

An Unnoticed Symposium on Moral Theory*

SERVAIS PINCKAERS, OP
University of Fribourg
Fribourg, Switzerland

IT WILL SOON be five years [at the time of writing in 2001] since Cardinal Jean-Jérôme Hamer left us. He had written in his spiritual testament, “I die in communion with the Church, in loving obedience to the Holy Father, in faithfulness to the Order of St. Dominic, of which I am a member and to which I owe much.” Before becoming Secretary of the Congregation for the Doctrine of the Faith, he had been professor of dogma at the Dominican Houses of Studies of La Sarte at Huy in Belgium and of the Saulchoir at Étiolles in France. We should recall here that one of the ways Cardinal Hamer’s devotion to the Church showed itself was in the debates about the July 1968 encyclical *Humanae Vitae*, which divided Catholic moralists, and in the discussions concerning the existence and content of a Christian moral doctrine being developed at the time. To clarify the problems, the cardinal took an intelligent and broadly conceived initiative; he organized a symposium in Rome, from March 22 to March 28, 1981, which gathered together the most competent Catholic moralists to deal with the widely debated question of the existence of universal . . . unchangeable moral laws that apply without exception. These moralists represented the different opinions then current. For the sake of the discussion, they were divided into “classicists” and “innovators.” Each one could express himself freely in the report expected of him, and in the linguistic group discussions as well as in the general assembly.

In organizing the symposium, care was taken to broaden the field of inquiry for the moralists by consulting, with the help of exegetes, Sacred

* Translation by Robert E. Williams, SSI of “Un Symposium de Morale Inconnu,” *Nova et Vêtera* 77 (2001): 19–34.

Scripture, all too absent from moral manuals, and also by examining the thought of the Fathers of the Church and the medieval theologians, especially Thomas Aquinas. They took philosophy and the social sciences into consideration and, more especially, they dealt with the Magisterium's role in moral questions. Finally, they put the New or Evangelical Law, too often ignored by moralists, at the forefront of their consideration.

The fruits of the symposium were brought forth in later years. It was, in fact, a distant preparation for the encyclical *Veritatis Splendor* (August 6, 1993), which took up the same problems dealt with at the symposium, and we can easily recognize the influence of the symposium on the moral section of the *Catechism of the Catholic Church* published in 1992. The symposium reports appeared in two publications. The Germanic group took the initiative of publishing the papers of the mostly "innovator" camp in *Sittliche Normen*,¹ edited by Walter Kerber. We ourselves published, in French, the other reports, whether "classic" or "innovator," in *Universalité et permanence des Lois morales*,² edited by Servais Pinckaers and C.-J. Pinto de Oliveira, which follows the outline of the symposium. The names of most of those who took part in the symposium can be found in these two works.

As evidence of my gratitude to Cardinal Hamer, I am publishing here the symposium's concluding report, which I drew up. It will help the reader appreciate the interest of the debates that were held there, both in the presentations and in the discussions.

An Overview of the Symposium on Moral Theology (March 22–28, 1981)

Introduction: General Assessment

The symposium was a success in its genre, for it presented a real opportunity for meetings and exchanges among participants of different disciplines and schools on the subjects of fundamental moral theology, which is uncommon. It likewise established a good contact between the members of the congregation (for the Doctrine of the Faith) and theologians of diverse tendencies, which is not so frequent. The symposium also allowed for a certain clarification of problems and positions by getting to know people and through the points made in the debates.

We must keep in mind, however, the inevitable limitations of such an interdisciplinary and interscholastic undertaking, especially when people

¹ Walter Kerber, ed., *Sittliche Normen* (Düsseldorf: Patmos Verlag, 1982).

² Servais Pinckaers and C.-J. Pinto de Oliveira, eds., *Universalité et permanence des Lois morales* (Fribourg: Editions Universitaires; Paris: Cerf, 1986).

are meeting for the first time and within a limited timeframe. We should not confuse a symposium with a working group. If it wants to be effective, a working group must gather together persons sufficiently alike in their disciplines, methods, leanings, and views to form a coordinated team. A symposium offers the advantage of assembling persons whose disciplines, tendencies, origins, and opinions are different if not contradictory. It cannot claim to further a project, as would a team, but it can advantageously contribute useful information about the various problems and positions to clear up misunderstandings, to create agreement and collaboration, and to uncover new aspects, just as it brings to light the differences. In a word, it can help one see a problem as a whole and get a better view of trends. In this sense the symposium was a success, as seen in the assessments made by the three groups that composed it.

The study of moral problems proposed to us would have had to have proceeded by way of personal effort or teamwork to have arrived at clear and solid positions, if possible. It could be able to draw much material from the acts of the symposium. We must not forget the hidden work that always takes place when men meet in a climate of free and frank discussion.

The Unfolding of the Symposium

To assess correctly the results and documents of the symposium we must be aware of the fact that it unfolded in three stages. First, before the symposium, the participants sent in preparatory reports following the outline and subjects proposed by the steering committee, which were summarized in three categories: summaries sent to all; a digest of the issues for the steering committee; and lastly, a synthesis that served as an introduction to the symposium. These preparatory reports formed a necessary foundation and first approach for the symposium but did not yet entail any dialogue among the participants, which explains their limitations.

The second stage consisted of the unfolding of the first part of the symposium, with its introductions, group discussions, and discussions in general assembly. The most interesting texts of this central stage are the reports of introduction to the sectors and the brief presentation of reports, which were able to take advantage of exchanges with a greater concentration on the issues of the symposium. They have the advantage of being more thought out and better written than accounts of the discussions in which interventions are at minimum length and which depend upon the give and take of exchanges. To them must be added certain longer interventions written throughout the symposium.

The third stage consisted of responses to the questionnaire proposed for the last two days of the symposium. We have to keep in mind that we are

dealing here with a group effort written within a limited timeframe. It had the advantage of forcing the groups to indicate their reactions to the different aspects of the problem of *intrinsece malum*, as the classical language of the manuals puts it. But the short time available did not allow for a deep or very exact elaboration of the answers. The divergences within linguistic groups slowed the work. Also, certain participants could have formulated personal answers that would have been more complete, more precise, and different from those of the groups to which they belonged.

The Germanic group experienced a particular division that concerned a fundamental problem. The Italian group split on most points. As for the French group, it wound up with two parallel, rather than opposed, texts. In conclusion, the substance of the symposium is to be found in the preparatory reports completed and clarified by the first part of the symposium. The responses to the questionnaire come as a complement and provide certain information of their own.

Outline of a Synthesis

We shall divide this attempt at synthesis into three headings:

1. The question of the relation between, on the one hand, Scripture, the patristic and theological tradition with the teachings of the New Law, and, on the other, current moral problems regarding norms and intrinsically evil acts, which brings in biblical scholars, patrology experts, and moral theologians.
2. The problem of unchangeable universal laws and objective judgment, or the *intrinsece malum* in moral discussions.
3. The question of the Magisterium's intervention in moral questions.

The Question of the Relations between Scripture, Patristic and Theological Tradition, and Current Research in Moral Theology

Two general observations emerge from the unfolding of the symposium:

1. The realization of the gulf existing between biblical scholars, patristic experts, et cetera, and moralists. At the end of the first day, after the presentations on Scripture, several moralists expressed their impatience to get to what they thought was the real problem under consideration, as if they deemed that the exegetes and patristic scholars could hardly present them with something important or with something they did not already know. By contrast, on the third day during the moralists' presentations and discussions, the other participants thought they were being completely sidelined by issues and by a technical language they could not penetrate.

2. After the exegetes and moralists had made their presentations on the New Law on the fourth day, we could notice a rather general satisfaction, expressed especially by the German-speaking moralists. It was evident that the theme of the New Law, drawn from the Gospel and the theological tradition, offered a broader perspective, and one that was better founded on Scripture, to serve as the basis for a renewed moral theology and a richer Christian anthropology. Thus, beyond the divisions and gulfs we had observed, there emerged, at least on the horizon, a point of agreement and unification that would likely steer further research and efforts. The criticisms voiced concerning the questionnaire of the last two days bore precisely on the fact that it seemed to forsake the perspectives the presentations on the New Law had opened and to confine the symposium once more within the narrower framework of traditional casuistry.

Here then is the situation: A real separation exists between the biblical scholars and the moralists discussing the problems submitted to the symposium on the issues and on the technical language. However, there is a possible meeting point on the teaching of Evangelical Law, which is both scriptural and theological. To this encouraging observation we may add the favorable assessments voiced by the different groups, stating that one of the major interests for them was the interdisciplinary work accomplished together and the wish that it continue. Nevertheless, many questions remain.

Let us look at things from the biblical scholars' viewpoint. The reports dealing with Scripture agreed in affirming that there are unchangeable moral laws and that these were ordered, each in its own way, to Evangelical Law. The same goes, generally, for the presentations on the Fathers and the medieval theologians, whose thought was nourished by Scripture but with the constant and explicit use of the natural law. We should note, however, that the presentations of the biblical and patristic scholars, unlike those that dealt with St. Thomas and later Scholasticism, received hardly any attention from the moralists, apparently because they did not address their problems sufficiently. The discussions among moralists only took into consideration Schürmann's contribution dealing with current topics.

Obviously the biblical scholars can retort that the categories the moralists use are not found in Scripture, or in the Fathers for that matter. They can reproach the moralists with elaborating their theories on a purely rational level without, in practice, feeling the need to refer to the Bible unless incidentally. Even if in principle they admit the importance of Scripture as the primary source of moral theory, in fact they take scarcely any

account of it in the method they use, in their research, their discussions, their presentations. On the other hand, we can ask ourselves if the biblical scholars themselves do not employ certain categories and adopt certain positions borrowed from the moralists without critiquing them sufficiently, without, in particular, examining them to see if they agree with the givens of Scripture. For example, these categories are often taken over from the morality of obligation, which sets aside the question of beatitude, wisdom literature, et cetera, only to concern itself with commands. We may also add that up to now Catholic biblical scholars have busied themselves very little with scriptural morality. Likewise we must say that certain exegetes are well aware of the concrete problems raised in the symposium and hope to be able to provide answers to them based on Scripture.

There remain different questions about the New Law and its relation to the Sermon on the Mount. Is the expression “New Law” adequate, especially as regards chapters 5 to 7 of St. Matthew? Besides the manifold interpretations of the Sermon, which we could not get into, and the question of its attribution to Jesus Himself, largely admitted by Monsignor Descamps, we may ask ourselves how far we should give a privileged place to this text. In this regard, let us point out that the Fathers’ reading of Scripture is unifying, for they see the Spirit as its principal Author. In their thought, then, the Sermon must not be taken in isolation but as a text calling for all other scriptural texts that deal with Christian morals, notably the passages where St. Paul describes living according to the Spirit.

If we look at the problems of Scripture and the New Law from the standpoint of the moralists, it is appropriate that we distinguish the different positions among them. If we wish to employ the distinction between “classicists” and “innovators,” we should note a division among the former, which gives us three tendencies:

1. The tendency we might call post-Tridentine, in line with the moral manuals, for which the natural law is the basis of morality, with reason as its main source.
2. The tendency, inspired by Thomistic thought (in the German sense of “thomanisch”), which has rediscovered the primary importance in moral theology of Evangelical Law’s teaching, and tries to make Scripture’s leading role as the source of morality a reality again.
3. The so-called innovating tendency has taken a critical position in regard to the first classical one and usually operates on a very rational and technical level, but is interested in the current re-reading of St. Thomas and by the re-appreciation of Evangelical Law.

Attitudes toward Scripture and biblical scholars differ. The first tendency questions whether Scripture, as well as the Fathers, can bring anything new and solid to the solution of the moral cases under discussion, especially if we consider the multiplicity of interpretations among exegetes, patristic scholars, and historians. Also, its ultimate and surest reference point lies in the stances taken by the Church's Magisterium. The second tendency insists upon a direct return to Scripture and the Patristic Tradition as sources of a renewed Christian morality. It seeks to establish a dialogue with the biblical scholars but wants to include in it the reading of Scripture done by the Fathers and the great theologians, which is rich in spiritual substance and experience. The third tendency is more attentive to Scripture and exegesis than it had been but it mistrusts any reading that might seem fundamentalist; it does not wish to get into Scripture without a hermeneutical reflection. However, this last requirement poses a serious question: Does not a hermeneutics, relying on rational criteria often elaborated a priori, risk setting up a distorting screen between the Bible and the reader and preventing the Word of God, with its power of truth, from reaching the moralist as well as the exegete himself? Hence we find ourselves presented with a fundamental problem of universal importance, the relationship between Scripture and moral theory, as well as with a hope felt during the symposium, that an interdisciplinary endeavor of collaboration among biblical scholars, patristic scholars, and moralists might be promoted. There is likewise the question of the renewal of Catholic moral theory with the help of the principles of Evangelical Law.

The Discussion on Moral Laws (Universality, Immutability, Objectivity of Judgment) and the Existence of Intrinsically Evil Acts

This is the core of the debate for the moralists, as well as the main preoccupation of the Congregation that organized the symposium. As we pointed out in the introductory synthesis, the reports and the discussion presupposed the Magisterium's pronouncements, especially the encyclical *Humanae Vitae* and the declaration of the Congregation on the problems of sexuality, the classical teaching of the manuals on the *fontes moralitatis*, the theory of *intrinsece malum* and the cause with double effect elaborated therein, and the debates of the last years with the theory of "consequentialism," in which the teleological perspective and the criterion of proportionate reason are dominant.

Throughout the reports, the discussions, the fine-tuning, the drawing closer, and the differentiations, two currents of thought and two positions showed up that we might describe in broad outline as follows.

The so-called “innovator” school of thought is critical of the theory of the *intrinsece malum* and has worked out a precise stance on the problem by means of several distinctions. First, there is the distinction between transcendental norms—which deal with principles—and categorial norms—which it divides into categorial norms (still formal) focusing on the virtues and concrete and material norms that focus on single acts. To this it adds a distinction between the proper moral goodness of the action (the personal-formal aspect, *sittliche Gutheit*) and the rightness of the action (the objective-material aspect, *Richtigkeit*). The question under discussion about the *intrinsece malum* would in fact concern the concrete norms, the realm of rightness, of *Richtigkeit*. This school fully admits the existence of intrinsically evil acts in the realm of transcendental norms and formal categorials, on the level of personal moral qualities (being unjust, a liar, unchaste), but it questions whether we are able to find and formulate universal and unchanging norms on the level of concrete actions taken in their materiality. Let us make clear that here we are talking about negative norms that forbid an act as evil in itself, and, moreover, that the debate is at the level of human relations.

The classic moralists based their judgment of acts mainly on a consideration of the object, while integrating into it the *finis operis* (inherent in the action), and thought of circumstances and the *finis agentis* (the goal of the one acting) as secondary, accidental elements. Unlike the classicists, the new school deems it necessary to take into consideration all the circumstances (as components of the action), including its historical evolution, that enter into the composition and situation of the act, and it especially stresses the importance of finality. This school considers the reasons of a deontological nature put forward by the classical moralists in support of the doctrine of the *intrinsece malum* as outmoded, and takes a mainly teleological view focused above all on the evaluation of the act's consequences in order to determine its rightness. This is where the criterion of proportionate reason comes in.

From this standpoint, the formulation of a concrete and unchanging norm becomes more difficult, for theoretically it presupposes a taking into account and an examination of all the possible consequences and all the potential finalities. Thus they would say that concrete norms of this sort are certainly universal, that they have value and are applicable *ut in pluribus* in most cases, but without excluding possible exceptions, especially if we keep in mind differences in culture.

During the exchanges, those with critical leanings made an attempt to close the gap: We may entertain the possibility of an *intrinsece malum* act from a teleological standpoint when one good or one value clearly over-

rides any other, but that cannot happen easily. We recognize also that there are actions that can never be justified in practice, such as torture. This closing of the gap corresponds to the tendency of the “innovator” group to show that the differences are not as great as they seem. Yet this way of thinking did not convince the representatives of the other school of thought.

We should add that the “innovating” trend of thought shows a particular interest in St. Thomas, who provides support for the teleological outlook, and for the phrase that laws are valid *ut in pluribus*. He likewise sheds light on the rich doctrine of the New Law and, lastly, gives grounds for a critique of the morality of the manuals. This school is also sensitive to how Christian morals are presented to the world of non-believers and to the data furnished by the social sciences.

Against the innovating trend, there is a certain convergence of the criticisms leveled at it, which argue for the existence of concrete norms and of intrinsically evil acts, whatever expression is used to designate them (the expression *intrinsece malum* dates from the time of Suárez). These criticisms often presuppose knowledge of the problem and of the debates that go beyond the data provided to the symposium.

First, there is the position of Monsignor Hörmann in regard to Father Fuchs. He uses the latter’s categories but relates them to St. Thomas: If it is true that, along with the object, we must also consider the circumstances and the intention in order to establish the *Richtigkeit*, the rightness of a concrete act, nevertheless a defect in one of these elements, for example, in the object by itself, is enough to render the act *unrichtig* (not right) and to set up an unchangeable negative norm (*bonum ex integra causa, malum ex quocumque defectu*). Obviously we have here a fundamental point. Yet we must add that the term “object” must not be taken too narrowly but may include the main circumstances to make up the substance of the act. The judgment of *Unrichtigkeit* would change if these elements were modified. Hence we really must agree on terminology. This narrows the gap with Father Fuchs, but is there any reality behind the words used?

The sharpest criticisms focused on the distinction between transcendental norms and formal categorials, and concrete and material norms, between moral and premoral goods, between moral goodness and “rightness.” To be more precise, the criticism targets the too-great separation caused by these distinctions: On the one hand, without any direct intervention of so-called formal norms, *Richtigkeit*, judgment and norms in the concrete, are established by looking at all the circumstances from a teleological and consequentialist angle, which makes the establishment of

universal and unchanging concrete norms very problematic; on the other hand, the so-called formal, transcendent, and categorial norms (the theological and moral virtues, among others), which continue to be seen as abstract norms, find themselves deprived of the ability to be applied in the concrete and to be valued for their truly practical character. In such a case, it is easy to concede the existence of universal laws at the formal level, but the real problem lies in their application in the concrete, and it is precisely here that their ability to play a role is nullified by the distinction between formal and concrete norms. In practice, these latter can be treated apart from the former by an evaluation of the circumstances that considers all the factors for judging action expressed in the classical *fontes moralitatis*.

The stakes are high, since it is not only about the problem of intrinsically evil acts, it also calls into question the connection between human and theological virtues and, therefore, the Christian contribution to morals and concrete action, that is, concrete norms.

From the very beginning, Don Caffarra expressed this criticism: Is not the distinction between formal and concrete norms, as they employ it, based upon a certain anthropology, even a certain metaphysics? Can we use it to interpret Scripture? The criticism became sharper in regard to the basis of the so-called material norms: Knowledge of all possible factors and effects is not necessary, for only one essential factor is enough to establish that a concrete act is contrary to the truth about the human person.

Father Styczen likewise vigorously rejects the separation set up between transcendental or formal norms and categorial or material norms. This, he holds, implies a division within man himself, an axiomatic dualism that prepares the way for the separation between the “categorial” realm of relations among men and the “transcendental” realm of divine action; in other words, it breaks apart the Christian view of the world. For Father Styczen, the foundation of moral norms lies in the ontological make-up of man, which can be known by a moral intuition that is valid even if not everyone recognizes it. Particular or “categorial” ethical norms are only the translation into normative language of the affirmation of the human person in accord with his objective make-up. They express the content of the “personalist norm.” We cannot at the same time affirm the general value of this latter while also denying the possibility of particular norms that are at the same time general.

We ourselves have highlighted the problem of this excessive separation between formal and concrete norms which practically ends up establishing two separate orders, reminiscent of the separation between morals and spirituality, and which deprives the formal norms and the virtues of their specific impact on concrete conduct.

It is no doubt possible to establish a parallel between the distinction between *Gutheit* and *Richtigkeit* and the distinction between interior and exterior acts, which St. Thomas puts in the order of form and matter in the *Summa theologiae*. Here we have two parts of the concrete act that can be analyzed separately. Nevertheless their connection is essential, as between form and matter, body and soul; the goodness or evil of the interior act communicates itself to the exterior act and vice versa. We should add that with St. Thomas we are dealing with a moral theology of virtues and not merely of the Commandments. Virtue is formed by the repetition of concrete right actions which necessarily return to the concrete, for we cannot be prudent without actually acting. To loosen the tie between virtue and the concrete is, in practice, to annihilate virtue. The comparison deserves a closer examination.

It is undeniable that here we have one of the nerve centers of the debate. Sometimes it may seem to come down to a tempest in a teacup, to an almost imperceptible difference. The criticisms that we have just presented help us to see that behind the hairline fracture there is a geographical fault big enough to affect all of moral theology.

Let us add that this fault is extended by a division that is hardly showcased but which is of great consequence: The innovators maintain that the concrete criteria for action are found precisely at the level of relations with other men, which they call the horizontal or categorial level. This allows them to deal with the concrete problems in dispute today on the human plane, without bringing in our relationship with God or with Christ, in other words, without bringing in the vertical or transcendental level as supplying essential factors and criteria for moral judgment. As regards this central debate, numerous elements that enter into it cry out for clarification.

“Finality” plays a leading role in the debate. The innovating school gives predominance to teleology, to consideration of the end as it relates to an evaluation of the action’s consequences from the circumstances considered. The Thomistic school wants finality to regain its place in the forefront of moral judgment, as the object of an interior act ordered to an ultimate end, while also highlighting the objectivity of this finality. It criticizes the use of the distinction between *finis operis* and *finis operantis*, which in the manuals has served to reduce the finality of the one acting (that is, finality properly speaking), to the rank of a secondary and entirely subjective factor in the action. A distinction must also be made between the technical kind of teleology based on a consideration of usefulness, at the level of *Richtigkeit*, and a proper moral teleology based on a consideration of the moral quality of the goods pursued, which goes further than the consideration of usefulness

and would transcend the opposition between teleology and deontology. The link between short-term finality, reduced to a single act, and long-term finality, ordered to an ultimate end, would have to be reestablished. The role of finality in moral conduct, as a principle uniting behavior and life, certainly deserves to regain its value; but that cannot happen without a judicious analysis of the nature of finality, as well as of the role it plays in moral judgment in relation to the other factors that form it.

The terms “object” and “circumstances” must likewise be clarified. Object is spoken of in both a narrow and a broad sense, in which we also include circumstances; but, as the manuals show, object continues to be understood in a material, almost physical sense, in a word, as opposed to what is subjective and therefore to the finality of the one acting. The term “circumstances” is in practice used very broadly to designate all the elements that make up an action and constitute its status without making a distinction between the elements that are essential or substantial on the moral level and the accidental, secondary elements that, properly speaking, make up the circumstances. To sum up, it is the treatise on the *fontes moralitatis* that should be revised, not to shake the foundations of morality it presents, but to establish them more solidly and clearly.

The term “nature”, which can be understood either as conformity to reason according to St. Thomas or as biological nature, conditions our understanding of the natural law. If, like Suárez, but unlike the Fathers and St. Thomas, we conceive of human nature as self-sufficient, the natural law becomes sovereign in morality and, strictly speaking, no longer has need of revealed law to govern our actions. The doctrine of natural law should undergo a deeper study, particularly in relation to the Evangelical Law. To be sure, it was astonishing to see that in the discussions and debates of the symposium, the natural law was hardly mentioned, which formed the main basis of post-Tridentine Catholic moral theology as the direct foundation of the universality of moral laws. This subject was left too much in the wings.

The term “reason” evokes an enormous problem: the relationship between reason and faith (Revelation), that is, between philosophy and theology. Even if we cannot deal with the question in its entirety, it would nonetheless be good to make a distinction between a “rationalizing” reason that sets itself up as sovereign judge of all truth and science, including the realm of morality, independently of faith if not in opposition to it, and a reason open to faith, a reason which recognizes that the faith has its own light, especially in the field of the activity of man oriented toward his ultimate end. Only this allows us to understand adequately what *right reason* defines prudence and determines the criteria of moral judgment and their

application, particularly in Christian conduct. Speaking of which, it would be good to look again at the old problem of the relation between *prudence* and *conscience* and to pay special attention to the latter's role: Is it simply declarative, imperative, or really creative, and, to a certain extent, legislative? Here again we encounter one knot of the main issue in the symposium. Indeed, contemporary trends tend to make personal conscience the last and decisive judge of whether any moral laws apply to concrete acts.

The terms "immutability" and "universality" also require clarification. Immutability, which has a negative connotation, could advantageously be replaced by the more positive "permanence." As for universality, we must study more precisely the scope of the expression *ut in pluribus* borrowed from St. Thomas and often used in a sense that diminishes the universality of laws. But above all, behind the adjective "universal," as it is applied to laws, we find the long-standing debate over universals, that is, over the application of laws to the concrete, which concentrates all the divergences observed at the symposium.

For the innovators, universal laws are abstract and formal, as are also the virtues, and of themselves do not come into contact with the concrete act. The concrete act is, indeed, entirely singular for, besides the object and the end, it is constituted by the totality of its circumstances. Thus, in order for a law to apply concretely in a universal way, we must be able to take into consideration all the concrete cases, present and future, with all the possible circumstances—individual, social, and cultural—which in practice makes the attainment and establishment of the universal impossible. Here we are in the nominalist and Kantian line of thought, separating the universal and the abstract from the concrete and from sense experience. Hence we must choose between the universal, which is often seen to smother the concrete, and the concrete, which somehow always escapes the universal: In a word, we must choose between law and personal conscience. The classical moralists opted for the law; the innovators favor the individual conscience. From this perspective, it is impossible to prove theoretically the existence of universal laws that apply without exception in the concrete and have a value in themselves, even though it is admitted that, practically speaking, there exist certain actions that are always evil. Yet this remains open to attack in theory and, therefore, is rather fragile.

For the other school of thought, the universal applies to the concrete and to reality, thanks to the distinction between the essential and the accidental. This is achieved either by distinguishing the essence of an act, made up of its object or matter, and its end, and the circumstances understood at the moral level as secondary factors, or also by the determination

of the essential requirements of man's dignity, of the human person in the concreteness of the action (Father Styczen), or again by the intuition, be it in one concrete experience only, of an absolute and unchangeable norm perceived as "intensive" at first, and which later the work of abstraction will develop to give it its general formulation (Newman). From this perspective, it is perfectly possible that there exist moral laws, at any rate negative, that are universal and which apply without exception even to the concrete and to personal experience. Here in fact, there is no choice to be made between the universal and the concreteness of the action, but the universal exists only if it becomes real in action, while the act can only acquire its moral value in conformity with universal laws. Such is quite clearly the task of the virtues: to unite the universal and the concrete in action, for we cannot really conceive of the virtues without the concrete action in which they are formed and which they regulate at the same time.

The Role of the Magisterium in Moral Doctrine

The question of the Magisterium's authority in moral doctrine was tackled in three ways: through a consideration of its theological components; through an exact determination of the problem here and now; and through an examination of the various theological positions.

Here again the positions and discussions proved the existence of two schools of thought: one traditional, defending the authority of the Magisterium in concrete moral questions, and the other rather critical in this respect, maintaining that other actors, such as the Christian people and moralists, have a role to play in solving moral questions.

To be more specific, everyone admits that in its extraordinary and ordinary Magisterium the Church, according to Vatican I, has the power to define *in moribus* as far as what is contained in Revelation. Necessarily tied to this, explicitly or implicitly, is the question of whether this power extends further and reaches matters that fall under the natural law, touching even the concrete norms of moral conduct derived from the natural law.

The Foundations of the Magisterium's Authority

Criticizing the modern separation of faith and reason, which is based on a concept of truth in which reason itself would be one of truth's components, Don Caffarra wishes to re-establish the coordination between faith and reason by starting with the notion of Christ as Truth equalling Christ as Norm. Such would be the foundation of the power of the Magisterium, which is Christ's witness in the fields of dogma and morals, as well as the source of the theological knowledge into which reason is

integrated in its search for truth and the good. Through faith reason is elevated, revealed to itself through metaphysical knowledge, and cured of its temptation to set itself up as its own end. In this way the Magisterium acquires a say even in matters concerning the natural law. It does not substitute itself for the personal judgment of conscience, but it offers conscience objective and necessary reference points. The work of the theologian implies fidelity to the Magisterium as witness to the Truth of Christ, and consists in removing the obstacles that are opposed to this normative Truth.

Criticism of this presentation, which came chiefly from the German-speaking group, had to do especially with the identification of Christ as Truth with Christ as Norm, holding that this identification could lead to a Monophysite conception in moral theology, with the concepts of truth and autonomy it brings into play, with the hierarchical ecclesiology it presupposes, and with the neglect of the distinction between a transcendental decision and the rightness of categorial conduct, as well as between parenthesis and normative ethics.

The Problem Right Now

The calling into question of the Magisterium's authority in moral matters is quite recent, as it dates from the encyclical *Humanae Vitae*. The First Vatican Council, by defining the infallibility of the Magisterium *in fide et in moribus*, put morality in the genus of dogma, but it did not say precisely what it meant by *doctrina de moribus*. The Council determined infallibility's subject but did not indicate how far exactly the power of the Magisterium extended beyond Revelation. The manuals of moral theology did not discuss this power, but assigned the field of natural law implied in Revelation to the Magisterium, which runs the risk of stretching the consequences too far into a foreign domain.

This new issue introduces different levels of the faith, of general moral principles, and of concrete norms, which must take into account material factors tied to historical conditions. Following these various levels, therefore, we would have to set up a differentiation in the application of the givens of faith to morals and in the Magisterium's power in moral matters. This brings us back to the question: Does the Magisterium have the power to define universal concrete norms that are valid without exception?

Thus posed, this question was extended in the exchanges to other aspects of the exercise of the Magisterium. The ecclesiology of Vatican II describes the Church first as the People of God. Does this not imply a greater participation of the Christian people in forming the positions of the Magisterium on moral matters by creating a certain consensus,

despite the difficulty of verifying its authenticity? Must we not acknowledge that the Church sometimes has been mistaken in or has modified its position on certain questions? Would it not be better pastorally to avow the corrections made throughout history? Finally, can we concede more than an exemplary value to the saints recognized by the Church?

The Theological Positions on the Ordinary Infallible Magisterium

It behooves us to clarify that which pertains to *certain faith*: the power to define in moral matters that which is contained in Revelation or which is necessarily connected to it, like the natural law; that which is *theologically certain*, namely, the infallibility of the ordinary teaching of the pope and of the bishops together with him on these matters; and that which must *be held publicly in theology*, namely, the extension of the infallible Magisterium to the realm of natural law. The opinion that the encyclicals are infallible is less probable.

The current controversy is provoked by criticisms of the traditional doctrine that tend to limit the Magisterium's role either merely to the domain of revelation, which deprives it of the ability to make pronouncements at the natural and rational moral level, or to the level of formal norms in the natural and human order, which deprives it of the power to determine, in a decisive manner, concrete norms of action and to intervene on the level of concrete problems and cases of conscience, in a decisive manner. Thus there exists a direct and close connection between the question of the Magisterium's authority and the questions about universal and unchanging laws, as about the relationship between morals and revelation.

Throughout the last centuries, a too great separation between revelation and moral teaching, where moral teaching was looked upon as essentially rational and which was seen to rest primarily on the natural law, has favored a separation between the Magisterium and the "scientific" reflection of moralists. The problem becomes particularly acute when moralists get to the point of criticizing or even rejecting the doctrine of natural law, compromising the basis on which the Magisterium grounds itself to intervene in the order of natural ethics. At least the theoretical refusal of the possibility of determining concrete norms that would be truly universal, without exception, touches the Magisterium itself, whose interventions are necessarily of a universal nature. In the final analysis, then, the judgment of concrete cases, which modern Catholic moral theology has focused on since casuistry, is given over to personal conscience alone. It is therefore the power of the Magisterium over the whole of morality, and more precisely over concrete cases, that is called into question.

The problem thus posed, with its many aspects, stands out as one of the forms of the fundamental problem of the existence of a moral doctrine that is properly Christian, and of the contribution of Revelation, the Gospel, to moral theory right down to the concrete human level. **N.V**

