in the remarks that have been publicly made about the catechism draft by various groups in this country. One also can see, if one reads the draft of the catechism, certain vestiges of what's been going on. So, you should examine the draft of the catechism very carefully. Of course, I don't expect you to do it all by yourself. You can use theologians, whether they agree or disagree with me, and get them to tell you what they think about it. However, don't believe them.

(Laughter.)

Never believe a theologian, starting with me. Don't believe anything I say. Theologians are not to be believed. What do you do with them, then? Look at what they say and ask yourself: Do I think this passage is right? Do I think it makes sense? In other words, you get theologians to propose questions for you to ask yourself. Look at the text and ask yourself: What does my faith require that this catechism say? That's what you need to do. You're the judges of the faith. You're the teachers responsible for the faith. Take up that cross and carry it.