Theological Studies
55 (1994)

SOME EARLY REACTIONS TO *VERITATIS SPLENDOR*

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VERITATIS SPLENDOR has elicited a broad range of reactions, both favorable and unfavorable. In this article, I shall first review comments on, responses to, and studies of the papal letter, and then outline what appear to be critical issues in the encyclical or associated with it.

COMMENTS, RESPONSES, AND STUDIES

The encyclical letter *Veritatis splendor*[1] was signed by John Paul II on August 6, 1993 and released the following October 5. Addressed to "all the bishops of the Catholic Church regarding certain fundamental questions of the Church's moral teaching," it understandably got a reading far beyond episcopal ranks. At the outset I want to glance at some reactions from around the world, both in the media at large and within the Church. I realize that sound bites are hardly adequate to a long and complicated papal letter. They can, however, convey a tone.

The Press

The journal *30 Days* gathered a sampling of journalistic reaction. For example, the widest circulating Polish daily, *Gazeta Wyborcza*, referred to the letter as "an encyclical of the counter-reformation for a Church in crisis." Rome's *La Repubblica* asserted that "Wojtyla wants a silent Church." Its summary stated that "the Pope's final effort introduces only one great innovation: the abolition of theological dissent." Milan's *Corriere della sera* found nothing new in the encyclical. "Nor is the call to obedience directed at theologians new: it merely reproduces an 'Instruction' of 1990." The *Frankfurter Allgemeine* had a different tone. It saw in the encyclical "a point of reference for believers and moral theologians alike." *The Times* (London) spoke of the risk of schism. *The Guardian* judged the document fundamentalist and inspired by nostalgia for pre-Vatican II days. The French Catholic daily *La Croix* viewed the letter as "the most important of the pontificate of John Paul II." The Spanish daily *El Pais* wrote that "even the most inveterate detractors will have problems presenting this intellectual effort in sensational tones, however polemical the static nature of the document may prove to be."[2]

[1] *Origins* 23 (1993) 297–334.

[2] Rossana Ansuini, "Original Sin and *Veritatis Splendor*," *30 Days* 10 (1993) 34–37.

Episcopal Statements

With few exceptions episcopal statements followed a fairly predictable pattern. Cardinal Roger Mahoney praised the encyclical for its "magnificent vision of the Christian life" and its "stunning" insight that "the moral life is a response to the gift of faith and a path to perfection."[3] Cardinal Bernard Law said that it "presents a teaching which has to be pondered and appropriated at a deeper level of consciousness."[4] Bishop Donald W. Wuerl called the letter "a beacon that shines in the midst of the gloom of confusion."[5]

At the press conference for the release of the encyclical, Archbishop J. Francis Stafford pointed up its emphasis on natural law and called it "an outstanding contemporary presentation of the Catholic natural law approach to moral reason."[6] Archbishop Adam Maida stated that he was most impressed by the pope's reflections on Jesus' dialogue with the rich young man.[7] Somewhat mysteriously Archbishop Elden Curtiss referred to the encyclical as "a discernment made by the Church's magisterium (the body of bishops in the world under the leadership of the Pope) with regard to certain modern positions and controversial problems in moral theology."[8] Most of us would judge that a letter *to* the world's bishops is hardly a product of their own magisterium, as indeed it was not.

Archbishop John Quinn noted that "a supremely important emphasis in the encyclical "is its insistence that the foundation of Christian morality lies in the paschal mystery of Christ.[9] Cardinal James A. Hickey stated that it warns about the "grave pastoral dangers of flawed theologies . . . and of public dissent."[10] Bishop Daniel P. Reilly asserts that "the basic concern of the Holy Father is that in much of today's thinking the exercise of human freedom has been separated from its essential relationship with truth."[11] Bishop Alfred C. Hughes acknowledged that the encyclical contains nothing new. John Paul II "is basically reasserting that there is an objective moral order."[12]

Cahal Daly, the Catholic Primate of All Ireland, states that "the overriding message is that the human being is created for truth."[13]

[3] *The Tidings*, 10 October 1993, 9. [4] *The Pilot*, 8 October 1993, 2.

[5] *Pittsburgh Catholic*, 8 October 1993.

[6] J. Francis Stafford, "Moral Reason is Basis of Virtue," *L'Osservatore Romano*," Weekly Edition, no. 41, 13 October 1993, 10.

[7] *The Michigan Catholic*, 15 October 1993, 3.

[8] *The Catholic Voice*, 29 October 1993, 5.

[9] *The Catholic Voice*, 15 October 1993, 15.

[10] Ibid.

[11] *The Catholic Transcript*, 15 October 1993, 3.

[12] *The Buffalo News*, 6 October 1993, 4. [13] *The Irish Times*, 6 October 1993, 11.

Interestingly Daly's summary includes no mention of fundamental option or proportionalism. Cardinal Basil Hume, after admitting that the letter is "highly technical," says that "the heart of the Pope's message is that there are acts which in themselves are always seriously wrong."[14] Hume calls it "a prophetic document that would be seen to be right in 500 years' time." One cannot resist calling this a far-sighted comment. Bishop Karl Lehmann, speaking as chairman of the German Bishops' Conference, asserted that moral theologians will have to determine whether they maintain the positions rejected by the encyclical, or whether it is a question of the working out of their teaching for which they themselves bear no responsibility.[15] Cardinal Godfried Daneels confessed that the letter is "not the best of encyclicals" but judged it to be "an important text."[16] Cardinal Jean-Marie Lustiger concluded that the pope and bishops are simply fulfilling their mission "to stay awake while the conscience of men sleeps."[17] Finally, Chicago's Cardinal Joseph Bernardin sensibly noted that some theologians and pastoral leaders, "while agreeing with the substance of the encyclical, perhaps will disagree with its evaluation of the ethical theories it discusses."[18]

This sampling will have to suffice, with appropriate apologies to those who have been omitted from the overview. Most of the episcopal statements on the encyclical that I have read have an air of court formality about them. They express gratitude to the pope (often enough for his courage), pick out and display general and noncontroversial truths, note that the teaching is an authentic act of the magisterium, and urge theologians and others to study it carefully. In a sense, these episcopal statements are noteworthy for what they do not say. I suppose it is understandable that the bishops' statements do not say that the letter is prolix and repetitious, its analyses too frequently obscure and convoluted, and its presentation of revisionist tendencies tendentious, extreme, and ultimately inaccurate.

The Encyclical's Contents

At this point a brief summary of the encyclical's content is in order since it would be unreal to assume, given its length and technical density, that even most theologians have managed to read it.

In the Introduction the pope laments the fact that dissent against

[14] *The Daily Telegraph*, 6 October 1993, 4.

[15] I take this from a xerox copy of a statement whose letterhead reads *Pressmitteilungen der deutschen Bischofskonferenz.*

[16] *30 Days* 10 (1993) 34. [17] Ibid.

[18] I take this from a statement issued 5 October 1993 by Bernardin and copyrighted by Reuters.

the Catholic Church's authentic teachings on moral issues is no longer "limited and occasional" but questions them in an "overall and systematic" way. Exactly what this means I do not know, but the encyclical takes dead aim at this "overall and systematic" dissent and its underlying philosophical and theological underpinnings. If "overall and systematic dissent" is meant as a description of moral theologians, I would disagree. We must not forget the late John Tracy Ellis's statement over ten years ago: "I have the impression that certain curia officials are listening too much to one side—and that side is usually the far right."[19]

The first of three chapters is a protracted and beautiful meditation on Christ's dialogue with the rich young man of Matt 19:16 who asks, "What good must I do to inherit eternal life?" Jesus responds, "Keep the Commandments." When pressed further he adds, "Come, follow me" (Matt 19:21). Thus, Chapter 1 basically presents the moral life as a response to Christ's invitation. Its biblical base is a breath of fresh air. As theologian Ronald Modras notes, Chapter 1 "shows all the signs of not only being written by the pope but of arising out of his own deeply personal, introspective reflections on the gospel story."[20]

Chapter 2 is a different matter. It begins with an attack on relativism in contemporary culture. Such relativism rests on "certain anthropological and ethical presuppositions." The pope then states that "at the root of these presuppositions is the more or less obvious influence of currents of thought which end by detaching human freedom from its essential and constitutive relationship to truth." The pope rightly deplores this separation of freedom from truth, a separation that implies that conscience *creates* truth rather than *discovers* it.

The relativism that leads to the dead end of individualism is rooted in cultural biases and drifts. But the encyclical sees Catholic moral theology adrift on this relativistic sea. It singles out so-called proportionalism and consequentialism as recent developments that are incompatible with revelation. Why are they incompatible? Because, so it asserts, they justify morally wrongful acts by a good intention, and thus deny the existence of intrinsically evil acts.

The final chapter discusses the personal and institutional practices that the teachings of Chapters 1 and 2 require, practices that can require great sacrifice, even martyrdom. In this connection the pope reminds the bishops that they are "to have recourse to appropriate

[19] *Catholic Review*, 18 November 1983, cited in my *The Critical Calling* (Washington: Georgetown University, 1994) 93.

[20] Ronald Modras, "Some Notes on the Margin of *Veritatis Splendor*," *ARCC Light* 15/9 (January 1994) 1–2.

measures to ensure that the faithful are guarded from every doctrine and theory contrary to" the Church's moral teaching. They are urged to be "personally vigilant."

Authorship

One of the very first questions to arise concerns the authorship of the encyclical. John Wilkins, editor of *The Tablet* (London), notes that the style of Chapter 2 is different, a fact that "suggests that other hands have been at work."[21] Joseph Selling of the Katholieke Universiteit, Leuven, agrees. Chapter 2 "uses a vocabulary that John Paul II has never used before, includes very few references to the pope's earlier writings and speeches, a common trait in papal encyclicals, and is written in an acrimonious tone that is not typical of previous documents."[22]

Whose hands have been at work here? Ronald Modras, cited above, suggests those of Andrzej Szostek. After stating that Chapter 2 will be a difficult read for bishops and priests, Modras notes that "that is because it is largely drawn from a doctoral dissertation written by Father Andrzej Szostek," the Pro-Rector of the Catholic University of Lublin. Szostek was in Rome on Tuesday, October 5, 1993, as part of the panel charged with clarifying the encyclical to the press. Szostek wrote his doctoral dissertation on *Norms and Exceptions* (*Normy i Wyjatki*) for the University of Lublin.[23] The then Cardinal Wojtyla was on his board. In this dissertation Szostek examined the writings of what he called the "new wave" of Catholic moralists. Among them: the late Franz Böckle, Charles Curran, Joseph Fuchs, Bernard Häring, Louis Janssens, Peter Knauer, Giles Milhaven, Bruno Schüller, and myself. These and many more theologians share the general teleological directions rejected by the encyclical. Szostek criticizes them for their impoverished anthropology. Chapter 2 refers to "some theologians" and "certain theologians." Szostek's book tells us who they are—with one exception. He does not mention Karl Rahner, the great-

[21] John Wilkins (ed.), *Understanding Veritas Splendor* (London: SPCK, 1994) xi. This volume brings together the series of articles published in *The Tablet*. Since some may not have access to this volume, I provide below the individual references to *The Tablet*. Another volume, *Fundamentalmoral als Quaestio Disputata: Moraltheologische Antworten auf "Veritatis Splendor,"* edited by Dietmar Mieth, will appear in the fall of 1994. Some of the authors included are: Alfons Auer, Marciano Vidal, Johannes Gründel, Günter Virt, Bernhard Häring, Hans Rotter, Joseph Fuchs, Klaus Demmer, Peter Hünermann, Bernhard Fraling, Mieth, and this author.

[22] Joseph Selling, "Ideological Differences: Some Background Considerations for Understanding *Veritatis Splendor*," *The Month* 27 (January 1994) 12.

[23] Andrzej Szostek, *Normy i Wyjatki* (Lublin: Katolicki Universytet Lubelski, 1980).

est theologian of this century; but the encyclical surely has him in its cross hairs. It is Rahner's anthropology that the cited theologians share.

If another pair of hands was at work, it could well belong to John Finnis, lecturer in jurisprudence at Oxford University and a member of the International Theological Commission. I (along with others) see his hands at work in Chapter 2 because that chapter contains some of the same caricatures that I find present in Finnis's work.

Symposium-Like Presentations

Commonweal

After the encyclical's appearance, several publications offered symposium-like presentations on it. *Commonweal* led off with Lawrence S. Cunningham who regarded *Veritatis splendor* as "this generation's *Humani generis*." The papal letter, "while paying lip service to various theological schools, quite clearly opts for one."[24] Joseph Komonchak also saw parallels with *Humani generis*. Dennis M. Doyle, while admitting its many positive aspects, judged that the letter "may do more to divide the Church than to unite it." Charles Curran scores the defensive nature of the document and its unfair demolition of straw persons: "The Encyclical does not accurately portray the true picture of Catholic moral theology today."

As if footnoting Curran's assertion, Janet Smith states that the letter "carefully discusses the claim that such acts as 'having sexual intercourse with someone against that person's will' is considered a premoral or ontic evil in the view of dissenters." Of course, no one says that.[25] As soon as one adds "against that person's will," a qualifier has been added that makes the described action morally wrong, much as does "against the reasonable will of the owner" in the definition of theft.

Lisa Cahill believes the encyclical gives impetus to theologians who are renewing the natural-law tradition in service of humane and consensus-seeking public discourse. Unfortunately its fideist and authoritarian tone undercuts this impetus and Cahill fears that the result will be further divisions within the Church. Stanley Hauerwas praises the encyclical as "a great testimony to the Catholic ability to with-

[24] The responses cited here are all found in *Commonweal* 120 (22 October 1993) 11–18.

[25] For instance, see Joseph Fuchs, S.J., " 'Intrinsece malum': Überlegungen zu einem umstrittenen Begriff," in *Sittliche Normen*, ed. Walter Kerber (Düsseldorf: Patmos, 1982) 88; also Bruno Schüller, S.J., "Neuere Beiträge zum Thema 'Begründung sittlicher Normen,' " in *Theologische Berichte* 4 (1974) 115–17.

stand the ethos of freedom." At one point Hauerwas states: "I must admit as one who has always found the concept of 'fundamental option' and particularly the corresponding idea of 'premoral' evil, mystifications, I particularly enjoyed the encyclical's criticisms of those peculiar notions." These notions will, of course, remain "peculiar" to Hauerwas if his grasp of them is as confused as it appears to be here. In what sense, for example, is the notion of premoral evil a "corresponding idea" to the fundamental option?

Anne E. Patrick concludes this symposium by noting that, while sexuality is not the stated theme of the letter, it is "the subtext that occasioned and governed this text," a claim made by a number of commentators. She praises the emphasis on human dignity and moral objectivity but fails to recognize the positions of theologians like Häring, Curran, and this author in the encyclical's portrayals.

First Things

A symposium of quite a different type and quality is presented in Richard John Neuhaus's *First Things*. After general introductory remarks Neuhaus states: "Here John Paul takes on those moralists, including Catholic theologians, who say that an evil act may be justified by the end to which it is directed ('consequentialism') or by weighing the other goods at stake ('proportionalism'). It is never licit to do evil in order to achieve good. To those of a contrary view the question might be put: When is rape morally justified? Or torture of children? Or Auschwitz? John Paul's answer is *never*."[26] So is mine and so is that of anyone identified as a proportionalist, as anyone with a rudimentary knowledge of the literature will realize.

Given Neuhaus's confusion, it is perhaps understandable that he would publish the essay of Princeton's Robert P. George. Repeatedly George misrepresents proportionalists as maintaining that rape, murder, and adultery could be justified by a proportionate reason. In his words (which he takes from Germain Grisez without attribution), "For centuries, no Jew or Christian imagined that precepts such as 'Do not murder' and 'Do not commit adultery' meant not to kill or commit adultery unless one had a proportionate reason for doing so."[27] I suppose it would be asking too much to suggest to George that he read Louis Janssens' seven-page article in which he discusses a fourfold variety of human actions. The very first class consists of actions which involve an inseparable deformity such as fornication and adultery. The

[26] Richard John Neuhaus, "The Splendor of Truth: A Symposium," *First Things* 39 (January 1994) 14–29, at 15.

[27] Ibid. 24–25.

very terms "signify both sexual acts *and* their immorality." Of these Janssens concludes: "So the names of some actions denote that they are simply and intrinsically evil and that they can never be done in a good way."[28]

Hadley Arkes of Amherst College delivers an analytic howler. He excoriates proportionalism with grave vigor. But he never defines it. That enables him to reject the name but unwittingly to adopt its content. Thus he notes that the papal teaching "lends itself to layers of shading and calibration." One example: "The injunction to avoid killing is an injunction to avoid the killing of the innocent." Another is that of the Dutch householders who refused to reveal to the prying Gestapo the Jews they were hiding. Of them, Arkes states: "The Dutch householders were not seeking to injure the Nazis when they spoke falsely. Nor were they endorsing deceit as a general rule of life. They were willing, rather, the protection of the innocent, and they were thoroughly justified in misleading the wicked." At this point Arkes notes that this is "not spelled out in the encyclical," but, he adds, "we can assume that it is folded into the teaching." If this is the case, then (remarkably) there is folded into the teaching the very thought structure the pope wants to reject. Arkes states that he has "crossed swords" with proportionalists on many occasions. What he fails to realize is that he sees one in the mirror every day. But on one point I believe he is correct: " 'Proportionalists' are not likely to find here [in *Veritatis splendor*] any new arguments that might encourage them to think anew about their position."[29]

The symposium also contains a supportive essay by Russell Hittinger and a laudatory one coauthored by David Burrell and Stanley Hauerwas.[30]

The Tablet

The most ambitious symposium was that put together by John Wilkins of *The Tablet*.[31] It includes eleven essays from various points of view. I can pick out only threads in this overview. The very first

[28] Louis Janssens, "A Moral Understanding of Some Arguments of St. Thomas," *Ephemerides Theologicae Lovanienses* 63 (1987) 354–60.

[29] Neuhaus, "The Splendor of Truth" 25–29.

[30] Ibid. 16–19, 21–23. The Burrell-Hauerwas piece refers to Catholic authors "who have long been attempting an elaborate accommodation with the spirt of the age." It is difficult to find language strong enough to condemn such motivational attribution. This is especially regrettable from authors who have played no significant role in these developments and manifest no realistic grasp of the problems, concepts, and language that surround them.

[31] See n. 21 above.

article is by Germain Grisez. Basically Grisez passes in review "four ways various dissenters have tried to soften received moral teaching about intrinsically evil acts." Confronted with the encyclical's criticisms, "dissenting theologians undoubtedly will respond that the Pope has misinterpreted them, missed them altogether, and/or found no new or convincing arguments against their views." Grisez sees this as inadequate because the papal argument is from revelation. He concludes that dissenting theologians are left with three choices: "to admit that they have been mistaken, to admit that they do not believe God's word, or to claim that the Pope is grossly misinterpreting the Bible."[32]

Grisez's essay did not go unchallenged. Moral theologian Seán Fagan saw it as an exercise in fundamentalism, "a bitter and simplistic attack on theologians who are 'looking for ways around the precepts.' "[33] He would especially reject the notion of revelation-as-dictation implied in Grisez's account and states that there is a fourth choice open to theologians if history is our guide: respectful dissent.

The revered Bernard Häring authored the second piece. It is quite remarkable. It begins as follows:

> After reading the new papal encyclical carefully, I felt greatly discouraged. Several hours later I suffered long-lasting seizures of the brain, and looked forward hopefully to leaving the Church on earth for the Church in heaven. After regaining my normal brain function, however, I have a new feeling of confidence, without blinding my eyes and heart to the pain and brain-convulsions that are likely to ensue in the immediate future.
>
> *Veritatis Splendor* contains many beautiful things. But almost all real splendour is lost when it becomes evident that the whole document is directed above all towards one goal: to endorse total assent and submission to all utterances of the Pope, and above all on one crucial point: that the use of any artificial means for regulating birth is intrinsically evil and sinful, without exception, even in circumstances where contraception would be a lesser evil.

After pointing out that the encyclical is part of a structural pattern of suspicion and distrust, Häring fairly cries out:

> Away with all distrust in our Church! Away with all attitudes, mentalities and structures which promote it! We should let the Pope know that we are wounded by the many signs of his rooted distrust, and discouraged by the manifold

[32] Germain Grisez, "Revelation versus Dissent," *The Tablet* 247 (16 October 1993) 1329–31. For discussion of Grisez's notion of basic goods, see Bernard Hoose, "Proportionalists, Deontologists and the Human Good," *Heythrop Journal* 33 (1992) 175–91; Robert P. George, "Liberty Under the Moral Law: On B. Hoose's Critique of the Grisez-Finnis Theory of the Human Good," *Heythrop Journal* 34 (1993) 175–82; B. Hoose, "Basic Goods: Continuing the Debate," *Heythrop Journal* 35 (1994) 58–63.

[33] Seán Fagan, "The Encyclical in Focus," *The Tablet* 247 (20 November 1993) 1519.

structures of distrust which he has allowed to be established. We need him to soften towards us, the whole Church needs it. Our witness to the world needs it. The urgent call to effective ecumenism needs it.[34]

When Häring writes likes this, we know that something is quite wrong, and, I suggest, not with Häring. What so exercises Häring is the caricature of contemporary theologians encased in the encyclical: "Clearly the Pope and his special advisor do not have a proper picture of what moral theology today is like. Very grave insinuations are made. What moral theologian of good reputation in the Church would recognize himself in the picture which *Veritatis Splendor* draws?"[35]

At this point it would be appropriate to mention an open letter of sixty theologians of Quebec to the bishops of Quebec. It was printed October 17, 1993 in *La Presse,* Quebec's principal newspaper, and also in the monthly *L'Eglise canadienne.* At one key point it states:

In its care to invite prudence in the teaching of ethics or morals, the encyclical tries to describe certain currents of thought that have appeared in the last several decades. This is a very delicate enterprise, because most often it is difficult in several sentences to present an accurate and really fair description of ideas requiring rather lengthy elaboration. Theological movements well situated in Catholic moral thought can thus be more or less targeted. It seems to us that the Magisterium of the Church should avoid getting involved in quarrels among theological schools: as history, even recent history, teaches us, when this happens, the danger always exists that it is one school of theology getting even with another. It seems to us that this wise rule, which the last council adopted, has not been followed in the recent encyclical, especially where there is question of teleological morality and proportionalism.[36]

My own article follows Häring's. It dwells especially on the encyclical's presentation of proportionalism. We read there: "Such theories however are not faithful to the Church's teaching, when they believe they can justify, as morally good, deliberate choices of kinds of behavior contrary to the commandments of the divine and natural law" (no. 76). Later we read: "If acts are intrinsically evil, a good intention or

[34] Bernhard Häring, "A Distrust That Wounds," *The Tablet* 247 (23 October 1993) 1378–79.

[35] Ibid.

[36] "Lettre ouverte aux évêques du Québec," *L'Eglise canadienne* 27 (January 1994) 14–15. Joseph Selling (see n. 22 above) refers to the fact that the encyclical "represents the victory of one school of thought over another." That such "victories" can be shortlived and extremely costly to the Church is clear from Thomas O'Meara's fine article "Raid on the Dominicans: The Repression of 1954," *America* 170 (5 February 1994) 8–16. O'Meara explicitly compares 1954 and 1994.

particular circumstances can diminish their evil, but they cannot remove it" (no. 81). In brief, the encyclical repeatedly and inaccurately states of proportionalism that it attempts to justify *morally wrong actions* by a good intention. This, I regret to say, is a misrepresentation, what I earlier called a caricature. If an act is morally wrong, nothing can justify it.[37] I shall return to this below.

Joseph Fuchs discusses the encyclical's treatment of fundamental option and finds it wanting. Basically the papal advisers see the fundamental option "as though it were a precise, definite and determinable *act*," and indeed as belonging "to the objective realm of the ethical consciousness of the person." Fuchs concludes: "In this way the fundamental option as defined by its protagonists is misunderstood in the encyclical."[38]

Nicholas Lash notes that Chapter 2 is in quite different language. It resembles 19th-century textbooks. In spite of John Paul's insistence that "the Church's magisterium does not intend to impose upon the faithful any particular theological system, still less a philosophical one," the letter does precisely that. In Lash's words, "the encyclical appears to argue that the richness and integrity of traditional Catholic ethics is adequately represented by only one school of moral philosophy." Lash sees the portrayal of other schools of thought as "not without distortion" and urges bishops to exercise their magisterium by disagreeing with the pope when appropriate and by "correcting, in the name of justice and in the measure that circumstances warrant it, the account given in the letter of the teaching and intentions of moral theologians in their churches."[39]

Maciej Zieba, a Polish Dominican, in an interesting article, sees the document's stress on truth, loyalty to the truth, and paying the price for this loyalty as a kind of theological assessment of the experience of the churches of Central and Eastern Europe. He compares *Veritatis splendor* with *Centesimus annus*. This latter expressed the experience of the churches of the Western democracies and was explicitly directed mainly at countries which had recently liberated themselves from Communism. The theological trends criticized by *Veritatis splendor*

[37] Richard A. McCormick, S.J., "Killing the Patient," *The Tablet* 247 (30 October 1993) 1410–12; this same piece also appeared as "*Veritatis Splendor* and Moral Theology" in *America* 169 (30 October 1993) 8–11.

[38] Joseph Fuchs, S.J., "Good Acts and Good Persons," *The Tablet* 247 (6 November 1993) 1444–45. For a summary of some fundamental questions raised by Fuchs since Vatican II, see James F. Keenan, S.J., "Joseph Fuchs at Eighty: Defending the Conscience while Writing from Rome," *Irish Theological Quarterly* 59 (1993) 204–10.

[39] Nicholas Lash, "Teaching in Crisis," *The Tablet* 247 (13 November 1993) 1480–82.

have few supporters in the theology departments of Prague, Krakow, or Vilnius.[40]

Oliver O'Donovan, Regius Professor of Moral and Pastoral Theology at the University of Oxford, lauds the pope's insistence on truth as the condition of freedom. "On this chosen ground the encyclical is at home. Its maladroit moments come when it leaves it to pursue more traditional scholastic exercises." If it misrepresents contemporary moral theologians, says O'Donovan, "no harm has been done and some good. We can all learn from misunderstandings that careful readers form of our positions."[41] True enough, but perhaps not enough of the truth. O'Donovan's Olympian detachment reflects little knowledge of Catholic Church life and of the way misunderstandings can be turned against individuals.

Herbert McCabe argues that the encyclical makes a bad case for a good thesis: "that we need absolute prohibitions as well as instruction in the path of virtue." These absolutes concern actions that cut at the root of human community and thereby cut at the roots of our community in *caritas* (e.g. killing of the innocent). Where the encyclical fails is in the central role it gives these prohibitions and in its attempt to *base* Christian morality on the ten commandments. This has the effect of reducing the virtues to dispositions to follow rules, whereas Christian morality is not primarily a written code but the presence in us of the Holy Spirit.[42]

Lisa Sowle Cahill approaches the subject from a feminist perspective. The encyclical resists the idea that the body is simply freedom's raw material. But it does not advance the discussion of how the body sets parameters for freedom. Church teaching "tends to revert to a sacralization of physical processes whenever sex is the moral issue." The encyclical obfuscates the notion of intrinsically evil acts by giving examples on disparate levels. For instance, murder, adultery, stealing, genocide, torture, prostitution, slavery, etc., would have no defenders among Catholic theologians. These phrases, Cahill correctly notes, do not define acts in the abstract, "but acts (like intercourse or homicide) *together with the conditions or circumstances* in which they become immoral." The same is true of intentionally killing an innocent person.

[40] Maciej Zieba, "Truth and Freedom in the Thought of Pope John Paul," *The Tablet* 247 (20 November 1993) 1510–12.

[41] Oliver O'Donovan, "A Summons to Reality," *The Tablet* 247 (27 November 1993) 1550–52.

[42] Herbert McCabe, "Manuals and Rule Books," *The Tablet* 247 (18 December 1993) 1649–50.

Cahill asserts that "about this there is little disagreement." She ends by faulting the letter's neglect of changing gender roles.[43]

John Finnis, professor of law at University College, Oxford, concludes the symposium. He lashes out at moral theologians who use proportionate reason as the basis for establishing exceptions. He lists several objections. First, exceptions (e.g. against killing the innocent) cannot be contained, because "none of these theologians has ever explained how one can rationally tell when a reason is not, in their sense, proportionate." Therefore, proportionalists are leading people to decisions grounded in what they *feel* appropriate. Second, while professing only adjustments, moral theologians "should not be surprised by what their adjustment of traditional moral teaching has wrought." His example: widespread approval by Catholics of abortion.

But more basic in Finnis's view are certain reconceptions of revelation and faith. Finnis wants the pope and bishops to define these reconceptions out of existence. Only by solemn definitions can the crisis of faith be adequately met.[44]

Peter Hebblethwaite correctly senses that in calling for such definitions Finnis seems to be volunteering for the role of inquisitor. Hebblethwaite impishly recalls that in 1503 the Holy See asked the Spanish lawyer, Francisco Peña, to produce a new *Manual for Inquisitors*. The "exceptionless moral norm" about never killing the innocent did not apply. Peña taught: "Let everything be done so that the penitent cannot proclaim his innocence, so as not to give the people the slightest reason to believe that the condemnation is unjust." Hebblethwaite sees this as "exactly the import of Finnis's article."[45]

Individual Studies[46]

Notre Dame's Todd Whitmore, in an insightful study, sees the letter's very positive features as the source of its shortcomings. Thus this

[43] Lisa Sowle Cahill, "Accent on the Masculine," *The Tablet* 247 (11 December 1993) 1618–19.

[44] John Finnis, "Beyond the Encyclical," *The Tablet* 248 (8 January 1994) 9–10.

[45] Peter Hebblethwaite, "*Veritatis Splendor* in Focus," *The Tablet* 248 (15 January 1994) 46.

[46] I shall not review those articles that are mostly summaries of the contents of the encyclical. These would include the following: Sergio Bastianel, S.J., "L'Enciclica sulla morale: 'Veritatis Splendor,' " *La Civiltà Cattolica* 144 (6 November 1993) 209–19; Yves Daoudal, "Veritatis Splendor," *La Pensée Catholique* 49 (November-December 1993) 15–17; Georges Cottier, O.P., "L'encyclique 'Veritatis Splendor'," *Nova et Vetera* 69 (1994) 1–13; Dario Composta, "L'Enciclica 'Veritatis Splendor' del Sommo Pontefice Giovanni Paolo II: Riflessioni sulla sua attualità," *Divinitas* 38 (1994) 9–22; A. Chapella, S.J., "Les enjeux de Veritatis Splendor," *Nouvelle revue théologique* 115 (1993) 801–17.

encyclical is more biblical and theological than others. But Whitmore senses a gradual shift in emphasis away from invited response, which is rooted in the Bible, toward commanded obedience, away from response to God's invitation toward obedience to the magisterium's command.

Another example adduced by Whitmore is relativism. He lauds the encyclical's unflinching condemnation of relativism in contemporary culture, but suggests that seeing Catholic moral theologians as contributing causes risks trivializing the problem in the wider culture. Finally, Whitmore lauds the stress on the need of lived Christian witness. However, he fears that the accent on negative prohibitions "directs attention away from the task of creating the positive social conditions that are necessary for those prohibitions to be met with any regularity."[47]

Several philosophers have taken issue with myself. After summarizing some of the letter's more general themes, Russell Hittinger cites this paragraph of mine from the *National Catholic Reporter*:

> Take an example sometimes cited by opponents of proportionalism: the solitary sex act. This, it is urged, is intrinsically evil from its object. This is the view of the Pope. Proportionalists would argue that this ("solitary sex act") is an inadequate description of the action. For self-stimulation for sperm testing is a different human act from self-pleasuring, much as self-defense is different from homicide during a robbery. They are different because of different reasons for the act, i.e., different goods sought and aimed at different intentions. Intention tells us what is going on.[48]

Hittinger says this is an example of "how intending a good end defines the morality of an act" and states that it is "an example of what the Pope criticizes." Hittinger continues:

> By analogy to masturbating for the sake of scientific research, one could just as easily insert aborting fetuses for population control, killing for world peace, pre-marital sex for psychological maturation, or whatever. This is not to say that a proportionalist like Father McCormick holds that these acts are morally good; rather, it is only to say that the example he gives of his own method does not indicate why he shouldn't conclude that such acts are good in some cases.

[47] Todd Whitmore, "Three Cheers and a Number of Hard Questions: Veritatis Splendor," *Bostonia Magazine* (Spring 1994) 28–34.

[48] Russell Hittinger, "The Pope and the Theorists," *Crisis* 11 (December 1993) 31–36. The quote from the *National Catholic Reporter* is from 15 October 1993, 17.

It seems that by shifting intention to and fro, the agent constitutes out of whole cloth the moral properties of his act.[49]

Hittinger refers to the agent's "shifting intention to and fro" and to "ends which might be brought into view by the agent." In contrast to this, the pope holds that there are acts that are intrinsically wicked and "no intention can ever legitimate such an act." I am surprised to see a philosopher fall into such a trap. For Hittinger, intention means one thing and one thing only: something *in addition to an action already constituted.* Thus, he can refer to "shifting intention to and fro." Thus, he, too, argues that no good intention can justify a morally wrong act—as if somebody actually held that it could.

What Hittinger fails to do is distinguish intention from motive. The intention makes the act what it is, as several articles reviewed below point out. Thus, we refer to an *act of self-defense*, not to an act of killing for the added purpose of defending my life.[50] We refer to an act of transplantation of organs, not to an act of mutilation done for the good purpose of saving another's life. It is precisely this structure I had in mind when I wrote that "self-stimulation for sperm testing is a different human act from self-pleasuring." Similarly "intention [not motive] tells us what is going on." That is why theologians like Bernard Häring, Marciano Vidal, L. Rossi, Ambrogio Valsecchi, Franz Scholz, and Louis Janssens distinguish "moral" from merely "biological" self-stimulation, or masturbation from "ipsation." They see them as different human acts, not the same act with different motives.

Another example. Taking another's property (food) for survival and for self-enrichment are two different actions, not the same action with different motives. That is why the manualist tradition defined theft as "taking another's property *against his reasonable will.* This was regarded as the very object of the act.[51] It is of course, the task of human

[49] Ibid.

[50] There was a school of thought within Catholicism that held that the death of the aggressor could be intended as a means. On this point, see M. Zalba, S.J., *Theologiae Moralis Summa II*, 2d ed. (Madrid: B.A.C., 1957) 79. Zalba holds this himself and refers to appeal to double effect as "obscurior." He cites Lugo, *De iustitia et iure* d. 10, n. 149, who cites Navarro, Valentia, Molina, Vitoria, Vasquez, and others as holding the same view.

[51] On this point H. Noldin writes: "All those things pertain to the object of the act that constitute its *substance*, viewed not physically but *morally*; furthermore, all those things constitute the substance of an act which are so essential and necessary to it that if something is lacking or added, the act is different. Thus, the object of theft is someone's

reason to determine what elements must be present before we can speak meaningfully of the object, or a fully constituted action. This exercise of reason, as is obvious from Catholic tradition, is teleological in character.

The examples given by Hittinger (e.g. killing for world peace) are by and large of actions fully constituted (therefore, with the intention) plus supervening motive. This seems to be the encyclical's idea, too. It states that certain acts are intrinsically evil, "in other words on account of their very object and quite apart from the *ulterior* intentions of the one acting" (no. 80; my emphasis). Intentions that are ulterior to the object of the act or apart from "kinds of behavior" (no. 76) are motives. It is this understanding of intention as referring only to the motive that allows *Veritatis splendor*, and by implication Hittinger, to accuse proportionalists of saying that a good intention justifies a morally wrong action. I have said it before and I say it here again: the encyclical misunderstands and misrepresents the teleological tendencies it describes.

Perhaps, it would be helpful here to refer to some interesting remarks of Sebastian Moore, O.S.B., on intention. Moore insists that intention is of the essence of action. Action cannot be understood without it. There are many actions whose intention may be presumed. Citing Herbert McCabe, Moore calls these presumed intentions "privileged descriptions." Thus, most taking of another's property is not for survival; it is theft. Most killing is not for self-defense; it is murder. We must hold on to these privileged descriptions, but to do so "we have to sacrifice the much neater notion that we can have actions definable as bad *apart* from intention."[52] Clearly for Moore intention is not reducible to a motive added to an action, but determines its very meaning or object in the broadest sense.

The second philosopher to discuss this matter is Ralph McInerny. I think McInerny would clearly admit the difference between intent and motive, for he distinguishes the aim of the action (object) from some further aimed-at good. He then states: "What the Pope is concerned with in [the encyclical] is actions which may never be done regardless of their circumstances or the *further purpose for which one might do*

property taken against his reasonable will; for if the thing is not someone else's, or is taken with the owner's consent, or not against his reasonable opposition, it is not theft" (H. Noldin, A. Schmitt, G. Heinzel, *Summa theologiae moralis*, 34th ed. [Innsbruck: F. Rauch, 1962] 75 n. 70).

[52] Sebastian Moore, "The Encyclical in Focus," *The Tablet* 247 (6 November 1993) 1449.

them."[53] I believe all Catholic theologians would admit this. "Further purpose" refers to what I have called motive. Once the action is said to be wrong, no "further purpose" will purge that wrongfulness. As the Québecois theologians word it: "To our knowledge, Catholic moralists as a group recognize that there are such [intrinsically evil] acts, even if they do not all say so in the same way. This conviction can be found among the proponents of a teleological approach to morality as well as among others called 'proportionalists.' "[54] Exactly.

McInerny then expresses surprise that revisionist theologians do not recognize themselves in *Veritatis splendor*. He believes the encyclical has described them accurately. I do not. Not a single theologian would hold that a good intention could sanctify what has already been described as a morally wrong act. And that is what the encyclical says proportionalists do. Revisionist writers should both reject and resent that.

Since this matter is central, let me pursue it briefly here. The pope is saying that certain actions can be morally wrong from the object (*ex objecto*) independently of circumstances. As the German theologian Bruno Schüller, S.J., one of the most influential of proportionalists, has shown, that is analytically obvious *if the object is characterized in advance as morally wrong*.[55] No theologian would or could contest the papal statement understood in that sense. But that is not the issue. The key problems is: What objects should be characterized as morally wrong and on what criteria? Of course, hidden in this question is the further one: What is to count as pertaining to the object? That is often decided by an independent ethical judgment about what one thinks is morally right or wrong in certain areas.

Let the term "lie" serve as an example here. The Augustinian-Kantian approach holds that every falsehood is a lie. Others would hold that falsehood is morally wrong (a lie) only when it is denial of the truth to one who has a right to know. In the first case, the object of the act is said to be falsehood (a lie), and it is seen as *ex objecto* morally wrong. In the second case, the object is "falsehood to protect an important secret" and is seen as *ex objecto* morally right (*ex objecto*, because the very end must be viewed as pertaining to the object).

These differing judgments do not trace to disagreements about the fonts of morality (for example, about the sentence "an act morally

[53] Ralph McInerny, "Locating Right and Wrong," *Crisis* 2 (December 1993) 37–40, at 38 (my emphasis).

[54] See n. 36 above.

[55] Bruno Schüller, S.J., "Die Quellen der Moralität," *Theologie und Philosophie* 59 (1984) 535–59, at 547.

wrong *ex objecto* can never under any circumstances be made morally right"), but to different criteria and judgments about the use of human speech, and therefore about what ought to count as pertaining to the object. In this sense one could fully agree with the pope that there are "intrinsically illicit acts independent of the circumstances" and yet deny that this applies to the very matters apparently of most concern to him (sterilization, contraception, masturbation).

Some of these very points are reprised by Peter Knauer, S.J., who began this discussion in the first place. Knauer[56] concentrates his attention on Chapter 2, and especially on its understanding of human acts. The encyclical states of teleological theories such as proportionalism that they maintain that it is "never possible to formulate an absolute prohibition of particular kinds of behavior" (75). Knauer asserts that "hardly a moral theologian will recognize his own actual statements in such descriptions." Why? Because the key issue concerns not the ends or purposes of the agent (*Ziele des Handelnden*) but the determination of the end of the action itself, its object (*Handlungsziel*).

Knauer next turns to the notion of the object of an act and points out that the object is that to which the will consciously directs itself. It is necessarily intended. Photographing a happening will not tell us the object of the act. For instance, handing money to another can be a variety of different things: payment of a debt, a loan, a gift, an alms, a bribe, etc. It is not possible to determine the morality of an action prior to determining what is objectively willed in it.

If, in addition to the object, we speak of intention as a second criterion for moral rightness or wrongness, this really refers to the object of a second act to which the first act has been related. Thus, one takes a vacation trip in order to commit adultery. There are two distinguishable actions here, each with its own object (*Handlungsziel*), taking a vacation trip, adultery. If the first action (vacation trip) is not pointed at the second (adultery) but stands by itself, there is no additional intention (*Ziel des Handelnden*). Scholastic tradition gave the erroneous impression that every action had an intention in addition to the object.

Knauer also argues that both the new Catechism (no. 1754) and *Veritatis splendor* (no. 74) err when they consign the consequences of an act solely to its circumstances. Sometimes these consequences constitute the very object of the act, at least in a larger sense.

When? Here Knauer turns to the teaching on double effect and re-

[56] Peter Knauer, S.J., "Zu Grundbegriffen der Enzyklika 'Veritatis Splendor,' " *Stimmen der Zeit* 212 (January 1994) 14–26.

peats his conviction that it has been badly misunderstood as applying only to marginal dilemmas, when actually it applies to nearly all human actions. In nearly all actions a gain is tied to a loss. The central concept of double effect is that of commensurate reason. A reason is truly commensurate when "the action does justice to the universally formulated premoral value or value-complex sought in the action, in the long run and overall." By "universally formulated" Knauer means, e.g., "wealth overall," not "*my* wealth," or "life in general," not just "*this* life."

When there is no commensurate reason in the sense just described, then the evil effect or harm is direct in the moral sense and constitutes the very object of the act. When there is a commensurate reason, that constitutes the object, and the evil effect is morally indirect.

Here Knauer makes several points. First, we have language describing actions independently of the presence of commensurate reason and language describing actions without such reason. Thus: taking another's property and theft; killing and murder; false statements and lying; termination of pregnancy and abortion; amputation and mutilation. Knauer feels that lack of such distinctions in other areas causes confusion.

Next, he faults the erroneous formulation of the new Catechism. It states: "Except when there are strictly therapeutic grounds, directly willed amputations, mutilations and sterilizations of innocent persons violate the moral law" (2297). When therapeutic reasons exist, the disvalues in these procedures are indirect.

Finally, Knauer argues, correctly I believe, that we must be careful to analyze an act accurately. Organ donation from a living donor is not two acts, one a means to the other. It is a single act whose very object is saving the life of the recipient. Presumably he would say that self-stimulation is but a single element of the action of sperm testing.

Joseph Fuchs, S.J., uses the notion of mortal sin as the centerpiece around which he gathers some reflections on *Veritatis splendor*. For instance, he reminds us that the *intrinsece mala* in Catholic tradition are human interpretations and judgments, and therefore, neither share in the absoluteness of divine wisdom nor exclude the possibility of error. There are three areas (prescinding from blasphemy) where this tradition has located such evils: life, sexuality, speech. The identification of "naturalness" with moral rightness is mistaken. Furthermore, Fuchs regards Grisez's attempt to find *intrinsece mala* in 1 Cor 6:9–10 and Rom 3:8 as an incompetent use of Scripture.

Next, Fuchs discusses pluralism and argues that we should not expect all peoples of all times and cultures to arrive at the very same conclusions on ethical matters. For instance, Israel was at various

times nomadic, agrarian, and urban. This influenced its value judgments. Similarly African societies evaluate procreation somewhat differently than do European-American peoples.

Fuchs then argues that it is a mistake to expect the Bible to lay out rights and wrongs in detail. Rather the Bible, especially the New Testament, aids our discernment in a different way. It provides a new and deeper understanding of the human person, of our vocation in Christ, of our being led by the Spirit, of our personal worth, etc. It is in such matters that the Church finds its original teaching function in moral matters.

When he presents proportionalism, Fuchs insists that it is the act in its fullness (with concrete circumstances and foreseeable results) that is the one object of decision. "The object of the ethical decision for an action is, therefore, not the basic (e.g. physical) act as such (in its ethical relevance, such as killing, speaking falsehood, taking property, sexual stimulation), but the entirety of the basic act, special circumstances, and the chosen or (more or less) foreseeable consequences." Thus killing in self-defense and during a robbery are two different ethical acts. Fuchs underlines the fact that no proportionalist says or can be forced (logically) to say that a good end justifies a morally wrong means. Once an action is said to be morally wrong, nothing can justify it.

The notion of fundamental option traces to Karl Rahner, who developed the ideas of Jacques Maritain and Joseph Maréchal. However, Fuchs once again argues that the authors of Vatican documents (*Persona humana, Reconciliatio et paenitentia, Veritatis splendor*) are not familiar with the thought-world of Rahner and therefore misrepresent the notion, especially by conceiving it as an act like any other choice.

Fuchs mentions the encyclical only a few times, but his entire study is a series of qualifications and counter-statements to the encyclical's absolutisms.[57]

An entirely different point of view is taken by Martin Rhonheimer.[58] In a long article he argues that a key assertion of the encyclical is the following: "In order to be able to grasp the object of an act which specifies that act morally, it is therefore necessary to place oneself in the perspective of the acting person." But teleological approaches do not do this. They view actions from the outside as "events which cause

[57] Joseph Fuchs, S.J., "Das Problem Todsünde," *Stimmen der Zeit* 212 (February 1994) 75–86.

[58] Martin Rhonheimer, " 'Intrinsically Evil Acts' and the Moral Viewpoint: Clarifying a Central Teaching of *Veritatis Splendor*," *The Thomist* 58 (1994) 1–39.

determinate effects." Therefore, they "fail to see that, independently from *further* intentions required to optimize consequences or goods on the level of caused states of affairs, an action may already be qualifiable as *morally evil*." This means that a particular type of action can be "qualified as causing an *evil will* simply because it is *evil* to want . . . certain actions as practical objects." Why? Because in doing so "the acting subject, that is, its *will*, takes a position with regard to good and evil already by *choosing* concrete actions." His example: "the choice of killing a person." This is wrong because it is "to set one's will against another man's life." It is never permissible. Of course, the action must be properly described, that is, with its basic intentional content, before this can be said.

Rhonheimer concedes that everything depends on what one considers to be the object. Some (e.g. Knauer and Fuchs, though Rhonheimer does not mention them) want to include foreseen and intended consequences as part of an expanded notion of object. Rhonheimer rejects this as contravening experience. We must distinguish two intentionalities. Thus if I break a promise of repaying money to someone, causing thereby his economic ruin, because I, simultaneously, intend thereby to prevent the ruin of many others, "I have *chosen* to break the promise given to my creditor *for the sake of* realizing an intention which is very laudable in itself." This Rhonheimer sees as morally wrong. "The same applies to killing or lying with good further intentions." Presumably a falsehood spoken to deceive a homicidal maniac intent on murdering a third party is unacceptable.

It would not stretch the imagination too much to see the work of Grisez and Finnis in Rhonheimer's essay. Indeed, he acknowledges the debt. I cannot touch on all aspects of this study here. One question, however, appears to be central: the question of intentionality. Rhonheimer asserts that for teleologists the acting subject disappears together with an intentional concept of action. The subject is replaced by events and states of affairs, the optimum of goods and minimum of bads. This, I believe, is simply wrong, as the articles of Fuchs and Knauer show. Both have intentional concepts of action but they include more than Rhonheimer does. What is responsible for Rhonheimer's error? Is it that he has taken one general description of consequentialism and applied it indiscriminately to all recent revisionist analyses? Possibly.

Whatever the case, this opens up on a key question to be put to Rhonheimer: Why, in choosing to kill a person or deceive a person, does one necessarily "take a position with his will with regard to 'good' and 'evil' "? One could understand why if the description of the action al-

ready includes the wrong-making characteristics. For Rhonheimer in at least one case it does. He defines theft as misappropriation of another's goods. Finnis and Grisez have encountered this same question in the past. Why, it has been asked, does every concrete choice to speak a falsehood or take a life necessarily involve one in directly rejecting the basic good of truth itself or the good of life?

CRITICAL ISSUES

Our sampling of early responses to *Veritatis splendor* has already revealed many issues. There are, of course, any number of critical issues raised by a papal letter as long and sprawling as this one. Others will undoubtedly pick up on these as time passes. Here I would like to mention three: the positive value of the letter; its central issue: the meaning of object; and the issue behind other issues: ecclesiology.

The Positive Value of the Encyclical

It would be a huge mistake to dwell only on the controversial aspects of the encyclical. For that would be to miss its positive value. The papal letter is a strong indictment of contemporary relativism and individualism. It rightly rejects the false dichotomies that lead to these twin errors. These are the dichotomies between freedom and law; the ethical order and the order of salvation; conscience and truth; faith and morality.

That the world needs a strong statement of this type is beyond question. There is a school of thought in the contemporary world that makes a double move. First, it moves from the factual plurality of beliefs and practices to the conclusion that there is no truth regarding right (and wrong) belief and practice. Second, from this relativistic premise it concludes that individuals should enjoy all but unlimited freedom in determining what is right and wrong belief and practice. Against this, John Paul II argues that freedom is in the service of truth and that truth is the precondition of freedom (nos. 34, 84, 86–88, 96). In a word, the pope scores radical relativism in moral thinking and radical subjectivism in moral judgment.

I have seen those noxious tendencies over and over again in mores as well as in moral arguments. Medicine offers an example. In contrast to an earlier paternalism, against which we appropriately react, we now live in an era of patient self-determination. What can easily be missed is that reactions can easily become overreactions. In the religious sphere, a reaction against authoritarianism can usher in anarchy. This has happened in contemporary medicine. In overreacting against paternalism, autonomy has been absolutized. Doctors John Collins

Harvey and Edmund Pellegrino have underlined this in a recent paper.[59]

When autonomy is absolutized, very little thought is then given to the values that ought to inform and guide the use of autonomy. Given such a vacuum, the sheer fact that the choice is the patient's tends to be viewed as the sole right-making characteristic of the choice. That trivializes human choice. It is no coincidence that the notorious Jack Kevorkian is drum major for an absolutized autonomy. "In my view the highest principle in medical ethics—in any kind of ethics—is personal autonomy, self-determination. What counts is what the patient wants and judges to be a benefit or a value in his or her own life. That's primary."[60] Stop. Period. No qualifications. As Leon Kass notes, "The autonomy argument kicks out all criteria for evaluating the choice, save that it be uncoerced."[61] And it is no coincidence that Kevorkian regards medicine as a "strictly secular endeavor." It should be entirely separate from religious ethics. His example: a Catholic doctor should be prepared to provide an atheistic woman with an abortion.[62] Behold the indissoluble union of a secularized medicine with absolutized autonomy that trumps every other consideration. In this system Kevorkian has become what he provides: a machine.

Relativism and individualism can be seen in many other areas of life, both domestic and public. The encyclical directs its fire against the assumptions of the liberal society: absence of any sense of an objective moral order; the assertion of freedom over truth; conscience seen as the creator of moral law. This is right on target.

However, the most vulnerable aspect of the encyclical is that it travels simultaneously along two tracks as it lays bare contemporary errors: that of the general culture and the other of Catholic moral theology. Indeed the pope attempts to relate these two by insisting that Catholic moral theologians share the blame for the cultural relativism and individualism he deplores. As Richard McBrien has observed, this lumping of moral theology with modern culture can only be achieved by misrepresentation.[63]

The Central Issue: The Meaning of Object

Veritatis splendor insists that the morality of an act depends primarily upon the object rationally chosen. I think there is very little

[59] John Collins Harvey and Edmund D. Pellegrino, "A Response to Euthanasia Initiatives," *Health Progress* 75 (March 1994) 36–39, 53.

[60] *Free Inquiry* Interview, "Medicide: The Goodness of Planned Death," *Free Inquiry* 11 (Fall 1991) 14–18, at 14.

[61] Leon R. Kass, "Suicide Made Easy," *Commentary*, December 1991, 22.

[62] *American Medical News*, 10 February 1992, 3.

[63] Richard P. McBrien, "Teaching the Truth," *Christian Century* 110 (1993) 1004.

controversy on that general statement. What is this object? The letter responds: "a freely chosen kind of behavior." When one looks at the past literature and that reviewed above, it becomes clear that disagreements begin to occur when authors discuss what goes into the object, what counts as a "kind of behavior." Rhonheimer (and presumably Finnis, Grisez, etc.) would say that "the choice to kill a person" or "the choice to speak a falsehood" is a sufficient description of the object. In contrast to this, Knauer insists that the reason for the act must be included. Thus the very object (*Handlungsziel*) of a transplant from a living donor is the saving of another person. Equivalently he is saying that this *ratio* is what makes it a certain kind of action. Fuchs is saying much the same thing when he insists that all elements in the act constitute the object of choice.

I know of no way to solve this except by appeal to experience. Most people would not view the removal of a kidney from a living donor as an act separate from its transfer to the ill recipient. They would view the whole process as an *act of organ transplantation*. Contrarily—and here is where I disagree with Hittinger as noted above—they would judge aborting fetuses for population control, killing for world peace, etc., as fully constituted acts (therefore, with their own intentional objects) aimed by ulterior intent to a further end. I await further comment from others on this matter.

The fact that people disagree about what the notion of object should include, plus the fact that in the textbook tradition the notion of object included or excluded elements depending on what one wanted to condemn as wrong *ex objecto*, lead to a further reflection. It is the question of just how determinative of rightness or wrongness the object is. Could it be that this determination is made on other grounds, and then the conclusion is presented by use of the term "object"? If this is indeed the case, then the encyclical's repeated appeals to actions wrong *ex objecto* does not aid analysis; rather it hides it.

A possibly analogous situation is the use of the terms "ordinary" and "extraordinary" with regard to the means to preserve life. Judgments about the obligatory or nonobligatory character of measures to preserve life are to be made in terms of burden and benefit to the patient. The terms "ordinary-extraordinary" do not forge such judgments. They simply display the conclusion. As the Presidents' Commission noted: "The claim, then, that the treatment is extraordinary is more of an expression of the conclusion than a justification for it."[64]

[64] President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, *Deciding to Forego Life-Sustaining Treatment* (Washington: U.S. Government Printing Office, 1983) 88.

The Issue behind Other Issues: Ecclesiology

At some point it is necessary to stand back from this encyclical and see it in its historical context. The Irish Augustinian Gabriel Daly notes that the papal letter "forms part of the program of 'restoration' which has been launched in the Catholic Church during the present pontificate."[65]

Daly sees a double context for the papal letter: the world and the Church. As for the world, it is widely admitted that we are suffering a moral malaise. People yearn for moral leadership. They "seem glad that somebody claims to know what is right and wrong and is prepared to speak out against a climate of moral lassitude." Thus there is a widespread secular admiration for John Paul II. People may not agree with what he says, but they like the idea that *somebody* is ready to take a stand and crack a whip against a widespread moral decomposition, especially when their own personal lives are a comfortable distance from the pope's concrete conclusions.

The primary context of *Veritatis splendor* is the Church. Here the encyclical is linked, as both Häring and Daly note, with a pyramidal, noncollegial ecclesiology. Some of its elements are: centralization of the teaching function; centralized control of the appointment of theologians and of the appointment of bishops; the imposition of loyalty oaths on office-holders; the blocking of scholars seeking posts in church-controlled institutions, the sacking of theology teachers, etc. The symbol of all this is the attempt to suppress any dissent.[66] Moral theologians are told to "set forth the Church's teaching and to give, in the exercise of their ministry, the example of a loyal assent, both internal and external, to the magisterium's teaching" (no. 110). The persuasiveness of the arguments seems to mean little. Later the encyclical adds that "opposition to the teaching of the Church's pastors cannot be seen as a legitimate expression either of Christian freedom or of the diversity of the Spirit's gifts" (no. 113). When it occurs, bishops are "to have recourse to appropriate measures" (no. 116) to protect the faithful.

For me, *Veritatis splendor* is a symbol of a notion of the Church—of

[65] Gabriel Daly, O.S.A., "Ecclesial Implications," *Doctrine and Life* 43 (1993) 532–37, at 532.

[66] Here it must be noted that the encyclical defines dissent as "carefully orchestrated protests and polemics carried on in the media" (no. 113). This is also the view of Cardinal Joseph Ratzinger. He refers to "attitudes of general opposition to Church teaching which even come to expression in organized groups" ("Instruction on the Ecclesial Vocation of the Theologian," *Origins* 20 [1990] 123). In a certain sense, then, expressed disagreement by an individual is not really dissent.

the Church as a pyramid where truth and authority flow uniquely from the pinnacle. Vatican II adopted the concentric model wherein the reflections of all must flow from the periphery to the center if the wisdom resident in the Church is to be reflected persuasively and prophetically to the world. That this was not the case with *Veritatis splendor* seems clear. Cardinal Ratzinger states that "theologians of various continents and most varied orientations have had a part in its coming to be."[67] It would not be difficult to give a fairly large list of the theologians who were *not* consulted. Some were mentioned earlier and are the very ones whose work is criticized in the encyclical.

The most concrete reflection of the notion of Church operative in the document is its statement about dissent. On that matter this roundup will conclude by citing the theologians of Quebec:

> The recommendations made to bishops about repressing all dissent in regard to any teaching of the magisterium, without distinction, seems to come from another age. Put in operation, the suggested measures would be extremely dangerous for the intellectual life and the progress of thinking within the Church, especially in the area of morals and ethics. Such limits on freedom of thought and expression lead to a danger we should be very aware of today, at a time when reflective thought should be very active in order to respond to the needs and ever new problems of our time. These limits on freedom of thought and expression cannot respect what we call academic freedom here. Moreover, they come out of a notion of the Church which really takes very little into account that the pursuit of truth, moral questions included, necessitates the participation of everyone. Frankly stated, as human persons and believers, we cannot proudly embrace the description proposed by the Encyclical of our role in the Church and the world.[68]

[67] *L'Osservatore Romano*, Weekly Edition, no. 40, 6 October 1993.
[68] See n. 36 above.