

**Moral Absolutes: A Critique of the  
View of Joseph Fuchs, S.J.**

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## MORAL ABSOLUTES

### A Critique of the View of Josef Fuchs, S.J.

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#### I. INTRODUCTION

Until recent years, all Catholic theologians held that there are moral absolutes, in the sense that there are true universal moral norms, such as «Contraception is always morally wrong» and «Adultery is always morally wrong». Such moral absolutes are included in received Catholic teaching and have been reaffirmed by the magisterium in documents such as *Humanae vitae*, *Persona humana*, and *Familiaris consortio*. Yet some Catholic theologians now reject these and other moral absolutes. The purpose of this paper is to defend such moral absolutes by criticizing an important example of the dissenting view.

That view usually includes a number of related theological opinions.

1) There are no specifically Christian moral norms, added to the norms of common human morality, among which one might find moral absolutes. Of course, everyone is absolutely bound to make a right fundamental option toward God, but this option is not a particular moral act, for it is not made by any particular free choice. 2) Received moral teaching of absolute norms includes historically and culturally conditioned elements. Thus, it is not necessarily valid in the changed conditions of today. 3) When one must choose and any available option will involve bringing about some harm, the right choice is of that action which promises to realize a favorable proportion of good to bad. 4) Thus, no norm which morally characterizes a definite kind of action (such as contraception or adultery) is always and everywhere true, and so no such norm can be infallibly proposed as part of Catholic teaching.

Josef Fuchs, S.J., has rejected moral absolutes and defended the preceding theological opinions, especially in one important article, «The Absoluteness of Behavioral Moral Norms». This article, first published (under a slightly different title) in 1971, has been republished in a 1983 collection of some of Fuchs' recent works: *Personal Responsibility and Christian Morality*<sup>1</sup>. (All page references to Fuchs within the text are to this volume).

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<sup>1</sup> JOSEF FUCHS, S.J., *Personal Responsibility and Christian Morality*, Georgetown University Press, Washington, D.C. - Gill and Macmillan, Dublin 1983. References to pages 115-152

The article is unique in its brief articulation of all the elements of the view Fuchs' espoused when he published it. It also is unusually important because of its influence since its first publication and because of Fuchs' professional stature — well deserved by his many previous, valuable publications and years of service at the Pontifical Gregorian University. Hence, I have chosen this article as a focus for criticism, although I also refer occasionally to other items in the recently published collection.

In part II, I will expound Fuchs' view concerning moral absolutes, including what he thinks about the four interrelated theological opinions. In subsequent parts I will criticize Fuchs' view with respect to the relationship of morality to salvation (III), historical and cultural relativity (IV), proportionalism in moral judgment (V), and the use of theological sources (VI).

Many who have continued to defend and to try to live by received Catholic moral teaching are tempted to dismiss contrary theological opinion as mere rationalization of a surrender to contemporary, post-Christian culture. To give in to that temptation in criticizing Fuchs' view would be unjust. Fuchs was struggling with real theological problems which were not faced adequately by Catholic moral theologians before Vatican II. Fuchs' work has helped me in my own effort to face these problems, although I have come to conclusions very different from the dissenting positions of which Fuchs' view is a typical instance. In the present paper, I suggest my own view incidentally; it is developed at length in a recently published book <sup>2</sup>.

## II. FUCHS' VIEW ON MORAL ABSOLUTES

Recent Catholic moral theology has reacted against a legalistic conception of morality, which thought of natural moral law as a set of precepts to be recognized and applied by each individual's conscience. The proper response was obedience to the law thus grasped by conscience. The immediate end of obedience, on this view, was moral uprightness itself or, negatively, avoidance of mortal sin. The ultimate end of obedience to moral law was that by it one would gain the reward of heaven, while those who died in grave sin would suffer everlasting punishment in hell.

Fuchs considers unsatisfactory «the conception of natural moral law as an all-embracing set of invariable norms» (p. 116). He firmly rejects «a "preceptive" understanding of the moral law» and the notion that the function of conscience is simply «the application of the moral law, or its norms, to the

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inclusive are to *The Absoluteness of Behavioral Moral Norms*; other references to this volume are to other recent works of Fuchs, all of which appear to be fully in harmony with one another.

<sup>2</sup> GERMAIN GRISEZ, *The Way of the Lord Jesus*, vol. I, *Christian Moral Principles*, Franciscan Herald Press, Chicago 1983.

concrete case». Rather, Fuchs holds: «The function of conscience is to help man, as agent, make his action authentic (i.e., self-realizing). Hence conscience ought to assist action toward objectivity, toward truth, in conformity with the concrete human reality. It is necessary above all that action be conformable to the evaluating judgment (of conscience) with respect to the given concrete moment and its options» (p. 128). Morality is not an end in itself: «The moral task proper to man is not to fulfill norms so that in the final analysis life's reality would serve merely as material, so to speak, for actualizing moral values — that is, obeying norms. Inversely, the concrete reality of life itself — that is, its actualization — is the real task» (p. 146). Moral norms are not imposed by God on human persons but emerge as insights into the intrinsic conditions which must be met for human self-realization and self-development (p. 131)<sup>3</sup>.

Fuchs firmly rejects the inversion of the priority of grace to morality: «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 man interiorly by grace, to make him one who believes and loves». Loving faith must bear fruit and be manifested in right conduct. But «faith, love, and salvation do not depend upon the rectitude of the norms of living that are basic to one's life practice» (p. 115).

It follows, Fuchs thinks, that one must take *cum grano salis* the usual explanation of the Church's teaching in the moral field: that she «has to teach the way to salvation and true morality is the way to salvation» (p. 121). For, Fuchs holds, the concrete content of moral life «is 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». From this, Fuchs tries to draw a further conclusion: «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» (pp. 121-122).

Fuchs distinguishes among various sorts of moral norms. Some — such as the requirement to obey God and follow Christ — are central to the Bible, for they directly concern conversion and salvation. These are absolute. «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» (p. 118). Other absolute norms — for example, to be meek and compassionate — commend certain attitudes and values, but do not specify which actions embody these attitudes and values. Finally, there are «operative norms of conduct» which morally characterize kinds of action precisely described in a way that does not presuppose the moral evaluation to be given. Fuchs holds that while such norms can be absolute in the sense of being objectively true

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<sup>3</sup> See also FUCHS, *op. cit.*, pp. 59, 97, 178.

and binding in a given instance, they cannot be absolute in the sense of holding universally (p. 118) <sup>4</sup>.

Examples of «operative norms of conduct», as Fuchs uses the expression, would include the received norms concerning contraception and adultery, assuming that «contraception» and «adultery» refer not only to *wrongful* birth prevention and *wrongful* extramarital intercourse, but to forms of conduct which can be described in morally neutral ways and then characterized as always morally wrong.

Fuchs denies that there are specifically Christian operative norms of conduct, added to the norms of common human morality, among which one might find moral absolutes: «Christian behavioral norms, in their material content, are not distinctively Christian norms that would hold only for Christians, but “human” norms, i.e., corresponding to the (authentic) humanness of man, which we have traditionally called norms of the natural moral law, or moral law of nature» (p. 129). In support of this position, Fuchs cites the teaching of St. Thomas Aquinas, who holds that in virtuous works Christians are guided by natural reason, the common standard of morality <sup>5</sup>.

One might suppose that Fuchs' denial that there are specifically Christian operative norms of conduct entails an absolute separation of grace from human nature and its fulfillment through moral action. But that is not Fuchs' view. Rather, he relates the two domains by his theory of fundamental option. According to Fuchs, the fundamental option has two aspects.

On the one hand it is an act, inaccessible to conscious reflection, by which the person as such realizes himself or herself before the Absolute (p. 56). It is acceptance or rejection of an original intimate revelation, involving «either a fully accepted self-surrender to or a self-despairing rejection of the personal God» (p. 94). This option thus corresponds to the absolute transcendental norms of Christian life and is irreducible to the particular choices and actions which are governed by operative norms of conduct.

Yet, on the other hand, while grace does not specify operative norms of conduct within moral life, the right fundamental option does transform the whole of moral life, for the fundamental option is made *through* the many acts of free choice, which must be integrated with it to bring it to maturity <sup>6</sup>. Hence, while Christian morality has no new moral precepts, it is «the content of the new man who does not remain in the life of the sinner (*sarkikos*) but rather is converted to the grace of being redeemed — in faith, in love, in the following of Christ — and who expresses his being redeemed by living true human morality and Christian religious life as a new man in Christian manner» (p. 76, cfr. p. 99).

<sup>4</sup> See also *ibid.*, pp. 141, 143.

<sup>5</sup> *Ibid.*, pp. 73-74 and 95; cfr. ST. THOMAS, *S. Th.*, I-II, q. 108. a. 2.

<sup>6</sup> See JOSEF FUCHS, S.J., *Human Values and Christian Morality*, Gill and Macmillan, Dublin 1970, p. 96.

Insofar as Christian morality is nothing but true human morality, Fuchs holds that the operative norms of conduct in Christian life are necessarily conditioned by human historicity. For instance, Fuchs thinks that given the experience necessary to understand sexual behavior, it is immediately evident «that sexuality has to be viewed in relation to a particular culture» (p. 130). Fuchs favors the view that «“absoluteness”, understood as “immutability” and “universal validity” yields to the principle of change and historical conditioning» (p. 116). Against the position that there are «numerous precepts of natural law, which, because rooted in an unchangeable nature, are unvarying and universal» (pp. 125-126), Fuchs insists that «the human state may differ in different epochs and cultures» (p. 126).

While affirming the historicity of morality, Fuchs firmly rejects individualistic subjectivism: «There is a human orientation to moral questions only in terms of a group, a community, a society, conceived as a whole» (p. 145). He also rejects radical cultural relativism by positing a constant, transcultural standard. Because human self-realization is a historical process, the constant criterion of morality is «a steadily advancing “humanization”» (p. 129). For each person: «Self-realization entails that he himself must discover the available possibilities for his action and development, and determine on the basis of his present understanding of himself which of these possibilities are right, reasonable, human (in the full and positive sense of these words), and so contributive to human progress» (p. 127). In short: «Whatever leads to our unfolding, in the fullest and best sense of the word, is good» (pp. 126-127).

Hence, in Fuchs' view, moral norms which try to be universally valid by that very fact fail to reach the human reality they were meant to direct. The historically conditioned character of operative norms of conduct must be admitted precisely for the sake of their truth: «The critical question, then, is not one of relativism but of objectivity, or the “truth” of the action which must be in conformity with the whole concrete reality of man (of society)» (p. 133).

It follows that when a behavioral norm is being formulated, all the human values and disvalues must be considered in the total human situation. On Fuchs' view, these values and disvalues do not of themselves belong to the moral sphere; rather, they become morally significant only insofar as reason, taking them into account, reaches a judgement as to what way of acting *under the actual conditions* is likely to contribute to human progress:

To arrive at a behavioral norm regarding premarital intercourse or birth control, for example, a whole complex of factors obviously has to be considered. (It should not be necessary to add that this takes place in an explicit manner only in scientific reflection). What must be determined is the significance of the action as value or nonvalue for the individual, for interpersonal relations and for human society, in connection, of course, with the total reality of man and his society in view of his whole culture. Furthermore, the priority and urgency of the different values implied must be weighed. 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. 131).

Fuchs believes that only a norm arrived at in this way is likely to fit concrete reality and so have the relevant absoluteness of objectivity and moral truth. There are constant human values (such as life and truth) and disvalues (such as death and error), but these values and disvalues do not immediately entail moral norms. Rather, the premoral human values and disvalues must be considered in the concrete situation relative to the overall human good of «self-realization and self-development».

But even norms formulated in this way, Fuchs believes, are nonabsolute. Societies are not homogeneous but include diversity; cultures themselves gradually change (p. 132). Any norm formulated before the choice to be made has a certain generality. Confronted with the actual situation, unexpected factors may be found which require an exception or restriction to a previously assumed norm (pp. 134-136). Thus, although in principle there are no exceptions to an adequately refined moral norm, Fuchs thinks that no norm can be assumed to be adequate until one has considered the values and disvalues in the situation one actually confronts.

For this reason, Fuchs does not define the moral goodness of the particular action by its conformity to a true moral principle. He formulates and answers the central question:

Here we take up the 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 premoral 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 nongood, an evil (nonvalue) in the premoral 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, then in this case only good was intended (p. 136).

Thus, Fuchs introduces the notion of «proportionally related cause». He spells it out further as a requirement for rightness of action: «The evil (in a premoral 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» (p. 137).

Fuchs grants that the end does not justify the means if the means in question is already admitted to be morally evil. But he holds that the intention and realization of a good can possibly justify the doing of any premoral evil (p. 138). In such cases, Fuchs insists, the bringing about of the evil cannot be morally evaluated by itself: «An action cannot be judged morally in its materiality (killing, wounding, going to the moon), without reference to the intention of the agent; without this, we are not dealing with a human action, and only of

a human action may one say in a true sense whether it is morally good or bad» (p. 137).

In Fuchs' view, it follows that there can be no absolute behavioral moral norms and so, theoretically, no intrinsically evil acts. «The reason is that an action cannot be judged morally at all, considered purely in itself, but only together with all the circumstances and the intention. Consequently, a behavioral norm, universally valid in the full sense, would presuppose that those who arrive at it could know or foresee adequately all the possible combinations of the action concerned with circumstances and intentions, with (pre)moral values and nonvalues (*bona* and *mala* "physica")» (p. 140). Such knowledge, Fuchs observes ironically, is not easy to come by.

Of course, Fuchs affirms that there are universal ethical statements — for example, that one ought to be just, chaste, merciful, and so on — but these are merely formal, since they stop short of specifying the actions which would fulfill them (p. 143). Thus, Fuchs counts life as a human good and recognizes the moral norm which protects it: «But "Thou shalt not kill" is obviously too broadly stated; it would be better to say, "Thou shalt not commit murder" — that is, "Thou shalt not kill unjustly"» (p. 140). The latter, truly universal formula, however, leaves open the question what killing counts as murder. Fuchs thinks that the method of formulating norms and making judgments he accepts might today lead to drawing the lines between lawful and unlawful killings differently than in the past — for example, with respect to capital punishment and some instances of suicide (p. 141).

Fuchs also holds that universal norms can be useful in practice. Formal norms call attention to values. Behavioral norms developed in view of the actual conditions can suffice for ordinary cases, but remain open to refinement when necessary. Also, Fuchs admits: «There can be norms stated as universals, with precise delineations of action to which we cannot conceive of any kind of exception — e.g., cruel treatment of a child which is of no benefit to the child. Despite misgivings on the level of theory, we get along very well with norms of this kind» (pp. 141-142).

In the light of the preceding, it is not surprising that in Fuchs' view no true moral absolutes, in the sense of universal behavioral norms, are to be found in Scripture or the Church's teaching. But it is worth noticing how Fuchs handles these theological sources when they seem to falsify his theory.

Fuchs says that Christianity has tended to take moral norms in Scripture as absolutes (universal, ever valid and unchangeable), inasmuch as Scripture is God's word. But since this word is spoken in a human mode, «the moral imperatives appearing in Holy Scripture should not be interpreted as direct divine "dictates"». Thus, there remains the problem of interpretation, and so «moral theology will have to go to school to contemporary exegesis, to avoid lapsing into unauthorized good-will reading» (p. 117).

Fuchs illustrates this view with a few examples from the New Testament. He thinks that the demands of the Sermon on the Mount probably should be interpreted as having absolute validity as models of behavior, but not as

universal behavioral norms (p. 118). He says recent discussion of the Lord's word on the indissolubility of marriage opens up questions as to whether what is involved is an imperative or something more, and if an imperative whether an operative norm or an ideal (p. 118).

Fuchs suggests that St. Paul presupposes and «accepts the moral wisdom of the “good” men of his time, both Jew and Gentile; one thinks, among other things, of the tables of domestic rules and the catalogue of vices». Thus, «Paul does not present himself as a teacher of moral living, still less as a teacher of specifically Christian norms of conduct». Paul represents a Stoic, Judaic, and Diaspora-Judaic ethos which can hardly be supposed timeless (p. 119). St. Paul's moral «directives concerning woman's position in marriage, society and the Church... are to be regarded as conditioned by his time» (p. 119). Since these directives given by Paul are considered dated, all the rest — including «the affirmation that certain explicitly mentioned modes of conduct ban one from the kingdom of God» — may be true only in the sense that «these modes of conduct are 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» (p. 120).

Fuchs admits that these considerations do not mean that norms of behavior found in the New Testament are no longer valid. But he thinks that the criterion of their possible universality cannot be found in Scripture itself, and concludes: «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» (p. 120).

In dealing with the moral teaching of the Church and with natural law, Fuchs deploys his theories, already summarized, about the relationship of moral life to salvation and about human historicity. With an evident allusion to polygamy, he argues that whether marriage is to be understood and lived in a Congolese or a Western European style is an important question, «but not in itself determinative of salvation» (p. 121)<sup>7</sup>. True, amidst pluralism, there must be unconditionality in stating precepts. «However, it could follow from what has been said that this quality of absoluteness does not represent primarily the universality of a norm, but an antithesis to arbitrary judgment; or, positively stated, orientation toward concrete human (total) reality, and, in this sense, objectivity, truth» (p. 122).

With respect to the assistance of the Holy Spirit promised to the Church, Fuchs denies that «the Holy Spirit slowly began to impart via the Church what he had not conveyed through Scripture — a vast collection of moral

<sup>7</sup> Cfr FUCHS, *Personal Responsibility and Christian Morality*, p. 132 with note 29.

behavioral norms proclaimed for the whole world and for all time» (p. 123). The «Spirit is merely “incarnated” in the Church» which remains very human despite his assistance (p. 123). The Spirit only «guarantees that error, which in human comprehension-discovery-evaluation-listening-deciding can never be absolutely excluded, will not become in the end an essential component of the Church». From the preceding statement, Fuchs proceeds at once to draw the conclusion that there is room for dissent from behavioral norms received in the Church: «It stands to reason, then, that the same ecclesial community or a particular cultural group within it — pluralistic, therefore — will at times begin to experience and evaluate in a new and different way, regarding specific points. In this connection it is noteworthy that in the Church’s two thousand years, 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. 124).

Fuchs affirms that nondefinitive moral guidelines of the Church come under the assistance of the Spirit and should enjoy a presumption of truth (p. 124). But for him that only means that received behavioral norms are nonarbitrary guidelines, which remain open to review by conscience confronted with a concrete situation including elements not envisaged by the general norm (pp. 144-145). Even if moral norms were proposed infallibly, Fuchs thinks, «it can be imagined and probably demonstrated, if need be, that a strict behavioral norm, stated as a universal, contains unexpressed conditions and qualifications which as such limit its universality» (p. 124).

### III. CRITIQUE WITH RESPECT TO THE RELATIONSHIP OF MORALITY TO SALVATION

Without using the expression «fundamental option», Vatican II clearly teaches that the act of faith is the fundamental option of Christian life: «“The obedience of faith” (*Rm* 16, 26; cfr 1, 5; 2 *Cor* 10, 5-6) must be given to God who reveals, an obedience by which man entrusts his whole self freely to God, offering “the full submission of intellect and will to God who reveals”, and freely assenting to the truth revealed by him» (DV 5). While saving faith depends upon the mysterious working of grace, the teaching of Trent, Vatican I, and Vatican II clearly implies that the submission of faith is made by a free choice, a moral act of assent, in conformity with conscience<sup>8</sup>.

Fuchs says that faith (*fides qua*) is the fundamental option. However, he thinks this act is not a free choice, but pertains to basic freedom and is inaccessible to conscious reflection (pp. 92-94). This view depends upon an arguable theological theory of grace (p. 94)<sup>9</sup>. Whatever one thinks of that

<sup>8</sup> DS 1554/814, 1559/819, 3010/1791; DH 2-3; cfr ST. THOMAS, *S. Th.*, I-II, q. 113, a. 3.

<sup>9</sup> See FUCHS, *Human Values and Christian Morality*, p. 109.

theory, in reality faith as a particular moral act of assent by free choice can be located by conscious reflection. Not only do many converted as adults remember the precise moment when they made that choice, but many baptized as infants can recall a moment at which they freely committed themselves to their faith in rejecting a temptation to abandon it or freely recommitted themselves after having sinned directly against it.

Moreover, Fuchs elsewhere treated fundamental option as if it were charity rather than faith<sup>10</sup>. Whether faith or charity is considered the fundamental option is important. A Christian can be in mortal sin and have true faith at the same time, since not every mortally sinful choice involves changing one's specific choice to believe<sup>11</sup>. Charity, however, should inform the whole of Christian life and is incompatible with mortal sin.

As soon as one admits that the fundamental option of Christian life is faith and that one takes this option by a particular free choice, one begins to see difficulties in Fuchs' view of the relationship of the content of morality (conscious choices) to salvation (the transcendental). By Christian faith one enters the communion of the new covenant and so accepts the personal and communal responsibilities of friendship with God in Jesus' Church. A covenant has definite stipulations and life in any human community has many operative implications. Thus, faith requires one to keep the commandments<sup>12</sup>.

Faith also leads to specifically Christian operative norms. In denying that there are such norms, Fuchs uses the authority of St. Thomas, but does so selectively. For Thomas holds that there are specific responsibilities, such as love of enemies, which flow from the properly Christian virtue of charity<sup>13</sup>.

Thomas also holds that Christian life requires specifically Christian moral virtues which differ in kind from the virtues which can be acquired through human acts formed by natural reason alone. According to Thomas, natural virtues equip one only for life in civic community in this world. Specifically Christian virtues are needed precisely because by faith human persons become fellow citizens of the saints and members of God's household. Natural virtues will end with this life, but specifically Christian virtues will continue to shape appropriate actions in the heavenly fellowship<sup>14</sup>.

Christian virtues bear on the same matters as the civic virtues they correspond to, but, according to Thomas, sometimes make specific demands different from those of human reason. For instance, the rule set by reason for eating is that one's diet be healthful and not block the use of reason. But the rule of divine law is that one chastise one's body and make it docile by

<sup>10</sup> *Ibid.*, pp. 92-111.

<sup>11</sup> See DS 1577-1578/837-838.

<sup>12</sup> See DS 1336-1339/804.

<sup>13</sup> See *S. Th.*, II-II, q. 25, a. 8; q. 83, a. 8; *De perfectione vitae spiritualis*, c. 14. Cfr S. PINCKAERS, O.P., *La morale de saint Thomas: est-elle chrétienne?*, «Nova et Vetera», 51 (1976), pp. 93-107.

<sup>14</sup> *S. Th.*, I-II, q. 63, aa. 3-4.

abstinence from food, drink, and other satisfactions. Thomas expressly argues that something excessive according to the rational norm of civic virtue can be appropriate according to the norm of specifically Christian virtue — for example, to willingly lay down one's life in defense of the faith<sup>15</sup>.

Is Thomas' teaching on infused virtues inconsistent with his position, cited by Fuchs, that in virtuous works Christians are guided by natural reason, the common standard of morality? Hardly. For if one does not consign faith to the transcendental domain, as Fuchs does, it can generate Christian operative norms by specifying the content of a life conducted according to the principles and processes of natural reason. One can see how this specification works by considering an example: love of enemies.

Jesus says: «Love your enemies, do good to those who hate you, bless those who curse you, pray for those who treat you badly» (*Lk* 6, 27-28). In explaining the reason for this norm, Jesus appeals to a generally accepted moral principle: «Treat others as you would like them to treat you» (*Lk* 6, 31). Everyone takes care of friends and deals fairly with others when that is advantageous. But Christians should do more. As God's children, they are called to act as he does: «Be compassionate as your Father is compassionate. Do not judge, and you will not be judged yourselves; do not condemn, and you will not be condemned yourselves; grant pardon, and you will be pardoned» (*Lk* 6, 36-37)<sup>16</sup>.

The parable of the merciless official in Matthew's Gospel makes the same point. A king forgives a high official a huge debt, but the official refuses the same mercy to a subordinate who owes a small amount. The king thereupon insists on full payment, and Jesus draws the moral: «That is how my heavenly Father will deal with you unless you each forgive your brother from your heart» (*Mt* 18, 35).

The moral principle underlying these arguments is the Golden Rule, which is available to everyone. Christian faith makes a claim about the human situation: that although sinful men and women are God's enemies, they are offered fellowship with him by his mercy. One who believes this claim and accepts the offered fellowship therefore has specific moral responsibilities toward others, including enemies: to treat them with similar mercy.

Is this moral norm accessible to any upright nonbeliever who proceeds reasonably? Fuchs thinks so, but his argument assumes that loving enemies is the only alternative to hating them (p. 61). Of course, nonbelievers can know that revenge is immoral, that kindness to enemies is godlike, and even that such beneficence can at times be morally required<sup>17</sup>. But in many cases

<sup>15</sup> See *In Sent.*, 4, d. 33, q. 1, a. 2, qu. la 4, ad 2; *De virtutibus cardinalibus*, a. 4.

<sup>16</sup> For an exegesis of *Lk* 6,27-38 supportive of my reading: JOSEPH A. FITZMYER, S.J., *The Gospel According to Luke (I-IX)*, «Anchor Bible», 28 (Doubleday, Garden City, N.Y. 1981), pp. 630, 637-641.

<sup>17</sup> See PHEME PERKINS, *Love Commands in the New Testament*, Paulist Press, New York 1982, pp. 27-40 and 89-95, for further background and exegesis of New Testament texts, which make it clear that the Christian norms regarding love of enemies are tightly based on faith.

nonbelievers will faultlessly follow the policy of keeping their distance from enemies in order to avoid both suffering and doing evil. Only faith in the divine initiative of reconciliation provides a reason for loving enemies — for example, by making repeated, risky, and often seemingly fruitless approaches to them.

In consigning the specifically Christian to the transcendental, Fuchs tends to reduce salvation to union with God (p. 122). Much old-fashioned spirituality favored that reduction, despite the New Testament's teaching that redemption includes all human goods and the cosmos itself<sup>18</sup>. The teaching of Vatican II firmly excludes such reductionist spirituality.

The work of redemption, according to Vatican II, is not limited to saving souls. The mission of the Church extends to the temporal order. The spiritual and temporal orders «although distinct, are so connected in the plan of God that he himself intends in Christ to appropriate the whole universe into a new creation, initially here on earth, fully on the last day» (AA 5). Christians will find perfected in heaven the very good fruits of human nature and work which they nurture here on earth (GS 39).

Thus, when Fuchs says that Christ's mission was neither to establish a new moral order nor primarily to teach a moral doctrine corresponding to creation, we can agree with him. Faith and love do not depend on the rectitude of norms of living. But the material mode in which Christians «incarnate» faith and love is not so much a «secundarium» as Fuchs suggests. Morally good actions not only manifest faith and love but prepare the material of the heavenly kingdom (GS 38). Thus, Christian moral teaching concerns not merely extrinsic effects and signs of saving grace but intrinsic and partially constitutive means to the integral fulfillment for which Christians hope.

Fuchs is right in rejecting legalism and what he calls a «preceptive» understanding of natural law. The genuine good of humankind is the ultimate principle of morality. But that good will never be fully realized within history and this world, for while our work prepares the material of the heavenly kingdom, earthly progress is not identical with the growth of the kingdom (GS 38-39). As Vatican II teaches, the selves and relationships built up by our actions are more important than the technical results we achieve: «A man is more precious for what he is than for what he has» (GS 35). Persons and their relationship, souls in loving communion, already mysteriously share in the kingdom which will last. «Hence, the norm of human activity is this: that in accord with the divine plan and will, it should harmonize with the good of the human race, and allow men as individuals and as members of society to pursue their total vocation and fulfill it» (GS 35).

In short, Christians are called to do what Jesus did and add to it, to bear real and abundant fruit, not by themselves but in him. Without Jesus we can do nothing; in him we can and ought to do great things. Thus, Christian ethics

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<sup>18</sup> See *Rm* 8,21; *1 Cor* 3,22-23; *Eph* 1,10.

should guide us in communal cooperation with Jesus. The work of Jesus bears upon human salvation, begun in this world but completed only in heavenly fulfillment. Hence, Christian ethics primarily should be an other-worldly humanism. It should direct Christian life here and now as a real sharing in the kingdom (which is not of this world) and preparation for everlasting life (still to come).

Furthermore, while a life according to Christian faith must conform to the moral truth the nonbeliever can know, for each believer faith excludes many options which would be available to an upright nonbeliever. For, according to faith, diverse personal talents and opportunities are so many different gifts which Christians must put to work in the cooperative effort of building up the Church or preparing the material of Jesus' expected kingdom (AA 3)<sup>19</sup>. Jesus' followers are to make their different personal contributions to the work he began. Hence, there is a specifically Christian norm which binds every Christian and no nonbeliever: One should discern one's personal vocation, accept it, and faithfully fulfill it.

This norm emerges very clearly from St. Paul's teaching concerning the Church, considered as one body of Christ, having many members with diverse and complementary functions (1 Cor 12, 12-26). In his encyclical, *Redemptor hominis*, John Paul II refers to the teaching of St. Paul in emphasizing the principle of personal vocation:

For the whole of the community of the People of God and for each member of it what is in question is not just a specific «social membership»; rather, for each and every one what is essential is a particular «vocation». Indeed, the Church as the People of God is also — according to the teaching of St. Paul mentioned above, of which Pius XII reminded us in wonderful terms — «Christ's Mystical Body». Membership in that body has for its source a particular call united with the saving action of grace. Therefore, if we wish to keep in mind this community of the People of God, which is so vast and so extremely differentiated, we must see first and foremost Christ saying in a way to each member of the community: «Follow Me»<sup>20</sup>.

Thus, each Christian, following Christ according to his or her personal vocation, has specific responsibilities with respect to a small part of the whole work of redemption.

The fulfillment of one's vocation by no means guarantees success in realizing the human goods one attempts to serve. Indeed, in the fallen world, one can expect only limited results. The perfection of the redemptive work will come about by God's act of re-creation, which accepts and answers the sacrifice of faithful obedience, according to the model and in continuity with the death and resurrection of Jesus.

Hence, for each Christian, a morally good action is one marked by

<sup>19</sup> Cfr. Paul VI, *Populorum progressio*, 59 (AAS [1967] 263-265).

<sup>20</sup> John Paul II, *Redemptor hominis*, 71 (AAS [1979] 317).

faithfulness, whether or not it actually effects innerworldly good. Jesus did not say: If anyone wants to be a follower of mine, let him intend and bring about more pre-moral human good than bad. Rather, he said: «If anyone wants to be a follower of mine, let him renounce himself and take up his cross every day and follow me» (*Lk* 9, 23)<sup>21</sup>.

Fidelity to personal vocation is specified by true moral norms. Since the human fulfillment to which they direct is the heavenly kingdom planned by God and expected through his re-creative act, these true norms cannot be reduced to the principle of the human self-realization and self-development possible within this world. Hence, Fuchs is mistaken in thinking that the right option is the one which contributes to human innerworldly progress or makes for steadily advancing humanization in the course of history.

The Christian needs something more modest in order to be able to choose responsibly in view of his or her unique but very small role in the divine plan of salvation. For example, the morally decisive question about extramarital sexual intercourse is not whether it contributes to self-development and steadily advancing humanization, but whether it can faithfully fulfill anyone's personal vocation by bringing souls into that loving communion which is the kingdom — a loving communion not only of human but of divine persons.

In sum, Fuchs is right in rejecting legalism and seeking the basis of morality in integral human fulfillment. However, he overlooks the place this fulfillment has in the work of redemption, which will be completed only by God's re-creative act. Hence, Fuchs accepts as part of an oversimplified criterion of morality how well acts effect goods in this world and history. He thus neglects the importance of faithful service to the goods pertaining to each Christian's personal vocation, a service which remains significant even when failure seems to render faithfulness pointless. At the same time, Fuchs too rigidly divides the «transcendental» from the «operative» dimension of Christian life. Thus he makes the relationship between Christian moral life and salvation too loose.

Whether Fuchs' view of that relationship does full justice to Catholic doctrine concerning the merit of good works is a question which need not be considered here. However, it is worth noting that Fuchs' conception of the relationship between moral life and salvation is not the only alternative to the legalistic view of it. One also can understand merit in relationship to God's faithfulness to his covenantal promises — as the appropriateness of God's ultimate work of re-creation and glorification in response to the obedience of men and women united in Christ, fulfilling their personal vocations within Jesus' redemptive mission. On this view, faithful service to human goods in this life merits what it cannot effect — their integral realization in the kingdom, where «we will find them again, but freed of stain, burnished and transfigured» (GS 39).

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<sup>21</sup> Cfr. FITZMYER, *op. cit.*, pp. 241-43 and 783-90.

## IV. CRITIQUE WITH RESPECT TO HISTORICAL AND CULTURAL RELATIVITY

A radical historical or cultural relativism treats as ultimate the set of norms commonly accepted as morally obligatory at a given time and place. This reduction of morality to social convention leaves no room for moral criticism which transcends cultures and epochs. Radical relativism also presupposes a unity and harmony in culture one does not find in any actual society or epoch. Thus, radical relativism is not so prevalent among professional anthropologists as it once was. David Bidney aptly summarizes the antirealist view: «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»<sup>22</sup>.

In general, Fuchs' view does not involve a radical historical and cultural relativism. For instance, when he dismisses as culturally conditioned «the Pauline directives concerning woman's position in marriage, society and the Church», one might think he is committed to radical relativism, especially when he proposes as a conclusion: «Such directives cannot be normative for a period in which the social position of women is essentially different». But Fuchs' basic nonrelativism appears when he adds that a judgment is possible «at least in principle — as to which suits the nature of women in society better, and hence is the moral ideal, the social position of women in Paul's cultural milieu or that of women in our cultural milieu — along with corresponding moral demands» (p. 119).

Nevertheless, there are passages in which Fuchs suggests that there might be a profound relativity of morality to social reality. For instance, he refers to polygamy in an African tribe, and sketches two ways of viewing it. One is that the social reality is defective, which raises an issue at the pastoral level but not one concerning moral truth. The other raises a more basic question: «But might it not be assumed also that on the basis of dissimilar experiences, a heterogeneous self-concept and varying options and evaluations on the part of man (humanity) projecting himself into his future in human fashion — *secundum rectam rationem* — are entirely possible, and that these options and evaluations within the chosen system postulate varied forms of behavior?» (p. 132).

Without admitting radical relativism, there are several ways in which one can make room for historicity and for the relativity of morality to contingent social reality.

<sup>22</sup> DAVID BIDNEY, *Cultural Relativism*, in International Encyclopedia of the Social Sciences, III, col. 544.

First, factual judgments often lead to an altogether fresh insight into moral responsibilities. That is how Christian faith's teaching concerning the fallen and redeemed human condition generates specifically Christian norms, such as the requirement treated above of mercy toward enemies. At a much lower but still significant level, modern knowledge of communicable diseases leads to morally binding norms of hygiene inaccessible to less well informed societies.

Second, social and cultural entities are not discovered by us in the natural world. Rather, they are constituted by human practical reflection. Thus, relationships of tenants to landlords and charging interest on loans had different moral significances in the Middle Ages than they do today, because the socioeconomic system was so different that outwardly similar actions actually involved very different relationships between the wills of those doing them and the relevant human goods.

Third, societies like individuals have options which both generate and limit moral responsibilities. There is no relativism in the fact that a husband and wife should express their affection for each other in ways which would be inappropriate for a couple who are not married. Different moral responsibilities follow from different morally acceptable antecedent options. Similarly, societies can have options — for example, whether to press harder for the development of useful techniques or to live a simpler style of life. Options such as this one can make a profound difference in certain moral responsibilities, such as those bearing upon communal property.

Fourth, conceptual clarification can transform the options with which one is faced by distinguishing what had appeared a single choice into two or more. Fuchs points out an example: «The Church's opposition in the past to religious freedom is understandable if religious freedom and indifferentism are equated conceptually» (p. 125). One might be tempted to say in such cases that an error in moral judgment is detected and corrected. But it would be more accurate to say that a correct judgment on one inadequately understood alternative has been replaced by two correct judgments on more adequately understood alternatives.

Fifth, moral insight often is blocked by bias and released by changed social conditions. Thus, when all the members of a society with the leisure to engage in critical reflection benefit from an institution such as slavery, it is difficult for anyone seriously to entertain the moral truth. However, when slavery is no longer so expedient, the truth about its unfairness easily appears. In this way, changing social reality alters available knowledge of moral truth and thus changes people's subjective moral responsibility, although the moral truth remains what it was. Slavery has not become wrong in the past century or two, but its wrongness has become known.

Contingent social reality makes a difference to the morality of behavior in these five ways and perhaps in other ways as well. Clearly, growing knowledge of moral truth (the fifth way) is compatible with there being moral absolutes. That leaves the first four ways. But all of these also are compatible with moral absolutes — that is, with certain universal norms, such as those concerning

adultery and contraception, being true. For such moral absolutes refer not merely to patterns of behavior but to human acts specified by definite intentions: Contraception is a choice to do something to prevent conception, and adultery is a choice to engage in extramarital intercourse involving a married person<sup>23</sup>. These specifications will not be changed by further factual information, differing interpretations of similar outward behavior, changing options with respect to social priorities, or conceptual clarification. Acts specified by intentions remain the same despite such variable factors, because their basic interpretation is identical with their constitution as human acts, and so they are not open, as behavior is, to reinterpretation.

Thus, if one wishes to hold that contraception and adultery are not necessarily wrong for Christians today but were necessarily wrong for Christians in earlier times, one must hold either that only our *knowledge* of the moral truth rather than the truth itself has changed or that contingent social reality makes a difference to what is morally right and wrong in some more radical way. When Fuchs emphasizes historical and cultural relativity, he obviously wants to say something other than that Christian morality always has been erroneously strict. Thus, he is supposing some way more radical than any of those listed above in which the concrete historical and cultural situation determines moral truth.

When Fuchs suggests as criteria of morality standards such as «steadily advancing “humanization”» (p. 129) and «man’s self-realization and self-development» (p. 131), he evidently wants them to be more than formal and empty concepts. When he insists upon the social («the evaluating human society») to exclude individual arbitrariness, he points to the de facto «total reality of man and his society» as the principle which provides determinate content (p. 131). Clearly, he wishes to avoid relativism: «The critical question, then, is not one of relativism but of objectivity, or the “truth” of the action which must be in conformity with the whole concrete reality of man (of society)» (p. 133). But how can Fuchs avoid relativism if he accepts as determinative of the formal concept of human self-realization the *whole* concrete reality of society, with its actual historical and cultural conditions?

One could say that the whole concrete reality of persons and their societies must be taken into account in developing moral norms, but that not everything should be accepted uncritically as determinative of what is morally right and wrong. That position is available to anyone who holds that critical reflection can invoke operative norms with transhistorical and transcultural validity. But Fuchs, to avoid moral absolutes, proposes a concept of *recta ratio* which empties it of such content:

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<sup>23</sup> See GRISEZ, *op. cit.*, ch. 9, for an analysis of human acts which makes this point clear. Fuchs takes a contrary view, of course; his view on this point will be criticized toward the end of part V.

We shall continue to employ the traditional term *recta ratio*. The human is in it, that which is humanly right. Whatever is not *recta ratio* is necessarily nonhuman, not worthy of man, antithetic to a steadily advancing «humanization». *Recta ratio* does not mean innate discernment or moral truth, «inscribed» somehow, somewhere. Hence it does not denote a norm of conduct «inscribed in our nature», at least not in the sense that one could read off a moral regulation from a natural reality. The «nature» upon which the moral law is inscribed is preeminently and formally nature as *ratio*, but only, of course, as *recta ratio*. From this viewpoint, the preferred expression would probably be that of Paul in Romans: the moral law is «engraved on the heart» (*Rm* 2, 15). Apart from this, realities of the natural order, *ratio* excepted, can neither provide a basis for, nor affirm, any moral laws. Considered positively, then, the task of *homo-ratio* in discovering or projecting behavioral 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. 129-130).

While this account of *recta ratio* is not without its ambiguities, it clearly excludes the sort of content which would be needed to determine what should and what should not count as morally determinative when one fills the formal concept of human self-realization with the *whole* concrete reality of persons in society and their world.

Thus, in rejecting moral absolutes Fuchs is driven to do two things: to appeal to the whole historical-cultural reality to find content for the formal notion of human self-realization, and to exclude from natural law anything beyond the formal requirements of reason which might serve as a principle of criticism. He probably did not intend indiscriminately to accept as morally determinative actual, socially functioning views of human self-realization. He certainly did not consider the implications of doing so. But only the relativity of morality to actual, socially functioning views of human self-realization seems to involve sufficiently radical relativity to exclude moral absolutes. Therefore, it is worth considering in the concrete what such relativity amounts to, even though Fuchs surely would wish to introduce limiting principles.

One actual, socially functioning view of human self-realization is the Marxism which is accepted by the leadership of the Soviet Union. Those who espouse this ideology are not constrained by the ethical absolutes of other eras and cultures, such as the Stoic, Judaic, and Diaspora-Judaic ethos which Fuchs thinks St. Paul assumed as hypothesis from his cultural milieu. Nor does any Marxist wonder about what is required for steadily advancing humanization. For a convinced Marxist, human self-realization and self-development are no mere empty concepts. What contributes to the revolution and emergence of the new society is good; what resists the course of historical inevitability is bad. Thus, while Marxists deny moral absolutes which would bind always and everywhere, regardless of the concrete historical and cultural conditions, they insist on moral absolutes of the sort Fuchs accepts — norms which guide behavior in the actual situation to true self-realization and self-fulfillment.

Fuchs might reply that although Marxism is the established world view

in the Soviet Union, it can be criticized on factual and logical grounds, and thus does not represent the whole concrete reality of anyone's historical-cultural situation. Whether such a critique could be carried through without assuming some moral standards will not seem so clear if one considers the ideological differences between the findings of social scientists in the Soviet Union and the West. Moreover, will the situation be improved if one sets aside Marxism as one's example of a socially functioning view of human self-realization and takes instead the liberal world view common to the democratic nations of the West?

Here social norms also are predicated on a definite view of steadily advancing «humanization». Human self-realization ideally means material well-being for all and maximum liberty for each. Among the normative implications of this conception are approval of contraception, abortion, and easy divorce and remarriage. By limiting population growth and the cost of social welfare programs, contraception and abortion contribute to the attainment of a high and rising standard of living. By freeing individuals from burdensome family responsibilities, these practices together with easy divorce contribute greatly to individual liberty.

Theologians of the West who appealed to public opinion polls (the «*sensus fidelium*») and the academic climate of opinion («*consensus theologorum*») against recent reaffirmations by the magisterium of received Catholic moral teaching are hardly in a position to disown the specification «self-realization» receives from the actual social reality of the contemporary West. Indeed, Fuchs seems to appeal to this reality.

Undoubtedly it is full of inconsistencies, and so can be criticized on logical grounds. But logical criticism can only show that *some* position is false; it is impotent to determine which, if any, of an inconsistent set of positions is true. Moreover, because of the libertarianism and pluralism characteristic of the West, frequently anyone who sought moral specification from social reality would be sent back to individualistic subjectivism: On that question, what is right for you depends upon what you want out of life. But Fuchs appealed to society precisely to avoid that sort of arbitrariness and relativism.

Of course, when the very survival of a society is at stake, those who admit no moral absolutes do tend toward unanimity in their judgments concerning what ought to be done. Shortly after World War II, a British economist, Lionel Robbins, reflected upon the simplifications introduced into the making of socioeconomic policy during wartime. A single objective counts; all else is instrumental. If there is no victory, there is no future. All decisions are technical. Unity of purpose «gives a certain unity to the framework of planning which at least makes possible some sort of direct decision which is not wholly arbitrary»<sup>24</sup>.

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<sup>24</sup> LIONEL ROBBINS, *The Economic Problem in Peace and War: Some Reflections on Objectives and Mechanisms*, Macmillan, London 1957, pp. 49-50.

Robbins surely is right about the wartime psychology of the leaders and people of Britain and the United States. Absolute victory, the unconditional surrender of the Axis nations, became an obsession. That it precisely why virtually everyone accepted the strategy of obliteration bombing as harmonious with the whole concrete historical-cultural reality of those societies. Against that strategy, two decades later Vatican II articulated a moral absolute of the sort Fuchs considers theoretically impossible: «Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their populations is a crime against God and man himself. It merits unequivocal and unhesitating condemnation» (GS 80).

During World War II Germans also had a clear sense of the requirements of concrete social reality. Although subsequently hardly anyone could be found who had supported Nazi ideology, at one time some Germans were certain that racial purification required that all Jews be eliminated. Of course, Nazi ideology can be criticized. The most obvious criticism is that it is *always* wrong to try to kill all the Jews in the world. No doubt Fuchs would agree with that moral absolute. But for him absoluteness is not universality. It is «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» (p. 120). In other words, the relevant absolute is merely what *we* must think about Nazi genocide. Or, at best, it is one of those «norms stated as universals, with precise delineations of action to which we cannot conceive of any kind of exception» (p. 141).

Martyrs in general, not only Christian ones, often lay down their lives for what they think are moral absolutes at odds with social demands which themselves claim absoluteness in Fuchs' sense. The fictional Antigone and Plato's Socrates appealed to moral absolutes. John the Baptist lived too soon to know how to provide «internal forum solutions» for difficult marriage cases. Thomas More, thinking it always wrong to swear falsely, died «the King's good servant, but God's first».

Had Jesus, in discerning his own responsibilities, used the criterion of the whole concrete historical-cultural situation of his society, he might have sided with the leaders, like Caïphas, who judged that «it is better for one man to die for the people, than for the whole nation to be destroyed» (Jn 11, 50). Of course, Caïphas was assuming that the end justifies the means. But unless one supposes that killing the innocent is *always* wrong, how can one disagree with Caïphas' evaluation of the premoral goods of one innocent life and the whole nation's survival? Indeed, what happened a few decades later might be taken to verify the realism of Caïphas' policy of collaboration with the Roman authorities.

For the Christian there is a way of escaping from the limitations of the concrete totality of particular historical-cultural situations. The ultimate horizon of good action need not be settled by what contributes to human progress in one's actual, earthly society. For while natural virtues promote the good life of earthly society, Christian virtues equip one for life in the kingdom. The

kingdom is no mere abstraction but a reality which relativizes the particularities of historical epochs and cultures.

That is why Vatican II, having stressed the tremendous changes which mark the modern world, affirms: «The Church also maintains that beneath all changes there are many realities which do not change and which have their ultimate foundation in Christ, who is the same yesterday and today, yes and forever. Hence in the light of Christ, the image of the unseen God, the firstborn of every creature, the Council wishes to speak to all men in order to illuminate the mystery of man and to cooperate in finding the solution to the outstanding problems of our time» (GS 10).

When it approaches urgent questions about war, the Council specifies this teaching to affirm moral absolutes: «Contemplating this melancholy state of humanity, the Council wishes to recall first of all the permanent binding force of universal natural law and its all-embracing principles» (GS 79). These principles are not merely transcendental norms; rather, they are operative norms drawn from the gospel's vision of human self-realization and progress. Hence, «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 of every age. It strengthens, perfects, and restores them in Christ» (GS 58).

Obviously, the content the gospel provides for the notion of human self-realization does not give Christians a goal which would enable them to calculate what sorts of actions are likely to effect the most good or contribute most to human progress. Moreover, as explained above, success in effecting goals, even those involving the most genuine goods of persons, is far less important than faithful obedience in serving goods, whose realization ultimately depends upon God's re-creative act. How, then, can the gospel's vision of integral human fulfillment generate any operative moral norms?

According to the Preface of the Feast of Christ the King, which Vatican II quotes, the goods of the kingdom are truth and life, holiness and grace, justice, love, and peace (GS 39). Each of these is an irreducible aspect of human fulfillment. Each contributes to the image of God whose fullness will be found only in the whole Christ. Yet each of these goods can be served by our work in this world. Such service gives content to love of neighbor, and loving service to one's neighbor is service to Jesus. In carrying on such service, partiality is excluded, except that partiality to others characteristic of the mercy of Jesus, who came not to be served but to serve.

However, not all Christians have the same gifts and opportunities for service. Hence, apart from their common religious duties, the affirmative operative norms of Christian life flow from finding one's personal vocation, committing oneself to it, and faithfully fulfilling it. In doing so, one promotes the good fruits of human nature and effort. The neighbors one serves will attain truth only imperfectly, will die, will fall short of perfect holiness, will

suffer from injustice and share in it. Still, the redemptive work of Jesus will continue in the world and the coming of the kingdom will continue to be merited.

In cases in which it would seem to a nonbeliever necessary to destroy, damage, or impede some instance of one of the human goods, the Christian will remember that these are irreducible aspects of persons made in God's image. Love of neighbor excludes any choice to harm; that is why it fulfills the commandments (*Rm* 13, 8.10). Reverence for the person rules out, always and everywhere, a whole series of abuses. For example, one may never choose abortion, willful self-destruction, slavery, or prostitution (GS 27). Within the limited perspective of human knowledge, no one can ever know that choosing to destroy, damage, or impede a human good truly would contribute to human self-realization. The Christian has the certitude of hope that God will crown faithfulness with the perfection of all the human goods in the heavenly kingdom. Hence, it never is necessary to make the best of a broken world by sacrificing some persons (or aspects of persons) to other persons (or aspects of persons).

The preceding explanation of the place of absolutes in Christian morality may be clarified by considering the example of marital love.

Marital love is a good intrinsic to the persons of husband and wife in their communion. 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 — though not the only one — which specifies the acts of married life. Beyond marital love lies only the ultimate and full human good — the heavenly communion, of which Christian marriage itself is the sacrament, in which Jesus is united with his Church.

The meaning of the good of marital love is not exhausted by anyone's present understanding of it. Every couple who truly love grow constantly in their understanding of their love. As they do so, they look back with the realization of how little they understood at earlier stages (Some of this growth in understanding certainly can be articulated and handed on from age to age. It would be a mistake to think that husbands and wives today have no more responsibility to and for one another than did married people in Old Testament times).

Precisely for the sake of marital love's growth, we must not attempt to define it in positive terms. To say, once for all, what marital love is and must be, would be to mummify it. Yet if married people have no way of identifying authentic love, they cannot pursue and foster it. Thus, marital love is «defined» negatively, in terms of *exclusive* and *permanent* rights, mutually given and received, to marital acts. Thus, negative moral norms which absolutely exclude divorce (with remarriage) and adultery hold open the way for the constant growth and creative newness of marital love.

Remove the moral absolutes which make marital love possible without delimiting its possibility. Marital love then will be redefined positively, in terms of certain skillful performances (such as simultaneous orgasms), psychological satisfactions (such as secure affection), or social advantages (such as economically

beneficial family ties). Even if people succeed in the pursuit of such goods, they will only complete projects, not receive a continuous and inexhaustible gift.

Maintain these absolutes and others like them. Human self-realization and progress have content which can generate operative norms. These do not ideologically define a this-worldly social goal, historically and culturally conditioned and constantly changing. But they do direct one to the service of the various goods of the person, to reverence for persons, and to preparing the material of the kingdom. Conforming to moral absolutes, one sometimes will pay the price of not effecting certain good results or of suffering certain evils. But one may confidently hope that God's re-creative act will respond to one's faithfulness.

#### V. CRITIQUE WITH RESPECT TO PROPORTIONALISM IN MORAL JUDGMENT

Of course, Fuchs has reserved a way out of the inadequacy of socially articulated moral norms with their dependence on the actual historical-cultural situation to provide content for the otherwise merely formal concept of human self-realization or steadily advancing «humanization». That way out is through conscience. For, according to Fuchs, behavioral norms formulated in advance, which are necessarily abstract and somewhat generalized, never can be wholly adequate to the concrete human reality to which authentic, self-realizing action should conform. Hence: «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, the *ratio* (*recta ratio*) of behavioral norms exercises merely an auxiliary function» (p. 129).

Still, it was important to see the inadequacy of Fuchs' view of the historical and cultural relativity of behavioral norms. Otherwise, when the unworkability of moral judgment as he understands it becomes clear, one might have supposed that the individual conscience could look to society for support. However, what has been shown above with respect to historical-cultural relativity makes it clear that society is in no better position to support conscience than a bankrupt nation is to support its impoverished citizens. Fuchs' view of the relationship between conscience and norms means that the individual must in principle be able to review the work of the evaluating society in formulating general norms.

Thus, in theory, at least, concrete moral judgment, if it is to arrive at moral truth, somehow must be able to reconsider everything involved in societal evaluation: «the significance of the action as value or nonvalue for the individual, for interpersonal relations and for human society, in connection, of course, with the total reality of man and his society and in view of the whole culture. Furthermore, the priority and urgency of the different values implied must be weighed» (p. 131). Beyond this, conscience must consider what human good and nongood — in the premoral sense — will be effected by each action possible in the actual situation. Whenever the action will effect both good and

bad, conscience must determine whether «the realization of the evil through the intended realization of good is justified as a proportionally related cause» (p. 136).

It is important to notice that the case in which an action intends and effects a good but also effects an evil is by no means an exception. Whenever anyone undertakes to bring about a certain good something is lost; at least, valuable resources such as time and energy are used and they will never be recovered. Moreover, no one sets out to effect evil (in the premoral sense) precisely as such. Even malicious people seeking revenge intend some premoral good — for example, what seems to them just satisfaction for the wrong another has done. If we think of a possible action and notice nothing bad about it, no choice is necessary; we proceed spontaneously. And if a possible action is suggested to us and we see nothing good about it, we do not entertain it as a real option.

Therefore, when Fuchs introduces the notion of «proportionally related cause», he embraces a general theory of moral judgment: proportionalism. According to this theory, the moral judgment of conscience can and should be reached by making a comparative evaluation of benefits and harms promised by available possibilities. The right choice is the one which offers the best proportion of premoral good to nongood.

Since Fuchs is not alone in holding proportionalism, I shall first offer a general — and, I believe, decisive — criticism of the theory, and then deal with some of the peculiar features of Fuchs' presentation of it.

The first point to notice is that we can and often do make practical judgments in the way proportionalism suggests. In cases where one has a definite, firmly accepted goal in view, deliberation seeks to determine the easiest or least costly route to this objective. After considering the possibilities, one often finds only one remaining and proceeds to take it. Here «more good» and «less bad» have definite meanings, for one is not thinking morally but technically: Only instrumental good is at stake. The morality of what one is doing and of the various ways of doing it is either taken for granted or ignored for the time being. One reaches a conclusion about the best course from a comparative evaluation of premoral goods, but the conclusion is not a moral judgment. For example, if someone is only concerned to reach a destination as quickly as possible, «I ought to take the night plane to Rome» is not a judgment about moral rightness but about efficiency.

If individuals could simply accept their moral framework from society, their judgments of conscience could be limited to technical questions, and they could proceed as proportionalism suggests. However, since no merely earthly society is in a position to give moral support to its members' consciences, proportionalism requires conscience to evaluate the promise of different options not in view of particular goals but in view of human fulfillment as a whole.

In many cases, one makes a moral judgment, eliminating possibilities by using previously recognized moral norms. For instance, a mother who believes she ought to divide her estate evenly among several children may consider and

reject several possible ways, until she finally finds the way which seems least inequitable. She then makes the division in this way, saying it is less bad than the alternatives — that is, less uneven than the discarded possibilities. Here the moral good of fairness is at stake, and reflection concludes in a moral judgment. But the judgment is different from those proposed by proportionalists. The proportion here is determined by a moral principle (fairness). By contrast, the proportionalist thinks moral judgments are reached by a comparative evaluation of human goods, without assuming a moral principle to settle the proportions.

When they break promises and do other things which they consider justifiable exceptions to accepted norms, people often explain themselves in a way which sounds like proportionalism: «I broke my promise to my friend and wouldn't let him have his gun because, regardless of any harm to our friendship, it would have been much worse to let him go out and kill somebody». However, the nonabsoluteness (openness to exceptions) characteristic of most moral norms can be explained without adopting proportionalism, by pointing out the absolute norms in which others are grounded.

For instance, the Golden Rule — treat others as you would have them treat you — both grounds the norm that one should keep promises and justifies exceptions. An upright person who breaks a promise when the Golden Rule requires this judges that fairness is a greater good than dependability. This judgment is by no means proportionalist; it does not involve the proportionalist's weighing and balancing of goods and bads prior to a moral norm in order to justify a judgment that some goods can be attacked for the sake of promoting others or preventing «greater evils». Fairness is a greater good than the dependability of keeping promises because the latter has moral value from the former: One ought (usually) to be dependable because it is (usually) unfair not to be. The Golden Rule itself does not admit of exceptions. What could justify one who treated others in a way he or she would not want to be treated in a similar situation?

Many proportionalists accept some absolute moral limits, such as the Golden Rule, on the use of proportionalism. They do this precisely to prevent their theories from justifying judgments like that of Caiphas. Fuchs does not explicitly make any reservations of this sort. But even if he admitted some absolute moral limits, he would have to face the issue of the workability of proportionalism within those limits.

That issue is: How can one commensurate the premoral benefits and harms promised by available possibilities to determine which of them offers the best proportion of good to nongood? In trying to explain how the goods and bads can be weighed against one another, proportionalists who are clearheaded have tried to find some way consistent with their theory to commensurate premoral benefits and harms. But they never have succeeded in doing so <sup>25</sup>.

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<sup>25</sup> See GRISEZ, *op. cit.*, ch. 6; *Against Consequentialism*, «American Journal of Jurisprudence», 23 (1978), pp. 21-72; ALAN DONAGAN, *The Theory of Morality*, (University of Chicago Press,

Analysis of moral action shows that proportionalism is in principle unwor-  
kable because the problem of commensuration is logically insoluble. This is  
so because proportionalism requires that two conditions be met, and the two  
conditions are incompatible. The two conditions are: 1) that a moral judgment  
is to be made, which means both that a choice must be made and a morally  
wrong option could be chosen; 2) that the option which promises the definitely  
superior proportion of good to bad be knowable. The following consideration  
makes it clear that these two conditions cannot be met at the same time.

If the first condition is met and the morally wrong option could be  
chosen, then its morally acceptable alternative must be known. Otherwise, one  
could not choose wrongly, for one chooses wrongly only when one knows  
which option one ought to choose and chooses a different option.

But when the first condition is met, the second cannot be. The option  
which promises the definitely superior proportion of good to bad cannot be  
known by a person who chooses an alternative which promises less. If the  
superior option were known as superior, its inferior alternative simply could  
not be chosen. Any reason for choosing it would be a better reason for choosing  
the superior option. Whenever one really knows that one possibility is definitely  
superior in terms of the proportion of good to bad it promises, any alternative  
simply falls away, and there is no choice to make.

Thus, although proportionalism is proposed for cases in which one must  
choose between morally significant alternatives, all that proportionalists really  
say is that it would be wrong to choose precisely that which practical judgment  
(as they understand it) would exclude as a possibility for free choice, namely,  
an alternative measurably inferior in terms of the relevant good and bad. The  
truth of the matter is that when such an alternative is recognized in deliberation,  
no choice about it is possible; it drops out of consideration. Hence, whenever  
proportionalist judgments are possible, they exclude choices contrary to them  
by preventing them, not by forbidding them. But a judgment which prevents  
one from choosing otherwise is not a moral judgment. Therefore, proportiona-  
lism is inherently unable to serve as a method of moral judgment.

If the preceding analysis is correct, why has it seemed to Fuchs and other  
intelligent and reflective people that it is possible to carry out the commensura-  
tion of goods and bads proportionalism requires? There are several causes of  
this mistake.

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Chicago 1977), pp. 149-209; JOHN FINNIS, *Fundamentals of Ethics*, (Georgetown University  
Press, Washington, D.C. 1983), pp. 80-120; JOHN R. CONNERY, S.J., *Morality of Consequences:  
A Critical Appraisal*, «Theological Studies» 34 (1973), pp. 396-414; *Catholic Ethics: Has the  
Norm for Rule-Making Changed?*, «Theological Studies», 42 (1981), pp. 232-250; FERDINANDO  
CITTERIO, *La revisione critica dei tradizionali principi morali alla luce della teoria del «compro-  
messo etico»*, «Scuola cattolica», 110 (1982), pp. 29-64; DARIO COMPOSTA, *Il consequenzialismo:  
Una nuova corrente della «Nuova Morale»*, «Divinitas», 25 (1981), pp. 127-56; MARCELINO  
ZALBA, S.J., *Principia ethica in crism vocata intra (propter?) crism morum*, «Periodica de Re  
Moralis, Canonica, Liturgica», 71 (1982), pp. 25-63 and 319-57.

Proportionalists who are not clearheaded often try to use scales which their theory makes unavailable to them. One such scale is a definite objective, which reduces the moral question to one of technical calculation. This mistake is involved in the common practice of leaving to experts the evaluation of means to an end, once the end has been accepted as morally valid. For instance, given that a war is just, there is a tendency to approve whatever means military leaders consider most effective. Even those who are amoral often learn that this is disastrous, because no expert takes account of all the interests involved. Military leaders, for instance, often forget that politics will go on by other means after a war is over. Morally sensitive people take for granted that the morality of means cannot be settled merely by considering their technical effectiveness. That is precisely why Fuchs holds that the «truth» of an action «must be in conformity with the whole concrete reality of man (of society)» (p. 133).

Another scale often assumed by proportionalists is a moral principle. For instance, when Fuchs tries to offer an example of a behavioral norm involving action so precisely delineated that we cannot conceive any kind of exception, he suggests «cruel treatment of a child which is of no benefit to the child» (p. 141). Here the word «cruel» has an unmistakable moral connotation. Undoubtedly, Fuchs had a certain pattern of behavior in mind, but his good moral sense overwhelmed his bad ethical theory when he tried to describe what he had in mind.

Another possible cause of the mistaken belief in the workability of proportionalism is suggested by a significant clause Fuchs adds at the end of one of his formulations of the theory: «Causing an “evil for man” is not morally wrong in every case. All that seems necessary is that it be justified by a comparative evaluation of all the elements of the total actual situation, without such evaluation having necessarily to take place on the plane of conscious reflection» (pp. 164-165). Here the appeal is to intuition.

No doubt, everyone has intuitions about what is appropriate to do. The moral intuitions of a truly upright and well-integrated person — the person who has the virtue of «prudence» as St. Thomas understands it — will be sound, for they will embody the moral principles by which such a person was formed. The equally compelling intuitions of someone who is not vicious but simply morally immature will reflect the immediate resonance of human values and disvalues in a more or less healthy sentient nature. That will be so because the character of the morally immature person is not yet determined through intelligence and free choice to life in accord with reality as a whole. Thus, the value response of the immature person results from what is determined by nature. The proportionalist who appeals to the intuition of the prudent begs the moral question; the one who appeals to the intuition of the immature abandons it.

Decent people sometimes have intuitions at odds with moral principles to which they are committed. For example, a compassionate priest who believes in the absolute indissolubility of marriage can feel that it would be best in a

particular case if a divorced and «remarried» couple continued to live in their adulterous relationship. The question is whether that intuition reflects some sort of subconscious «comparative evaluation of all the elements of the total actual situation», as Fuchs might think, or whether it reflects decent feeling about some of the elements of the situation but fails to reflect the whole truth of human fulfillment, which goes not only beyond sentiment but even beyond intelligent wishes unintegrated by faith. The priest's intuition is not self-validating; it requires criticism. And so the critical question which is the task of ethical theory cannot be settled by appealing to such intuition.

Another possible cause of the mistaken belief in the workability of proportionalism is confusion between moral judgment and free choice. Unlikely as it might seem that Fuchs would confuse the two, there is some evidence of this confusion in his favorable reference to what Karl Rahner, S.J., wrote about «a moral faith-instinct» (p. 122). Rahner advanced this notion in an article concerned with genetic manipulation<sup>26</sup>. He asserted that there are aspects of the essential morality of human acts which are nonconceptual, but belong to experienced reality and to practice which is in a «darkness» beyond theory. He also pointed out that people (including moral theologians) have a hard time articulating good arguments for their moral convictions. On this basis, Rahner posited his «moral faith-instinct».

What Rahner had in mind is somewhat unclear; perhaps he only intended an appeal to intuition similar to that already criticized. But it seems he meant to propose a version of individual voluntarism, for in the summary of the article he wrote that «this "instinct" justifiably has the courage to say *Stat pro ratione voluntas* because such a confession need not necessarily be overcautious about making a decision» and that the whole theoretical argument is based on «we do not *want* to manipulate»<sup>27</sup>.

No doubt, choice does commensurate objectively noncommensurable values and disvalues. However, to make choice the principle of moral determination is to surrender to subjectivism. The point of ethical reflection is to determine what is right and wrong before one chooses, so that one's choice will be right. Subjectivism reverses the roles of judgment and choice: First one chooses and then one finds a reason for one's choice. That process overcomes the unworkability of proportionalism, but, unfortunately, it does so by replacing conscience with rationalization.

Having criticized proportionalism as such, I now turn to some peculiar features of Fuchs' presentation of the theory. Examination of these features will confirm the preceding criticism by further pointing up the incoherence of Fuchs' view. Fuchs uses the word «intention» in two senses without distinguish-

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<sup>26</sup> KARL RAHNER, S.J., *The Problem of Genetic Manipulation, Theological Investigations*, vol. 9, *Writings of 1965-67*, I, trans, GRAHAM FARRISON, Herder and Herder, New York 1972, p. 243.

<sup>27</sup> *Ibid.*, p. 251.

ing them, and thus rests part of his argument on equivocation. He uses «intention» in one sense to refer to that willing without which there is no human act at all (p. 136). He uses «intention» in another sense to refer to the willing of the precise good for the sake of which one acts (pp. 136-138). These two are not logically identical and often are distinct in fact. For example, a couple who deliberately and freely contracept can have only one «intention» in the first sense, namely, to impede the coming to be of a possible new person (That contraception is a definite human act is clear, since a wide range of somewhat different performances can count as the same human act). But the human act of contraception can be carried out with many different «intentions» in the second sense. For instance, some couples contracept for the sake of freedom from parental responsibilities while others do so because they fear having another child would make it difficult for them to fulfill their parental responsibilities.

Proportionalists do not wish to admit that intention in the first sense can be morally determinative by itself — that is, apart from intention in the second sense, and perhaps other factors as well. They are entitled to try to defend that view. But they ought to be clear that they are approving choices to destroy, damage, or impede (pre-moral) goods, and that any such choice is an intention in the first sense.

Fuchs does not wish to admit that his view approves intending (pre-moral) evil. For this reason, he suggests that the moral justification of an action can affect what one intends (pp. 136-137). By using «intention» in this odd way, Fuchs makes his view appear much closer than it actually is to received Catholic teaching's concern about the morality of the means one uses to gain one's ends. However, he pays a price to gain this advantage: He loses the subject matter of ethical reflection. For, if there is no act without intention and no intention without moral characterization, there is no act without moral characterization, and hence there is nothing whose moral character can be in question.

The preceding confusion affects Fuchs' remarks about the morality of killing. He asserts that a morally significant action «can be performed only with the intention of the agent. One may not say, therefore, that killing as a realization of a human evil may be morally good or morally bad; for killing as such, since it implies nothing about the purpose of the action, cannot, purely as such, constitute a human act. On the other hand, "killing because of avarice" and "killing in self-defense" do imply something regarding the purpose of the action; the former cannot be morally good, the latter may be» (p. 136).

Here Fuchs oversimplifies the complexity of the situation. There are cases in which one brings about death without choosing to kill and there are cases in which one chooses to kill. The former class includes those killings which received Catholic teaching called «indirect» (Killing in self-defense, had to be indirect to be justified, according to some, though not all, Catholic moralists). Direct killing — that is, killing which carries out a choice to destroy a life — can be done with many different intentions: out of avarice, for revenge, to end a burdensome life, and so forth. By rendering it impossible even to consider

direct killing prior to its moral characterization as an important kind of moral action, this oversimplification lends plausibility to Fuchs' claim that the commandment forbidding killing must be understood as forbidding unjust killing (pp. 140-141).

I think that as a matter of historical fact, Christian tradition did treat direct killing as an important kind of moral action<sup>28</sup>. True, it did not characterize all such killing as morally evil. However, the factor believed to make killing immoral was not the injustice involved in most killing — suicide violates the commandment but need not be unjust — although the injustice of killing usually aggravates its malice. Rather, direct killing was considered immoral in the absence of divine authorization, both because unauthorized killing violates God's lordship over life and because it violates the reverence due to the person made in God's image. As St. Thomas says: «Considering man according to himself, it is not licit to kill anyone, since we ought to love in everyone, even the wrongdoer, the nature which God made and which is destroyed by killing»<sup>29</sup>.

One can challenge the traditional view of killing on various philosophical and theological grounds. But whatever its strengths and weaknesses, its approval of some choices to kill provides no precedent for Fuchs' interpretation of the commandment, which amounts to saying: Thou shalt not kill unless the choice to do so seems «justified by a comparative evaluation of all the elements of the total actual situation, without such evaluation having necessarily to take place on the plane of conscious reflection» (pp. 164-165).

Fuchs' oversimplified analysis of the moral act, which follows from his equivocation on «intention», also facilitates his exploitation of cases which moral theology formerly dealt with as instances of indirect killing, indirect mutilation, and so forth (pp. 136-138). These were cases in which the destruction, damaging, or impeding of a good (life, bodily integrity, and so forth) is not chosen but is freely accepted as a side effect incidental to carrying out a choice to bring about a good. Fuchs points out, I believe correctly, that there were certain confusions in the traditional statement of the principle of an act with a double effect (p. 138). While no extended treatment of that principle is required to complete the present critique, a few clarifications are in order.

Proponents of the principle of double effect presupposed moral absolutes. There would have been no point in their trying to distinguish cases in which a side effect may be accepted had they not been convinced that some kinds of acts are always wrong and that such a kind is specified by a choice to bring about a certain pre-moral evil. The articulation of the principle was an effort to discriminate instances in which it is permissible to bring about what it would always be wrong to choose.

<sup>28</sup> See ST. AUGUSTINE, *City of God*, I, 20-21; XIX, 7.

<sup>29</sup> *S. Th.*, II-II, q. 64, a. 6.

Fuchs does his best to submerge choosing in the overall movement of the will toward good. One might ask: Why was choosing formerly thought to be so important? The answer, briefly stated, is that in the Christian tradition, morality is in the heart. God cannot choose evil but he can and does permit certain evils. Similarly, the human will sometimes can permit what it could never choose without losing its goodness. One determines oneself in respect to what one chooses in a way one does not with respect to what one freely accepts. Unless one changes one's mind — in case of a sin repents — one's choices, being self-determining, endure to constitute one's lasting self.

Hence, an upright person such as Jesus might freely accept death incidental to the carrying out of a choice to do something good without that acceptance qualifying a constant love of the good of human life. But no one can choose to kill without qualifying that love. Traditional justifications of killing qualified it by subordinating it to reverence towards God. Proportionalist justifications of killing qualify it by subordinating it to considerations of quantity of lives (Hiroshima), or quality of life (Baby Doe), or to various other finite goods.

Besides requiring that one not choose evil, the principle of double effect in its usual formulations set other requirements for the uprightness of an act having a bad side effect. One of these was that there be due proportion between the good sought and the evil accepted. Proportionalists frequently argue that this requirement is evidence both that traditional moralists were at least half-hearted proportionalists and that they assumed the commensurability of goods which proportionalism requires.

The answer to this challenge is that when traditional moralists talked about «proportionality» they referred to *moral* criteria, over and above the moral absolutes which forbid certain direct acts, which govern the acceptance of side effects. For example, a pediatric physician prepared to accept the harsh side effects of some form of therapy for her patients when she would not approve the same sort of treatment for her own children shows immoral partiality. In such a case, although other conditions of a standard understanding of double effect would be fulfilled, there would be lack of proportionate reason for accepting the harmful side effects, and so the choice of that type of therapy would be immoral. Of course, since what is in question here is a genuine moral judgment according to a rational principle, prudent persons often know intuitively when the requirement of proportionality is met and when it is not.

Fuchs accepts the dictum that the end does not justify the means, but only with the qualification that the excluded means is the *morally* bad one (p. 138). The qualification would seem to render the dictum nugatory: A good purpose does not morally justify what cannot be morally justified. However, Fuchs' view does not leave room for even this vacuous interpretation of the dictum. For, as explained above, Fuchs thinks that there is no act at all until the purpose for acting is specified. If so, what he calls a «morally bad means» would not be a complete human act so long as there were a further possibility of its serving as a means to some ulterior good end. Hence, on Fuchs' view, the dictum loses all sense.

St. Paul articulated this dictum when he confronted precisely the question whether what would otherwise be evil — a lie or refusal of truth — might not be justified if it promotes God's glory (*Rm* 3, 7-8). I neither wish nor need to use Paul as a proof text against proportionalism. Fuchs probably would argue that Paul's rejection of violating truth to promote God's glory was simply another instance of his acceptance as hypothesis of a moral evaluation proper to his time.

However, the following *reductio ad absurdum* makes it clear why Paul took the position he did. If one holds 1) that one may do evil that good might come of it together with 2) Paul's doctrine of divine providence (God permits what is bad only to draw good from it), then one also must accept as a moral principle: If in doubt about what is right, try anything. For if one accomplishes what one attempts, one can be certain that on the whole and in the long run it was for the best, since it must have fit into the plan of providence. And if one does not accomplish what one attempts, one learns that would have been wrong, but no harm is done.

This suggests proportionalism's central theological inadequacy: It confuses human responsibility with God's responsibility. We however are not responsible for the overall greater good or lesser evil, for only God knows what they are. Our responsibility requires not success in effecting goods and preventing evils but faithful fulfillment of our personal vocation, according to which we serve human persons as we can, refrain from choices to violate them, and hope for God's re-creative act to complete the work of redemption.

Given that there are moral absolutes, is the role of conscience reduced, as Fuchs suggests it would be, to obedient application of rules? Not at all. The Catholic must learn the moral truth. Revelation contains it and the Church's teaching makes it available, but it is not a simple set of rules to be followed unintelligently. Even if the true meaning of moral absolutes is grasped and they are accurately applied, one only knows what one must *not* do. The real work of conscience begins at this point. One must find one's vocation and learn how to fulfill it in the way of Jesus. One must understand one's options and invent better ones. In doing this work, the Christian conscience will develop new specific affirmative norms to shape action in a way which faithfully follows Jesus across ever new terrain.

## VI. CRITIQUE WITH RESPECT TO THE USE OF THEOLOGICAL SOURCES

Like parts of a house of cards, the opinions which make up Fuchs' view lean upon one another for support. Hence, if even one part of the preceding criticism has succeeded, Fuchs' effort to exclude moral absolutes from Scripture and the Church's faith loses virtually all of its initial credibility. Still, given the dependence of theological dissent on a method of using theological sources exemplified in Fuchs' recent work, a direct consideration of this matter is necessary to round out this critique.

With respect to interpreting Scripture, Fuchs tells us «to go to school to contemporary exegesis, to avoid lapsing into unauthorized good-will reading» (p. 117). That is good advice, but Fuchs' advice is better than his example.

Nothing the difficulty of understanding the Sermon on the Mount, Fuchs expresses the opinion that the absolute validity of its demands probably is not as universal norms but as «models for the behavior of the believing and loving citizens of God's kingdom who will be ready for such modes of conduct, perhaps, under certain conditions not individually specified by the Lord» (p. 118). Fuchs offers no exegetical evidence for this opinion. No doubt he could find it. However, there is equally good exegetical support for the view he wishes to exclude and for a number of others, because there are at least a dozen different and respectable ways of reading the Sermon on the Mount<sup>30</sup>.

In his book, *The Moral Teaching of the New Testament*, Rudolf Schnackenburg rejected the opinion Fuchs considers probable<sup>31</sup>. Other competent exegetes argue cogently that the moral teaching in Matthew's Gospel is not merely incidental — a «secundarium», to use Fuchs' expression<sup>32</sup>. Moreover, through the monumental work of Jacques Dupont on the Beatitudes, one verse of the Sermon on the Mount recurs like a refrain: «It is not those who say to me, "Lord, Lord", who will enter the kingdom of heaven, but the person who does the will of my Father in heaven» (*Mt* 7, 21). Nor does Dupont understand this verse in a way compatible with the interpretation Fuchs favors.

About Jesus' teaching on the indissolubility of marriage, Fuchs asks: «Is the moral imperative to be understood as a norm to be followed as universal practice or as an ideal?» (p. 118). Schnackenburg discusses this question and does not even consider the opinion that Jesus' prohibition of divorce is only an ideal; he concludes that it is a universal norm<sup>33</sup>. E. Schillebeeckx, in his work on marriage published in 1963, considered the relevant passages of Scripture and drew the same conclusion<sup>34</sup>. Moreover, against the opinion that the prohibition of divorce is only an ideal stands the weight of the whole Christian tradition, including the tradition of those who admitted an exception in the case of adultery, for that claimed exception would have been pointless had Jesus merely announced an ideal.

In dealing with St. Paul, Fuchs focuses on «the Pauline directives concerning woman's position in marriage, society and the Church» and takes it as

<sup>30</sup> See HARVEY K. MC ARTHUR, *Understanding the Sermon on the Mount*, London 1960, pp. 106-127.

<sup>31</sup> RUDOLF SCHNACKENBURG, *The Moral Teaching of the New Testament*, Herder and Herder, New York 1965, pp. 82-89.

<sup>32</sup> See JOHN P. MEIER, *The Vision of Matthew: Christ, Church, and Morality in the First Gospel*, Paulist Press, New York 1979, pp. 42-51; W.D. DAVIES, *The Setting of the Sermon on the Mount*, Cambridge University Press, Cambridge 1964, pp. 94-108.

<sup>33</sup> SCHNACKENBURG, *op. cit.*, pp. 132-143.

<sup>34</sup> E. Schillebeeckx, O.P., *Marriage: Human Reality and Saving Mystery*, trans. N.D. SMITH, Sheed and Ward, New York 1963, pp. 141-155.

self-evident today that these «are to be regarded as conditioned by his times» (p. 119). No doubt, distinctions must be made among Paul's «directives», for some are rules of Church order while others are teachings, and canon law must not be confused with moral truth. But given these distinctions, substantial recent work calls into question what Fuchs considers self-evident<sup>35</sup>.

Fuchs uses the example of Paul's teaching on man and woman to support a more general thesis: «It could hardly be supposed that the Stoic, Judaic, and Diaspora-Judaic ethos which Paul represents was in all respects a timeless ethos» (p. 119). If that reference is to anything having more than intentional unity, it hardly could be timeless, for cultural houses so thoroughly divided are as fragile as houses of cards. More important, if Paul «represented» either Judaism or Stoicism, more typical participants in either tradition might have wished for better representation.

Of course, Paul did draw on Judaism; he did not believe that divine revelation began with himself. But like Jesus himself, Paul was careful to discriminate what Christians had to accept from the earlier tradition of Israel. The diligence he shows in liberating his converts from unnecessary requirements of the law argues strongly that any demands Paul assumes from the Judaic tradition are believed by him to be essential for the salvation of Christians. Paul believes that the greatest possible transformation of human nature has occurred in Jesus; anything which survives this transformation can hardly be in his eyes a mere expression of the Jewish ethos.

The thesis that Paul borrowed heavily from Stoic and other popular morality of the time needs to be proved, and Fuchs offers no proof for it. Against it stand very substantial exegetical studies, which minimize the borrowings of the authors of the New Testament Epistles, including Paul, from Greek sources, and find in the Epistles a pattern of moral teaching which suggests that underlying them is a primitive Christian catechism, probably developed for the instruction of the catechumens and the recently baptized<sup>36</sup>. Forcefully opposing pagan corruption and carefully prescinding from elements of the Judaic law not essential to Christian life, the apostolic Church appropriated the revelation in Jesus of what persons should be; the result was moral formation in the way of Christ which is valid always.

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<sup>35</sup> STEPHEN B. CLARK, *Man and Woman in Christ: An Examination of the Roles of Men and Women in Light of Scripture and the Social Sciences*, Servant Books, Ann Arbor, Mich. 1980, pp. 209-220 (summary).

<sup>36</sup> See PHILIP CARRINGTON, *The Primitive Christian Catechism: A Study in the Epistles*, Cambridge University Press, Cambridge 1940, pp. 88-89 (summary); EDWARD GORDON SELWYN, *The First Epistle of Peter: The Greek Text, with Introduction, Notes, and Essays*, Macmillan, London 1958, pp. 437-439 (summary); DAVID DAUBE, *The New Testament and Rabbinic Judaism*, Athlone Press, London 1956, pp. 90-105, esp. 102-103: «Everything points to the existence of early Christian codes of duties in Hebrew, from which the participles of correct practice crept into the Greek of the epistles. Freedom in the spirit did not relieve the Church of the necessity of insisting on a definite moral order».

In handling the question of moral norms in Scripture, Fuchs proceeds as if his audience consisted of persons who had been brought up as fundamentalists and who have no living community of faith to rely upon when they encounter difficulties in interpreting Scripture. He admits that the behavioral norms of the New Testament might remain valid today, but adds: «Only, we must reflect whether the criterion of their possible absolute (i.e., universal) validity is Holy Scripture itself, whether it can be and was intended to be» (p. 120). Similarly, in dealing with the Church's moral teaching, Fuchs proceeds as if the Church were a merely human community which had no access to God's word when it encounters difficult moral questions: «Is the claim of absoluteness for the norms transmitted by the Church a claim of universal norms? Does the Church give us thereby a system of universal morally valid norms which God has not given us in Holy Scripture?» (p. 121).

That way of dividing theological sources does not comport well with Catholic teaching and practice. Vatican II, in its magnificent Constitution on Divine Revelation, makes it clear both that Scripture must be read within the Church under the guidance of the magisterium and that the Church entirely depends upon divine revelation whose handing on the magisterium serves. As if directly rejecting the view implicit in Fuchs' methodology, the Council concludes: «It is clear, therefore, that sacred tradition, sacred Scripture, and the teaching authority of the Church, in accord with God's most wise design, are so linked and joined together that one cannot stand without the others, and that all together and each in its own way under the action of the one Holy Spirit contribute effectively to the salvation of souls» (DV 10). If one adopts a methodology more in harmony than Fuchs' with this Catholic principle, one will have no trouble discovering some moral absolutes in Scripture and the Church's teaching.

The Ten Commandments have a unique place within the Mosaic law; they are represented as being the very words of the covenant, dictated by God (see *Ex* 34, 27-28)<sup>37</sup>. Their religious and liturgical significance makes them no less functional as a moral foundation for legal enactments<sup>38</sup>. Within the New Testament, Christian morality is presented as the perfection and superabundant fulfillment of the Decalogue<sup>39</sup>. In the Sermon on the Mount, Jesus broadens and deepens several of the commandments and demands their interiorization (see *Mt* 5, 21-37). All the synoptics, moreover, present Jesus as affirming the commandments as a necessary condition for entering eternal life (see *Mt* 19,

<sup>37</sup> See EDOUARD HAMEL, S.J., *Les dix paroles: Perspectives bibliques*, Desclée de Brouwer, Brussels 1969, pp. 18-20.

<sup>38</sup> DELBERT R. HILLERS, *Covenant: The History of a Biblical Idea*, Johns Hopkins Press, Baltimore 1969, pp. 88-89.

<sup>39</sup> See MATTHEW VELLANICKAL, *Norm of Morality according to the Scripture*, «Bible Bhashyam: An Indian Biblical Quarterly», 7 (1981), pp. 121-146, for a remarkably clear and balanced synthetic statement of the biblical teaching of moral truth, centrally in Christ, but also including specific and unchanging norms.

16-20; *Mk* 10, 17-19; *Lk* 18, 18-21). St. Paul, in asserting that Christian love fulfills the law, assumes the truth of the Decalogue and its permanent ethical relevance, extols the superiority of love, and rejects any suggestion which would empty love of its operative normative implications (see *Rm* 13, 8-10).

The prohibitions of the commandments were no doubt understood more narrowly in their original context than in their unfolding in later Jewish and Christian tradition. Still, no reasonable reading of the Decalogue can deny it the status of fundamental revealed moral truth — a status always recognized by common Christian practice in moral instruction<sup>40</sup>. To say that the Decalogue has the status of fundamental, revealed moral truth is not to deny that it needs interpretation and development. This process begins in the Old Testament itself and, as indicated, is continued in the New. The same process is carried on today by the living magisterium, whose competence extends as far as revelation's protection and exposition requires (LG 25). However, the continuous process of interpretation and development does not justify the claim that the Decalogue is mere moral exhortation to follow an existing code, which always must be read with proportionalist riders — for example, Thou shalt not commit adultery, unless it seems to be the greater good.

In considering the moral teaching contained in Scripture, one must bear in mind that most moral norms are nonabsolute. Moreover, as already explained in respect to the commandment prohibiting killing, some important norms taught in Scripture are limited in ways taken to be divinely revealed. For these reasons, instances in the Bible of norms which admit of exceptions do not argue against the truth of absolute norms which are proposed there as absolute and certainly true (Moreover, nonabsolute norms proposed in Scripture as certainly true are not falsified by their exceptions).

Moral absolutes are found in divine revelation. It is fitting that they are. For, as was shown in part III, moral absolutes guide human acts and protect the intrinsic goods of human persons, and these acts and goods are constitutive elements of the kingdom, in which alone integral human fulfillment will be found. Moreover, as was shown in part V, proportionalism is unworkable in principle as a method of guiding human actions to integral human fulfillment, because human providence is inherently limited. And, as was shown in part IV, by faith the Christian is in principle both liberated from the moral bondage of the historical-cultural relativity of this world's ideologies of human self-realization, and enabled to live with Jesus in a communion which remains the same always and everywhere. Living in that communion, one benefits from both the definiteness and the openness of having one's faithful obedience

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<sup>40</sup> See ST. THOMAS, *S. Th.* I-II, q. 100, aa. 1, 8; q. 107, a. 2, ad 1. For a very detailed study of this point in the Fathers of the Church, see GUY BOURGEOULT, S.J., *Décalogue et Morale Chrétienne: Enquête patristique sur l'utilisation et l'interprétation chrétiennes du décalogue de c. 60 à c. 220*, Desclée, Paris 1971, pp. 405-418 (summary of conclusions). An important textual study: PATRICK LEE, *Permanence of the Ten Commandments: St. Thomas and His Modern Interpreters*, «Theological Studies», 42 (1981), pp. 422-43.

defined by negative norms. Thus, the word of God includes moral absolutes to provide the guidance we need to play our own small but irreplaceable role in the drama of salvation and to play it with originality and creativity.

Moral absolutes also contribute to the economy of revelation itself. This can be seen by considering adultery.

Fuchs and others who reject moral absolutes seldom take adultery as an example. The commandment against it has not been proposed with divinely authorized limits, as has the commandment against killing. Also, it seems ridiculous to claim that the true meaning of the commandment has always been: Thou shalt not engage in *wrongful* extramarital sexual intercourse involving a married person. The commandment absolutely forbidding adultery, moreover, is proposed consistently throughout Scripture and tradition, and surely still reaffirmed by a morally unanimous magisterium. Transparently, the commandment was not conditioned upon the ethos of New Testament times. Both St. Paul and Trent include adultery among the immoralities — a list obviously based on the Decalogue — which will exclude unrepentant Christians, even if they die in faith, from the kingdom <sup>41</sup>.

To understand the importance of adultery to revelation and the life of faith, one must notice that the revelation we have actually received would have been impossible had God not created sex: «God created man in the image of himself, in the image of God he created him, male and female he created them» (Gn 1, 27). For if we had no experience of familial relationships based on sexual generation, we could not understand the meaning of «Father» and «Son», and without these concepts we could not begin to understand what we believe about the Trinity, the Incarnation, and our adoption as children of God.

Marriage is the created reality before all others by which God reveals to us the communion of divine and human persons for which he has created us and to which he calls us in Christ. Marriage is a union of utmost intimacy (the two become one flesh) which yet preserves the individual identities and different roles of those who share in it. As husband and wife, so divine and created persons are united in communion while retaining their personal dignity, because the covenant relationship is formed by mutual, free commitments. One can see how unique the Christian vision of divine-human communion is if one compares it with other religions which either exclude such intimacy or submerge the individual personalities of creatures.

God's faithfulness to the covenant relationship is one of the most central revealed truths, for this truth is the ground of our trust in God's mercy and our hope of glory. Take away our assurance that God is faithful and the gospel ceases to be good news. Faithfulness in marriage is the created reality before all others by which God reveals his faithfulness to us. The moral absolute

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<sup>41</sup> See DS 1544/808; 1 Cor 6, 9-10.

forbidding adultery makes marital faithfulness possible. Therefore, this moral absolute belongs to the economy of revelation itself. The revelation we have actually received is necessarily linked with marital faithfulness.

Someone will object that even if there were no moral absolute forbidding adultery, some husbands and wives might still be absolutely faithful to one another, and so there would still be available the experience required for the revelation of God's faithfulness. But the objection fails, for two reasons.

First, faithfulness is not a contingent fact: that this man and woman happen to have intercourse only with one another. The faithfulness is in making and keeping a commitment to a self-giving which is both mutual and exclusive. From one point of view, that commitment is a free choice. But from another point of view, it has in it a necessity which excludes contingency. This necessity is the only sort of necessity compatible with free choice: moral necessity. This moral necessity is the bindingness of the commitment, the obligation one accepts in making it. Just as an ordinary promise is more than a prediction because it is a moral undertaking, so covenantal promises are more than both predictions and ordinary promises because of their more profound moral undertaking. That undertaking is a pledging of oneself; its violation is moral self-destruction. Here is moral necessity.

In fact, of course, we can be unfaithful; we can destroy ourselves morally. But we know what that means only by recognizing the moral absolute which forbids it. Knowing our faithfulness and unfaithfulness, and believing that God cannot destroy himself morally, we begin to conceive what God's faithfulness is. Thus, the moral absolute forbidding adultery, not merely some examples of exclusive sexual communion, is necessarily linked with the revelation of God's own faithfulness.

Second, created realities by which God reveals pertain to the image of God in creation. The means God uses are not mere means; they always have their own intrinsic value. That is so because whatever goods God makes belong within his plan; they are part of the fullness he intends to complete in Christ. Therefore, marital fidelity contributes to the building up of the reality it signifies — the faithful communion of husbands and wives is within the faithful communion of divine and created persons. After they serve the Lord here on earth, faithful spouses will find the good of their fidelity again in the kingdom, freed of stain, burnished and transfigured. In sum, marital fidelity is no mere conventional sign of the fidelity of Christ and the Church, but a true sacrament. For this reason too, the moral absolute excluding adultery, not merely contingent examples of exclusive sexual communion, is necessary.

The final topic for criticism is Fuchs' opinion about the moral teaching of the Church. To criticize it, one must first consider a certain assumption about infallibility. The assumption, widely shared in recent years, is that what is not solemnly defined is not infallibly taught.

If this assumption were correct, infallibility would attach quite contingently to some propositions pertaining to faith, namely, to those which for one reason or another happen to be solemnly defined. But this is a mistaken conception

of the relationship between infallibility and the revealed truth which faith accepts.

To see why, one must consider what infallibility adds to the absolute truth of God's revealed word and the absolute certitude of the divinely given faith by which Christ's faithful accept, hold, and hand on God's word. Although God can neither deceive nor be deceived, individual believers, even those whose faith is true and generous, can err in matters of faith. For example, St. Thomas Aquinas mistakenly thought that Mary was conceived in original sin — an opinion we now know to be an error contrary to the truth of faith. How is such error possible?

The answer is that such error is possible because the individual believer can confuse what is not revealed with what is, can mistake either a nonrevealed and possibly false opinion for a revealed truth, or a revealed truth for a nonrevealed and possibly false opinion. This confusion and mistaking is what infallibility — the certain gift of truth — excludes. The Catholic Church *as such* has this gift, although no individual Christian *as such*, not even the pope *as an individual Christian*, has it.

To see why the Church *as such* has the certain gift of discerning revealed truth, it helps to begin with the apostles. The Church is founded on them, because they were the authorized recipients of God's revelation in Jesus, who is the reality and truth by whom the Church lives.

Revelation is communication, and there is no communication without a recipient. An attempt at communication which goes unreceived is just that — a failed attempt, not a communication. But God, revealing in Jesus, communicates perfectly and in no way fails. Therefore, God's revelation in Jesus was perfectly received by the apostles. Perfect reception of a communication excludes confusing anything which belongs to the communication with anything extraneous to it. Therefore, the apostles could not make such mistakes. However, of themselves they were fallible men. Therefore, they needed and received a certain gift of discerning God's revelation in Jesus: infallibility.

Revelation in Jesus, however, was not for the apostles alone, but for all humankind, including us men and women. Even to us, God continues to communicate. His revelation in Jesus — infallibly received, witnessed, and handed on by the apostles — continues to reach people as the apostolic communion continues to spread to all nations and eras. Thus, men and women today share in revelation by living within the apostolic communion, the Church.

The Church, however, would not hand on revelation to us if she were not infallible. Rather, at best, she would hand on fragments of a mutilated revelation mixed with much merely human and possibly erroneous extraneous matter. Since revelation cannot be verified or falsified by any outside standard, such as experienced facts, the residue of God's authentic communication could never be reclaimed and purified. If that were the situation, God's undertaking to reveal to us would be a botched attempt.

But God cannot fail in his undertakings. Therefore, the Church *as such* — the apostolic communion still continuing in the world and in history —

continues to share in the apostolic gift of sure discernment. She infallibly accepts, holds, and hands on as revealed all and only what truly is revealed. Thus, as Vatican II teaches:

The body of the faithful as a whole, anointed as they are by the Holy One (cfr *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 to St. Augustine omitted), it shows universal agreement in matters of faith and morals.

For, by this sense of faith which is aroused and sustained by the Spirit of truth, God's people accepts not the word of men but the very word of God (cfr *1 Ths* 2.13). It clings without fail to the faith once delivered to the saints (cfr *Jd* 3), penetrates it more deeply by accurate insights, and applies it more thoroughly to life. All this it does under the lead of a sacred teaching authority to which it faithfully defers (LG 12).

Thus, whatever the Church as such received, holds, and hands on is infallibly believed and taught.

But the Church hands on more than solemnly defined doctrines. As Vatican II teaches:

Therefore the apostles, handing on what they themselves had received, warn the faithful to hold fast to the traditions which they have learned either by word of mouth or by letter (cfr *2 Ths* 2, 15), and to fight in defense of the faith handed on once and for all (cfr *Jd* 3). Now what was handed on by the apostles 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 (DV 8).

Therefore, infallibility does not attach in a merely contingent way to certain truths of faith.

The conclusion which was to be proved follows: The widely shared assumption that what is not defined is not infallibly taught is false. The truth, rather, is that whatever the Church as such believes and hands on as part of revelation is infallibly taught.

Of course, many will deny this. But the ultimate cost of denying it will be to deny that God still does reveal to us in Jesus, for if the Church is not infallible, nothing in the world to which we have access will be able to bring God's communication to us intact.

But if infallibility characterizes all that the Church as such believes and teaches, what distinguishes the infallible Church from her fallible members? When does the Church as such act, in distinction for the particular acts of believing and teaching which belong to her members?

The Church is a human community. Like any human community, she has a leadership. A human community acts as such when its leaders act in certain official ways. These ways of acting which constitute the acts of a community as such are called «authoritative». Therefore, the Church as such acts when

her leaders act according to their proper authority. Specifically, the Church as such teaches when her leaders teach according to their proper authority.

The revelation which is handed on is the whole reality of the Church — all that she herself is, all that she believes. This whole reality is the communion of divine and human persons in mind, in will, and in performance. Therefore, the Church's belief and teaching, her sacramental communion with God in Jesus, and her revelatory living out of the gospel before the world are not three separate sets of acts, but only one integrated set of acts.

Jesus founded the Church upon the apostles; they were her initial leaders. They led her in respect to the one set of acts which constitute her life by preaching the gospel, presiding over the eucharistic assembly, and building up and guiding the Christian community in its responsibility of bringing the light of Christ to the world.

In every aspect of the life of the Church, all of her members were called to participate according to their gifts. Thus, the apostles were not the only teachers, priests, or apostolic workers. But since the single life of a community requires unified leadership, the apostolic office included leadership in the Church in teaching, worship, and government. Thus, when the apostles taught according to their proper authority as leaders of the Church, they taught infallibly.

With respect to their role of leadership, the apostles had successors: those still recognized as leaders of the Church, namely, the bishops. There are many bishops, and they can act individually and inconsistently, even when they are trying to fulfill their official duties as leaders of the Church. When that happens, one cannot say that their official acts constitute acts of the universal (Catholic) Church as such.

However, when the bishops act officially, together, and in harmony, the Church as such acts. When the Church as such teaches, she teaches infallibly. Therefore, when the bishops teach officially, together, and in harmony, they teach infallibly. Therefore, as Vatican II teaches:

Although the bishops individually do not enjoy the prerogative of infallibility, they nevertheless proclaim the teaching of Christ infallibly, even when they are dispersed throughout the world, provided that they remain in communion with each other and with the successor of Peter and that in authoritatively teaching on a matter of faith and morals they agree in one judgment as that to be held definitively (LG 25).

Study of the development of this conciliar text clarifies it<sup>42</sup>. The first condition — that the bishops be *in communion* with one another and with the pope — does not mean that they must act as a single body, in a strictly

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<sup>42</sup> The present interpretation of the conciliar text is based on the study of it presented by JOHN C. FORD, S.J., and GERMAIN GRISEZ, *Contraception and the Infallibility of the Ordinary Magisterium*, «Theological Studies», 39 (1978), pp. 263-277.

collegial manner. It is necessary and sufficient that they remain bishops within the Catholic Church. The voice of the Church is identified, and distinguished from various voices within the Church, partly by the sacramental ordination and bond of communion which unite the bishops who share in uttering the Church's teaching.

The second condition — authoritative episcopal teaching *on a matter of faith and morals* — requires that the bishops be acting in their official capacity as teachers, not merely expressing their opinions as individuals or as theologians. As for the subject matter of their teaching — «faith or morals» — the formula has a long history<sup>43</sup>. It is sufficient here to say that nothing in the pertinent documents limits «morals», in the sense intended by Vatican II, in such a way as to exclude moral absolutes, such as that forbidding adultery.

The third condition — that the bishops agree *in one judgment* — identifies universality as a requirement for an infallible exercise of the ordinary magisterium. What is necessary, however, is the moral unity of the body of bishops in union with the pope, not an absolute mathematical unanimity such as would be destroyed by even one dissenting voice<sup>44</sup>.

Furthermore, if this condition has been met in the past, it would not be nullified by a future lack of consensus among the bishops. The consensus of future bishops is not necessary for the ordinary magisterium to have taught something infallibly or to do so now. Otherwise, one would be in the absurd position of saying that it is impossible for there to be an infallible exercise of the magisterium until literally the end of time; since at any given moment, one cannot tell what some bishops in the future might say.

The fourth condition — that the bishops propose a judgment to be held *definitively* — obviously does not refer to the formulation and promulgation of a solemn definition, since what is in question is the bishops' day-to-day teaching. The condition does mean at least this: that the teaching is not proposed as something optional, for either the bishops or the faithful, but as

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<sup>43</sup>See M. BÉVENOT, *Faith and Morals in Vatican I and the Council of Trent*, «Heythrop Journal», 3 (1962), 15-30; PIET FRANSEN, S.J., *A Short History of the Meaning of the Formula «Fides et Mores»*, «Louvain Studies», 7 (1979), pp. 270-301. The formula in Vatican I and II certainly includes reference to specific moral norms under «mores», and in Trent and before, when «fides» was understood more existentially and less rationalistically, under «fides». See TEODORO LÓPEZ RODRIGUEZ, «Fides et mores» en Trento, «Scripta Theologica», 5 (1973), pp. 175-221; MARCELINO ZALBA, S.J., «Omnis et salutaris veritas et morum disciplina»: Sentido de la expresión «mores» en el Concilio de Trento, «Gregorianum», 54 (1973), pp. 679-715.

<sup>44</sup>At Vatican I, Bishop Martin of Paderborn, speaking for the Deputation of Faith, explained the unanimity required for the infallibility of the ordinary magisterium (which Vatican I teaches: DS 3011/1792) by using the following example: All Catholic bishops believed in the divinity of Christ before the Council of Nicea, but this doctrine was not defined until then; therefore, up to that time it was taught by the ordinary magisterium: J.D. MANSI ET AL., ed., *Sacrorum conciliorum nova et amplissima collectio*, 51, pp. 224-225. As everyone knows, there hardly was anything like unanimity about this doctrine either before or even after Nicea, except to the extent that those who denied it may have ceased to be Catholic bishops, having lost communion by their heresy.

something which the bishops have an obligation to hand on and which Catholics have an obligation to accept. In the case of moral teaching, however, it is unlikely that those proposing the teaching will explicitly present it as something to be intellectually accepted as true; it is more likely that they will leave this demand implicit and will propose it as a norm which followers of Jesus must try to observe in their lives.

The Church as such also teaches when a truth of faith is solemnly defined, either by a general council or by a pope teaching *ex cathedra*. Solemn definitions presuppose, pick out, and officially formulate particular propositions from the infallibly received and handed on reality of the Church. Thus, an act of solemn definition does not add infallibility to a truth previously taught noninfallibly, but adds only the canonical expression of the truth — the «irreformable definition»<sup>45</sup>. Moreover, such definitions are «irreformable» only in this: The language used in the sense in which it is used in that act of defining accurately expresses an infallibly believed element of the content of faith.

In one passage, there is a suggestion that Fuchs shares the erroneous assumption that what is not solemnly defined is not infallibly taught. Fuchs says

... it is noteworthy that in the Church's two thousand years, 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. On the other hand, this is not to say that the nondefinitive authoritative guidelines of the Church are meaningless, as if one might ignore them, oblivious to the fact that they also come under the assistance of the Spirit of Christ abiding with the Church. Hence a certain presumption of truth must be granted them. Yet one may not see in such instances any conclusive legislation or doctrinal definition of an ethical norm whose validity would be guaranteed by the Holy Spirit (p. 124)

This argument seems to overlook the category of nondefined but infallibly taught moral truths. In doing so, it reduces the status of common, constant, and very firm moral teachings to that of noninfallible judgments on moral questions offered by leaders of the Church acting without the consensus of the body of bishops in communion with one another and the pope.

Fuchs qualifies his denial that there have been solemn definitions of moral truths, probably to leave room for Trent's definitions polygamy and divorce<sup>46</sup>. But his denial raises the question of the significance of the fact that there is not a body of solemnly defined moral norms comparable to the body of solemnly defined dogmatic truths.

I think this fact can be explained easily in a way compatible with confidence in the infallibly taught common, constant, and very firm moral teaching of the Church. As has been explained, solemn definition does not add infallibility to what was noninfallible, but only adds a canonical expression of the truth. Why

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<sup>45</sup> See DS 3074/1839.

<sup>46</sup> See DS 1802/972, 1805/975, and 1807/977.

is such canonical expression important? Because the Church has the task of handing on revelation, a process which involves both words and deeds — the words which proclaim the gospel and the deeds which carry it out. Sometimes doctrinal confusion makes a canonical expression of a dogma necessary so that Christians will all speak in the same way, and thus be able to convey the same gospel message. But canonical expression of moral norms generally will be of little help in cultivating the communal, living witness to Christ which will convey God's love and make the truth of the gospel credible.

Therefore, to counter moral disarray among Christians, the Church has not resorted to solemn definitions of moral norms but has taken other, more relevant measures: declaring certain very grave sins to be canonical crimes, exhorting the faithful to do penance for certain sins, approving certain rules of life for the more devout living of the gospel, providing catechisms which help the faithful learn how to live the Christian life, canonizing saints who exemplify certain virtues, requiring that confessors be trained in moral theology according to the content of approved textbooks, using certain passages of Scripture in the liturgy, and so on.

If one approaches the Church's teaching without an a priori conviction that no moral absolutes could possibly be found there, one will not have any difficulty in finding such norms. Many of them, like the norm forbidding adultery, have been universally, constantly, and very firmly handed on in moral teaching proposed as revealed in the Decalogue, its deepening, and development. Such norms clearly are infallibly taught, for the Church as such has accepted, held, and handed them on through the centuries. The conditions articulated by Vatican II to identify infallible teaching by the bishops were met as they exercised their moral leadership. Hence, although such norms were never solemnly defined, their status is unmistakable from the many other relevant acts, analogous in morals to definition in dogma, proposing these norms as absolutely essential conditions for Christian living.

If one sets aside the peculiar developments of the twentieth century and considers the entire previous Jewish and Christian tradition, its massiveness and unity in witness to the moral teaching centering on the Decalogue are overwhelmingly impressive. For example, not only no Catholic but no other Christian and no Jew ever would have dared to say of adultery and killing the innocent anything but: These are wicked things, and they who do them can have no part in God's kingdom. Thus the whole People of God stands against contemporary theological speculation to the contrary. That speculation has accepted the burden of showing that even until yesterday the whole People of God profoundly and thoroughly misunderstood how to do his will. Can such a claim find any possible ground in faith? Is it not, rather, patently a claim whose whole plausibility derives from contemporary cultural factors wholly alien to Jewish and Christian faith?

But Fuchs contrasts what pertains to natural law morality with what pertains to revelation. Some norms commonly, constantly, and very firmly taught by the Church — for example, that concerning contraception — do not so

obviously pertain to divine revelation as does the norm, say, concerning adultery. Might such norms be taught by the Church without being infallibly taught?

The answer, clearly, would be yes, if the norm in question is not taught by the Church as such. For example, various bishops and groups of bishops have expressed different opinions concerning the morality of a nuclear deterrent which involves the threat to kill noncombatants. Some of these differing judgments, even if they were proposed to be held definitively, might be in error.

But norms such as that concerning contraception pose a different problem. That norm surely has been held and handed on by the Church as such<sup>47</sup>. That is precisely the point made by the popes who have said that the norm has been «handed down uninterruptedly from the very beginning» (Pius XI), «is as valid today as it was yesterday; and it will be the same tomorrow and always» (Pius XII), has been proposed with «constant firmness by the magisterium» (Paul VI), and is reaffirmed «in continuity with the living tradition of the ecclesial community throughout history» (John Paul II).

Very often those who proposed the Catholic teaching concerning contraception appealed to Scripture. Sometimes, the norm concerning contraception was reduced to the commandment concerning homicide or to that concerning adultery. In other cases, appeal was made to another text, such as that concerning Onan. Whatever more recent exegesis makes of such uses of Scripture, those who taught in this way made it clear by doing so that they were convinced that the teaching belongs to revelation and must be accepted by Christians with faith.

Those who invoked or alluded to particular texts in Scripture did not interpret them in isolation from the whole body of Christian moral convictions. These latter in turn were grounded more in the meditation of Christians upon the whole of divine revelation, contained both in Scripture and in the concrete experience of Christian life, than in an exact reading of isolated texts. Holding a body of moral convictions, which they were confident expressed God's wisdom and will for their lives, Christians invoked particular Scripture texts as witnesses to the truth and obligatory character of the moral norms they believed to belong to the law of God.

If one looks at matters in this way, it is easy to believe that the principles explicitly contained in revelation implicitly include whatever Christians need to shape their lives in Christ. Still, some theologians have thought that while the Church must be able to teach definitively on the whole natural law, not all of it can be found in revelation. In an early draft of Vatican II's text on the infallible teaching of bishops, there was an important limiting clause: «in handing on the revealed faith». This clause was deleted to accommodate the view that infallibility is not thus limited, and instead the qualification was made that the truth must be proposed as one to be held definitively — that is, as certain or absolutely binding<sup>48</sup>.

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<sup>47</sup> FORD and GRISEZ, *op. cit.*, pp. 277-282.

<sup>48</sup> *Ibid.*, p. 267.

At the same time, both Vatican I and Vatican II make it clear that in defining doctrine, there is no question of adding to divine revelation<sup>49</sup>. The infallibility of the Church, Vatican II teaches, extends just as far as divine revelation extends — that is, it extends to all those things and only those things «which either directly belong to the revealed deposit itself, or are required to guard as inviolable and expound with fidelity this same deposit» (LG 25). The clarification in the phrase, «or which are required to guard as inviolable and expound with fidelity this same deposit», was provided by the commission responsible for Vatican II's text; it excludes a restrictive theory of the object of infallibility, which would limit it to truths explicitly contained in already articulated revelation, and so prevent the Church from developing its doctrine and rejecting new errors incompatible with revealed truth<sup>50</sup>.

I think this clarification solves the problem of how moral truths, such as that concerning contraception, taught by the Church as such do belong to divine revelation. They need not be expressed or even implied in Scripture. For revelation includes more than is in Scripture and more than truths. It includes the whole reality of the new covenant communion. This communion is what the Church herself is, what she hands on. Sometimes it is necessary to articulate a moral norm in order to guard as inviolable and expound with fidelity that aspect of covenant communion which is following Christ and bearing witness to him by doing the truth. So if the Church as such teaches some moral norms, they pertain at least in this way to divine revelation.

Those Jews and Christians who first began to set aside the tradition on contraception had no intention of setting aside the entire received morality concerning sex and innocent life. The majority of Paul VI's Commission on Population, Family, and Birthrate, and other Catholics who denied the moral absolute concerning contraception before *Humanae vitae* almost unanimously insisted that the approval of contraception would have no effect upon received teaching concerning fornication, adultery, homosexual relations, abortion, or the indissolubility of marriage. But today there are few indeed who approve contraception on any sort of theoretical ground who have not also rejected at least some of the moral absolutes more obviously included in revelation. Hence, the moral absolute concerning contraception pertains to the deposit of revelation at least in this sense: The body of received teaching concerning sex and innocent life is so tightly integrated that all of it must be firmly held to guard as inviolable and expound with fidelity those parts of it which are most clearly revealed. Hence, the norm concerning contraception could be solemnly defined as pertaining to divine revelation.

So much, then, for Fuchs' view of moral absolutes and for the opinion that Catholics may dissent from the Church's common, constant, and very firm moral teaching.

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<sup>49</sup> See LG 25; DS 3070/1836.

<sup>50</sup> FORD and GRISEZ, *op. cit.*, pp. 264-269.

In 1965 I argued that one cannot approve contraception without more generally abandoning traditional teaching on moral absolutes. After *Humanae vitae* I argued that a Catholic cannot accept the legitimacy of dissent from such teaching without more generally abandoning the Catholic conception of the Church, so freshly articulated by Vatican II. Now I am arguing that no believer can accept dissenting theology's conception of Jewish and Christian life without altogether abandoning faith in divine revelation. More quickly than I ever expected, events have shown that the logic of the first two arguments was sound.