American religious congregations found that there was a widespread reluctance amongst members of the congregations to assume positions of leadership designed to manage the pressing issues of church life within their own religious communities. It is difficult to find people to occupy leadership roles, firstly because of the simple scarcity of persons, secondly because there is a lack of qualified persons and thirdly many of those approached experience what is described as' a scarcity of meaning'. As one religious said when she refused office, "I cannot find a satisfying response to the question: "Who are we and what does our life together mean?" It is often from the congregations which have experienced the greatest breakdown in meaning that the keenest calls for a greater degree of power in the decision-making structures of the Church come. In that context we might be better saying that this Synod is not too late but too early. No religious Order can be designed by committee. Doubtless the document that emerges from this Synod will have some wisdom to impart, but in the end the creative force is the Holy Spirit of God and the Spirit does not always work to rule.

AJW

The Quarrel over Morals in the Catholic Church

Fergus Kerr OP

More than half of this book' is taken up with the complete text of Pope John Paul II's encyclical letter on 'certain fundamental questions of the Church's moral teaching', *Veritatis Splendor*, dated 6 August 1993. The rest reprints the set of eleven comments published in *The Tablet*, together with a brief introduction by the editor, John Wilkins.

According to John Wilkins, 'people feel that something is wrong'—'there is a widespread moral unease'—but 'the task of establishing a pluralist society which yet acknowledges shared values as the condition of that pluralism is proving beyond the capacities *at present* being brought to it' (page ix, my italics). In the judgment of

many worried people (not only Catholics), that would seem an unduly optimistic statement. It suggests that, while the task is beyond our intellectual powers 'at present', we may be better off in days to come. But what if the 'shared values' which would be the condition of the moral pluralism of Western culture are already as substantial as they ever could be—and are diminishing all the time? What if a pluralist society is, by definition, irreconcilably divided over deep moral issues? Where there are *ex hypothesi* radically conflicting conceptions of the good life which are never going to converge, let alone be unified, what content would there be to 'shared values' beyond temporary alliances, occasional trade-offs, and the kind of tolerance that has marked Western societies since people wearied of the religious wars?

Several essavists in this collection take it for granted that the philosophical conflict over moral values and goals in Western society is never going to be resolved. Some doubt even if the quarrel over morals within the Catholic Church will be settled. In the passionate final paper, John Finnis denounces the 'dissenting' positions in Catholic moral theology as all part of a post-Enlightenment syndrome of error at least as manifest in Catholic biblical scholarship and fundamental theology. He looks forward, with perceptible impatience, to a definitive magisterial condemnation of moral theories that qualify or reject the notion of 'intrinsically evil acts'-and indeed to 'a still more fundamental definitive judgment ... on certain "reconceptions" of revelation and faith' (p. 75). Thus he rejoins Germain Grisez's hope in the opening essay that 'dissenting' theologians will either recant or leave the Church (pages 7-8)-but no doubt fears, with Grisez, that there will only be further acrimonious polarization in moral theology. Finnis regards the reaffirmation of the Catholic faith in this encyclical as much less than the condemnations and far-reaching reforms of preaching and pastoral practice that would be required of the Pope and the other bishops if they were to 'confront squarely the fundamental crisis of faith and hope within the Church' (page 76). Far from being already much too 'definitive', as many readers have thought, the encyclical is not 'deep-going' enough, in his judgment, to deal with the moral sickness within the Catholic Church.

It is hard to believe that any one would hold, let alone teach, in seminaries and elsewhere, some of the theories attributed to dissenting Catholic theologians by Germain Grisez. One way in which they have tried to soften traditional moral teaching about intrinsically evil acts, so he says (p. 3), is by saying that we must love one another, respect everyone's dignity etc., while going on to hold that, on occasion, murder and adultery might be consistent with loving others, respecting

their dignity etc. Such moralists would think that killing the innocent counts as murder only if it is unjust killing. They would think that intercourse with somebody else's spouse is adultery only if it is unchaste and irresponsible.

One suspects that, if there is much substance to this particular charge, it will turn out to have to do with the distinctions that a jury might have to make over whether a killing was murder, justifiable homicide, manslaughter, self defence, and so on, or that a confessor might have to make over the degrees of culpability in a case of adultery. One of the major problems in Catholic moral theology springs from centuries of misunderstanding between theorists with their principles and casuists with their real-life cases. It does not help when those with some knowledge of how messy people's lives often are give way to the temptation to lower moral ideals. But that there are Catholic moralists, however 'dissenting', in seminaries, confessionals and elsewhere, who teach that adultery might not always be 'unchaste and irresponsible', depending on the consequences, seems rather farfetched. On the other hand, as any pastor knows, there are couples in our society (including Catholics) who believe that a certain amount of extramarital activity does wonders for the marriage. Such ideas, however, surely owe far more to the pagan hedonism that is one of the most influential moral theories in post-Christian Western society than to the teaching of Catholic moralists. However inclined to pagan hedonism ordinary Catholics no doubt often are, the vast majority of them would surely treat this alleged dissenting moral theory, if they met it, as simply incompatible with the moral ideals of the Catholic faith. That would not mean that people always live up to these ideals, now any more than in the past-but just that they know perfectly well what they are.

A second move, according to Grisez, is to treat precepts forbidding intrinsically evil acts as mere guidelines. On this view, an act recognized as bad in general might become the right thing to do in a particular situation. The Pope's objection to this view is that it 'treats conscience as a creative decision rather than as a judgment following from moral truths'. Apparently, then, there are Catholic moralists who believe that behaviour which is generally regarded as vicious, wicked, depraved, and the like, might, in appropriate circumstances, be transformed by creative interpretation so as to become honourable, virtuous, impeccable, and suchlike.

According to John Wilkins (page xii, giving no reference), St Augustine refused to condemn a woman who committed adultery with her husband's consent, when it was the only way they could think of to raise the money to get him out of debtors' prison. People often do shameful things to avoid or prevent something they perceive to be worse. That does not mean that they have lost all sense of shame. On the contrary, they often regard the action that they 'had to take' as deeply degrading. On the other hand, in a century in which thousands of people (many of them Catholics) have managed to overlook, sometimes to 'understand', and often even to justify with 'theories', such horrors as the Holocaust, the Allied terror-bombing, selling sophisticated weapons to Third World countries, police torturing of 'terrorists', and so on, there is reason to fear that the public culture is so corrupt that transparently wicked behaviour is very easily reinterpreted as 'necessary', 'the lesser evil', 'right in the circumstances'-in effect good. According to reports, many of the Hutu refugees in Zaire and elsewhere, despite having been brought up as Catholics, regard the massacres of Tutsis and middleclass urban Hutus as entirely justifiable. (John 16:2: 'The hour is coming when whoever kills you will think he is offering service to God'.) And, given how nobly Germain Grisez has resisted moral arguments that permit the possession and even use of nuclear weapons, it may reasonably be supposed that what he has principally in mind here are Catholic moralists with theories purporting to take the evil out of nuclear terrorism.

A third way that dissenting theologians have of undermining traditional morality is, according to Germain Grisez, to appeal to the so-called 'fundamental option'. People who are basically good, wellintentioned, intent upon saving their souls, and so forth, are free, in appropriate circumstances, to do evil things, 'even with full awareness and deliberate consent'-without this necessarily having any deleterious effects on their character as a whole. Given that your heart is truly in the right place, then you can live with yourself if you perpetrate the occasional act of wickedness or perhaps of unchaste and irresponsible adultery. Here again, no Catholic moralist is named. We are being invited to conceive of a theory in Catholic moral theology which allows (say) for a personally virtuous and good-hearted policeman to practise a bit of torture, when interrogating a 'terrorist', but denies that such behaviour need have any corrupting effects on his character as a whole. It seems, psychologically, unlikely that one could keep one's fundamental orientation towards the good (loving God and one's neighbour and all that) so hermetically sealed off.

On the other hand, human beings are a good deal more inconsistent and fragmented in their moral life than the moral theorist likes to believe. The Thomist thesis that a single mortal sin, since it goes against charity, the root of all the divinely given virtues, extinguishes

them all (see Summa Theologiae I-II, 71, 4), seems unduly harsh to many moral theorists, let alone to pastors and counsellors. It is the corollary of the thesis about the unity of the virtues. Even such a loyal expositor of St Thomas as Professor Peter Geach has difficulties with that (see his Stanton Lectures, 1977).

Suppose that somebody, say a fanatical Nazi, whose purpose in life was totally identified with that of the Party, performed an act which displayed great courage (rescued a neighbour's child from a burning house or whatever)-are we to say that, in the absence of many virtues, such as justice and truthfulness, and indeed in the midst of so much viciousness, racial hatred, and so on, his courage was not really courage? If we insist that people, whose main aims in life are evil, can never have any virtues at all, it is difficult to see what point of moral contact there could ever be between them and those with the task of reeducating them. People are just far more fragmented, morally, than the unity of the virtues thesis maintains-or so one might reasonably argue. (I am not saying such an argument would be free of objections.) People act out of character, as we say, without necessarily revealing themselves to be quite different from what we had supposed. True, much penal policy assumes that there could be no point of moral contact with criminals-imprisonment being for punishment and deterrence, not for rehabilitation. Where criminals are found to be beyond moral re-education, however, most of us would regard them as insane and no question of their moral responsibility or educability would arise. For the rest, as most pastors as well as those professionally engaged in rehabilitating wrongdoers know from experience, the first move is precisely to look for whatever isolated or residual virtues even the hard cases possess. 'There is some good in everybody', one might say. Anyway, there is surely room, within Catholic moral theology, for argument which might reach agreement over this particular matterwhether one accepts the notion of the so-called fundamental option or not. Incidentally, it is not a notion to be found, at least under that name, in contemporary moral philosophy.

The fourth way in which dissenting Catholics subvert traditional morality, so Grisez says, is by flatly denying that the prohibitions of certain kinds of intrinsically evil behaviour are exceptionless. The charge here is that Catholic moralists of the 'proportionalist' or 'consequentialist' persuasion maintain that you cannot always tell that such an allegedly prohibited act would be morally evil without taking into account the greater good or lesser evil (hence talk of 'proportion') which it might bring about (hence the relevance of the consequences).

The notion of proportionality is not much discussed in secular

philosophy except in connection with just-war theory (a fairly Catholic speciality anyway). For there to be *jus in bello*, the foreseeable bad consequences of an act of war must not outweigh, or be greater than, the expected good consequences. This requirement of proportionality has been extended by Catholic moralists to other domains—enabling them to maintain, or so the story goes, that you may do anything you like provided that the expected good consequences are likely to outweigh the obvious bad ones. If adultery improved your marriage, it must have been right. If the consequences were more disastrous than beneficial, then you must have done wrong.

Consequentialism is a wider term. It was coined by G.E.M. Anscombe (in her famous essay in *Philosophy*, 1958), in a vehement attack on Henry Sidgwick, to cover newer forms of what had hitherto been known as utilitarianism. The doctrine that actions are right or wrong because they have useful or harmful consequences had already split off into the theory that the deciding principle of conduct should be what promoted the greatest happiness of the greatest number of people. The suggestion is, then, that, in our culture, and now increasingly in the Catholic Church, people think only of the consequences when they make or assess moral decisions.

There are, indeed, some Jewish and Christian theologians, so Grisez says, who deny that there is any such thing as an intrinsically evil act (page 6). That is to say, on their view, the goodness or evil of an action in the moral sphere would be decided simply by its consequences. The commandments against murder and adultery, for example, would mean that you do grievous wrong to kill an innocent person but only if you have no proportionate reason for doing so, as you do wrong to engage in extramarital intercourse but again only if you do so unchastely and irresponsibly. It takes these qualifications to make the behaviour immoral. 'In itself' such behaviour is neither right nor wrong.

There is no doubt that the very idea of absolute moral rules frightens some people. Francis Sullivan, the highly respected Jesuit theologian, in his widely read book *Magisterium* (1983), reports that 'the more common opinion among Catholic moralists today' (page 151) is that no moral norm could be infallibly declared to bind all Catholics because there is no such thing as 'a norm which, at some point in history, can be so irreversibly determined that no future development could possibly call for the substantial revision of this determination'. Obviously, what Sullivan wants to do, arguing as an expert in ecclesiology and appealing to his colleagues in moral theology, is to exclude the very possibility of a so-called infallible determination of a

moral norm (contraception, as it happens) on the grounds that there is no such thing as an irreversible moral norm in the first place.

This is neat. But it is surely going too fast. One may well want to head off an irreformable papal judgment about the evil of contraception—but can one seriously appeal to the non-existence of irreversible moral norms? Are there not moral norms, which it may have taken centuries to discover or decide, but which no future development could conceivably reverse? Is there any society without exceptionless norms (see most recently William Charlton, 'Moral Absolutes', New Blackfriars March 1994, 149-155)? How many ordinary people, blissfully ignorant of papal claims and philosophical theories, and inclined to be sceptical when they hear of them, have any doubt that there are plenty of exceptionless and irreversible moral norms?

Actually, you need not be the Pope to be opposed to consequentialism. Bernard Williams (no papist he!), Professor of Moral Philosophy at Oxford, has been attacking it ferociously for years, as also has Stuart Hampshire (a much underestimated philosopher—again not a believer), each in several well-known books. More recently, in his wonderful book *Good and Evil: An Absolute Conception* (1991), Raimond Gaita (of Swansea Wittgensteinian provenance, philosophically) conducts an extended refutation of consequentialism. His view is that, far from being blind prisoners of consequentialism, ordinary people are resistant to its charms: 'Life remains richer than consequentialists can officially allow and if that is not manifest to them in the study or classroom, then the truthful descriptions of people their characters and actions in—ordinary life will make (perhaps unwitting) non-consequentialists of all but the crudest of them' (page 9).

All three of these fine philosophers make the point, in various ways, that our pre-theoretical moral intuitions can be obscured from us precisely by theory. While the author of the encyclical denies that his purpose is 'to impose upon the faithful any particular theological system, still less a philosophical one' (paragraph 29), some readers believe that that is exactly what he is doing. I have heard it said that the encyclical is imposing 'Polish neo-Thomism' on Catholic moralists.

Maciej Zieba, a young Polish Dominican, says that the encyclical 'manifestly and decidedly distances itself from any association with specific theological systems, let alone with any philosophical system' (page 36)—an assertion that is somewhat weakened by the claim in the next paragraph that the encyclical's 'perspective' is 'Personalism, but with a fairly heavy metaphysical emphasis'. A 'perspective' is a more fashionable thing than a 'system' for a modern thinker to have, of course; but what does the difference amount to in practice? (By the way, who are the theologians at Oxford, Catholic or otherwise, whom Zieba believes to be supporters of 'the theories of the fundamental option, proportionalism and consequentialism'?)

One of the most searching, thoughtful and sympathetic assessments of the encyclical in this book is the one by Oliver O'Donovan, Professor of Moral and Pastoral Theology at the University of Oxford. He welcomes the markedly 'Augustinian' and 'Barthian' emphasis of the encyclical-far more congenial to Protestants than 'the bland Thomistic approach to cultural synthesis which used to be the hallmark of Vatican statements' (page 42). His main doubt, philosophically, is whether, with his emphasis on the rationality of the moral law as something grounded in the human mind, the author of the encyclical might not be far too close to a version of metaphysical idealism, and even a 'radical subjectivity' (page 44), which would be straight Kantian deontology. This would be worth developing. O'Donovan's reading is that, with the stress on moral order in the mind, the encyclical is 'drawing the line against the extremities of idealism from within the idealist tradition'. Anybody familiar with The Acting Person, Karol Wojtyla's principal philosophical work, with its background in Husserlian phenomenology, would not be surprised at this.

But, whatever the author's philosophical background, is the encyclical necessarily imposing any theory of its own at all? It is extremely difficult for us to see how one theory may be set aside without another taking its place. Since the encyclical rejects consequentialism, subjectivism, liberalism, idealism, and what all, it seems that it must be recommending some or all of the conceivable alternative philosophical theories. But supposing that the encyclical is simply clearing away 'certain philosophical affirmations' which are 'incompatible with revealed [and indeed any] truth'?—as we are told (paragraph 29). Does clearing away one philosophical theory necessarily involve endorsing or installing the alternative or opposing theory?

This is a serious issue within philosophy, quite independently of what is going on in the encyclical. Stuart Hampshire and Raimond Gaita, no doubt because of their Wittgensteinian inheritance, argue that, on some occasions at least, philosophical work clears away a lot of misconceived theory but without necessarily replacing it by a supposedly better theory. Of course, as they say, when you attack a consequentialist, he will assume that you are proposing an alternative thesis. That is to say, he will require you to produce arguments in

favour of your 'theory' that there are or might be 'utterly forbidden types of conduct' (in Hampshire's phrase), independently either of how out of proportion they are or of what their consequences might be. But Hampshire's line is that, if you think 'theory' comes in at this point at all, you are already philosophically confused. For Hampshire, 'certain fairly specific types of sexual promiscuity, certain taking of property, disloyalty, cowardice', etc. are 'ruled out because they would be disgusting, or disgraceful, or shameful, or brutal, or inhuman, or base, or an outrage' (see Morality and Conflict, 1983, page 89). The utilitarian will not deny that-but he will argue that the sense of outrage is just a primitive pre-theoretical reaction. That is to say, when you think about it you will realize that the strength of feeling associated with the taboo ought only to be proportional to the estimated harm of the consequences. What Hampshire, Gaita and others, want to show is that, in 'the primitive moral response of an uneducated man', there are certain 'injunctions' which 'need not be inferrable from a few basic principles, corresponding to the axioms of a theory'.

Of course, this is open to dispute and much more needs to be said. But Hampshire's line is that, in our post-Enlightenment culture, our model of rational reflection depends upon a contrast between prescientific savages who are governed by strict moral taboos and intellectually-evolved people like ourselves, emancipated from such irrational bonds and able to start again with clear reasoning about consequences. He allows that the range of utterly forbidden types of conduct will differ significantly from one culture to another-though not as dramatically and incommensurably as some theorists claim. But. like William Charlton cited above, Hampshire finds it incredible that there are, or ever could be, human societies in which a great deal of behaviour is not ruled out as being 'intrinsically disgraceful and unworthy'-and ruled out for that reason alone -that is to say, requiring no further description to qualify it as unacceptable. Disgusting, brutal, shameful, inhuman, or base actions will no doubt often have bad consequences or be 'out of proportion' but, on Hampshire's view, there is something philosophically confused about some one who needs such proportionalist and utilitarian reasons before being able to understand why this or that type of behaviour is in the category of 'the morally impossible'.

So it seems possible, at least, that all the encyclical is doing (in the monotonous repetition of the phrase 'intrinsically evil') is clearing away what Bernard Williams would call the 'shallow' ethical theory of consequentialism to allow people to get back to 'intuitively accepted and unconditional prohibitions' (Hampshire's phrase). 'We bring the

language back from metaphysical applications to the game where it has always been at home', or words to that effect (Wittgenstein, *Investigations*, paragraph 116). That would mean, not that the encyclical was commending or imposing some other moral theory (Thomism, Kantian deontology or whatever), but simply returning us to something that is prior to all such abusive theorizing—to the recognition of the moral outrageousness of certain types of behaviour.

We need no proportionalist or consequentialist theories to generate or justify our disgust at cannibalism or our revulsion at slavery. Of course, it took centuries to discover (partly by argument) that such practices are 'intrinsically evil'. Thomas Aquinas, for example, never supposed that such moral norms popped up spontaneously and ubiquitously in the minds of human beings independently of the historical communities in which they were educated. His discussion of natural law is shot through with references to education in virtue. He did not suppose that the prescriptions of the moral law had to be evident to the untutored and empty minds of randomly selected individuals. But if moral norms, once historically determined, are yet never irreversible, as Francis Sullivan quotes Catholic moral theologians as maintaining, what conceivable cultural, political, ecological or physiological changes might there be in the future which would lead human beings to believe (say) that cannibalism and slavery were (after all) perfectly acceptable and innocuous practices-even good?

Thus, the anti-consequentialist thrust of the encyclical is not unfamiliar to readers of such philosophers as Bernard Williams, Stuart Hampshire and Raimond Gaita. One of the striking differences between the encyclical and their writings on the other hand, is their very much richer moral vocabulary. With its monotonous appeal to an all-purpose undifferentiated notion of 'evil' (malum in the Latin) the encyclical paints a very flat and grim picture of the moral life. You don't have to be a rampant consequentialist to be uncomfortable when you realize that a fourteen-year-old boy's indulgence in self-abuse would be regarded as 'evil'. If that is 'evil', you surely want to say, then what words do we have to describe the monstrous and wicked policies and practices about which we read in the newspapers every day? On the other hand, there can be few if any parents, however 'liberal', who would deny that their son's habitual masturbation (say) is anything other than 'stupid', 'tacky' something they certainly hope he will grow out of. Since the Latin for something malum covers anything from something defective, unfortunate and improper, right through to something mischievous, hurtful and wicked, it is a strangely, even alienatingly, unreal and inhuman picture of the moral life that the encyclical insinuates.

If the encyclical is, as some hope and many fear, preparing the way for infallibly declaring certain contraceptive practices within marriage to be intrinsically evil, then there really has to be a great deal more sensitivity to the immense range of our moral vocabulary. In fact, the most likely effect of such a decree on the majority of ordinary Catholics would be finally to discredit the whole idea of irreformable papal judgments. *Some* manifestations of authority cut the ground from under people's respect for that authority. But quite a lot of people, promiscuous heathen as well as good Catholic couples, might well describe barrier methods of contraception (say) as regrettable, intrusive, displeasing, and suchlike, but balk at calling them 'evil'.

Mary Tuck, self-described as 'an ordinary lay Catholic' but also a criminologist and social scientist, clearly believes that, in Britain at least, people retain a sense that certain actions are 'just wrong'-- 'not allowable'-however relativist our culture, however pervasive utilitarian morality (page 47). Perhaps she is an optimist. She finds the encyclical 'accessible, clearly argued and poetic'. Doubting if the clergy have much idea 'just what heroism it takes to be a Catholic anyway and what constant daily heroism is practised by the ordinary people in the pew' (page 50), she welcomes the encyclical-'far indeed from the cosy banalities of Western happy-clappy social Christianity'. (T.S Eliot, 'Thoughts after Lambeth' (1931): 'You will never attract the young by making Christianity easy; but a good many can be attracted by finding it difficult: difficult both to the disorderly mind and to the unruly passions'.) But she finds the notion that contraception is evil simply unbelievable. To insist on that would 'damage those very concepts of absolute morality which the Church is so anxious to promulgate and which the world so needs'.

Lisa Sowle Cahill welcomes the assumption in the encyclical that 'the natural law involves universality'—is 'inscribed in the rational nature of the person'—and 'makes itself felt in all beings endowed with reason and living in history' (page 51). As she says, this conflicts with the growing call in much feminist theory to reject the Enlightenment, universal principles, reason, logic and so forth, as irredeemably 'patriarchal'. For all that, she regrets the absence in the encyclical of any real understanding of women's point of view about moral education, sexuality, the body, and so on, about which the Pope writes so passionately. She also thinks that the encyclical treats moral acts as if they were not the acts of human beings in the hurly burly of life. We reject some decisions and practices as morally abhorrent—which she

Herbert McCabe argues that the encyclical 'is still trapped in a post-Renaissance morality, in terms of law and conscience and free will'. He regrets that it does not tap the resources of the Aristotelian tradition, as inherited and transformed by St Thomas Aquinas. It is only in the last twenty or thirty years that philosophers, at least in the Anglo-American tradition, have rediscovered Aristotle's emphasis on the virtues. When I first studied moral philosophy, some forty years ago, at the University of Aberdeen, the choice was between utilitarianism and Kantianism. The return to Aristotle, and increasingly to St Thomas Aquinas, opens the way to an ethics based neither on maximizing happiness nor on duty for duty's sake but on virtue—not on principles, then, but on character—on people. Donald MacKinnon, my professor, took his stand with Kant—but not before he had spent the whole of the first term trying to get us to understand utilitarianism as sympathetically as possible.

The moral crisis within the Catholic Church may well be beyond resolution. Bringing in the Thomist emphasis on virtue ethics might have reminded the author of the encyclical that Catholic moral theology cannot be isolated from casuistry, the much misunderstood and maligned tradition in which pastors and counsellors, and above all ordinary people, test their deepest moral convictions in the dilemmas and tragedies of everyday life. But if the encyclical had devoted some attention to exploring and explaining in an irenic and positive spirit the attractions of the moral theories it condemns it might have offered something to the resolution, rather than simply to the deepening, of the present conflict over moral theology within the Catholic Church.

¹ Understanding Veritatis Splendor: The Encyclical Letter of Pope John Paul II on the Church's moral teaching, with comment and analysis, edited by John Wilkins. London; SPCK, 1994.