MORAL THEOLOGY OUT OF WESTERN EUROPE

JAMES F. KEENAN, S.J., AND THOMAS R. KOPFENSTEINER

[Editor's Note: The authors offer a panoramic view of contemporary moral theology from West European countries organized around five themes: reception of recent papal magisterial documents, "autonomous" ethics in the context of faith, natural law, conscience and moral reasoning, and issues in bioethics. Europeans are seen as emphasizing the agent as a relational subject intimately linked to the rest of humanity, to the natural order, and to God, and as almost always writing from a historicist rather than a classicist viewpoint.]

L AST YEAR at a meeting of regular contributors to the "Notes in Current Moral Theology" a discussion developed about the need for these notes to have a more international scope, and we were delegated to make a first foray into that arena by focusing on moral theology published in Western Europe (basically Austria, Belgium, France, Germany, Italy, and Spain) over the past five years.

After reviewing more than two hundred books and essays, we recognize that we have hardly done justice to the depth of those works. We are surprised, however, by an emerging consensus: the moral theology coming out of Western Europe is basically continuing on the original agenda established by those who promoted an autonomous ethics in the context of faith, but with one important modification. Writers today understand autonomy in two different ways. As opposed to theonomy or heteronomy, contemporary writers insist on the basic insight of an autonomous ethics in the context of faith, that is, of a responsible human self-determination. As a basic telos, however, autonomy is an inadequate expression for the end of the human subject. Almost every major contributor insists on the need to talk of the realization of a subject as relational. A profound interest in the person whose subjec-

JAMES F. KEENAN, S J, associate professor of moral theology at the Weston Jesuit School of Theology, Cambridge, Mass, received the S T D from the Pontifical Gregorian University He recently published "The Moral Argumentation of *Evangelium vitae*," in *Choosing Life A Dialogue on Evangelium Vitae,* ed Kevin W Wildes (Georgetown University, 1997) 46–62 He is currently editing two volumes, *Catholic Moral Theology at the Service of HIV/AIDS Prevention* and *Church Leadership Ethics*

THOMAS R KOPFENSTEINER is associate professor of theology at Fordham University, New York City He also received the S T D from the Pontifical Gregorian University He recently published "The Metaphorical Structure of Normativity" in *TS* 58 (1997) 331–46 His address in January 1998 to the Society of Christian Ethics on "The Role of the Sciences in Moral Reasoning" will be published in *Science et Esprit*

tivity is constituted by solidarity with others (neighbor, God, and nature) is both the anthropological given and the moral task. These writers bring forward, then, the mandate from Vatican II that called for a moral theology to "throw light upon the exalted vocation of the faithful in Christ and their obligation to bring forth fruit in charity for the life of the world" (*Optatam totius* no. 16). The striking turn to the self-realizing subject in solidarity with others is a deeply christological turn that writers out of Western Europe well recognize. Whereas earlier exponents of this autonomous ethics were motivated by the ecclesiological debates about the role of the magisterium in moral matters, more recent exponents go beyond church polemics to retrieve the christological foundations of the moral life.[1] Here, in understanding Christ as incarnate, through his life, death, and Resurrection, they stress both the historical development of the moral truth being realized in the moral subject and the influence that faith has on history.

Our investigation begins with a study of the reception of *Veritatis splendor*. From there, we turn to a renewed understanding of nature and the relationship between natural law and salvation history. We then consider conscience, virtue, and normative reasoning. We conclude with an illustration of fundamental moral theology applied practically to bioethics.

RECEPTION OF THE ENCYCLICAL *VERITATIS SPLENDOR*

The reception of the encyclical in Germany serves as an indication of the wide range of theological sentiment that greeted it throughout Europe. There was general applause from the bishops. The well-respected president of the German Bishop's Conference, Karl Lehmann, saw the letter as setting the boundaries of discourse over fundamental moral themes and urged theologians to clarify their positions in light of it, while at the same time making sure "to shed light on, deepen, and further develop" the teaching of the Church. Josef Spital, Bishop of Trier, saw it as "a prophetic sign" in a time where moral truths are easily dismissed if they prove uncomfortable or inconvenient to follow. Reinhard Lettmann, Bishop of Hildesheim, identified the central concern of the encyclical as the need to assert the existence of absolute and universally valid moral norms to anyone, inside or outside of the Church, who might have doubted them.

Johannes Gründel questioned whether the positions that were criticized "were correctly understood" but nevertheless acknowledged Rome's willingness to dialogue in an area as contentious as moral theology. Similarly, Bruno Schüller had "the impression that criticisms of moral theologians were rooted in misunderstandings." Helmut Weber emphasized that there was nothing in it to preclude continued

---

[1] Seeds for this shift can be found in *Cristologia e morale* (Bologna: Dehoniane, 1982) and *Vita nuova in Cristo,* ed. Tullo Goffi and Giannino Piana (Brescia: Queriniana, 1983).

theological reflection. Volker Eid, however, reacted strongly to the encyclical by characterizing it as "authoritarian and fundamentalist"; for him, the paucity of reflection undermined its authority to such an extent that it could not be taken seriously.[2]

Reaction was not limited to Germany. A variety of moral-theological commentaries on the encyclical appeared throughout Europe.[3] Raphael Gallagher provides a particularly helpful overview of the more significant ones, noting that the encyclical was "treated with a notable seriousness by the theological community."[4] Arguing that it was written neither to discredit moral theologians nor to restore the neo-Scholastic period, Gallagher recognizes in the encyclical two important goals: to encourage moral theologians to pursue the reform project of moral theology that was offered in Vatican II's *Optatam totius* no. 16, and to express concern regarding certain tendencies moral theologians have exhibited in this reform.[5]

---

[2] See Reinhard Lettmann, "Moral in der Spannung von Freiheit und Wahrheit," *Kirche und Leben,* 10 Oct. 1993, 1 and 6; also his "Grundlage, Mahnung, Hilfe: Reaktionen auf die Moralenzyklika 'Veritatis Splendor'," *Kirche und Leben,* 17 Oct. 1993, 3; further, Walter Kerber, "Veritatis Splendor," *Stimmen der Zeit* 211 (1993) 793–94.

[3] For the reception of the encyclical, see Ramón Lucas, ed., *Veritatis Splendor: Testo integrale e commento filosofico-teologico* (Milan: San Paolo, 1994); also his "Presupposti antropologici dell'etica esistenzialistica e l'etica normativa: Riflessioni sull'Enciclica 'Veritatis Splendor'," *Doctor communis* 47 (1994) 215–39; George Cottier, "Una lettura della Veritatis Splendor," *Rassegna di teologia* 34 (1993) 603–14; Cataldo Zuccaro, "La 'Veritatis Splendor': Una triplice chiave di lettura," *Rivista di teologia morale* 25 (1993) 567–81; Dario Composta, "L'enciclica 'Veritatis Splendor' del Sommo Pontefice Giovanni Paolo II: Riflessioni sulla sua attualità," *Divinitas* 38 (1994) 9–22; Albert Chapelle, "Les enjeux de 'Veritatis Splendor'," *Nouvelle revue théologique* 115 (1993) 801–17; Sergio Bastianel, "L'enciclica sulla morale: Veritatis Splendor," *Civiltà cattolica* 144 (1993) 209–19; Leo Elders, "Veritatis Splendor et la doctrine de Saint Thomas d'Aquin," *Doctor communis* 47 (1994) 121–46; Konrad Hilpert, "Glanz der Wahrheit: Licht und Schatten: Eine Analyse der neuen Moralenzyklika," *Herder Korrespondenz* 47 (1993) 623–630; *Moraltheologie im Abseits? Antwort auf die Enzyklika "Veritatis Splendor"*, ed. Dietmar Mieth (Freiburg: Herder, 1994); Peter Knauer, "Zu Grundbegriffen der Enzyklika 'Veritatis Splendor'," *Stimmen der Zeit* 212 (1994) 14–26; *Commentarios a la Veritatis Splendor,* ed. Gerardo Del Pozo Abejón (Madrid: PPC, 1995); G. Russo, *Veritatis Splendor: Genesi, elaborazione, significato* (Rome: Dehoniane, 1995); *The Splendor of Accuracy,* ed. Joseph A. Selling and Jan Jans (Grand Rapids: Eerdmans, 1995); Marciano Vidal, *La propuesta moral de Juan Pablo II: Comentario teológico-moral de la encíclica "Veritatis Splendor"* (Madrid: PPC, 1994), and his *La proposta morale de Giovanni Paolo II* (Bologna: Dehoniane, 1994). The moral teaching of the New Catechism has also been the subject of much commentary; see, e.g., the forum "Catechismo della Chiesa Cattolica: Progetto morale" *Rivista di teologia morale* 25 (1993) 157–95; Marciano Vidal, *La moral cristiana en el nuevo Catecismo* (Madrid: PPC, 1993); Albert Chapelle, "La vie dans le Christ': Le Catéchisme de l'Église Catholique," *Nouvelle revue théologique* 115 (1993) 169–85; 641–57; Sante Raponi, "Decalogo e vita cristiana," *Studia moralia* 32 (1994) 93–120; Louis Vereecke, "La conscience morale selon le Catéchisme de l'Église Catholique," *Studia moralia* 32 (1994) 61–74.

[4] Raphael Gallagher, "The Reception of Veritatis Splendor within the Theological Community," *Studia moralia* 33 (1995) 415–35, at 435.

[5] The well-known historian of moral theology Louis Vereecke underlines this also, noting from *Veritatis splendor* no. 29, that the Vatican does not intend to impose a

Gallagher notes that the encyclical prompts moralists to consider a christological foundation. Marciano Vidal wonders whether this particular emphasis spiritualizes a much-needed understanding of human anthropology.[6] But Réal Tremblay argues that we can investigate what constitutes our anthropology under the light of a christological interest.[7] Gallagher concludes that the encyclical neither insists on a particular Christology nor inserts its christological concern into a specific expression of the anthropological project.

While the encyclical offers a general christological consideration, it also encourages us to look at the world in which we live. Gallagher captures that viewpoint of the world as a place "of widespread acceptance of the inevitability of a relativistic interpretation of morality, the correctness of technological interventions in all areas of human life and of a belief that the only political system that can function in such an emerging culture is one where morality is left to the private choice of the individual."[8]

To the extent that one views the world from that perspective, the moral theologian has a different self-understanding. Basilio Petrà, for instance, considers the moral theologian called to be prophetic. In a rather odd grouping, he refers to Bernhard Haring, *Veritatis splendor,* Marciano Vidal, and liberation theologians as summoning the moralist to restore the prophetic quality of church teaching.[9] Clearly, for Petrà, the moralist looks at the world much as the Vatican does. Sabatino Majorano offers a different slant, arguing that the moralist today is called to service, and echoes the position of English theologian Kevin Kelly that the moralist is responsible for transmitting, developing, and presenting teaching culled from a variety of relationships within the Church.[10]

These depictions are somewhat illuminating; they underline the extraordinary shift that has occurred in the identity of moral theologians. At the beginning of this century the famed English manualist Thomas

---

particular moral theological system on church members ("Magistere et morale selon *Veritatis Splendor,*" *Studia moralia* 31 [1993] 391–401, at 397)

[6] See Vidal, *La proposta,* 50, 103

[7] Réal Tremblay, "Les enjeux d'*Evangelium vitae,*" *Studia moralia* 33 (1995) 311–31, "Premier regard sur la 'réception' de *Veritatis Splendor* à propos du rapport du Christ et de la morale," *Studia moralia* 34 (1996) 97–120, Sergio Bastianel, "La chiamata in Cristo come tema e principio dell'insegnamento della teologia morale," *Seminarum* 34 (1994) 52–71 Jacques Servais supports Tremblay and turns to the theology of Hans Urs von Balthasar in " 'Si tu veux être parfait   viens, suis-moi' Le Christ, norme concrete et plenière de l'agir humain," *Anthropotes* 1 (1994) 25–38

[8] Gallagher, "The Reception of Veritatis Splendor" 420

[9] Basilio Petrà, "Le sfide del teologo moralista oggi," *Studia moralia* 33 (1995) 5–20, see also Carla Rossi Espagnet, "Magistero e teologia morale in 'Veritatis Splendor'," *Anthropotes* 1 (1994) 145–59

[10] Sabatino Majorano, "Il teologo moralista oggi," *Studia moralia* 33 (1995) 21–44, see also Kevin Kelly, "The Role of the Moral Theologian in the Life of the Church," in *History and Conscience,* ed Raphael Gallagher and Brendan McConvery (Dublin Gill and Macmillan, 1989) 8–23

Slater wrote that "moral theology proposes to itself the humbler but still necessary task of defining what is right and what is wrong in all of the practical relations of Christian life."[11] This is hardly our vocation today. Moral theologians today recognize that the locus for determining the moral suitability of human action is not found in the moral theologian's judgment, but in the individual conscience where the competence for moral rightness resides, as Josef Fuchs has repeatedly emphasized.[12] Today the moral theologian is responsible to serve humanity by leading persons of good will to understanding the demands of moral conscience and moral truth. As Klaus Demmer noted years ago, both moralists and bishops have the triple obligation to call each person to heed one's own conscience, to form one's own conscience for right conduct, and occasionally to address particular concrete issues.[13] We cannot capture the contemporary moral enterprise, then, when we limit our work to that third task alone, as Slater did. The first two tasks, as Demmer and Fuchs note, are more important: we must help persons develop morally mature personalities through becoming self-governing moral subjects. Whereas earlier moralists decided what was right or wrong in every area of life, contemporary moralists are interested in helping subjects rightly realize their moral truth.

Herbert Schlögel develops this insight.[14] The theologian's task is expanded beyond the interests of specific normative behavior when that task is placed squarely in an ecclesial context. When we view the Church as more than a lawgiver, the scope of the theologian also expands. The Church is the community that remembers and narrates the person of Jesus Christ, a community of accumulated wisdom and knowledge, a community of solidarity that continually tests its convictions and probes to expand the community of communication. The theologian, then, is at the service of the Church-in-the-world. Moral theologians are not limited to intraecclesial discussions, but their work is meant to serve as the bridge between the *consensus fidelium* and the *consensus universalis*.[15] By situating the work of the moral theologian

[11] Thomas Slater, *A Manual of Moral Theology*, 3rd ed., 2 vols. (New York: Benziger Brothers, 1908) 1.6.

[12] See Josef Fuchs, *Moral Demands and Personal Obligations* (Washington: Georgetown University, 1993) 153–70. This is an outgrowth of the work of autonomous ethics, which in many ways was anticipated by Dom Odon Lottin; see Mary Jo Iozzio, *Self-Determination and the Moral Act: A Study of the Contributions of Odon Lottin (OSB)* (Leuven: Peeters, 1995).

[13] Klaus Demmer, "La competenza normativa del magistero ecclesiastico in morale," in Klaus Demmer and Bruno Schüller, *Fede cristiana e agire morale* (Assisi: Cittadella, 1980) 144–72.

[14] Herbert Schlögel, "Kirchenbilder in der Moraltheologie," *Stimmen der Zeit* 210 (1992) 109–14; also "In Medio Ecclesiae: Ekklesiologische Aspekte in der Moraltheologie," in *Moraltheologie in Dienst der Kirche*, ed. Klaus Demmer and Karl-Heinz Ducke (Leipzig: Benino, 1992) 57–67.

[15] See also, Klaus Demmer, *Moraltheologische Methodenlehre* (Freiburg: Herder, 1989) 26.

in an ecclesial context, we move beyond the question of the magisterium's competence in specific moral questions. Thus what emerges is a concern for a theological anthropology. How do we live as Christians in the world? How do we communicate our moral insight to others and thereby offer one another a truly noble and human way of dwelling in the world? In this context, we can ask the question of dissent in a new way. Are our differences based on different anthropological options? Or cultural traditions? Or, in light of natural-law arguments, are we dealing with different levels of moral insight into human nature? Finally, are differences reflective of our efforts to reach greater consensus?[16]

Despite the possibility of such fundamental differences, Gallagher notes that many theologians show a "serious effort to both understand the precise purpose of the encyclical while not neglecting the search for theological systems of morality that could incorporate the substance of [*Veritatis splendor*] with other elements."[17] Echoing Hans Rotter's belief that moral theologians would prefer communication with the Vatican to instruction from it, Gallagher convincingly demonstrates that European moral theologians have continued on the way of the conciliar reform, while attempting to incorporate papal concerns.[18] This accommodation is not as difficult as one may think, for, as Brian Johnstone notes, both *Veritatis splendor* and the new *Catechism* are more personalist and less neo-Scholastic.[19]

One fundamental accommodation among European moralists is the recognition that the major moral challenge today is to determine how we can understand moral truth as mediating the relationship between the order of being and the ethical order of values: How is it that who we are determines what we are called to do?[20] Underlying this question is that of the relationship between freedom and truth: To what extent is freedom a condition for knowing the truth, and to what extent is knowing the truth a condition of freedom?[21]

A RENEWED UNDERSTANDING OF NATURE

One concern for several authors, however, is the latent essentialism that guides the magisterium's understanding of normative nature and

---

[16] Karl Lehmann cautions about exaggerating dissent in the Church; see "Zur Aufgabe der Theologie in der gegenwärtigen Kirche," *Theologie und Glaube* 82 (1992) 287–301, at 300; also Klaus Demmer, *Die Wahrheit leben: Theorie des Handelns* (Freiburg: Herder, 1991) 127–29.

[17] Gallagher, "The Reception of Veritatis Splendor" 426.

[18] Hans Rotter, "Instruktion oder Kommunikation?" in *Moraltheologie im Abseits?* 194–202.

[19] Brian Johnstone, "Faithful Action: The Catholic Moral Tradition and *Veritatis Splendor*," *Studia moralia* 31 (1993) 283–305; "Personalist Morality for a Technological Age: *The Catechism of the Catholic Church* and *Veritatis Splendor*," *Studia moralia* 32 (1994) 121–36.

[20] Juan Luis Ruiz de la Peña, "La verdad, el bien y el ser: Un paseo por la ética, de la mano de la *Veritatis Splendor*," *Salmanticensis* 41 (1994) 37–65.

[21] Jean-Yves Calvez, "Liberté et vérité," *Études* 379 (1993) 657–60.

moral action. For Demmer and Vidal this essentialism is not found in an authentic reading of Thomas, but is the result of the subsequent rationalism and objectivism of the neo-Scholastic manuals.[22] This essentialism had no greater impact than when dealing with the laws of nature. In such a formal context, the laws of nature were seen as manifestations of the divine will. The order of being—understood in the context of a naïve realist epistemology—was the foundation of moral obligation and moral action.[23]

To move beyond the stark metaphysical categories of the manuals, Enrico Chiavacci offers an interdisciplinary approach to nature and its role in moral reasoning.[24] He begins with the epistemological insights gained when considering the paradigm shifts in the natural sciences—from a cosmocentric world, through the modern epoch in which nature was considered a fixed datum to be known and described with the objectivity of mathematical language, to finally the contemporary world of quantum mechanics in which nature is considered relative and indeterminate. Nature is no longer understood as the pure object of our minds' passive gaze, describable in univocal and irrevocable ways. Nature appears rather as part of a complex and unfolding system whose finality, development, and ways of interacting are grasped only partially, though not arbitrarily, by human insight.

For Chiavacci and Philipp Schmitz, this understanding of nature offers the possibility of a reintegration of humanity and nature. For them, contemporary science offers an alternative to a modern or technological mind-set. In the modern world nature is viewed quite differently, as nothing more than a value-neutral background against which humans have the power to create value.[25] From this viewpoint, nature is seen as an empty space waiting for human freedom to fill it with purpose; nature is reduced to the raw material for human action. This

[22] Klaus Demmer, "Optionalismus—Entscheidung und Grundentscheidung," in *Moraltheologie im Abseits?* 70, n. 3; Marciano Vidal, "Die Enzyklika 'Veritatis Splendor' und der Weltkatechismus: Die Restauration des Neuthomismus in der katholischen Morallehre," in *Moraltheologie in Abseits?* 267; see also Marciano Vidal, "La enciclica 'Veritatis Splendor' y su marcado acento tomista," *Miscelánea Comillas* 52 (1994) 23–38. Behind the essentialist and objective metaphysics of the neo-Scholastics is the deductive method of mathematics, the essentialism of Baroque Scholasticism (F. Suarez), and the ideal of the natural sciences. This is made very clear in two particularly fine historical studies of the neo-Scholastic tradition: Stephan Lehrer, *Begründung ethischer Normen bei Viktor Cathrein und Wahrheitstheorien der Sprachphilosophie* (Innsbruck: Tyrolia, 1992); and Peter Schallenberg, *Die Entwicklung des Theonomen Naturrechts der späten Neuscholastik im deutschen Sprachraum (1900–1960)* (Münster: Aschendorff, 1993).

[23] Antonio Autierro, "Zwischen Glaube und Vernunft: Zu einer Systematik ethischer Argumentation," in Klaus Arntz and Peter Schallenberg, eds., *Ethik zwischen Anspruch und Zuspruch: Gottesfrage und Menschenbild in der katholischen Moraltheologie* (Freiburg: Herder, 1996) 41–42.

[24] Enrico Chiavacci, "Für eine Neuinterpretation des Naturbegriffs," in *Moraltheologie im Abseits?* 110–28.

[25] See also Philipp Schmitz, "Natur im ökosystemischen Denken," in *Natur im ethischen Argument,* ed. Bernhard Fraling (Freiburg: Herder, 1990) 110–12.

worldview is anthropocentric and entails an autonomous understanding of human freedom that believes we can either manipulate nature without limit or somehow escape nature; this worldview refuses to acknowledge that human freedom and reason are always situated in nature.[26] Chiavacci and Schmitz's understanding of nature avoids both the naive essentialism of the neo-Scholastics and the vacuous claims of the moderns.

The dialogue with the sciences then has important implications for moral epistemology. For instance, the appreciation of the role of the knower in the growth of scientific knowledge serves as a critical corrective to the essentialism of the neo-Scholastic manuals. The objectivity of nature is not reduced to the phenomenal description of reality. Rather, the objectivity of nature is linked to the dynamism of human subjectivity understood as an unbounded openness to being.[27] From this transcendental, hermeneutical, and personalist perspective, we gain a more critical approach to the natural moral law in which the objective world is inseparable from the subjective aspects of knowledge. In other words, the normative meaning of nature is not found in nature itself. "Nature is not normative . . . in itself"; instead, it is an evolving and open source of normativity.[28] Not only is our knowledge of nature and all its complex structures partial, relative, and open to revision but, because the knowledge process is interactive, as we learn more about nature we gain new perspectives from which to interact with it.[29]

For Chiavacci and Schmitz, a renewed understanding of nature does not mean that humanity is passive before the processes of nature. The reintegration of humanity and nature does not diminish our ability to reflect on our place in nature and on the possibilities we have of consciously intervening and directing it.[30] Our interaction with nature will keep in mind that we are part of nature's process of development, are carried along and in part determined by it. Our interventions into

[26] *Veritatis splendor* no 40 As Chiavacci points out, an appreciation of our being part of nature is at the heart of environmental concerns ("Fur eine Neuinterpretation" 122) This is made explicit by Antonio Autiero, "Sozialethische Provokationen an eine anthropozentrische Moral Das Beispiel der Umweltethik," *Theologie der Gegenwart* 37 (1994) 97–106

[27] Demmer, "Optionalismus—Entscheidung und Grundentscheidung" 71

[28] Chiavacci, "Fur eine Neuinterpretation" 126, see also Karl-Wilhelm Merks, "Autonome Moral," in *Moraltheologie im Abseits?* 59–60

[29] Chiavacci, "Fur eine Neuinterpretation" 127

[30] There is a need for an ethic of responsibility that Hans J Munk characterizes as a "moderate anthropocentricism", see his "Gottes Anspruch und die okologische Verantwortung des Menschen Gott, Mensch und Natur in neuen Beitragen zum Schopfungsverstandnis und die Frage einer umweltethischen Grundkonzeption," in *Ethik zwischen Anspruch und Zuspruch* 120, see also, e g , Jorg Splett, "Partizipation Freiheit in Verantwortung," *Theologie und Glaube* 81 (1991) 177–89 For a theological conception of responsibility, see Josef Romelt, *Theologie der Verantwortung Zur theologischen Auseinandersetzung mit einem philosophischen Prinzip* (Innsbruck Tyrolia, 1991), and his "Die Authentizitat menschlicher Freiheit und Verantwortung Theologische Ethik im

nature will reflect both our responsibility for nature, of which we are always a part, and our ability to mold nature in light of human purposes.[31] In other words, our interventions into nature will reflect our commitment to respect and enhance the conditions of future human action. This balance steers the necessary middle course between spiritualistic and naturalistic tendencies in natural-law argument.

The reintegration of humanity and nature opens the way for the retrieval of the Thomistic conception of the natural moral law as the participation of human reason in the wisdom of the Creator. What is needed is an adequate way of conceiving the relationship between natural theology and natural morality. The divine will is not naïvely reflected in natural processes; rather, through our responsible and rational engagement with nature, we participate in the plan of the Creator. By our responsible and rational engagement with nature, we are able to transform the created world of which we are always a part and so to act as a secondary cause (*Zweitursache*) in the intricate processes of development initiated by the Creator (*Erstursache*).[32] In this way, God is not conceived as one who intervenes in worldly affairs from outside history, usurping our rightful autonomy; the divine project of creation continues to unfold and develop through the conduit of human reason and agency.[33]

THE NATURAL LAW AND SALVATION HISTORY

The question arises as to the meaning of the natural law in the history of salvation. The issues that are involved here have been discussed in terms of the autonomy of moral reasoning in the context of faith.[34] Antonio Autiero identifies the heart of the matter when he asks, "Does faith hinder, diminish, or strengthen the argumentative

---

Kontext postmoderner Subjektkritik," in *Fundamente der theologischen Ethik: Bilanz und Neuansätze,* ed. Adrian Holderegger (Freiburg: Herder, 1996) 54–73.

[31] For Demmer, this critical understanding of normativity impacts the analysis of moral action. A critical understanding of the natural law will provide the context in which to recast all the traditional elements of moral action. A new understanding of human nature will impact, e.g., the relationship between moral goodness and moral rightness, the relationship between the *finis operis* and the *finis operantis,* the meaning of the *objectum morale,* and especially the theory of *intrinsece malum* ("Natur und Person: Brennpunkte gegenwärtiger moraltheologischer Auseinandersetzung," in *Natur im ethischen Argument* 64–70).

[32] Chiavacci, "Für eine Neuinterpretation" 122.

[33] See also, Demmer, *Die Wahrheit leben* 36–37.

[34] For an overview, see Dietmar Mieth, "Theologie und Ethik: Das unterscheidend Christliche," in *Grundbegriffe der christlichen Ethik,* ed. Jean-Pierre Wils and Dietmar Mieth (Paderborn: Schöningh, 1992) 208–24. For a historical study detailing significant representatives of this debate, see Eric Gaziaux, *Morale de la foi et morale autonome: Confrontation entre P. Delhaye et J. Fuchs* (Leuven: Leuven University, 1995); see also Erny Gillen, *Wie Christen ethisch handeln und denken: Zur Debatte um die Autonomie der Sittlichkeit im Kontext katholischer Theologie* (Würzburg: Echter, 1989).

character of ethics?"[35] The thesis of an autonomous ethic in the context of faith can be legitimately understood in light of natural-law argumentation. In a natural-law tradition there is the unquestioned assumption of the rationality of moral insight; moral insight is accessible to others through plausible arguments.[36] The thesis of the autonomy of moral reasoning, then, is guided by the legitimate interest of safeguarding the communicability of moral insight. It recalls the public nature of theological discourse, opens up avenues of dialogue with other sciences, and prevents the tradition from ever falling into the temptation of sectarianism by underlining what different moral traditions have in common.[37]

Still this autonomous ethics has undergone a significant shift in recent years.[38] In its earlier expression, Alfons Auer offered a number of ways of describing the position of an autonomous ethic in the context of faith. As an ethical thesis, the autonomy of moral reasoning refers to the rational character of moral statements. As a theological thesis, the autonomy of moral reasoning protects the *proprium* of Christian ethics from being reduced to specific material content. For Auer, faith provides a new horizon of meaning. Norms are not naïvely derived from faith; faith does not replace the responsibility of human reason, but it exerts an integrating, criticizing, and stimulating effect on the reasoning process. As a thesis about church teaching, the autonomy of moral reasoning helps protect the moral norm from being imposed heteronomously by any outside authority in general or the magisterium in particular.[39] The Church's teaching must be made plausible by dialogue and rational argument to all people of good will.

[35] Antonio Autiero, "Zwischen Glaube und Vernunft" 47.

[36] This debate also extends to special questions of morality. In reference to *Evangelium vitae,* Vidal notes the ambiguity in terms of methodology. Vidal writes: "I believe we need to go on pondering the relation between faith and reason trying to resolve the epistemological ambiguity underlying many ecclesiastical documents, among which *Evangelium vitae* has to be included. In my view, the paradigm to integrate these two viewpoints should not be that used by neo-Scholasticism before Vatican II (making reason 'depend' on faith) but that insinuated by postconciliar theology: articulating 'autonomous reason' (with its own rules and particular epistemology) within the sphere of meaning of 'theonomous references'" ("*Evangelium Vitae:* A Hard-Edge Encyclical," in *Liturgy and the Body,* ed. Louis Chauvet and François Kabasele Lumbala, *Concilium* 1995/3 [Maryknoll, N.Y.: Orbis, 1995] 137–41, at 139).

[37] From a philosophical perspective, see Ulrich G. Leinsle: "Von der Lebenswelt zur Welt: Konstruktive Aspekte menschlicher Weltorientierung," *Zeitschrift für katholische Theologie* 114 (1992) 127–39.

[38] See the important survey by Franz Furger, "Christlich-theologische Ethik— angefragt und in Frage gestellt," *Theologie der Gegenwart* 39 (1996) 209–34.

[39] See the recent collection of Alfons Auer's work, in particular "Die Bedeutung des Christlichen bei der Normfindung," in *Zur Theologie der Ethik* (Freiburg: Herder, 1995) 208. Auer's interest in the thesis from an ecclesiological perspective stems from an early article, "Nach dem Erscheinen der Enzyklika "Humanae vitae": Zehn Thesen über die Findung sittlicher Weisungen," *Tübingen Theologische Quartalschrift* 149 (1969) 78–85; the classical work remains his *Autonome Moral und christlicher Glaube,* 2nd ed. (Düsseldorf: Patmos, 1984).

There is no doubt that the autonomy thesis reflects legitimate concerns for moral theology. At its most basic level, the discussion about the autonomy of moral reasoning deals with the relationship between faith and reason. Yet it deals with that relationship in the context of neo-Scholasticism. Though earlier proponents of the thesis incorporate the transcendental language of Kant, the real basis of the thesis is the epistemological realism of the Scholastic tradition and the operative correspondence theory of truth. A more hermeneutical way of thinking can be the means for a more nuanced understanding of the relationship between faith and reason. A hermeneutical way of thinking can open the way for a dialectical understanding of faith and reason: the autonomy of reason does not eliminate or diminish the role of faith, nor does faith handicap or cripple reason.[40]

The effect of a hermeneutical way of thinking about the relationship of faith and reason can be illustrated by examining the different ways of understanding the relationship between the genesis and the validity of moral insight.[41] Within the confines of the epistemological realism and the correspondence theory of truth, the effective history of faith is limited to the context of genesis. This is a restatement of the position of the earlier proponents of an autonomous ethic in the context of faith. It is firmly within the natural-law tradition; the justification or validity of moral insight is independent of faith.[42] Faith does not add to our knowledge in the moral sphere.[43] It is based on a classical way of thinking where one is first human, then Christian.[44]

Bruno Schüller illustrates this position when he offers the example of the student who "does his sums and writes: 2 + 2 = 5. We may ask whether this arithmetical computation is true or false. . . . Then we are dealing with the truth-value (validity) of arithmetical computation. But we can also ask how the pupil came to make such a mistake; whether he was distracted or was absent when the rules of addition were explained. Then we are asking for a genetic explanation of an erroneous arithmetical computation."[45] One is struck by the obvious

---

[40] The profound effects of hermeneutical studies on fundamental moral theology have been detailed in Klaus Demmer's early article, "Hermeneutische Probleme der Fundamentalmoral," in Dietmar Mieth and Francesco Compagnoni, ed., *Ethik im Kontext des Glaubens* (Freiburg: Herder, 1978) 101–19; Demmer details the hermeneutical relationship between faith and reason in *Moraltheologische Methodenlehre* 71–74.

[41] Klaus Demmer, "Die autonome Moral—einige Anfrage an die Denkform," in *Fundamente der theologischen Ethik* 261–76.

[42] Bruno Schüller, F. Hürth, and P. M. Abellán are authoritative representatives of the argument that "all the moral precepts of the new law are also precepts of the natural moral law"; see Schüller, "The Debate on the Specific Character of a Christian Ethics: Some Remarks," in *Wholly Human: Essays on the Theory and Language of Morality*, trans. Peter Heinegg (Washington: Georgetown University, 1986) 25.

[43] As described by Demmer, "Die autonome Moral" 266.

[44] On the relationship between the *lex gratiae* and the *lex naturae*, see Aquinas, *Summa theologiae* 1–2, q. 94, a. 6 c.

[45] Schüller, "The Debate on the Specific Character of Christian Ethics" 37–38.

objectivity of this example and the method of reasoning guiding it. One can legitimately ask, however, if any notion of objectivity based on the mathematical or empirical sciences is adequate to capture the moral enterprise.[46]

In contrast to this way of thinking, Demmer's reasoning moves in the other direction, building on the Augustinian insight that God is closer to us than we are to ourselves.[47] This way of thinking takes seriously the immediacy of God's presence and aims to draw out and communicate all the ethical implications of faith. To be sure, moral truths cannot be deduced from truths of faith, but "genuine theology leads to a fundamental change in our way of thinking."[48] Faith provides an orientation to all of reality and a theological anthropology that serves as the hermeneutical key with which to unlock the meaning of normative human nature. The anthropological implications of faith function as a hermeneutical preunderstanding so that between faith and moral insight there is a "fittingness," or *convenientia;* the moral action of the Christian is inseparable from the Christian's self-understanding. The anthropological implications of faith set the stage for certain questions to be asked, and they sketch the initial contours for adequate solutions.[49] Faith is not an independent reality alongside moral reasoning; nor does faith diminish our interest in the universal community of communication. Faith gives believers the ability to ask the right questions and allows them to "draw on sources that are not accessible to everyone."[50] For Demmer, then, when faith and reason are dialectically related, the content of "genesis is not only manifested in but constitutive of moral truth."[51]

Within this hermeneutical context, there emerges a new understanding of moral reasoning. Moral reasoning is no longer a passive faculty which can read moral obligation from an already existing moral order.[52] Rather, moral reasoning assumes a creative, imaginative, and inventive competence that is founded on our participation in the eter-

[46] The relationship between the genesis and validity of moral insight will be guided by an underlying conception of truth Eberhard Schockenhoff undermines Schuller's latent objectivism by emphasizing the relationship of moral truth to freedom (*Das umstrittene Gewissen Eine theologische Grundlegung* [Mainz Matthias Grunewald, 1990] 123) See also Josef Romelt, *Personales Gottesverstandnis in heutiger Moraltheologie Auf dem Hintergrund der Theologien von K Rahner und H U v Balthasar* (Innsbruck Tyroha, 1988) 192–201

[47] Augustine, *Confessions* 3 6 11 (PL 32 683)

[48] Demmer, "Die autonome Moral" 262

[49] One thinks of the dignity of the person that is entailed in being created in the *imago dei,* or the fundamental equality of all persons brought about by the incarnation (Galatians 3 28), or the ability to reverse bias and decline that is brought about by Christ's victory over death

[50] Demmer, "Die autonome Moral" 261

[51] Klaus Demmer, *Deuten und handeln Grundlagen und Grundfragen der Fundamentalmoral* (Freiburg Herder, 1985) 17, *Gottes Anspruch denken Die Gottesfrage in der Moraltheologie* (Freiburg Herder, 1993) 160–62

[52] Demmer, "Die autonome Moral" 264, also "Natur und Person" 59

nal law. The creative competence of moral reasoning is not taken in an idealist sense as if moral reasoning can ignore nature; rather, nature is underdetermined in a normative sense.[53] The normative determination of nature depends on the creative competence of moral reason—not independent of faith but enlightened and informed by faith. This is the starting point for the theologian. On the one hand, moral reasoning continues to make the implications of faith transparent and, on the other, faith undergirds reason and provides it with a creative impulse. There is no opposition between human freedom and faith in God. Rather a unified understanding of faith and reason allows Demmer to see that *recta ratio* is the *vicaria Dei*. Moral reasoning stands in the effective history of faith, whose role can neither be limited to the level of moral goodness nor adequately described as a Christian horizon of meaning. In a theological anthropology, faith drives and motivates moral reason to discover better alternatives for action.[54] This has an immediate impact on a long-standing discussion in moral theology. For the theologian, the question of the *proprium* of Christian ethics is no longer framed in the metaphysical language of distinctiveness or specificity; that language is abandoned in light of a new way of thinking in which the hermeneutical language of newness is the important category.[55]

CONSCIENCE

In pursuing the agenda of autonomy, a responsible ethics locates conscience as the privileged point of departure for determining right conduct, but it is fully aware of the dangers of subjectivity. Sabatino Majorano places conscience between the extremes of subjectivism and objectivism. On the one hand, a conscience that denies truth contradicts its very self; a conscience that does not recognize truth but sees it as an imposition is not truly human. On the other hand, conscience cannot deny its hermeneutic task: when conscience is reduced simply to serving norms or an ideology, conscience is dead.[56] Brian Johnstone, building on Marciano Vidal, places the responsible conscience between two extremes: a conscience that creates moral values and a submissive conscience that simply heeds the objective law.[57]

[53] This is overlooked by Dario Composta, "Le tendenze della teologia morale nel post-concilio Vaticano II," *Euntes docete* 48 (1994) 378–82, and by Ramón Lucas, "Presupposti antropologici dell'etica esistenzialistica e l'etica normativa," *Doctor communis* 47 (1994) 237.

[54] Klaus Demmer, "Vernunftbegründung und biblische Begründung in der Ethik," *Zeitschrift für evangelische Ethik* 37 (1993) 12.

[55] Klaus Demmer, *Die Wahrheit leben* 30.

[56] Sabatino Majorano, *La coscienza: Per una lettura cristiana* (Milan: San Paolo, 1994); see also *La coscienza morale oggi*, ed. Marian Nalepa and Terence Kennedy (Rome: Alphonsianum, 1987).

[57] Marciano Vidal, "Conciencia," in *Diccionario de ética teológica* (Navarra: Estella, 1991) 107. See Patricia Lamoureux's thoughtful critique, "The Criterion of Option for the

Johnstone names this midpoint between the Scylla and Charybdis of subjectivism and objectivism "critical conscience within a living tradition."[58] He then introduces solidarity to consider the social formation of conscience and invokes the life of Bartolomé de Las Casas to argue that a proper notion of conscience requires one to think with the other, especially the oppressed, in order to challenge critically the established forms of domination and to become self-purifying through self-criticism.

Johnstone understands the Christian autonomous conscience as profoundly relational. Accordingly, he interprets in a broad sense the claim of *Gaudium et spes* no. 16 that conscience is the human being's most secret core and sanctuary, and that one is alone there with God. In conscience, one is called to solidarity with one's neighbor.

Similarly, Johan Taels insists that subjectivity is "inextricably connected with commitment." He notes that certain notions of individual autonomy abstract us from the existing relations in which we exist and flourish; they endorse a telos of radical individualism and describe relationships in purely instrumentalist terms. Only an ethics that is defined by its responsiveness to others actually conforms to the true notion of human subjectivity and development.[59]

Despite these responsible models of conscience, the primacy of conscience still comes under attack, both philosophically and theologically. French Jesuit philosopher Paul Valadier[60] takes aim at four sets of false dichotomies that jeopardize the primacy of conscience.

Admitting that the postmodern world provides no moral tradition as such and therefore leaves in doubt whether conscience can be properly formed, Valadier challenges the first dichotomy proffered by communitarians like Michael Oakeshott and Alasdair MacIntyre who argue that the primacy of conscience has undermined moral traditions, forcing us to retreat to moral communities to reconstruct those long-neglected traditions and to enforce their values despite any claims of conscience. Against them Valadier argues three points. First, juxtaposing community traditions and individual consciences is dangerously simplistic. How is moral insight achieved but through some individual consciences? As Jean-Yves Calvez notes, conscience is the very source of norms and principles.[61] Second, moral differences between individual consciences are hardly an indication of moral chaos;

Poor and Moral Discernment: The Vision of Marciano Vidal," *Louvain Studies* 21 (1996) 261–87.

[58] Brian Johnstone, "Solidarity and Moral Conscience: Challenges for Our Theological and Pastoral Work," *Studia moralia* 31 (1993) 65–85, at 85.

[59] Johan Taels, "Ethics and Subjectivity: A Reversal of Perspective," *Ethical Perspectives* 2 (1995) 165–80.

[60] Paul Valadier, *Eloge de la conscience* (Paris: Seuil, 1994).

[61] Jean-Yves Calvez, "Au centre de la morale, la conscience," *Lumen vitae* 49 (1994) 261–70.

on the contrary, like strands within any moral tradition that them-
selves are not free of internal disparities, differences between con-
sciences occasion the possibility of new levels of insight. Dennis Billy
proves this point by looking at the convergences and divergences be-
tween the teachings of Bonaventure and Aquinas on conscience; the
tensions between them continue to animate the lively differences
among Catholics today.[62] Third, philosophers betray conscience when
they attribute it to irresponsible agents who claim it as grounds for
licentious behavior.

Valadier also challenges the assumption that moral truth is simple
or predictable. Moral truth, because its task is both complex and par-
ticular, expresses the morally relevant demands that any situation and
its attendant circumstances make. To oppose the defenders of con-
science on the ground that they can not yield a moral truth, free of
circumstantial considerations, is to assume another false dichotomy.
Certainly, ethical principles are universal and make overriding claims
on us, but to determine the force of any principle at any moment, we
cannot simply make a deductive application of one (which one?) to the
situation at hand. Invoking Jonsen and Toulmin,[63] Valadier argues
that moral reasoning is not geometric logic. To bring his point home, he
takes aim at a particularly French target, Blaise Pascal, whom, as he
notes, French intellectuals have notoriously failed to critique. Pascal
deceived many into assuming that moral truth is not like the practical
world, but rather universal, simple, and perpetually consistent regard-
less of circumstances. At length, and with particular dexterity, Vala-
dier bares the naïve epistemological assumptions and dangerous theo-
logical beliefs that prompted Pascal's enormously popular attack on
Jesuit casuistry, *The Provincial Letters.*

Through another historical examination, Valadier challenges the
false dichotomy created by placing Christian conscience against the
more liberal view of the Enlightenment. Contrary to contemporary
claims, Machiavelli and Hobbes did not propose a triumphalistic view
of conscience. They found within the human being a profound yet natu-
ral conflict between the most basic tendencies of altruism and greed.
The Enlightenment conscience was terribly divided and weakened by
this near-impotent ability to find moral resolution. If anything, Chris-
tianity had greater confidence in the human conscience.

Finally, Valadier confronts those who believe that defending con-
science is an attack on the sovereignty of God. Jesus changed not
the Law but our relation to it, and he taught that applying the Law
directly without consideration of other urgent issues was immoral.
Moreover, Jesus empowered conscience by insisting that morality was

[62] Dennis Billy, "The Authority of Conscience in Bonaventure and Aquinas," *Studia
moralia* 31 (1993) 237–63.
[63] Albert Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral
Reasoning* (Berkeley: University of California, 1988).

found primarily in one's intentionality, not one's action. Similarly, Paul upheld conscience as the arbiter of law: to recognize God's sovereignty, we are obliged to the demands of conscience.

Valadier's final defense is echoed elsewhere. Roberto Busa insists not only on the complexity of moral judgment, but also on our inability to define conscience itself. After resisting any attempts to reduce conscience to a spacial-temporal notion, it is clear that conscience is the one place where we experience the reality we call spirit. Like Johnstone, Busa claims that our experience of spirit is decidedly relational.[64] Herbert Schlögel also writes that the conscience of the Christian is a privileged hermeneutical place where God in the person of Jesus Christ is discovered. Our participation in the life of God is then the source of our moral identity. Because of that, Schlögel argues, we cannot separate our moral experience from our religious experience.[65]

In a related essay, Roberto dell'Oro underlines the importance of experience itself. Moral experience moves between two irreducible poles: liberty and the norm that mediates the moral imperative. The unity of moral experience is found in the mediating tension of those two poles and defines both the personal depths and possible telos of the person. But the pole of liberty is itself the basis of that unity. Only in freedom can a person recognize the call of moral value as a defining call.[66] The freedom one finds in conscience is experienced precisely as the condition for being morally summoned.

Hans Rotter underlines the relational aspect of freedom. The contextualization of freedom does not limit freedom but gives it direction. Freedom is characterized precisely by what we strive for. Thus, every ethic presupposes an eschatology, a goal for which we strive, a hoped-for future entailed in every decision. This transcendental perspective is not divorced from the historical situation in which we find ourselves. Our lives unfold in space and time. When ethical reflection forgets this, it becomes an abstract, limiting, and imposing system. Human freedom is the link between the transcendent and historical dimensions of human experience. The essence of freedom is lost, then, when we work with objectivistic views of the world.[67]

Werner Wolbert also defends conscience. Responding to Cardinal Ratzinger's critique that claims of the infallibility of conscience is a sign of modern subjectivism,[68] Wolbert insists that such claims do not pertain to conscience in the realm of moral rightness, but under the

---

[64] Roberto Busa, "La Coscienza," *La Civiltà cattolica* 144 (1993) 339–50.

[65] Herbert Schlögel, *Nicht moralisch, sondern theologisch: Zum Gewissensverständnis von Gerhard Ebeling* (Mainz: Matthias-Grünewald, 1992) 228–36.

[66] Roberto dell'Oro, "Esperienza e verità morale," *Rivista di teologia morale* 28 (1996) 63–82.

[67] Hans Rotter, "Motivation und Freiheit," in *Ethik zwischen Anspruch und Zuspruch* 177–87.

[68] Joseph Ratzinger, *Wahrheit, Werte, Macht: Prüfsteine der pluralistischen Gesellschaft* (Freiburg: Herder, 1993) 28.

description of moral goodness. The fact that one follows one's conscience is an infallible sign of the agent's goodness, not a guarantor of the agent's right judgment.[69] Like Valadier, Wolbert argues that licentiousness ought not to be equated with conscience; to make his point, he asks whether Hitler and Stalin acted out of conscience, albeit an erroneous one. If the answer is yes, then we believe these agents were morally good. As Joseph Ratzinger remarks, "I know with certainty that there is something wrong with the theory of the justifying power of the subjective conscience and that . . . there is something wrong with a concept of conscience leading to such results."[70] But Wolbert responds that the justifying power of the subjective conscience exists when conscience is adequately understood. Like Johnstone's insistence that conscience can only be understood as that which seeks to be with the other, Wolbert adds that the fanatical pursuit of self-deceiving, pseudomoral integrity ought not to be confused with conscience. The former actually seeks to silence conscience. Wolbert claims then that the question about Hitler and Stalin ought not to prompt us to reject the goodness of erroneous conscience (a tradition after all developed and supported by William of Ockham and Alphonsus Liguori), but rather to clarify what conscience is.[71]

Understanding conscience's relationship to authority is also necessary. On the one hand, Paul Valadier investigates how authority, particularly ecclesial authority, ought to exercise itself in encountering the Christian conscience and insists that constructive authority always appeals to reason.[72] In a more specific vein, Valadier's colleague, Jean-Yves Calvez, examines the teaching authority of the magisterium in both sexual and social morality. Calvez traces the differences between the two and notes that the degree of sophistication in articulating both general principles and specific rules as well as applying those principles both morally and pastorally is as evident in the latter as it is missing in the former. He notes that the success that the magisterium has encountered in the reception of its social ethics ought to serve as an incentive as it tries to harmonize better the overall approach of authoritative teaching.

On the other hand, Livio Melina offers an interesting thesis concerning the self-understanding of the Christian conscience.

---

[69] Werner Wolbert, "Problems concerning Erroneous Conscience," *Studia theologica* 50 (1996) 162–175; see also his, "Probleme mit dem irrigen Gewissen," *Fundamente der theologischen Ethik* 313–41, and Josef Fuchs, "Was heisst 'Irriges Gewissen'," in his *Für eine menschliche Moral* (Freiburg: Herder, 1997) 4.54–64.

[70] Ratzinger, *Wahrheit, Werte, Macht* 33, cited in Wolbert, "Problems" 168.

[71] Dietmar Mieth laments that the focus on normative ethics has left little room for an analysis of conscience. The focus on normative ethics has the tendency to truncate the moral enterprise; the inner life where we are responsible for our own histories before God goes unnoticed. See his "Gewissen," in *Grundbegriffen der christlichen Ethik,* ed. Jean-Pierre Wils and Dietmar Mieth (Paderborn: Schöningh, 1992) 225–42.

[72] Paul Valadier, "L'autorité en morale," *Études* 379 (1993) 213–24.

Christian conscience is "ecclesial" conscience: it arises from a personal re-
sponse to a common vocation, to a departing from oneself for an opening of
oneself toward the truth which shines in Christ. It begins with a conversion: I
cease to be an autonomous subject which has its own proper consistency, but
enter into that new subject which is Christ, whose historical space is ecclesial
"communio." Far from eliminating the primacy of the personal conscience of a
passive obedience to the letter of the law, this framing of the question opens
conscience up to a communion in which the spirit of the law is revealed.[73]

Clearly influenced by Hans Urs von Balthasar, Melina seeks to ad-
vance the truth claims of many recent innovations in moral theology,
but only in a particular ecclesial context that is suspicious of any au-
tonomy, even one in a theonomous context.[74] Precisely those like Vidal,
Johnstone, and Valadier would raise some objections to Melina's the-
sis. These theologians raise the question whether entering into Christ
is reducible to ecclesial communion. Johnstone, for example, asks in
regard to Las Casas: Was his relationship with Christ sustained and
nourished by a conscience that outdistanced those with whom he was
in communion? How then does Melina protect the originality of con-
science?

Nonetheless, Melina's turn to communion prompts us to consider the
formative function of church life. Joseph Selling pursues this insight,
arguing that "the Judeo-Christian heritage contains both symbols and
rituals that provide fertile ground for articulating a critical, broad-
based approach to formulating an (ultimate) foundation of ethical re-
flection."[75] Later he adds that "the most fundamental criterion for
ethical reflection can only be fully and consistently engaged when we
allow ourselves to be criticized and corrected by that same criterion we
claim to believe."[76] Selling does not look to faith as some heteronomous
source, but rather as that which provides both the critical attitude for
each person's right realization of relationships and a ritual context for
nourishing and guiding that attitude. Thus Selling elaborates the
meaning of the theonomous context in which we find the autonomous
conscience.

More than the ecclesial context, the christological context of faith
drives much of the contemporary writers' reflection. Where do we ex-
perience the effective history of faith in our moral reflection and moral
action? For the Christian, God's providence over history reaches its
climax in the person of Jesus Christ. By his death and Resurrection,
Jesus Christ provides the deepest contours to the moral insight of the
Christian. By Christ's death and Resurrection, the Christian has

[73] Livio Melina, "Moral Conscience and 'Communio': Toward a Response to the Chal-
lenge of Ethical Pluralism," *Communio* 20 (1993) 673–86, at 684–85.
[74] Livio Melina, *Morale tra crisi e rinnovamento: Gli assoluti, l'opzione fondamentale,
la formazione della coscienza* (Milan: Ares, 1993).
[75] Joseph Selling, "In Search of a Fundamental Basis for Ethical Reflection," *Ethical
Perspectives* 1 (1994) 13–21, at 19.
[76] Ibid. 20.

gained a new capacity to face situations of human limitation and reverse them in a systematic way. By putting death to death, Christ's Resurrection has given a new competence to freedom to overcome human conflict.[77] This is not understood in the sense that Christians flee the world, but that the death and Resurrection of Christ is progressively mediated in human history and action.[78] A point has been established that serves as the measure for all moral insight of the Christian. The Christian has received a new power through Christ to overcome evil with good.[79] The task of reversing bias and decline in human history shares in an analogous way in the death and Resurrection of Christ.[80] All moral action witnesses to this founding event of our faith. In this way Christian ethics is an ethics of reconciliation.

VIRTUES, *EPIEIKEIA*, AND NORMATIVE REASONING

The autonomous conscience in the context of faith requires formation. The Seventeenth National Congress of ATISM (Associazione teologica italiana per lo studio della morale) in 1996 dedicated itself exclusively to the topic of "the subject and virtue." The congress sought to develop a new anthropological vision of the subject that could evidence a deeper appreciation for human passions, particular as they are intimately involved in the life of human reasoning. Prior to its meeting, Giovanni Finocchiaro Chimirri searched for an ethics in which passions were a positive and constitutive element in ethics, both in articulating the end or anthropological vision for the subject and in guiding the subject in rational decision making. He found an ethics of the passions in virtue theory.[81] For the integrated anthropology that the congress sought, it turned to virtue theory, but Giannino Piana proposed one lodged in the context of a responsibility ethics.[82] In this way, virtue could integrate the foundational experience of being obligated by the ethical with the deep desire for human flourishing that animates any search for human happiness.[83] Integrating the foundation of ethics with the foundation of human desires, Piana led his listeners

[77] Josef Römelt, "Normativität, ethische Radikalität und christlicher Glaube: Zur theologische-ethischen Hermeneutik der Bergpredigt," *Zeitschrift für katholische Theologie* 114 (1992) 293–303.

[78] Klaus Demmer, *Gottes Anspruch denken* 98–102.

[79] Josef Fuchs, "Innovative Morality," in his *Moral Demands and Personal Obligations* 114–19.

[80] Klaus Demmer, "Die autonome Moral" 270–72.

[81] Giovanni Finocchiaro Chimirri, *Etica delle passioni* (Bologna: Dehoniane, 1996).

[82] As reported by Lorenzo Biagi, "XVII Congresso nazionale ATISM: 'Soggetto e virtù'," *Rivista di teologia morale* 28 (1996) 559–66.

[83] Curiously Martin Rhonheimer also notes that virtue theory provides an objectivity lacking in other personalist attempts: "Ethics based on the concept of moral virtue are intrinsically 'personalistic,' but also probably more open to rational discourse than many forms of personalism are" (" 'Ethics of Norms' and the Lost Virtues," *Anthropotes* [1993] 231–43, at 242).

to a second point of integration wherein the desire for a well-ordered disposition is sustained and reciprocated by the realization of well-ordered activity. Finally, Piana concluded that retrieving virtue could provide not only an integrated view of the depths and the dispositions of the subject, but more concretely, an integrated vision of right moral judgment. In the prudential judgment, the reasoning, desiring, willing agent discerns how he or she ought to proceed.[84]

Terrence Kennedy also provided a helpful review of the literature on virtue.[85] American contributors to the discussion (e.g. Hauerwas, Meilaender, Bellah, and Nussbaum) were particularly highlighted, though half the essay was dedicated singularly to Alasdair MacIntyre. Missing from the discussion were the current conflicts among virtue ethicists, particularly the important debate between those such as Nussbaum who promote a modest essentialist ethics and those such as MacIntyre and Hauerwas whose positions are very communitarian.[86]

In other parts of Western Europe, virtue theory is not yet in significant evidence. In Germany, for instance, after an important initiative by Dietmar Mieth, the focus in ethics remains on norms.[87] One exception is a bibliographical survey of recent trends and ecumenical perspectives in the moral theology of the U.S. that focused on two topics: virtues and casuistry.[88] Like the essay by Kennedy, it turned to the western side of the Atlantic for virtue theory. Likewise, a social ethicist trained in the U.S. recently wrote in Spain on the virtue of self-care or love of self.[89] *The Way* recently dedicated an entire supplement to spirituality and ethics in which a majority of the contributors demonstrated the suitability of virtue ethics for integrating spirituality and morality.[90] On the other hand, in an otherwise insightful investigation of the relationship between morality and spirituality in which he analyzed the works of Jean-Pierre Schaller, Christophe Boureux never

---

[84] Piana's own theoretical explication of virtue in an ethics of responsibility was anticipated in part by Andrea Gaino who explored the formative function that a virtue ethics could bring to a variety of vectors in the Church ("Insegnare la virtù," *Rivista di teologia morale* 28 [1996] 413–18).

[85] Terence Kennedy, "La virtù nella cultura e nella filosofia attuali," *Rivista di teologia morale* 28 (1996) 353–62.

[86] See also the report by Romano Altobelli, "Virtù cultura filosofia," *Rivista di teologia morale* 28 (1996) 409–12; on the influence of MacIntyre, see Maria Matteini, *MacIntyre e la rifondazione dell'etica* (Rome: Città Nuova, 1995).

[87] Dietmar Mieth, *Die neuen Tugenden: Ein ethischer Entwurf* (Düsseldorf: Patmos, 1984); see also Werner Wolbert, "Wozu eine Tugendethik?" *Theologie und Glaube* 77 (1987) 249–54. Bruno Schüller was fairly dismissive of virtue claims in his *Die Begründung sittlicher Urteile: Typen ethischer Argumentation in der katholischen Moraltheologie* (Düsseldorf: Patmos, 1980; orig. ed. 1978).

[88] Herbert Schlögel, "Tugend, Kasuistik, Biographie," *Catholica* 51 (1997) 187–200.

[89] Julio Martinez, "Salir del 'amor proprio' para halar el 'si mismo'," *Miscelánea Comillas* 55 (1997) 157–200.

[90] "Spirituality and Ethics," *The Way: Supplement* 88 (1997).

proposed virtue as a worthy mediator for engaging psychology, spirituality, and morality.[91]

The same oversight occurs in a remarkable essay by Roger Burggraeve.[92] There he develops "an ethics of realistic growth" by looking at what is realizable in a person's life. His point of departure is the closing section of *Veritatis splendor* that speaks of the divine mercy extended even toward those who do not fulfill gospel-based prescriptions. The encyclical adds that any human weakness should never diminish the force of the law: even in the light of mercy, the law should not be compromised by human exigencies.[93] But in pursuing an ethics of realistic growth, Burggraeve asks the reader, does not the law need to enter into those areas of life beyond the boundaries of church-taught prescriptives? Noting a variety of ways of life that are forbidden by Catholic morality (e.g. homosexual conduct, cohabitation, and divorce), Burggraeve asks why persons in these situations are deprived of the benefit of moral guidance. Inasmuch as such persons are in a kind of limbo, he proposes an ethics of the *minus bonum*. His descriptive *minus bonum* is meant to provoke the reader to appreciate that persons in such contexts are certainly capable of moral growth. This ethics does not excuse human limitedness or frailty, but it tries to guide moral development to what is concretely possible or attainable. Cer-

---

[91] Christophe Boureux, "Morale et spiritualité: A propos de trois livres de J.-P. Schaller," *Le Supplément* 186 (1993) 185–206; see Schaller's more recent work, *La Melancolie: Du bon usage et du mauvais usage de la dépression dans la vie spirituelle* (Paris: Beauchesne, 1988).

[92] Roger Burggraeve, "Une éthique de miséricorde," *Lumen Vitae* 49 (1994) 281–296.

[93] An example of this stance is found in the pastoral application of the law of graduality that was recently invoked by the Lateran's Pontifical Council for the Family's statement, "Vade Mecum for Confessors concerning Some Aspects of the Morality of Conjugal Life," *Origins* 26 (March 13, 1997) 617, 619–25. This pastoral application allows Catholics to take communion even if they practice birth control. Through it, Catholics acknowledge to their priest that while they accept the truthfulness of the Church's teaching in *Humanae vitae*, they still are unable to follow it, even though they strive to. Thus it accommodates the sincere willingness of the laity to follow the teaching and permits communion to them in the belief that gradually they will realize what they affirm. The moral law according to the Pontifical Council remains untouched. Fifteen years ago, however, when the law of graduality was being discussed, Fuchs asked whether it was correct to insist that the morally right was the encyclical's dictate and not the couple's judgment. If the demands of their marriage meant that they would undermine their marriage by not practicing birth control, then the morally right would be to protect the demands of their marriage and use birth control. Dionigi Tettamanzi claimed that failure to acknowledge the truth of the teaching would relativize or "gradualize" the Church's law. Fuchs denied the claim; he argued that in applying the law to the concrete, many circumstances had to be considered; the couple had done this and concluded that morally speaking they had to practice birth control for the sake of their marriage. Fuchs was not relativizing the law, he retorted, he was recognizing the couple's morally, objectively right decision (Fuchs, *Christian Morality: The Word Becomes Flesh*, trans. Brian McNeil [Washington: Georgetown University, 1987] 33–37; Dionigi Tettamanzi, "Verità ed Ethos," *Osservatore Romano*, 28 September 1983, 1).

tainly, North American readers would see an easy congruence between virtue ethics and Burggraeve's ethics of realistic growth.[94]

Likewise Klaus Demmer insists that moral theology should not be carried out in a way that keeps people trapped by their failures. We cannot hope to succeed in the moral life if we focus on our past transgressions: we need to be assured of the meaningfulness of our life project, especially in light of temptations toward resignation. We need to be encouraged to stay the course regardless of setbacks or loneliness. We need to be given confidence in the face of threatening disappointments. In all areas of human life and frailty, moral theology ought to offer a healing and reconciling point of view; it should always hold out Christian hope in a truly fulfilling and human life.[95]

While Western European interests are still directed more to normative ethics than to virtue ethics, these two intersect precisely in recent German writings on the virtue of *epieikeia*. This virtue plays an indispensable role in determining the scope and limitations of a moral norm. *Epieikeia* means "mildness" or "fairness" and denotes an appropriate application of a law. For Aquinas, *epieikeia* or *aequitas* was part of the virtue of justice and was applied wherever the literal following of a law or norm would offend justice. Since Suarez, however, the virtue of *epieikeia* concerned itself with legitimately excusing a doubtful conscience from obedience to the law; it was reduced to a mechanical and legal application of a moral norm.[96] Demmer retrieves the virtue of *epieikeia* to reflect the historicity of moral reasoning and our striving for higher standards of freedom and better alternatives of action.[97]

For Demmer, the meaning of a moral norm is never immediately apparent from its linguistic formulation; norms are imbedded in a more original horizon against which they are interpreted and applied. Moral reasoning is responsible for this interpretive process. Occasion-

[94] Elsewhere Burggraeve develops the bipolarity of Christian ethics as either normative prohibition or aesthetic pursuit and touches very briefly on the notion of virtue, see his "Prohibition and Taste The Biopolarity in Christian Ethics," *Ethical Perspectives* 1 (1994) 130–44

[95] Klaus Demmer, *Die Wahrheit leben* 123–29

[96] The meaning of *epieikeia* for the modern age has been detailed in the early study of Gunter Virt, *Epikie—verantworlicher Umgang mit Normen Eine historisch-systematische Untersuchung zu Aristoteles, Thomas von Aquin und Franz Suarez* (Mainz Matthias Grunewald, 1983) 187–227 See also, Josef Fuchs, *"Epikeia* Applied to Natural Law?"* in his *Personal Responsibility and Christian Morality* (Washington Georgetown University, 1983) 186–99 For the influences that nominalism and modern science had on moral casuistry, see Josef Romelt, *Vom Sinn moralischer Verantwortung Zu den Grundlagen christlicher Ethik in komplexer Gesellschaft* (Regensburg F Pustet, 1996) 110–14

[97] The virtue of *epieikeia* has been the focus of a number of writings by Demmer In particular see "Die sittliche Personlichkeit," in *Moraltheologie im Dienst der Kirche* 102–14, *Christliche Existenz unter dem Anspruch des Rechts Ethische Bausteine der Rechtstheologie* (Freiburg Herder, 1995) 155–60

ally, however, we are faced with unforeseen situations in which moral reasoning is handicapped by the normative tradition in which it is immersed.[98] In this kind of situation, the virtue of *epieikeia* reflects "the critical and creative impulse of moral reasoning" to think beyond traditional boundaries and to introduce new points of view and new standards by which to weigh morally relevant goods.[99] The ability to recognize the scope and limitations of one's intellectual tradition and the need occasionally to revise that tradition for a more fitting (*epieikes*) solution to a perplexing difficulty is characteristic of a morally mature personality. As Günther Virt observes, "what at first may seem like a watering down of the law, can really be the betterment of the law."[100] With the virtue of *epieikeia,* moral norms look less like the static and closed systems of modern casuistry and more like a dynamic, open, and evolving systems of contemporary science.[101] Demmer is quick to point out that this historical understanding of moral norms has nothing to do with relativism as a substance metaphysics would imply; taking the historicity of moral norms seriously means, rather, that the absoluteness of a moral norm is progressively discovered and constituted by moral reasoning.[102] Behind this historical process is the mutual conditioning relationship of theory and praxis.[103]

The kenosis of Christ is the starting point for a theological understanding of *epieikeia.* The Christ event is an example of divine *epieikeia.*[104] Demmer sketches a unique theological conception of *epieikeia* by placing it in the context of New Testament casuistry, specifically the secondary antithetic statements of the Sermon on the Mount that exemplify the "better righteousness" of the Christian (Matthew 5:20).[105] For Demmer, casuistry is no longer controlled by the essentialist metaphysics of the neo-Scholastic manuals which subsumed particular cases under universal principles. In a hermeneutical context, moral casuistry is characterized as the art of the possible; it is marked by the ability to discover new and better alternatives of acting and it translates the radical message of the Gospels into feasible ways of acting.[106] In this way, the casuist's art steers the often narrow

---

[98] See the analysis of Peter Fonk, *Glauben, handeln und begründen: Theologische und anthropologische Bedingungen ethischer Argumentation* (Freiburg: Herder, 1995) 107–8.

[99] Demmer, *Christlicher Existenz unter dem Anspruch des Rechts* 158; "Die sittliche Persönlichkeit" 105.

[100] Günter Virt, "Epikie und sittliche Selbstbestimmung," in *Moraltheologie im Abseits?* 206.

[101] Demmer, "Die sittliche Persönlichkeit" 106.

[102] See Josef Fuchs, "Historicity and Moral Norm," in *Moral Demands* 91–108.

[103] Demmer, "Die sittliche Persönlichkeit" 105.

[104] 2 Corinthians 10:1; Klaus Demmer, *Gottes Anspruch denken* 151–52; also Virt, "Epikie" 208.

[105] "Die sittliche Persönlichkeit" 112; see also his earlier work *Deuten und handeln;* and Josef Römelt, "Normativität, ethische Radikalität und chrislicher Glaube."

[106] Demmer, "Die sittliche Persönlichkeit" 112.

middle course between the minimalist tendencies of laxism and the legalistic tendencies of rigorism.

Epieikeia for Demmer is *"der praktizierte Vorbehalt,"*[107] that is, similar to a mental reservation, *epieikeia* is a reservation *(Vorbehalt)* with regard to action. Viewing a norm's application with circumspection and reserve, it keeps in mind the provisional character of a norm's application. As an example, Josef Fuchs suggests the issue of the use of condoms to reduce the risk of the spread of HIV.[108] In light of some early statements by individual bishops that too quickly assumed that the tradition could not justify the use of condoms, one pauses and wonders how a more responsible way of acting can be accommodated by the tradition. One's reservation to dismiss the use of condoms does not reflect disregard for traditional sexual teaching; on the contrary, it reflects willingness to insure that the tradition continues to offer feasible and adequate solutions to problems at hand.[109]

For these authors, the virtue of *epieikeia* ensures that a moral norm is never applied deductively. Instead, it preserves the personal character of moral action; it safeguards the proper autonomy of moral reasoning and reflects the "freedom, creativity, and responsibility" of the person.[110] The retrieval of the virtue of *epieikeia* reminds us that the application of a norm is a continual historical accomplishment that depends on experience and insight. *Epieikeia* underlines the hypothetical or indeterminate character of our moral norms: it is a means to show how a norm's application always stands between a hermeneutic of tradition and the critique of ideology. *Epieikeia* is the virtue of freedom that reflects our willingness to occasionally go beyond traditional applications of a norm and, with keen insight, to introduce an element of newness to a moral tradition. In this way, it prevents us from either being enslaved by the moral norm or untethered from it.[111]

Western Europeans are particularly interested in the nature of norms. Clearly postmodern analyses of norms prompt the move away from any Eurocentrism toward a responsibility ethics that both respects the subject who thrives in a pluralistic world and promotes dialogue.[112] Gérard Fourez, for instance, proposes a normative ethics that advances an awareness of otherness, a call to responsibility, an

---

[107] Demmer, *Christliche Existenz unter dem Anspruch des Rechts* 160

[108] Josef Fuchs, "Epikie—Der praktizierte Vorbehalt," *Stimmen der Zeit* 214 (1996) 749–50

[109] *"Epieikeia* est quasi superior regula humanorum actuum" *(ST* 2-2, q 120, a 2 c)

[110] Fuchs, "Epikie—Der praktizierte Vorbehalt" 51

[111] See the excerpt from the recent doctoral dissertation of Steven O'Hala, *Epieikeia and Contemporary Moral Theology in the Light of Hans-Georg Gadamer's Philosophical Hermeneutics* (Rome Gregorian University, 1997) 208

[112] Giacomo Coccolini, "L'etica dei postmoderni," *Rivista di teologia morale* 28 (1996) 363–77 On ecumenical dialogue, see the attempt by Jean-Marie Hennaux, "Plusieurs religions, une morale?" *Nouvelle revue theologique* 118 (1996) 550–61

observance of tolerance in rational debate, and an appreciation for the development of higher levels of insight through the course of history.[113]

By analyzing the perspectives of physicians and nurses in the care of patients, Patrick Vespieren outlines an ethics that comprehends Fourez's four goals. The injunction to heal or to care is understood by each profession differently and thus informs the respective perspectives of any situation. But even the situation itself can no longer be seen as "given." The "given" in a hospital situation will be perceived differently by an attending nurse than by a physician. "In fact, a situation is never totally 'given'."[114] The historicity of both the subjects and the "given" setting complements the historicity of the norms that nurses and physicians observe. That latter historicity is evident when we recognize that so-called deontological norms embody the duties of professionals, but these duties and the norms themselves are nothing more than the condensed consensus achieved at some point in history after a sustained ethical debate.

Any discussion of norms, as we have seen, leads to a consideration of casuistry.[115] Throughout our readings we find reference to Jonsen and Toulmin's *The Abuse of Casuistry,* especially to their inductive or "taxonomic" method. That work highlighted the particular 16th- and 17th-century contributions of Dominicans and Jesuits; a later work, *The Context of Casuistry,* further argued that Franciscan theological concepts, especially voluntarism and nominalism, set the stage for high casuistry.[116] A work studying the ethics of the first Franciscan school has furthered this claim.[117] Among many interesting insights, Antonino Poppi presents Scotus's concern for contingents not as grounds for escape from the claims of universal laws, but precisely as indicators of the objective criteria needed to make right judgment. Moreover, Poppi concludes with John of Capistrano's 15th-century casuistry, hinting at the influence that Franciscan interest in rhetoric, phronesis, and contingency might have had on that important form of moral reasoning.

[113] Gérard Fourez, "L'éthique et ses fondements dans une perspective de postmodernité," *Lumen Vitae* 49 (1994) 245–60.
[114] "En fait, une situation n'est jamais totalement 'donnée'," (Patrick Verspieren, "Nature du débat éthique," *Le Supplément* 186 [1993] 27–34, at 32). In this light, Massimo Reichlin looks at the simple, universal norm "do not kill" (" 'Non uccidere' come norma etica fondamentale," *Rivista di teologia morale* 28 [1996] 515–35).
[115] Casuistry was implicitly the topic at the 1995 ATISM meeting in Rome. There the question of the absoluteness of moral norms was addressed through a consideration of whether it is always forbidden to speak a falsehood; see Bruno Marra, *Verità e veracità: Atti del XVI Congresso Nazionale ATISM: "La norma morale assoluta: È sempre vietato dire il falso"* (Naples: Associazione Teologica Italiana per lo Studio della Morale, 1995).
[116] James Keenan and Thomas Shannon, eds, *The Context of Casuistry* (Washington: Georgetown University, 1995).
[117] Antonino Poppi, *Studi sull'etica della prima scuola francescana* (Padua: Centro Studi Antoniani, 1996).

BIOETHICS

We conclude by looking at recent Western European interest in medical ethics, in order to highlight the congruence between their fundamental and practical writings. The assumption of the autonomy agenda into a context of faith, with the significant modification of understanding the realization of the subject as constitutively relational is brought out by Patrick Vespieren's study on respecting the autonomy of the patient. Acknowledging that physician paternalism usurps patient autonomy, Vespieren argues specifically against H. Tristram Englehardt, insisting that the principle of autonomy leaves the patient to decide alone.[118] If patient autonomy were a value, instead of a principle, both physician and patient could pursue it through dialogue, thus helping the patient to realize further the latter's own subjectivity.[119] In another essay, Vesperien brings this insight sensitively to the case of prospective mothers who learn that their fetus suffers from a profound genetic disorder known as trisomy 21. He questions the claim that one should "leave the mother alone to make her own decision" and talks instead of time, sensitivity, and discourse in decision making.[120]

Vesperien's medical ethics arises out of his foundational anthropological vision. This is a constant that one finds in the literature we reviewed. Consistency is found not so much in the methodology as in the fundamental pursuit of a relational subject.[121] In fact, the Europeans are critical of the American debate over methodologies because they fail to find evidence of an articulated anthropology behind the methodologies. In an important critical survey, Roberto Mordacci reviews the variety of methods in Anglo-Saxon, particularly American, bioethics. Looking at its influence on European bioethics, Mordacci raises a number of questions about each of four models: principalism, casuistry, virtue, and phenomenology. While he is inclined to more relational and less dilemma-based approaches, his major question is about the radicality or rootedness of all these methods: What is the anthropological vision out of which these models operate? What is the concept of liberty that is defended, and how successfully is it integrated into an implicit anthropology? Finally, what are the social claims on that liberty, and how is that affected by the anthropological vision? In short, Mordacci raises questions about the subject and the presuppositions and biases that appear operative in actual positions, and he

---

[118] H. Tristram Englehardt, Jr., *The Foundations of Bioethics* (New York: Oxford University, 1986).

[119] Patrick Vespieren, "Respecter et promouvoir l'autonomie du malade," *Le Supplément* 192 (1995) 47–60; see also, Manuel Cuyas, "Lo scoglio della 'Qualità della vita'," *La Civiltà cattolica* 147 (1996) 58–61.

[120] Patrick Vespieren, "Eugénisme?" *Études* 58 (1997) 767–77.

[121] For that reason there is some interest in the formation of physicians; see Carlo Casalone, "Etica e medicina: Quale formazione?" *La Civiltà cattolica* 145 (1994) 572–77.

suggests that the absence of articulated anthropological foundations in bioethics often leads to contradictory and even self-contradictory methods indicative of the fragmented world in which we live.[122]

A methodology determined by anthropological interests is proposed by Adriano Bompiani's bioethics on behalf of the weak, marginalized, and voiceless. A bioethics that "puts at the center of moral reflection respect for the person" prompts Bompiani to appropriate a virtue ethics into which he inserts existing principles. This innovative methodology allows him to pursue an integrated ethics: "The integral principle/virtue proposal mediates and interrelates in a moral dynamic the speculative-theoretical moment (the justification and formulation of principles) with the practical moment of the concrete act (the exercise of virtue); the deontic moment (of moral obligation) with the aretaic moment (of moral value)."[123] Not surprisingly, then, unlike the North American bioethicists who confine their efforts to the interior consistency of one particular method, the Europeans often propose mixed methodologies to achieve their anthropological concerns; Piana's virtue/responsibility ethics and Fourez's postmodern mélange are good examples.

The understanding of autonomy as constituted in solidarity plays itself out interestingly in several bioethical issues.[124] Antonio Autiero asks whether the donation of organs ought to be considered an obligation. He responds by rejecting the juridical concept of duty as not helpful in depicting the anthropologically and socially relevant issues bearing on organ donation. Rather than involing a duty, he invokes the interior disposition of responsibility informed by solidarity. This solidarity, he writes, "is not *prima facie* a practical virtue, but before all else a paradigm for understanding our becoming subjects of morality." The specific question of organ donation, in fact, prompts us to rethink the notion of ourselves as embodied subjects. "By placing one's own body at the disposition for transplants, the human being does not enter

---

[122] Roberto Mordacci, "Il dibattito sul metodo nella bioetica anglosassone: Linee per un' analisi critica," *Teologia* 20 (1995) 75–103.

[123] Adriano Bompiani, *Bioetica dalla parte dei deboli* (Bologna: Dehoniane, 1995) 58–59.

[124] Another topic is genetics, especially cloning. Dietmar Mieth provides us with a variety of relative arguments, such as the right to a unique identity, the slippery slope, concern for family life, the need for extensive fetal research. Mieth notes that individually these objections might not stand as determinative, but collectively they so threaten our understanding of our humanity that we must prohibit the cloning of humans ("Die Spaltung des Menschlichen," *Frankfurter Rundschau,* 28 July 1997, 12). See also his (and Marcus Düwell's) concerns in "Ethische Überlegungen zum Entwurf einer UNESCO-Deklaration über das menschliche Genom und die Menschenrechte," *Jahrbuch für Wissenschaft und Ethik* 2 (1997) 329–48; also, José-Román Flecha Andrés, "Ética de la manipulación humana," *Salmanticensis* 44 (1997) 5–23; Lydia Feito Grande, "La terapia génica en la pendiente resbaladiza," *Miscelánea Comillas* 53 (1995) 427–57; Mariella Lombardi Ricci, "La clonazione: il fatto e il significato," *Rivista di teologia morale* 29 (1997) 221–32.

into possessive competition with the Creator, but rather affirms the dynamic character of creation itself, being oriented finally toward the fulness and betterment of the conditions of life for all: a task entrusted appropriately to the human being." He concludes, then, by viewing organ donation as a metaphor for the type of subjectivity that the new ethic promotes. "The attitude of gift can be practiced only if it is understood and permanently verified in an ethical stance. The responsibility for becoming true subjects of morality and citizens capable of living in the horizon of a common ethic regards the critical capacity to be aware of both the profound reasons for and the essential expressions of our offerings."[125]

Likewise, Vespieren looks at legislation from 1994 in France that donation cannot be made without a deceased person's consent, but adds that such consent can be presumed if the deceased has not signed a statement prohibiting it. He then considers the "Amiens affair" in which the body of an 18-year old was basically a continuous source of tissue and organ donation. Vesperien's relational autonomy endorses organ donation, but by the same token insists that the family be asked when the will of the deceased is not known (the history of relationality must be respected) and that the number of interventions into a human cadaver be limited.[126]

Johannes Reiter claims that in light of technology's advancements we need a new foundation for bioethics. Medicine has to relinquish some of its traditional control over all categories and definitions of health and human well-being. The patient is no longer the passive recipient; the doctor is no longer the sole agent. The relationship between the two is of the utmost importance. As paternalism is no longer adequate, neither is any sort of contractualism based on the four principles of non-maleficence, beneficence, justice, and autonomy. What we need is a "partnering collaboration" in which the rights and duties of both are respected.

In terms of end-of-life decisions, he claims that "when higher goods, more important duties, or spiritual goals are definitely unreachable, the withholding or withdrawal of further treatment is allowed." In terms of physician-assisted suicide, he argues from a religious viewpoint that the giftedness of life precludes its direct taking.[127] Eberhard Schockenhoff also argues that the issue of euthanasia and aid provided to patients must be broadened beyond the technology offered to the dying. The measure of assistance will not be the technology we can offer but our willingness to enter into solidarity with those who are

[125] Antonio Autiero, "La donazione di ogani è un dovere?" *Rivista di teologia morale* 28 (1996) 53–61, at 58, 60 and 61.
[126] Patrick Vespieren, "Les limites du tolérable: A propos des prélèvements de tissus et organes humains," *Études* 381 (1994) 465–75.
[127] Johannes Reiter, "Es geht um den Patienten: Grundfragen medizinischer Ethik neu bedacht," *Stimmen der Zeit* 214 (1996) 435–48, at 442.

experiencing the fragility of human existence. This is a challenge not only to doctors, nurses, family, and friends, but also to the Christian community at large. It stands in contrast to society's individualism. We cannot reduce death to a mechanical process; we must interpret death as a context in which the theological virtues of faith, hope, and love will be tested and proven.[128]

German theologians, who have insisted that we cannot separate our religious from our moral experience, turn to specifically theological arguments against physician-assisted suicide.[129] French writers, while not denying the theological claims, seem more concerned about the human reality of legal structures or the symbolic notion of the law. They fear that any change in law will so empower individualism that we will no longer be confronted by the need to respond to the suffering of others. As it is, the law, despite its weakness, at least does not offer us an option to terminate the marginalized, but instead presses us inescapably to take account of one another.[130] In all linguistic contexts, however, we find insistence on the relational subject.

CONCLUSION

Marciano Vidal recently offered some heuristic glimpses of moral theology at the approach of a new millennium. He presented them in three categories. First, that moral theology would return to its more evangelical and theological sources wherein morality would be reconfigured in the context of faith. Second, that methodologies would change in the search for and the proposal of personal moral truth. Third, that the normative contents of moral theology would aim at the protection of human solidarity. He called for a Christian morality that serves human desires, forbids exclusion, and endorses a notion of conscience that lives between human idealism and human fragility. Clearly, his vision is based on the writings that we have read coming out of Western Europe.[131]

---

[128] Eberhard Schockenhoff, "Den eigenen Tod annehmen: Sterbehilfe und Sterbebegleitung aus theologischer Sicht," in *Hilfe zum Sterben—Hilfe beim Sterben,* ed. Hermann Hepp (Düsseldorf: Patmos, 1992) 108–26.

[129] From theological arguments, Klaus Demmer draws a firm line against the physician-assisted suicide, arguing that life is a gift, that Christ has crippled the threat of death and given meaning to human suffering ("Anfang und Ende des Lebens: Wie fliessend sind die Grenzen ärztlichen Handelns," *Gregorianum* 77 [1996] 287–307); similarly, Herbert Schlögel, "Die erneute Streit um die Euthanasie: Theologisch-ethische Aspekte," *Zeitschrift für katholische Theologie* 114 (1992) 425–39.

[130] François Coppens, "La loi et la vie humaine: Réflexions à propos du débat sur l'euthanasie," *Nouvelle revue théologique* 119 (1997) 49–64.

[131] Marciano Vidal, "Rasgos para la teologia moral del año 2000," *Moralia* 20 (1997) 153–70.