

NATURAL LAW, THEOLOGY, AND THE CHURCH

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WHATEVER IS to be thought of our age and the quality of its morals, at least it cannot be said to be uninterested in morality. Paradoxically, it would seem that one of the severest challenges to Christian charity results from the very zeal and sincerity of the various champions engaged in debate upon issues of morality. Both this interest and this activity extend well beyond the ranks of what we might call the professional moralists. Indeed, it has been said that in the matter of morals there are no experts. The moral theologian will find this difficult to accept—in fact, unacceptable; and while he may be suspected of prejudice, he is certainly in a better position to know. But what is more important than the issue of the individual moralist's expertise is the basic concept from which this persuasion follows as a corollary: that morality is a matter of reason, and one man's reason is as good as another's. The reference, of course, is to natural morality, or to what is called natural law. And the precise point in which this question of authority in morals is extremely important is the relation of natural morality, or natural law, to the teaching authority of the Church.

This is not just a possible question. It is a question which has actually been raised more than once: for instance, in discussions of conjugal morality in general and of the regulation of fertility in particular. Considering that much of the argument has been conducted in terms of natural order, some maintain that the Church is incompetent, because the object of its teaching authority is not reason but revelation, or at least—since the magisterial organs have actually made declarations on the matter—that such pronouncements could not be infallible. The purpose of these pages is to discuss the more general question of principle, the relation of natural law to theology and to the teaching authority of the Church.

NATURAL LAW AND THEOLOGY

Moral theology is the study of the active participation of man in the realization of his vocation to be united to God in charity, through the inhabitation of the Blessed Trinity in this life and the consumma-

tion of beatitude hereafter. More concretely expressed, moral theology is the study of the Christian life. The actual destiny of man is, of course, a supernatural one, exceeding the capacities, the implications, and the exigencies of human nature considered in itself. As a supernatural end, it is gratuitous, in the sense that nothing man can naturally do can merit it condignly. But in the divine plan it is not only to be a gift; it is also to be earned, in the sense that it postulates a response on the part of man to the various manifestations of God's intent for him in the constantly evolving situations of his life. Whereas in our human experience, therefore, a gift is not earned and what is earned is not a gift, supernatural beatitude is both a gratuitous inheritance and a retribution granted in consideration of the acts which God Himself enables man to make (*"reposita est mihi corona iustitiae"*).

But there can be no question of merit or demerit, reward or punishment, except in the supposition of freedom, of dominion over one's conduct, of the capacity to act otherwise. The moral quality of an act, however, the aspect by reason of which it is called good or bad, is not to be found in the physical or psychological constituents of the free act, which are identical whether good or bad is done, whether one gives an alms or commits a theft. Moral goodness consists rather in the relation of conformity between the act and some norm, and moral evil in the absence of conformity.

The immediate norm in relation to which the morality of an act is evaluated is the judgment of conscience, on the part of the prospective agent himself, affirming that the act under consideration of being placed here and now is good or evil, better or worse. But conscience does not create the morality of the act. It is rather the function of conscience, in the sense of the total process of moral evaluation, to discover and, in its final judgment, to represent the relation between the prospective act and a criterion outside of and prior to itself. Besides the immediate, subjective, internal norm of conduct, which is conscience, there is the external, objective, remote norm. Insofar as there is question of simple rectitude of conduct, and not of greater or lesser perfection, this external, objective norm is law. And it is with this that we are concerned at the moment. Not that law is the only, the ultimate, or the highest measure of human conduct, but that, considered in its broadest significance, so as to include the whole law of God, it constitutes an order

within which human conduct must be contained and from which not even the highest sanctity can prescind.

Hence the Christian life, with which moral theology is concerned, consists in this, that, united to God in charity, man uses his freedom to do the things which he judges pleasing to God, and thus not only avoids displeasing God but deserves to be united more perfectly to Him in grace on earth and in beatitude in heaven. In the dogmatic Constitution on the Church, the Second Vatican Council, writing of the vocation of all to sanctity, stated:

It is therefore evident to all that all the Christian faithful of every state or degree are called to the plenitude of the Christian life and the perfection of charity; and by their holiness a way of life more conformed to human nature is promoted even within the society of this world. With a view to the achievement of this perfection, let the faithful make use of their capacities according to the measure of Christ's granting, in order that, following in His footsteps, and brought into conformity with His example, obedient to the will of the Father in all things, they may dedicate themselves with their whole souls to the glory of God and the service of the neighbor.¹

In accordance with the scope of the present study, it is not our intention to consider all the ways in which the will of the Father becomes manifest as a norm of personal conduct—in the precepts of divine positive law, in the counsels of Christian perfection, in the legitimate enactments of ecclesiastical authority, in the special inspirations individually granted by the Holy Spirit—but only in the form of what has long been called the natural law.

Drastically condensed, the process by which the concept of natural law is evolved comprises three steps: perception, reflection, and conclusion. The first step is the perception of an order, in the observance of which creatures realize their potentialities and finality: as the capacity of speech may be used to enlighten, encourage, inspire, or to defame, calumniate, deceive; as the respect for property possession

¹ "Cunctis proinde perspicuum est, omnes christifideles cuiuscumque status vel ordinis ad vitae christianae plenitudinem et caritatis perfectionem vocari, qua sanctitate, in societate quoque terrena, humanior vivendi modus promovetur. Ad quam perfectionem adipiscendam fideles vires secundum mensuram donationis Christi acceptas adhibeant, ut Eius vestigia sequentes Eiusque imagini conformes effecti, voluntatem Patris in omnibus obsequentes, gloriae Dei et servitio proximi toto animo sese devoveant" (no. 40; *Osservatore romano*, Nov. 25, 1964).

ensures provision for oneself, family, and others, while theft and damnification frustrate these endeavors; as the potentialities of sex are used to bring forth children destined to beatitude and to express the highest human dedication to another, or to indulge in self-gratification to the detriment of one's own personality, another's human dignity, the child's opportunity for proper life; as the equality and brotherhood of men is expressed in the relations of charity and justice, or perverted by the reduction of another to the status of means or of inferior, in slavery, homicide, or racial persecution. The second step is a reflection upon the implication that the Creator, infinitely wise and holy, cannot be indifferent to the observance or nonobservance of this order with a view to the realization of his intentions, but necessarily wills its execution, by an internal necessity flowing from His own perfections and consequent upon His own free election to create. The third step is the conclusion, that this will of God induces in His creatures a necessity—in His free creatures, an obligation—to observe this order. It is this final judgment, this recognition of a moral necessity, that contributes the formal notion of law, the notion of an obligatory norm. As Leo XIII expressed it: "This dictate of human reason cannot have the force of law, except insofar as it is the voice and interpreter of a higher reason, to which our mind and will must be subject."²

For the purposes of the present discussion it is extremely important, indeed crucial, to observe the distinction between two elements in this analysis of the concept of natural law: the constitution of the law and the cognition of the law. Natural law is constituted as an obligatory norm by the will of God; it is God-made. It is, or may be, known by man without any special intervention of God; to that extent it may be called man-discovered. The consequences of the distinction are vast. In the first place, it is evident that, in the whole context of the Christian life, it is much more significant intrinsically that this law is God-made than that it is man-discovered. It is not proper at all to refer to natural law as the "law" of reason; it has the character of law precisely and only because it is an order established and willed by God, not because it is an order perceived by man.

Secondly, from the aspect of cognition, it is evident that the factor of natural knowledge is not an essential part of the notion at all. The

² Encyclical *Libertas*, June 20, 1888; Denzinger-Schönmetzer (hereafter *DS*) 3247.

norms so willed by God may, to some extent, be perceived by a natural process of reasoning, as suggested above, but they may also be revealed by God in a positive revelation, without ceasing to contain any of the constituent elements of what we call natural law, namely, that they be modes of conduct whose propriety or necessity is inherent in some relationship established by the Creator and realized in a concrete historical situation, and that it is the will of the Creator that this relationship be respected and human conduct regulated in conformity with it. From the fact, therefore, that the natural law is said to be the object of reason, it does not follow that it is not the object of revelation. The mode of cognition is a question of methodology; the constitutive element of natural law is the divine reason and will. Obviously, therefore, natural law is not only an object of philosophy; it is an object of theological inquiry.

Most opposition to natural law is reducible to one or another of the following attitudes or positions, which may be referred to as nominal, positivistic, philosophical, and theological.

Many, especially of the legal profession, admit the existence of a natural morality, an order established and willed by God, antecedent to and normative for human conduct and human law, but do not believe that the word "law" should be applied to these norms, preferring to restrict this term to positive human law. Evidently this is a problem of terminology only, a nominal opposition; and the designations "natural morality" or "moral order" are usually acceptable.

The second position, of legal positivism, exists in varying forms and degrees. Its basic postulate is that law is constituted simply and solely by the command of a legislator. It may not be good law, but it is law. This may be coupled with a mere prescindion from the moral order, or with a denial of any higher norm as a point of reference to which positive law must conform. While there are obvious dangers inherent in either attitude from the moral theologian's point of view, the theory is less harmful than it might appear, since the jurists, in formulating legal norms, do in fact consider man's nature and relationships and the needs of society, and are really guided, therefore, to a large extent by what the moralist would call natural law.

Opposition to the traditional concept of natural law comes also from that form of existentialism which, in its application to the field of

morals, is called situation ethics. In this view it is not possible to have absolute affirmations of morality based upon fixed natures and applicable in any situation, but every existing situation is unique, and the right thing to do must, in each case, be decided individually. There are, of course, variations in the theory, which may extend to the denial of any "essential" rules at all, or admit certain general norms, from which, however, an exception is always possible in any existing situation in response to the call of God given in, and according to, the exigencies of the case. While it is not possible here to expound or evaluate the whole question of natural law versus situation ethics, it may be observed that a great deal of time and energy has been wasted in deriding the idea of a changeless order built upon the supposition of immutable essences. For many decades now, natural-law discourse has been conducted, in the teachings of the popes at least, and by the moral theologians, not in terms of absolute, immutable essences or natures, but in terms of order, finality, and relationships in the dynamic operations of life, and the problem has been situated in the determination of the varying applications of a relatively small number of basic principles in a constantly changing environment, rather than in the supposition of a complete and detailed compilation of "laws" already fixed and permanent. The immutability of the natural law is very relative. Its basic premises are as stable as the relation upon which they are founded (equality, brotherhood, finality, etc.); but inasmuch as the historical reality to which they must be applied is constantly in motion, the immediate conclusions—what the natural law requires or permits at any particular moment—are constantly under scrutiny, and the question is always being asked whether new obligations or freedoms are arising from a new demand of a new culture, or whether an old obligation or freedom remains intact because all of its constituent elements are still present in the contemporary problem. The immutability of the natural law cannot be asserted or denied without distinction, and the attempt to do so inevitably entails a misrepresentation either of the absoluteness of the norms or of the contingency of the situations.

The fourth source of objection to the "Catholic" concept of natural law, which has been entitled the theological objection, is the doctrine of Protestant theology on the corrupting influence of original sin upon the nature of man and consequently upon his natural ability to know

clearly what his nature is and what it postulates. As a result, the Protestant theologian is apt to disapprove the reliance of the Catholic moralist upon natural law, on the ground that natural reason is not capable of deducing with certainty various doctrines attributed by the latter to natural law. Two points in this position are particularly relevant to our purpose. First, it places the emphasis on that aspect of natural law which, from the theological point of view, is the less significant. Theologically it is less important that natural law is man-discovered than that it is God-made. Secondly, this view introduces the question of the process by which the natural law is actually known by man, and, far from being at variance with Catholic doctrine in the matter, it coincides at least partially with the position of Catholic theology that, even with regard to those truths about God and His eternal will which are not in themselves imperceptible by reason, it is only with the assistance of positive revelation that they are made available for all to know, even in the present state of human nature, readily, with certainty, and without adulteration of error.³

For the Catholic moralist, therefore, natural law belongs to theology not only by reason of its material object, because it forms part of the pattern by which the Christian conforms his life to the will of God, but also by reason of his method, because he comes to the knowledge of it through the instrumentality of authentic teaching as well as by natural reason.

Hence it is important to distinguish the source of the law from the source of our knowledge of the law. A norm belongs to natural law if it has its origin in the order and demands of nature. This remains true, and therefore it remains natural law, whether one comes to the knowledge of it by natural reason or by the teaching of the Church. Natural law is constituted as such not by the fact that it is naturally known but by the fact that it is founded in nature. Because it is founded in nature, it follows that it will be, more or less, knowable without supernatural assistance; but it does not cease to be natural law when it is known, or known with certainty, through some such assistance.

This is not to imply that one cannot, or does not, know the natural law, even in some of its more remote applications, by reason alone. Indeed one can, and one does. It is rather to assert that one can also

³ Vatican Council I; *DS* 3004-3005.

derive one's certitude about natural law from another source, without prejudice to its distinctive attributes as divine, rather than ecclesiastical, law. But it is also intended to suggest that we do in fact, perhaps more than we have thought, derive our certitude in such matters rather from the authority of the magisterium than from reason. The arguments demonstrate at least the reasonableness of a particular controverted position, more or less convincingly, and their validity is confirmed by the teaching; but it is possible that the factor bridging the gap between reasonableness and that certitude which does not admit the probability or tenability of the opposite may come from another and higher source. Such a position does not cut off dialogue with the non-Catholic theologian or moral philosopher. On the contrary, it is a position more acceptable to him than the implication that he fails to see the cogency of the Catholic argument. He is, quite rightly, not prepared to admit that the Catholic has a reason or a degree of sincerity which he has not; but he already knows that the Catholic has a faith which he has not. By the same act of faith by which the Catholic accepts the Church itself, he accepts its magisterium as an authoritative guide, not only in dogma but also in morals, not only in positive but also in natural morality. The remainder of this study will be concerned with a more detailed elaboration of this statement.

NATURAL LAW AND THE CHURCH

1) The Church teaches the natural law. While Catholics do not claim a monopoly of natural law, or of the knowledge of it insofar as it is knowable by reason, the magisterium of the Church has, in fact, consistently asserted without distinction that the teaching of morals as well as of dogma is part of its magisterial office;⁴ it has exercised this authority constantly in passing judgment on the morality of concrete modes of conduct;⁵ it has, in many instances, declared that a certain

⁴ "Episcopi in communione cum Romano Pontifice docentes ab omnibus tamquam divinae et catholicae veritatis testes venerandi sunt; fideles autem in sui Episcopi sententiam de fide et moribus nomine Christi prolatam concurrere, eique religioso animi obsequio adhaerere debent" (Vatican Council II, dogmatic Constitution *De ecclesia*, no. 25; *Osservatore romano*, Nov. 25, 1964). Cf. Council of Trent, *DS* 1501; Vatican Council I, *DS* 3074; etc.

⁵ Cf. *DS*, Systematic Index, under "K," where some eleven pages are devoted to listing magisterial documents on matters of morals; especially nos. 2021 ff., 2101 ff.

moral principle was precisely a precept of natural law, thus not only stating the rule but identifying the source of the rule;⁶ and it has explicitly affirmed its competence with specific reference to the teaching of natural law both in principle and in concrete application. In more recent times the popes and bishops have engaged in teaching of this sort even more frequently perhaps than in the past—in pronouncements on political structure, social order, race relations, the conduct of war, conjugal morality, medico-moral problems, etc.—and have been more explicit in referring to their authority and responsibility precisely in matters of natural law. As this is the cardinal point of our thesis, a selection of some more striking declarations is offered.

Pope Pius X

Whatever a Christian man may do, even in affairs of this world, he may not ignore the supernatural, nay he must direct all to the highest good as to his last end, in accordance with the dictates of Christian wisdom; but all his actions, in so far as they are morally good or evil, that is, agree with, or are in opposition to, divine and natural law, are subject to the judgment and authority of the Church. . . . The social question and the controversies underlying that question . . . are not merely of an economic nature, and consequently such as can be settled while the Church's authority is ignored, since, on the contrary, it is most certain that it is primarily a moral and religious one, and on that account must be settled chiefly in accordance with the moral law and judgment based on religion.⁷

Pope Pius XI

But before proceeding to discuss these [social] problems We lay down the principle long since clearly established by Leo XIII that it is Our right and Our duty to deal authoritatively with social and economic problems. It is not of course for the Church to lead men to transient and perishable happiness only, but to that which is eternal. Indeed the Church believes that it would be wrong for her to interfere without just cause in such earthly concerns; but she never can relinquish her God-given task of interposing her authority, not indeed in technical matters, for which she has neither the equipment nor the mission, but in all those that have a bearing on moral conduct. For the deposit of truth entrusted to Us by God, and Our weighty office of propagating, interpreting and urging in season and out of season the entire moral law, demand that both social and economic questions be brought within Our supreme jurisdiction, in so far as they refer to moral issues.⁸

⁶ Cf. AAS 43 (1951) 843; 50 (1958) 734–35; DS 1367, 2148–49, 3133, 3265, 3272, 3717, 3723, 3788.

⁷ Pius X, Encyclical *Singulari quadam*, Sept. 24, 1912; AAS 4 (1912) 658–59; from *The Pope Speaks* 1 (1954) 381.

⁸ Pius XI, Encyclical *Quadragesimo anno*, May 15, 1931; AAS 23 (1931) 190; DS 3725; *Catholic Mind* 29 (1931) 269–70.

This conformity of wedlock and moral conduct with the divine laws respecting marriage . . . supposes, however, that all can discern readily, with real certainty, and without any accompanying error, what those laws are. But everyone can see to how many fallacies an avenue would be opened up and how many errors would become mixed with the truth, if it were left solely to the light of reason of each to find out, or if it were to be discovered by the private interpretation of the truth which is revealed. And if this is applicable to many other truths of the moral order, we must pay attention all the more to those things which appertain to marriage, where the inordinate desire for pleasure can attack frail human nature and easily deceive it and lead it astray. This is all the more true of the observance of the divine law, which demands sometimes hard and repeated sacrifices, for which, as experience points out, a weak man can find so many excuses for avoiding the fulfilment of the divine law.

On this account, in order that no falsification or corruption of the divine law but a true genuine knowledge of it may enlighten the minds of men and guide their conduct, it is necessary that a filial and humble obedience towards the Church should be combined with devotedness to God and the desire of submitting to Him. For Christ Himself made the Church the teacher of truth in those things also which concern the ruling and regulation of moral conduct, even though some things are not of themselves impervious to human reason. For just as God in the case of the natural truths of religion and morals added revelation to the light of reason so that these things which are right and true, "in the present state also of the human race may be known readily with real certainty without any admixture of error," so for the same purpose He has constituted the Church the guardian and the teacher of the whole of the truth concerning religion and moral conduct.⁹

Pope Pius XII

. . . though, absolutely speaking, human reason by its own natural force and light can arrive at a true and certain knowledge of the one personal God . . . and also of the natural law, which the Creator has written in our hearts, still there are not a few obstacles to prevent reason from making efficient and fruitful use of its natural ability. The truths that have to do with God and the relations between God and men completely surpass the sensible order and demand self-surrender and self-abnegation in order to be put into practice and to influence practical life. Now the human intellect, in gaining the knowledge of such truths, is hampered both by the activity of the senses and the imagination, and by evil passions arising from original sin. Hence men easily persuade themselves in such matters that what they do not wish to believe is false or at least doubtful. It is for this reason that divine revelation must be considered morally necessary so that those religious and moral truths which are not of their nature beyond the reach of reason in the present condition of

⁹ Pius XI, Encyclical *Casti connubii*, Dec. 31, 1930; *AAS* 22 (1930) 579-80; *Catholic Mind*, *ibid.*, pp. 54-55.

the human race may be known with a firm certainty and with freedom from all error.¹⁰

The power of the Church is not bound by the limits of "matters strictly religious," as they say, but the whole matter of the natural law, its foundation, its interpretation, its application, so far as their moral aspect extends, are within the Church's power. For the keeping of the natural law, by God's appointment, has reference to the road by which man has to approach his supernatural end. But on this road the Church is man's guide and guardian in what concerns his supreme end. The apostles observed this in times past, and afterward from the earliest centuries the Church has kept to this manner of acting, and keeps to it today, not indeed like some private guide or adviser, but by virtue of the Lord's command and authority. . . .

Many and serious are the problems in the social field . . . they pertain to the moral order, are of concern to conscience and the salvation of men. . . . Such are: the purpose and limits of temporal authority; the relations between the individual and society; the so-called "totalitarian State," . . . the "complete laicization of the State" and of public life; the complete laicization of the schools; war, its morality, liceity or non-liceity when waged as it is today, and whether a conscientious person may give or withhold his cooperation in it; the moral relationships which bind and rule the various nations.

Common sense, and truth as well, are contradicted by whoever asserts that these and like problems are outside the field of morals and hence are, or at least can be, beyond the influence of that authority established by God to see to a just order and to direct the consciences and actions of men along the path to their true and final destiny.¹¹

Pope John XXIII

The Church is the standard-bearer and herald of a social doctrine which is unquestionably relevant at any moment to man's needs. The fundamental principle in this doctrine is that individual men are of necessity the foundation, the cause and the reason for the existence of all social institutions, insofar as men are social by nature and have been raised to the level of the supernatural realm. From this bed-rock principle, which safeguards and guarantees the sacred dignity of the individual, the Church has evolved, with the co-operation of enlightened priests and laymen, especially during the past century, a clear body of social doctrine. This doctrine points out the sure way to arrange men's social relations according to universal norms that conform with the nature of things, with the varying dimensions of the temporal order and the special characteristics of contemporary society.¹²

¹⁰ Pius XII, Encyclical *Humani generis*, Aug. 12, 1950; AAS 42 (1950) 561-62; DS 3875; *Catholic Mind* 48 (1950) 688.

¹¹ Pius XII, Allocution *Magnificate dominum*, Nov. 2, 1954; AAS 46 (1954) 671-73; *The Pope Speaks* 1 (1954) 380-81.

¹² John XXIII, Encyclical *Mater et magistra*, May 15, 1961; AAS 53 (1961) 453; tr. America Press, pp. 59-60.

Therefore, as far as Catholics are concerned, this decision [whether the moment has arrived for co-operation with movements based on "false philosophical teachings regarding the nature, origin and destiny of the universe and of man"] rests primarily with those who live and work in the specific sectors of human society in which those problems arise, always, however, in accordance with the principles of the natural law, with the social doctrine of the Church, and with the directives of ecclesiastical authority. For it must not be forgotten that the Church has the right and the duty to intervene authoritatively with her children in the temporal sphere when there is a question of judging the application of those principles to concrete cases.¹³

Pope Paul VI

Without reference to the teachings of Christ and to the magisterium of the Church it is impossible to pass judgment on man. We cannot judge his nature, his primeval perfection, the ruinous consequences of original sin, man's capacities for good, his need for help to desire and achieve what is good, the meaning of the present life and his final end. We cannot judge those values which man desires or controls, the criterion of perfection and sanctity, and means and ways of enriching life with the highest beauty and fullness.¹⁴

The Church recognizes manifold aspects of the problem [of birth control], that is to say, the manifold areas of competence, among which is certainly preeminent that of the spouses themselves, that of their liberty, of their conscience, of their love, of their duty. But the Church must also affirm hers, that is to say that of the law of God, which she interprets, teaches, promotes and defends; and the Church will have to proclaim this law of God in the light of scientific, social, psychological truths which have lately had new and very extensive studies and documentation.¹⁵

2) Given the fact that the Church has this authority of teaching the natural law, the precise mode of its relation to the teaching mission of the Church in general is important indeed, but secondary. For the most part the popes are content to say that it is part of the whole moral order, the way to God, holiness, and sanctification, and hence belongs to its function of directing men on the way of salvation, without describing precisely how this specific function is related to the Church's general mandate of preserving and teaching the deposit of revelation. Systematic theologians, more concerned with the relations between

¹³ John XXIII, Encyclical *Pacem in terris*, Apr. 11, 1963; *AAS* 55 (1963) 300-301; tr. America Press, pp. 50-51.

¹⁴ Paul VI, Encyclical *Ecclesiam suam*, Aug. 6, 1964; *AAS* 56 (1964) 626-27; *Catholic Review*, Aug. 14, 1964.

¹⁵ Paul VI, Allocution to the cardinals, June 23, 1964; *AAS* *ibid.* 588-89; *Catholic Mind* 62 (1964) 58-59.

reason and faith, offer varying explanations: that the concept of revelation embraces both natural and supernatural revelation,¹⁶ that the various parts of natural law taught by the Church are contained implicitly in those moral doctrines which have been formally and explicitly revealed, or that matters of natural law come indirectly under the Church's teaching authority because of the necessity of truth in these matters in order properly to safeguard the purity of truth and practice in matters of faith and morals which are revealed.¹⁷

Be this as it may, evidently the popes consider that they are not merely propounding matters of philosophy or offering counsels of human prudence, but that they are inculcating something which belongs to the total deposit of truth entrusted to them by Christ, and therefore in some way part of the total Christian revelation and within the adequate object of the Church's teaching authority. It is significant, too, that doctrines which are referred to, on the one hand, as the "law of nature" are also called, in the same context, "Christian doctrine."¹⁸ In various references to the fact of revelation and the mandate given the Church, in order that matters not in themselves impervious to reason may be known by all securely, certainly, and without mixture of error, there is no indication that this applies only to a limited area of natural morality.¹⁹ On the contrary, it is explicitly stated that the entire moral law has been entrusted to the Church by Christ—language which strongly implies that it is not separable from "revelation," in the sense in which the teaching of revelation is the mission of the Church. "Both of these—the natural law written in the heart and the truths and precepts of supernatural revelation—Jesus, our Redeemer, gave to His Church as the moral treasure of humanity in order that she might preach them to all creatures, explain them, and hand them on intact and safeguarded from all contamination and error from one generation to another."²⁰

¹⁶ J. Fuchs, *Theologia moralis generalis* (2nd ed.; Rome, 1963) p. 8.

¹⁷ Cf. J. Ford and G. Kelly, *Contemporary Moral Theology* 2 (Westminster, Md., 1963) 271 ff.

¹⁸ Cf. e.g., *Casti connubii*, DS 3723.

¹⁹ Cf. supra, citations from *Casti connubii* and *Humani generis*.

²⁰ Pius XII, Radio Address, Mar. 23, 1952; *AAS* 44 (1952) 272; Ford-Kelly, *op. cit.*, p. 273.

The same identification of natural precept and divine communication appears in the following:

For the governance of mankind God could have prescribed only the one law of nature which He wrote upon the mind of man at his creation and thenceforward He could have ruled the steps of this law under His customary providence. Instead He preferred to give us the Commandments to prepare us, and in the course of the centuries from the origin of mankind to the coming and teaching of Christ Jesus He wished Himself to teach man the duties that rational beings owe their Creator. . . . Now if God has spoken . . . there is no one who does not see that it is man's duty to believe God absolutely in His revelations and to obey Him without qualification in His Commandments; and precisely that we may rightly fulfill both duties for the glory of God and our own salvation, the Only Begotten Son of God founded His Church upon earth.²¹

3) This does not mean that the natural law, even in its more detailed applications, cannot be known and demonstrated with certainty from reason alone, or that the arguments from reason are not important. We are speaking here of the role of the Church in general with reference to natural law. Moreover, the Church's teaching does not dispense with the necessity or diminish the importance of the arguments from reason adduced by the theologians. It is a general principle of all the Church's teaching that the promised guidance of the Holy Spirit does not obviate the necessity of employing human methods. The care with which the popes and councils have proceeded in issuing definitions is evident in their acts.²² The principle is reaffirmed in the Constitution *De ecclesia* of Vatican II: "The Roman Pontiff and the bishops, in view of their office and the importance of the matter, by fitting means diligently strive to inquire properly into that revelation and to give apt expression to its contents. . . ."²³

In matters of natural morality the process of discussion and argumentation is evidently part of this human co-operation with the divine guidance; and in this process not only the hierarchy and clergy but

²¹ Pius XI, Encyclical *Mortalium animos*, Jan. 6, 1928; *AAS* 20 (1928) 7-8; *Catholic Mind* 26 (1928) 63-64.

²² While Vatican II has not issued any definitions, the elaborate and painstaking method of its procedure is a matter of common knowledge. In the case of a papal definition, cf. the definition of our Lady's Assumption, Nov. 1, 1950; *AAS* 42 (1950) 767 ff.

²³ *Osservatore romano*, Nov. 25, 1964, no. 25; cf. *DS* 1848 and Systematic Index, H2bb.

also the laity have their part, as has been clearly expressed by the same Council: "Christ, the great Prophet . . . fulfills His prophetic office not only by means of the hierarchy, who teach in His name and with His authority, but also by means of the laity, whom He has constituted His witnesses and endowed with the spirit of faith and grace of speech to this end, that the power of the gospel might shine forth in their daily lives, in family and community."²⁴ Similarly, Pope John acknowledged the role of both clergy and laity in the evolving of the Church's teaching on social order.²⁵ The significance of these preliminary stages of discussion consists in this, that while the Church possesses the fulness of truth and does not derive or learn her knowledge from natural arguments, the process of argumentation does play a part in explicating and formulating in human terms the Church's consciousness of the truth in general and of natural law in particular. The arguments also serve the purpose of showing the conformity of the teaching with natural reason. And, in turn, the teaching confirms the value of the argumentation.

4) Even when the magisterial instruments of the Church employ arguments in the course of proposing a principle of natural law, however, the value of the teaching does not depend upon or come from the native force of the argument, but from the authority itself of the Church to teach, with a corresponding obligation on the part of the faithful to accept its teaching. This is simply an application to the area of morals of the doctrine, commonly presented in terms of dogmatic teaching, but universally valid, of the "authentic" magisterium of the Church. It is not a scientific or philosophic source of knowledge, in which the authority of the teacher and the security of the doctrine are contingent upon the potency of the arguments and proofs. The Church bears witness to the truth, in morals as well as in dogma, and its authority rests upon the mission of Christ and the guidance of the Holy Spirit rather than upon the internal effectiveness of the reasons alleged or their ability to convince. It is the conclusions which are guaranteed, not the premises.

²⁴ "Christus, Propheta magnus . . . suum munus propheticum adimplet, non solum per Hierarchiam, quae nomine et potestate Eius docet, sed etiam per laicos, quos ideo et testes constituit et sensu fidei et gratia verbi instruit . . . ut virtus Evangelii in vita quotidiana, familiari et sociali eluceat" (Constitution *De ecclesia*, no. 35; cf. also nos. 12, 37).

²⁵ *Mater et magistra*, supra n. 12.

Therefore, when it is a question of instructions and propositions which the properly established Shepherds (that is, the Roman Pontiff for the whole Church and the bishops for the faithful entrusted to them) publish on matters within the natural law, the faithful must not invoke that saying (which is wont to be employed with respect to opinions of individuals): "the strength of the authority is no more than the strength of the arguments." Hence, even though to someone certain declarations of the Church may not seem to be proved by the arguments put forward, his obligation to obey still remains.²⁶

5) Moreover, the Church may teach the natural law infallibly. The scope of the pledge of infallibility is the whole of revelation, i.e., the whole deposit of truth entrusted by Christ to His Church to be faithfully preserved and communicated without error. This has been stated in the clearest terms in the Constitution *De ecclesia* of Vatican II: "Haec autem infallibilitas, qua Divinus Redemptor Ecclesiam suam in definienda doctrina de fide vel moribus instructam esse voluit, tantum patet quantum divinae Revelationis patet depositum, sancte custodiendum et fideliter exponendum."²⁷

It was indicated above that matters of natural morality are not excluded from this total object by reason of being also, to a degree, naturally knowable, but rather that they have been positively declared to form a part of the teaching mission of the Church precisely as received from Christ. Evidently, as with many matters of dogmatic truth, a particular demand of natural law may be contained only obscurely, implicitly, or virtually in the deposit of revelation.²⁸ Evidently, too, the judgment of what is so contained and what is, therefore, within the scope of the Church's teaching mission will be made by the same teaching authority. Hence it cannot be asserted antecedently that the natural law, or any part or requisite of it, is outside the scope of the Church's right to teach, or to teach infallibly. On the contrary, in the selections cited above the popes refer explicitly to the entire moral law as within the competence of the Church to teach without error.

²⁶ Pius XII, Allocution *Magnificate dominum*, Nov. 2, 1954; AAS 46 (1954) 672; *The Pope Speaks* 1 (1954) 380-81.

²⁷ *Osservatore romano*, Nov. 25, 1964, no. 25.

²⁸ "Ad [revelationem] rite indagandam et apte enunciandam, Romanus Pontifex et Episcopi, pro officio suo et rei gravitate, per media apta, sedulo operam navant; novam vero revelationem publicam tamquam ad divinum fidei depositum pertinentem non accipiunt" (Vatican Council II, Constitution *De ecclesia*, no. 25). Cf. Pius XI, Encyclical *Mortalium animos*, AAS 20 (1928) 14.

As with other exercises of the teaching authority of the Church, the note of infallibility may attach either to solemn definitions on the part of a pope or ecumenical council, or to the teachings of the ordinary magisterium, under the same conditions of constancy and universality as for other forms of doctrine. It is evidently not correct, therefore, to conclude that a principle is not infallibly taught because it has never been the object of a solemn definition. The clear teaching of Vatican I has been reiterated by Vatican II: "Licet singuli praesules infallibilitatis praerogativa non polleant, quando tamen, etiam per orbem dispersi, sed communionis nexum inter se et cum Successore Petri servantes, authentice res fidei et morum docentes in unam sententiam tamquam definitive tenendam conveniunt, doctrinam Christi infallibiliter enunciant."²⁹

6) Besides infallible teachings of the magisterium, however, whether in solemn definition or in constant and universal ordinary teaching, there is that exercise of its authority which, while not infallible, is still authentic and binding. This is perhaps even more important in matters of natural law than in other areas of Catholic doctrine. In this connection it is important to distinguish the notions of infallibility and certainty. In matters of conduct, a doctrine which is not taught with the plenitude of infallibility may still be taught with certainty, in the sense of moral, practical, certitude, so as to exclude any solidly probable opinion to the contrary here and now, i.e., with the effect that at a given time a particular mode of conduct is certainly licit or certainly illicit, without the abstract question of its relation to right order being definitively closed. Infallibility excludes the absolute possibility of error. Certitude, in the sense of moral, or practical, certitude, excludes the prudent, proximate fear of error. While such a teaching does not altogether close the question from a speculative point of view, it does normally preclude the possibility of acting in contradiction of the doctrine, relying on the principle of probabilism. Ultimately the thesis of probabilism does not rest simply upon the point that a doubtful law does not bind. There is no serious contention that it does bind by any force of its own. Probabilism depends upon the justification that while there is still the possibility of a material viola-

²⁹ Constitution *De ecclesia*, no. 25; for Vatican I, cf. *DS* 3011.

tion of law, yet one who acts with reliance on a solidly probable opinion is not exposing himself imprudently to this danger—which is not true when one acts on the basis of a mere possibility or a tenuously probable view. But when the authentic magisterium of the Church professedly teaches a particular moral doctrine, it will not be easy to say that one who acts in contradiction of it is not exposing himself imprudently to the danger of violating the moral law. For the assistance of the Holy Spirit is always present to the Vicar of Christ and the other bishops, and in their purposeful pronouncements they will have used more than ordinary human means as well.

There are many statements of the magisterium itself inculcating the fact and the binding effect of the noninfallible exercise of its teaching authority. Especially clear and emphatic are the following:

Nor must it be thought that what is expounded in encyclical letters does not itself demand consent, on the pretext that in writing such letters the Popes do not exercise the supreme power of their teaching authority. For these matters are taught with the ordinary teaching authority, of which it is true to say: "He who heareth you, heareth Me"; and generally what is expounded and inculcated in encyclical letters already, for other reasons, appertains to Catholic doctrine. But if the Supreme Pontiffs in their official documents purposely pass judgment on a matter up to that time under dispute, it is obvious that the matter, according to the mind and will of the same Pontiffs, cannot be any longer considered a matter of open debate.³⁰

The bishops teaching in communion with the Roman Pontiff are to be respected by all as witnesses to divine and catholic truth; and the faithful have a duty to concur in the judgment which their bishop expresses in the name of Christ on matters of faith and morals, and by an act of religious submission to make it their own. Now this religious submission of will and of intellect is to be offered in a special way to the authentic magisterium of the Roman Pontiff, even when he does not speak *ex cathedra*, in such wise that his supreme magisterium is respected, and sincere adherence is given to the pronouncements he makes, according to the manifestation of his mind and intent, which may be gathered principally from the character of the

³⁰ Pius XII, Encyclical *Humani generis*, Aug. 12, 1950; *AAS* 42 (1950) 568; *DS* 3885; *Catholic Mind* 48 (1950) 693. For the last clause, however, I have departed from the translation in the *Catholic Mind*. The expression "quaestionem liberae inter theologos disceptationis iam haberi non posse" does not seem to mean that the question "cannot be any longer considered open to discussion among theologians." The idea would rather seem to be that it is not a matter in which both sides can be held and followed with equal freedom. This is quite a different concept, and I have tried to convey it, not very successfully perhaps, in the phrase "a matter of open debate."

documents, or from the frequency with which a doctrine is proposed, or from his manner of speaking.²¹

The existence of this authentic but not infallible teaching raises the question of discerning, not between infallible and noninfallible pronouncements (for a single declaration is not to be taken as a definition unless it is clearly intended as such), but between such as are "purposeful" (*data opera*), with the effect of creating the obligation of acceptance, and other statements which might be made in the course of a communication without the intent of professedly teaching the doctrine as Catholic. The Constitution of Vatican II provided very valuable criteria: the nature of the document (as is well known, the popes are accustomed to choose one or another form of presentation—constitution, encyclical, *motu proprio*, allocution—with a view to the solemnity traditionally associated with them), the frequency of a doctrine's recurrence in papal discourse, and, perhaps the most significant single criterion, the verbal formula employed (*ex dicendi ratione*). In a medico-moral study of the problem of mutilation and with specific reference to the interpretation of papal pronouncements, Fr. Gerald Kelly proposed three criteria, of which the first was the verbal formula, the other two being the historical context of the declaration and the purpose of the speaker (which, in turn, will be learned partly from the language of the text).²²

A second problem in this matter is the determination of the precise effect of such an authentic but not infallible teaching. What is generally taught as the effect of such teachings in dogmatic matters would be

²¹ Vatican Council II, Constitution *De ecclesia*, no. 25: "Episcopi in communione cum Romano Pontifice docentes ab omnibus tamquam divinae et catholicae veritatis testes venerandi sunt; fideles autem in sui Episcopi sententiam de fide et moribus nomine Christi prolatam concurrere, eique religioso animi obsequio adhaerere debent. Hoc vero religiosum voluntatis et intellectus obsequium singulari ratione praestandum est Romani Pontificis authentico magisterio etiam cum non ex cathedra loquitur; ita nempe ut magisterium eius supremum reverenter agnoscatur, et sententiis ab eo prolatiis sincere adhaereatur, iuxta mentem et voluntatem manifestatam ipsius, quae se prodit praecipue sive indole documentorum, sive ex frequenti propositione eiusdem doctrinae, sive ex dicendi ratione" (*Observatore romano*, Nov. 25, 1964). Cf. Pius IX, Letter *Tuas libenter*, Dec. 21, 1863, *DS* 2879-80; Pius XI, *Casti connubii*, *AAS* 22 (1930) 580-81.

²² G. Kelly, "The Morality of Mutilation: Towards a Revision of the Treatise," *THEOLOGICAL STUDIES* 17 (1956) 322 ff. Cf. also F. Hürth, in *Periodica de re morali canonica liturgica* 41 (1952) 245-49; L. Choupin, *Valeur des décisions doctrinales et disciplinaires du Saint Siège* (Paris, 1928).

applicable here, except that the question of actual conduct also arises. That is to say, from a teaching of this sort two consequences follow, one external and absolute, the other internal and conditional. In the external order there results the obligation not to contradict the doctrine in public speech or writing. Concretely, this would prevent taking the position that the contrary opinion is solidly probable and applicable in practice. It would prohibit confessors from giving contrary advice or permitting contradictory conduct on the part of penitents. That would be to set oneself up as a sort of private magisterium, in competition with the magisterium established by Christ. And whatever the limits on one's obligation to accept the judgment of the latter, one is certainly not entitled, either singly or in company with other private theologians, to enter into conflict with it. But this would not exclude all speculative discussion of the question on the part of theologians, supposing a discreet selection of audience and method of discourse, with a view to clarifying the issues and finding the answers to difficulties involved. As was noted above, to say that a question is not "*liberae disceptationis inter theologos*" does not seem to mean that it cannot be discussed among theologians, but rather that it is not to be approached as something on which either side is of equal standing or could be equally followed.

In the internal order there results *per se* the obligation of intellectual assent to and acceptance of the teaching. But since, in the supposition, the teaching is not infallible and there remains the possibility of the opposite, there must remain also the absolute possibility that someone, exceptionally qualified in some aspect of the question upon which the conclusion depends, may have grave reason to think that the proposition is not certainly true. In this event the individual, while bound by the teaching in the external order, would not be obliged to yield internal assent. In matters of one's own purely private conduct, indeed, it would seem that he might act according to his own opinion, unless it is clear that the authority teaching intended not only to teach a point of natural law but also, insofar as necessary, to impose a norm of conduct in virtue of its jurisdictional authority. That this may sometimes be the intention is indicated by the references made in papal pronouncements to the "obedience" due teachings of this nature. But it must be emphasized that the exception contemplated

here is a rather extraordinary thing, more likely to be verified when questions of fact enter in than in matters of principle. Since generally this sort of teaching will already be Catholic doctrine or a simple application of it, and will not be propounded without careful study and consultation of *periti*, it will not easily or commonly happen that the ordinary faithful, the ordinary priest, or even the ordinary theologian will be in a position prudently to depart from the sort of authentic teaching at issue here.

It is in this way, and for this reason, that an opinion which at one time is not solidly probable because of contrary teaching by ecclesiastical authority might become so later, without any prejudice to Catholic principles on the value of the teaching of the Church. After remarking that special study was being made of the morality of certain forms of fertility regulation, Pope Paul VI went on to say: "But meanwhile We say frankly that up to now We do not have sufficient motive to consider out of date, and therefore not binding, the norms given by Pope Pius XII in this regard. Therefore they must be considered valid, at least as long as We do not judge it Our duty to modify them."³³ Whether such a modification has ever occurred, or ever will, is a question of historical or prospective fact, outside the scope of this study. It would be necessary, in any case, carefully to investigate whether the change is in the doctrine or principle, or rather in the factual situation to which the principle is being applied.

7) The teaching authority of the Church in matters of natural law extends not only to the enunciation of abstract principles but also to their application in the concrete. The Church is not limited to stating that one must be just, or charitable, or chaste, but may teach that a certain concrete social situation is unjust, that a definite impending or existent legislation is immoral, that a specified conjugal practice is illicit. Wherever a moral issue is involved, the Church has the right to point out what the moral obligation of the faithful is in that situation. In this connection Pope John XXIII wrote: "It is clear, however, that when the hierarchy has issued a precept or decision on a point at issue, Catholics are bound to obey their directives. The reason is that the Church has the right and obligation, not merely to guard the purity of ethical and religious principles, but also to intervene authori-

³³ Allocution to the cardinals, June 23, 1964; *AAS* 56 (1964) 588-89.

tatively when there is question of judging the application of these principles to concrete cases."³⁴ And Pius X: "Whatever a Christian man may do, even in affairs of this world . . . all his actions, insofar as they are morally good or evil, that is, agree with, or are in opposition to, divine and natural law, are subject to the judgment and authority of the Church."³⁵ Similarly Pius XII, describing a position which he subsequently disapproves: "Let the Church, [some modern writers] do not hesitate to say, propose her doctrine, pass her laws as norms of our actions. Still, when there is question of practical application to each individual's life, the Church must not interfere; she should let each one of the faithful follow his own conscience and judgment."³⁶ Needless to say, the Pope was not denying the obligation to follow one's own conscience; he was speaking of the Church's role in the formation of conscience.

In such a case the Church is not constituting an ecclesiastical obligation or exercising its jurisdiction in the field of politics, or sociology, or domestic psychology, or some other area outside the sphere of its competence. It is teaching the moral obligation already existing in that situation. Obviously, the exercise of this authority must be regulated by prudence, and supposes a situation sufficiently clear factually to justify a declaration of this sort; but it is not outside the scope of the magisterial office.

8) The authority of the Church to teach the natural law resides not only in the pope and the college of bishops, whether in council or in the ordinary universal magisterium, for the whole Church, but also, proportionately, in the individual bishop with respect to the faithful of his territory. "The bishops teaching in communion with the Roman Pontiff are to be respected by all as witnesses to divine and catholic truth; and the faithful have a duty to concur in the judgment which their bishop expresses in the name of Christ on matters of faith and morals, and by an act of religious submission to make it their own."³⁷ And the Code of Canon Law: "While the bishops, whether teaching individually or gathered in particular councils, are not endowed with

³⁴ Encyclical *Mater et magistra*, no. 239; AAS 53 (1961) 457; tr. America Press, p. 63.

³⁵ Encyclical *Singulari quadam*, Sept. 24, 1912; AAS 4 (1912) 658.

³⁶ Allocution *Magnificate dominum*, Nov. 2, 1954; AAS 46 (1954) 674; *The Pope Speaks* 1 (1954) 382.

³⁷ Vatican Council II, Constitution *De ecclesia*, no. 25.

infallibility, yet with regard to the faithful entrusted to their care they are truly teachers and masters" (can. 1326).

As with the magisterium in general, this authority of the bishops individually is not limited to the enunciation of abstract principles, but extends also to concrete applications, in matters of social abuses, or legislative excesses, or educational rights, etc., within their territory, whenever a moral issue is involved, under the same conditions of sufficient factual information and prudence in action. (As a matter of fact, our bishops have often taken action of this sort as the occasion required.²⁸) And, in general, the same effect results from the teaching of the particular magisterium with respect to its subjects as in the case of the supreme authority with respect to the whole Church, i.e., the obligation of obedience in conduct and, per se, of internal assent, though, from the nature of the matter, the possibility of exception to the latter is somewhat less unlikely in this case.

9) The teaching authority of the Church in matters of natural law is exercised not only directly, in pronouncements of the magisterium itself, collectively or separately, but also, in an indirect way, through its influence of supervision and vigilance over the doctrines of the theologians and others in a nonmagisterial capacity. Given the responsibility of the Church for the purity of moral doctrine communicated to the faithful, and the fact that the hierarchy cannot be unaware of the teachings regularly and publicly circulated in the popular vehicles of instruction and in books and periodicals dedicated to theological and moral discourse, it follows that norms of conduct commonly and constantly enunciated in those sources from which priests and faithful principally derive their moral training come to be attributed to the magisterium itself, and to be designated and accepted as Catholic doctrine. That a common opinion of moral theologians should come to be regarded as Catholic teaching, therefore, is not due simply to the

²⁸ Cf. F. McManamin, "American Bishops and the American Electorate," *American Ecclesiastical Review* 151 (1964) 217-29. On the question of race relations, cf. the national pastoral of the American bishops, Nov. 13, 1958, entitled "Discrimination and the Christian Conscience." On the same subject, cf. the pastoral letter of Archbishop Lawrence J. Shehan of Baltimore, March 1, 1963; *Catholic Mind* 61 (1963) 54-61. Many other bishops issued pastorals on this question (cf. J. Farragher, *Catholic Doctrine on Race Relations* [Los Gatos, 1964] p. 22). For a more general coverage of episcopal pronouncements, there are the collections of pastorals of the American bishops, *Our Bishops Speak*, ed. NCWC (Milwaukee, 1952), and *The National Pastorals of the American Hierarchy: 1792-1919*, ed. P. Guilday (reprinted Westminster, Md., 1954).

native ingenuity of the moralists, or to some sort of usurpation by which in the course of time they have pretended to magisterial power; it rests upon two suppositions: that the bishops throughout the world are sensitive of their obligation to inform themselves about the moral doctrine circulated within their territories, especially in the most influential publications professedly propounding moral theology in principle and application, and that they are diligent in executing their responsibility. The law of the Church requires that writings on morals shall not be published without previous examination and the permission of the local ordinary.³⁹ The imprimatur does not mean that the ordinary necessarily agrees with the opinions of the authors, but it does mean that the work has been judged at least consonant with accepted and acceptable principles of faith and morals. The hierarchy, therefore, cannot fail to share the responsibility for a doctrine commonly and consistently taught by the moral writers. "Bishops, for their part, by conferring this faculty [to teach] are not deprived of the right to teach; they retain the very grave obligation of supervising the doctrine which others propose, in order to help them, and of seeing to its integrity and security."⁴⁰

10) There is a significant difference between the Church's teaching of the natural law and the Church's making laws of its own. The Church is free to change the latter but not the former. Even if, and to the extent that, a teaching on morality is reformable, it is not reformable at the free choice of the Church, a matter of legislative will, but only if and because the former teaching is perceived to have been imperfect or to be no longer applicable in a changed situation. In one case the Church recognizes a law already in existence in the order of creation willed by God, and the Church simply declares that this is so. In the other case the Church itself constitutes the law, within the scope of its authority and with a view to the salvation and sanctification of souls, as the law of fast and abstinence, or of hearing Mass on Sundays, or of the Eucharistic fast, or of matrimonial form and impediments, or of clerical celibacy, etc. The Church can change the laws which it makes, but not those already constituted by God. It is the failure to appreciate this difference that leads to prophecies that the

³⁹ *CIC*, can. 1385, § 1, 2°.

⁴⁰ Pius XII, Allocution *Sì diligis*, May 31, 1954; *AAS* 46 (1954) 315; *The Pope Speaks* 1 (1954) 155.

Church will have to change "its law" on various points which moral theology ascribes to the law of God. And it is for this reason, too, that the more significant thing about the natural law, from the theological point of view, is not that it is man-perceived but that it is God-constituted.

It was with this point that our study began. It was suggested, indeed, that this is the crucial point in the theological approach to natural law. Because it is something established by God in the order of creation, it will be knowable, to a degree, by reason. But it has also been communicated by Christ, along with the total deposit of Christian revelation, to the Church, in order that it may be known by the faithful commonly, readily, and without error. Hence it belongs to the magisterial office of the Church to teach natural law, whether infallibly or in the noninfallible but authentic exercise of teaching, whether by the Roman Pontiff alone or by the bishops in communion with him throughout the world, whether in solemn definition or in the ordinary methods of instruction, whether in the abstract or in concrete application, whether directly in documents emanating from the magisterial organs themselves or indirectly by the implication inherent in its responsibility over the common and constant teaching of the theologians.

Evidently this is an attempt to outline, in rather raw and legalistic language, the naked facts of the Church's authority to teach the natural law—the existence, the extension, the limits of this authority, and the modes of its exercise. Evidently, too, much could be said about the discreet selection of the proper time to speak, about the method of preparation of the instrument of instruction in collaboration with the other members of the episcopal college and with consultation of the lesser clergy and of the laity, and about the terminology in which the teachings might be most effectively and pastorally communicated to the world at large or to some particular flock. What the Church can do, and whether the Church ought to do it, or to do it at this time or in this way, are quite distinct issues. For the most part the present study has considered only the first of these. The reason is that, as a matter of fact, the most important questions which have been raised with regard to the Church and the natural law have not been concerned simply with the timeliness, the method, or the tone of its teaching.