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Grounds and Preparations for the Main Thesis of «Veritatis Splendor»

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JOHN FINNIS

GROUNDS AND PREPARATIONS FOR THE MAIN THESIS OF *VERITATIS SPLENDOR**

Abstract. Having set out in some detail the central teaching of the encyclical *Veritatis Splendor* – on exceptionless moral norms – this paper outlines some of the preparatory work done by the International Theological Commission in a document which, though adopted with virtual unanimity by the Commission, remains unpublished because it so closely preceded the encyclical. In a third section, the paper recalls relevant teachings of Vatican II and of the Holy See that the ITC document recalled in support of its thesis. The fourth section of the paper offers some further reflections on the encyclical, its foundations and its significance.

Keywords: object of the human act, negative moral precepts, intrinsically evil acts, moral absolutes, the Church's moral teaching

The preparation and promulgation of the Encyclical Letter *Veritatis Splendor* on the Feast of the Transfiguration, August 1993, six years and one week after he had made public his intention to do so in August 1987, was one of the most significant and profoundly deliberated acts of Pope John Paul II. And it is for me a special privilege to have been invited to join in your reflections, here in his homeland. I have chosen to offer a few reflections of my own on the Encyclical's central theme and main thesis, and to say something about the background to the Encyclical's articulation of that thesis.

* All the footnote references as well as the bibliography have been added by the editors.

Although I was not among those whom the Holy Father consulted in preparation for the writing of the Encyclical, or assembled to participate in his composition of it, I was a member of the International Theological Commission when it decided, in October 1986, at the suggestion of its first two lay members (Professor William E. May and myself) that one of the Commission's topics for investigation during the following five years be *Principles and Absolute Norms in Morality*. In December 1990, the Commission adopted, *in forma specifica* (that is, with detailed approval) and with near unanimity, a Document, 66 pages in English, 68 in German, under that title. By the decision of the Commission's President, Cardinal Joseph Ratzinger, the Document has remained unpublished; it was judged that its publication, so close to the anticipated Encyclical on the same topic, would generate distracting and unfruitful attempts to compare the wording of the two documents. But, without purporting to publish any part of it, I shall use my own words to follow the course of a central part of its main reflections on what was also the Encyclical's main theme.

I

Near its end, *Veritatis Splendor*, as is well known, identifies its own main theme. Section 115, addressed specifically to Bishops, says that "the teaching which represents the central theme of this Encyclical and which is today being restated with the authority of the Successor of Peter" is that there are "intrinsically evil acts" prohibited "always and without exception." That is to say: Some kinds of chosen action are always wrong; nothing can make it right, for example, to kill the innocent or to commit adultery. But certain theories encountered, as sec. 4 says, even in seminaries and in faculties of Theology deny that there are any intrinsically evil acts, and the Encyclical declares in sec. 62 that such theories "must be rejected as erroneous." John Paul II makes it clear that the error is not merely a philosophical or theological error, and that these theories are also "incompatible with revealed truth" and thus with Catholic faith: see sec. 29, and further secs. 49, 52 and 81.

A few more words of clarification of this central thesis. Intrinsically evil acts are excluded by negative moral precepts (or norms, using the

word “norm” as synonymous with “precept”). The relevant precepts do not say that it is wrong to act contrary to a virtue – for example, to kill unjustly, or to engage in unchaste intercourse. Rather, these precepts exclude, without exception (as secs 52, 67, 76 and 82 say), “specific”, “concrete”, “particular” *kinds of behavior* (see secs 49, 52, 70, 77 and 79–82). These kinds of behavior – for example, doing something in order to bring about the death of an innocent person, or engaging in sexual intercourse despite the fact that at least one of the acting persons is married to someone else – are excluded by the relevant negative moral precepts without first being identified by their opposition to virtues.

We should be clear, moreover, that in speaking of *behavior* the Encyclical does not mean behavior which might be done even by someone incapable of making a free choice. Rather, in explaining what is meant by “the object of a given moral act”, the Encyclical (sec. 78) makes it clear that when speaking of *behavior* it means precisely the possible object of deliberate or free choices: “In order to be able to grasp the object of an act which specifies that act morally, it is therefore necessary to place oneself *in the perspective of the acting person*. The object of the act of willing is in fact a freely chosen kind of behaviour. (...) By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.”

In short: behaviour is of a morally relevant kind in virtue of the description it has in the deliberation of a person who could choose to do it. And it is with this understanding of the terms *kind of behaviour*, *human act*, and *object of the human act* that the Encyclical insistently recalls that there are “acts which in the Church’s moral tradition, have been termed ‘intrinsically evil’ (*intrinsece malum*); they are *always and per se*, in other words, on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances.” (sec. 80; also sec. 81)

The Encyclical’s main conclusion and central teaching, then, is: “One must therefore reject the thesis, characteristic of teleological and proportionalist theories, which holds that it is impossible to qualify

as morally evil according to its species – its “object” – the deliberate choice of certain kinds of behaviour or specific acts, apart from a consideration of the intention for which the choice is made or the totality of the foreseeable consequences of that act for all persons concerned.” (sec. 79; also sec. 82)

The reference to “teleological and proportionalist theories” is to theorists who argue that there are no *intrinsically* evil acts or kinds of acts, because in certain circumstances the harms that such acts or kinds of act do are offset or outweighed by other factors which make the choice less bad than its alternative and, therefore, morally acceptable. These other factors are called by some of these theorists the “proportionate reason” for choosing such an act, and such a choice, they say, has as its *telos*, its goal, the attaining of greater good or at least the lesser evil.

Against such a proposal to determine “proportions” among the “pre-moral” goods and evils expected to result from a choice, *Veritatis Splendor* points out “the impossibility of evaluating all the good and evil consequences and effects” by any rational “weighing” or “measuring” (sec. 77). The goods and harms which are intrinsic to persons and their communion only begin in this life, and simply cannot be weighed against one another rationally but without reference to moral standards, as proportionalists propose. Human providence can never soundly conclude that a choice to kill an innocent person or to engage in adultery will result in less harm than the choice to refrain.

As the Encyclical explains, “the negative moral precepts...prohibiting certain concrete actions or kinds of behaviour as intrinsically evil” (sec. 67) protect the dignity of the person and are required by love of neighbour as oneself (see secs. 13, 50–52, 67, 99). Intrinsically evil acts directly violate (see sec. 75) and “radically contradict” (sec. 80) what sec. 13 calls “the good of the person, at the level of the many different goods which characterize his identity as a spiritual and bodily being in relationship with God, with his neighbour and with the material world” (see also secs. 78–80). One cannot respect the good of persons without respecting the goods intrinsic to them, that is, as sec. 67 puts it “the goods ... indicated by the natural law as goods to be pursued”, that is, as sec. 79 puts it, the “personal goods ... safeguarded by the commandments which, according to St Thomas, contain the whole natural law”

(see also secs 45, 72 and 78) – goods such as sec. 13 recalls: “human life” and “the communion of persons in marriage”. So, as sec. 48 puts it: “The primordial moral requirement of loving and respecting the person as an end and never as a mere means also implies, by its very nature, respect for certain fundamental goods.” (See also sec. 50.)

Proportionalism and similar theories also overlook a fact more than once recalled in *Veritatis Splendor*, a fact central to the philosophical work of Karol Wojtyła on the act of the person. In choosing to do acts of the kinds identified by the Christian and central philosophical tradition as intrinsically evil, one is not merely choosing to produce the changes sec. 71 calls changes “in the state of affairs outside of” the will of the acting person – “transitive” effects in Wojtyła’s technical terminology. One is also making what sec. 65 calls “a *decision about oneself*” – an “intransitive” effect – one is constituting oneself the sort of person who does such things. Unless one repents, the consequences of such self-determination continue into eternity. Even the this-worldly implications of forming such a willingness, and of other persons’ approving of it, entirely elude all proportionalist or consequentialist efforts to weigh and assess, by reason and without decisive appeal to moral principles, the balance of “pre-moral” good and bad consequences of the choice.

II

The International Theological Commission’s Document on Principles and Absolute Norms in Morality framed the whole question by its initial review of the contemporary debate, philosophical and theological, about moral absolutes. This dialectical and analytical review occupies the first third of the Document. Central to the remaining parts of the Document is a 15-page chapter on the relevant development of doctrine. Since nothing in *Veritatis Splendor* corresponds closely to this, yet everything in the Encyclical presupposes the sources reviewed in that chapter, I shall follow its course in, as I said, my own words, and making my own selection.

What the Apostles have handed down to us includes, as the Second Vatican Council’s great Dogmatic Constitution on Divine Revelation, *Dei Verbum*, states (DV 8.1), “everything which contributes to holiness

of life (*ad ... vitam sancte ducendam*)". And this essentially Scriptural tradition "develops...in the Church; for understanding of the realities and words handed down increases, through contemplation and study of believers keeping these things in their hearts ..., through their intimate understanding of experienced spiritual realities, and through the preaching of those who by episcopal succession have the sure charism of truth" (DV 8.2). The things thus "experienced" and "kept" in their hearts by the faithful include the norms written on the hearts, the conscience, of every human person (Romans 2: 14–15). For God confirmed these norms as commandments of the Old Law, and Christ reaffirmed them in response to the rich young ruler's question (in *Matthew* 19 and its parallels) about the conditions for gaining eternal life. John Paul II memorably recalled that response, for example to the young people of France in his dialogue with them in the Parc des Princes in Paris on Sunday 1st June 1980 (on the very eve of his memorable address of 2nd June to UNESCO, in Paris, about the enduring validity of the nation). In the response, Our Lord recalls people to the goodness of human nature as it was created in the beginning, as he stated in the discourse on divorce recounted a few verses earlier in the same chapter 19 of *Matthew*, and by Paul in his letter to the Romans 1: 19–32, a few verses before the famous teaching of the Apostle to the Gentiles about the commandments written on the hearts even of those who know nothing of the revealed commandments of the old Covenant with Israel. These commandments, as Christ's answer to the young man indicates, mark out the way to life in the eternal kingdom precisely by articulating some implications of that love of God and neighbour as oneself without which no-one can be holy and perfect as the Lord is holy (Matt. 19: 16–17, 19; 22; 37–39; cf 5: 48; 1 Peter 1: 14–16).

For the apostolic and second-century Church fathers, the morality that is also faith in action does indeed centre on holiness of life. Seeking the right relationship between eschatological expectation and daily life, between Judaism, Christianity and the Hellenistic world, between grace and law, faith and works, between love and obedience, and between flesh and spirit, these early witnesses to the apostolic tradition manifest a significant unity among many differences. Some of them thematise the Christian life as an imitation of Christ, others do not. Fear of the

Lord, scarcely mentioned by some, is for others the primary source of Christian wisdom. Some present a morality of commandments, others rather a morality of virtues. But for the whole set of early patristic writings, moral life is to be an acknowledgment of God, of his holy will and mind and commandments – the moral commandments, which all survive Christ’s abrogation of the judicial and ceremonial precepts that made up the vast bulk of the Old Law.

This acknowledgement of the commandments is to transcend formalism and legalism; decisions and actions are to flow from love of God (which means willing that his will of what is truly good should be done) and love of neighbours, which means that their true good should be realized. Moreover, even those fathers who espoused a morality of *virtues* are unanimous in teaching the *foundational* character of the commandments of Christ. As Ignatius of Antioch writes to the Ephesians on his way to martyrdom in Rome in 118 AD, we are “God-bearers . . . , Christ-bearers, bearers of holiness, adorned in all respects with the commandments of Christ”². And, as Pope Clement had already written to the Corinthians in the last decade of the first century, Christ’s commandments include the commandments of the Decalogue, now written on the tablets of hearts. The oldest surviving Christian apologia, which Aristides of Athens presented to the Roman Emperor, probably Hadrian around 125 AD, celebrates the affirmative Christian virtues – doing good to enemies, gentleness, reasonableness, liberality, care of strangers, honour to parents, love of neighbour. But its account of Christian *praxis* begins: “Christians have the commandments of the Lord Jesus himself impressed upon their hearts, and they observe them, awaiting the resurrection of the dead and the life of the world to come. They do not commit adultery or fornication, nor do they bear false witness, or covet the goods of other men.”

And it ends: “For the sake of Christ they are ready to lay down their lives. They keep his commands without wavering, living holy and just

² Ignatius of Antioch, *The Epistle of Ignatius to the Ephesians*, <http://www.early-christianwritings.com/text/ignatius-ephesians-roberts.html> [accessed 18 March 2015].

lives as the Lord God commanded them; and they give thanks to Him every hour.” (Apology 15).³

In the case of certain commandments, this call for unwavering adherence will be reflectively articulated by the tradition in terms of their *exceptionlessness*. This developed articulation of what was handed down from the beginning will be guided by the conviction that Christian life, directed by faith, conformable to the commandments of Christ, and fitted for life everlasting, is a *pattern of reasonable action*. In saying this, we use the formulae of Clement of Alexandria’s great work on actions, the *Paedagogus*, written just before the end of the 2nd century. In the patristic tradition’s growing comprehension of that patterning of reasonable actions, reflection on adultery and fornication and on martyrdom will have a strategic place, just as they did in Aristides’ apology.

This strategic place is evident in the text which will prove to be the classic early articulation of the reflective theological category: intrinsically evil acts, acts per se wrongful, never in any circumstances to be chosen and done. This classic text is Augustine’s *Contra Mendacium*, written in 420 AD against the activities of Catholics who infiltrated heretical circles with the purpose of discovering and later denouncing secret heretics whose activities were a menace to the community. The opening page formulates the core of Augustine’s response: the zeal to overcome heresy is admirable, he says, but unearthing heretics by lying amounts to saying “Let us do evil that good may come”, something which, he says, “you see how the Apostle Paul detested.” Augustine is referring to Romans 3: 8, of which in due course his treatise will give a careful and responsible exegesis. What is important about the treatise for us, as for the tradition in its development, is Augustine’s argumentative strategy in addressing the controverted and difficult question of lying. The strategy starts from a truth that he and his audience and readers take to be unchallenged and, within Christian faith, unchallengeable: adultery is *universaliter* wrongful, even when done for some great good such as salvation, or saving someone from death. Augustine’s confidence in appealing to a *sensus fidei* that adultery is never permissible constitutes

³ *The Apology of Aristides the Philosopher*, <http://www.earlychristianwritings.com/text/aristides-kay.html> [accessed 18 March 2015].

an interpretative resource when assessing scriptural and early patristic texts which do not explicitly *say* that the norm condemning adultery is exceptionless.

And Augustine also observes that the opinion that some proportionately grave purpose (he calls it *compensativum*) – some purpose such as saving life or preventing others from sinning – could justify lying or adultery is an opinion that dishonours the holy martyrs and makes nonsense of their martyrdom. For they could have avoided martyrdom by a false, merely verbal denial of their faith (preserving, they would hope, the truth of faith in their heart). Augustine’s argument confronts opinions current in his day: the opinion that “no deed is so evil that one ought not to do it if doing it will avoid a greater evil”; and the further opinion that “what one does”, that is, what one is responsible for, “includes not only what one actually performs but also what one willingly allows” (in the extended sense of “willingly” in which the martyr accepts death willingly rather than do wrong). Thus Augustine seems aware of the thesis – incompatible with his own – that no act can be judged wrong until one has measured the totality of goods and bads involved in the act and its consequences, and has weighed that totality against the totality of goods and bads involved in alternative options. That amounts to the thesis that one cannot judge an act or kind of act wrong by reason of its object, but only by considering its object and its further intention or purposes and the circumstances such as its likely consequences. These are, as I said, theses opposed by Augustine. But part of his importance to the tradition is his lively and acute awareness, not only of how hard it can be to identify precisely each particular norm’s true scope, the true definition of each *opus per se malum*, but also how hard it can be to see the point, the good, the reasonableness of refusing to choose such an action. “I am moved by these objections exceedingly”, he says (*Contra Mendacium* 36). His response depended not only upon his rigorous rational dialectic with the objectors, but also – and foremost – on setting before his eyes the figure of Christ, and of the heavenly city (33, 36).⁴

⁴ Augustine of Hippo, *To Consentius, Against Lying*, <http://www.newadvent.org/fathers/1313.htm> [accessed 18 March 2015].

A little over 700 years later, in the second quarter of the twelfth century, Peter Abelard argued, ambiguously, that human behaviour is indifferent and that thus the morality of acts depends entirely on intention (that is, on the will's purpose or *finis*). Abelard was understood to be asserting that there are no specific moral absolutes, and the reaction was swift. The theological response crystallises within a decade or two, in book II of Peter Lombard's textbook the *Sententiae*. Against Abelard, the Lombard Bishop of Paris's book sets a citation, quotation and paraphrase of the passage in which Augustine speaks of *opera per se ipsa peccata* – actions that are in themselves, *per se*, wrongful [sins] – and the injunction to take this passage very seriously. Lombard inferred and stated that the wrongfulness of such acts is not *ex fine et voluntate* – is not by reason of the acting person's intent, purpose, or will. And precisely here we have an ambiguity which St Thomas, in commenting on Lombard a hundred years later, resolves by making a distinction. He distinguishes – and this is as important for us today to understand as it was for St Thomas's readers – between willing (*voluntas*) as intending an end, and willing (*voluntas*) as choosing a means (the acting persons' more immediate purpose). Where an action is wrong of its kind, *per se*, or *de se*, or *in se*, what makes it wrong is the acting person's choice (*electio* or *voluntas eligens*), that is, his immediate purpose (*objectum proximum* or *finis proximus*), and to say that the act (or any act of this kind) is *per se* wrongful is simply to say that it cannot be made right by the goodness of the acting person's further intention(s), his *finis ulterior* or *finis ultimus*. Provided the will as choosing means is not overlooked, we can rightly say that the exterior act's wrongness and badness derives *entirely* from badness and wrongfulness of the will. (*In II Sent.* d. 40 q. un., a. 2c; also *Summa Theol.* I–II q. 20 aa. 2–3, adding the precision that the will's goodness or badness, in turn, is measured by reason.)

This clarification of Lombard (not to mention Abelard) advances the tradition's reflective understanding of the structure of human choice and action. An accurate understanding of that structure is, in fact, essential to the understanding and authentic development of the tradition. Also of great importance is the asymmetry which Aquinas points out in this context, the asymmetry between the goodness of acts and their badness, that is, between their being right and their being wrong. An act will be

good (right) only if its immediate *and* its ultimate purposes are good *and* the circumstances are appropriate. But it will be bad (wrong) if defective in *any* of these respects. One need not and should not continue deliberating about an option once one has noticed that it involves choosing an act *per se malus*.

Peter Lombard and St Thomas Aquinas each intended to sum up and clarify the whole tradition on these matters, and the position reached by Aquinas is in its essentials peacefully accepted by Catholic theologians down to 1965. There were to be vigorous fourteenth/fifteenth-century debates around the assertion of Duns Scotus that the acts excluded from Christian life by the second table of the Decalogue (and by the natural law in a broad sense) are morally wrong not *ex solo objecto*, by reason simply of their objects, but rather in virtue of the fact that to the objects that specify those acts God has affixed his commandments, his prohibitions – commandments which, on this view, are no doubt very consonant to necessary practical principles but do not promulgate necessary truths of practical reason and therefore could be dispensed from by God (and sometimes, under the Old Covenant, were so dispensed from). On this matter, Francisco Suarez and very generally the post-sixteenth century theological schools hold to the Thomistic position, that these commands of the Decalogue are not only both revealed and natural, but are also so necessarily consonant to human nature and reason that God, who cannot set aside his wisdom, can make no real dispensation or exception from them, though he can in singular ways change the circumstances of their application. This debate at all times left untouched the position that a good intention, directed by human expectation of achieving some good or an overall better state of the world, can never make right and good the choice of an act *per se* (or *de se*, or *in se*, or *secundum se* or *intrinsece*) evil – wrong by reason of its object, whether intended as an end or rather as a means.

III

And so we come to the more proximate grounds and preparation for the main thesis of *Veritatis Splendor*, and firstly to relatively recent teachings of the Church's magisterium. The Second Vatican Council,

though aware of what a rightly motivated forcible defence of justice may need in order to succeed, taught nonetheless, in its Constitution *Gaudium et Spes*, that “every act [*omnis actio*] of war directed indiscriminately to the destruction of whole cities or wide areas and their inhabitants is a crime against God and man, to be condemned firmly and without hesitation” (GS 80.2). This statement of a universal principle of the “natural law of peoples [*ius naturale gentium*]” illustrates the Council’s teaching (a few sections before (in GS 74.5)) that the defence of rights has limits, limits traced by the *lex naturalis et evangelica*. *Gaudium et Spes* gives an example of these limits, and it does so by referring to a course of conduct the *object* of which is specified in morally neutral terms: “actions by which, deliberately and methodically, a whole people, nation or minority are exterminated”. The human goods and evils involved in such actions defy the calculations of those who do them on the pretext (perhaps in good faith) that they are the lesser evil or will achieve the greater good. For as the Council teaches in an earlier section of *Gaudium et Spes*, a section (GS 27.3) which the Encyclical will quote at some length, such actions “vitiare those who do them more than those who suffer the wrong.”

After the Council, Paul VI authoritatively confirmed the *General Catechetical Directory* (1971) which the Second Vatican Council’s Decree on Bishops had directed be prepared. The *Directory* calls amongst other things for the conscience of Christians to be educated not only about the objectivity (truth) of the whole moral law, but also (sec. 63) about the existence of norms which are “absolute, that is which bind in every case and all people. That is why ... the martyrs suffered even torture and death rather than deny Christ”. In 1975 Pope Paul also authorised the declaration *Persona Humana* On Certain Questions regarding Sexual Ethics. Here the Congregation for the Doctrine of the Faith declared to be in error “those who today assert that one can find neither in human nature nor in the revealed law any absolute and immutable norm concerning particular actions other than that which is expressed by the general law of charity and respect from human dignity.” For “the Church throughout her history has always considered that certain precepts of the natural law have an absolute and immutable force, and that their violation contradicts the doctrine and teaching of the Gospel.” (*Persona*

Humana 4) The Declaration, like Paul VI's encyclical *Humanae Vitae* in 1968, clearly restated several such norms; others were recalled in the Congregation's declaration *Quaestio de Abortu* (1974) and in its far-reaching Instruction *Donum Vitae*, on Respect for Human Life in its Origin and on the Dignity of Procreation (1987) – against *in vitro* fertilization and other practices which have as their object the generation of a human being in the precise status of a product of a technical making and thus in a position of radical inequality, the inequality of product to producer, contrary to what the Instruction (sec. I.1) calls the “absolute respect owed to the human being by virtue of the moral law.”

Donum Vitae was preceded, in John Paul II's magisterium, by his Apostolic Exhortation *Reconciliatio et Poenitentia* (December 1984). In sec. 17, the Pope writes: “some sins are intrinsically grave and mortal by reason of their matter. That is, there exist acts which, per se and in themselves, independently of circumstances, are always seriously wrong by reason of their object.”

Notice the precise and illuminating observation that to speak precisely of the “matter” of an action is simply to speak of its “object” – it is referring not to its physical or behavioural structure or pattern or causality, as such, but to its close-in intention, that is, to the set of means conceived and described in the deliberations of the acting person, and chosen by him for their efficacy as means. “These acts [wrong by reason of their object], if carried out with sufficient awareness and freedom, are always gravely sinful This doctrine, based on the Decalogue and on the preaching of the Old Testament, and assimilated into the kerygma of the apostles and belonging to the earliest teaching of the church, [is] constantly reaffirmed by her to this day”

It was reaffirmed by John Paul II in his address to a congress of moral theologians in November 1988: “The existence of particular norms regarding man's way of acting in the world, which are endowed with a binding force that excludes always and in whatever situations the possibility of exceptions, is a constant teaching of Tradition and of the Church's Magisterium which cannot be called in question by the Catholic theologian.”⁵

⁵ John Paul II, *Address to Moral Theologians*, 12 November 1988, par. 5; *Acta Apostolicae Sedis* 81, Vatican 1989, 1206–1211.

The preceding two sentences had recalled that by describing a type of act as “intrinsically illicit, Paul VI [in *Humanae Vitae*] meant to teach that the moral norm is such that it does not admit exceptions.” The type of act (and the moral norm excluding it) primarily under consideration in the document of Paul VI referred to here by John Paul II is the same as the type of act (and the moral norm excluding it) under consideration in the latter’s earlier Apostolic Exhortation *Familiaris Consortio* in 1981, where he distinguished such norms from any mere “ideal to be realised in the future”; such a norm is not only a norm of the plan and law of God, but also is to be considered a command of Christ the Lord to overcome difficulties: “and so what is known as ‘the law of gradualness’ or step-by-step advance cannot be identified with ‘gradualness of the law’, as if there were different degrees or forms of precept in God’s law for different individuals or situations” (sec. 34).

Looking back over nearly two millennia of development, we can see that a set of *intrinsece mala*, of intrinsically wrongful kinds of act, is identified by the theological teaching and the equivalent episcopally approved pastoral preaching and practice of recent centuries, and in the particularly insistent and specific teaching of the recent and contemporary papal and conciliar magisterium. And we can see that this set differs only in some developments and elucidations from the list offered to catechumens in the *Didache*, 2. 2–3 in the form of the Decalogue commands with explicitations: “You shall not murder. You shall not commit adultery. You shall not seduce boys [a norm which we find also in Clement of Alexandria’s explicitation in his decalogue list]. You shall not commit fornication [a norm we find also in the decalogue list of Aristides]. You shall not steal. . . . You shall not procure abortion, nor destroy a new-born child [an explicitation also in the decalogue list of the *Epistle of Barnabas* some time before 130 AD]. You shall not perjure yourself. You shall not bear false witness.”⁶

These are just illustrative examples from the first- and second-century lists. To continue the illustration by focussing for a moment on just one of them: just as the *Didache* and the others take the decalogue “Do

⁶ *Didache. The Lord’s Teaching Through the Twelve Apostles to the Nations*, <http://www.earlychristianwritings.com/text/didache-roberts.html> [accessed 18 March 2015].

not commit adultery” as signifying that sexual acts outside marriage are excluded from the Way of Life, so the developed tradition (set forth 200 years ago by St Alphonus Liguori or 40 years ago in *Persona Humana*) treats that commandment as signifying a natural, that is, rational, divine and evangelical principle of a chastity that excludes all seeking of sexual satisfaction outside marriage as *semper intrinsece malum* and therefore forbidden. The intrinsic evil involved, I have argued, is this: approval of such an object of action sets one’s will against the basic human good of marriage, a good which depends on there being a kind of action – the marital act – which signifies (or expresses), actualizes, and enables spouses to experience their marriage, and does all this by excluding every kind of willingness, however conditional, to seek sexual satisfaction in a non-marital sex act. The scriptural, decalogal form – here “Do not commit adultery” – communicates the relevant norms in a compressed and allusive form that is clarified as the tradition reflects on the whole of Scripture and on the principles of practical reason that direct us to the forms of human good that *Veritatis Splendor* will call the fundamental human goods.

IV

At this point, I leave behind the course of reflection followed by the International Theological Commission in 1990, and turn back more directly to *Veritatis Splendor* itself. But before I leave the ITC document, I offer two retrospective observations, as one of its authors. First, when referring to the fact that many instances of martyrdom witness to a Christian sense of the truth of moral absolutes, I do not think we were conscious of the need to distinguish between such Christian martyrdom and the martyrdom more often spoken of today, in which followers of another, far-different religion organise themselves for a martyrdom that has two differentiating features: that it is to be accomplished precisely in violating the moral absolute against intentionally killing the innocent, and that it is itself an act of suicide because, although the death of the acting person (the bomber) could be being merely accepted as a side-effect of the murder, it is in fact willed as an at least secondary object, that is, precisely *as a means* to obtaining the special rewards of

such an act. And my second observation is that we did not anticipate that the language of moral “absolutes” would come to be adopted by the European Court of Human Rights and, in the last decade, be seriously misapplied by being extended to include acts defined not by their object (as torture is defined by its object) but by their side effects, that is, by an unintended effect such as the subsequent mistreatment of a deportee by persons wholly unconnected with the departing government and wholly contrary to that government’s desires and purposes. To object to this extension of the term “absolute” is not to say that a legal rule against such deportations in circumstances of known risk of mistreatment is not a proper rule to adopt. It is rather to say that it cannot be regarded as an implication of the moral absolute against torture; and that no rational ethical/moral system of ideas can maintain absolute prohibitions against the incurring of foreseeable risks of side-effects (effects outside the acting person’s objects and intentions), for such prohibitions will inevitably entail simply contradictory obligations, prohibitions impossible of being respected.

Now, to the Encyclical. Like all the post-1968 documents of the Roman Magisterium that I have been recalling, *Veritatis Splendor* was responding to something new in the life of the Church: a formal rejection and denunciation by Catholic theologians of the whole Judaeo-Christian tradition teaching that there are exceptional moral norms and intrinsically wrongful kinds of act – as section 4 says: “A new situation has come about within the Christian community itself (...). It is no longer a matter of limited and occasional dissent, but of an overall and systematic calling into question of traditional moral doctrine.”

Now this formal rejection of moral absolutes, of exceptionless specific moral norms, *might* (could) have emerged, among Catholics, as a response to the desire of political leaders and their people to maintain a counter-population deterrent strategy of annihilating retaliation, or to the desire to lie or torture in military, police and political operations, or to carry out abortions or euthanasia, or to arrange homosexual unions, or to keep slaves, or to produce babies by impersonal artifice. But what in fact precipitated the formal rejection of moral absolutes was the desire to practice or approve contraception. Pope Paul VI’s “birth control commission” recommended, by majority, that the teaching against

contraception be abrogated, on the theory that the relevant moral norm applies only to the totality of marital acts envisaged across the whole lifetime of a marriage. But this theory was quickly seen to be ramshackle and indefensible, and has long been forgotten; it was replaced, to the same end, by general theories of proportionalist or consequentialist or “teleological” ethics. Such theories are vulnerable to philosophical critique, as much philosophical writing in English since the late 1950s makes clear; I offered my own versions of some of these critiques in my books *Natural Law and Natural Rights* in 1980 and *Fundamentals of Ethics* in 1983, and recalled these in the first two chapters of my little book *Moral Absolutes* (1991), the four public lectures I gave in the Dominican House of Studies for the John Paul II Institute for Studies on Marriage and Family in Washington DC in September 1988.

Veritatis Splendor, quite properly, rejects proportionalist and similar ethics not on the basis of philosophical argumentation (though it is philosophically precise in its articulation and philosophically sound in its conclusions), but on the basis, ultimately, of “the teaching of Scripture and Tradition” (sec. 49). Here in sec. 49 the Pope quotes St Paul’s condemnation, in 1 Corinthians 6: 9–10, of “certain specific kinds of behaviour the wilful acceptance of which prevents believers from sharing in the inheritance promised to them.” Later, in secs. 77 to 83, John Paul II will teach that the objects of these kinds of acts are at odds with “the goods safeguarded by the commandments” (79) and “by their nature ‘incapable of being ordered’ to God, because they radically contradict the good of the person made in God’s image” (80). “In teaching the existence of intrinsically evil acts, the Church accepts the teaching of Sacred Scripture”: the two texts cited here in sec. 81 are Romans 3: 8 (against doing evil that good may come) and again 1 Corinthians 6: 9–10 (against adultery, theft and fraud, same-sex sex acts, idolatry and several other kinds of act). And sec. 82 concludes that “the doctrine of the object as a source of morality represents an authentic explication of the biblical morality of the Covenant and of the commandments.”

There are theologians, of course, who argue that the prohibitions of Scripture are less absolute than they seem. But, if so, Scripture has been misread by the whole body of the faithful from the beginning until just a few years ago. As sec. 52 concludes, referring to the passage

of Matthew 19: 17–18 which John Paul had explored with the young people of France in June 1980, “Jesus himself reaffirms that these prohibitions allow no exceptions: ‘If you wish to enter life, keep the commandments You shall not murder. You shall not commit adultery. You shall not steal. You shall not bear false witness.’”⁷ There is no doubt about how such precepts have been understood by the universal body of the faithful, and as sec. 109 recalls, quoting Vatican II’s Dogmatic Constitution on the Church *Lumen Gentium* 12, that body of the faithful “cannot be mistaken in belief ... in matters of faith and morals”.

So the Encyclical is in the last analysis not about euthanasia and assisting suicide, nor about killing hostages, nor about sex, but about faith. More precisely, it is about God’s revelation of himself, and about faith both as the communication or handing on of that revelation and as the appropriate response to it.

I would like to add two final thoughts. First: Dissenting positions in contemporary moral theology are implausible unless one presupposes a post-Enlightenment, rather than Catholic, conception of the Bible, and a theory of revelation that precludes the use of revelation as a standard for evaluating theological opinions and contemporary “Christian” experience. Such “reconceptions” of revelation and faith are at least as widespread in Scripture scholarship and fundamental theology (and hence also in moral theology) as dissenting moral opinions are, or have been, among moral theologians. And a most important resultant of these reconceptions is the pastoral silence about death, judgment, heaven and hell. And this silence has in turn a further inevitable result: loss of Christian hope for the heavenly kingdom and for some share in it. Only robust faith in the revelation consummated in the life, death, resurrection, and teachings of Jesus Christ and transmitted by the Apostles will sustain hope for eternal life in the kingdom. The post-Enlightenment reconceptualisations result, then, either in sheer rejection of Christianity, or in the “liberal Christianity” which regards heaven as inevitable if it exists at all: salvation with neither faith nor works. One cannot *hope*

⁷ John Paul II, *Message to the French youth*, Paris, 1 June 1980, http://w2.vatican.va/content/john-paul-ii/fr/speeches/1980/june/documents/hf_jp-ii_spe_19800601_giovanidi-francia.html [accessed 18 March 2015].

for something one regards as inevitable if it exists at all. And one who shares these widespread practical assumptions can make no sense at all of Christ's response to the rich young man's question about eternal life (equated by Christ, in this very passage, with being and remaining in the Kingdom); the response could only be a pious deception, a bluff.

And second: In truth, the relation between hope and morality is far deeper than any matter of incentives and deterrents. God's commandments – confirming what is accessible to practical reasonableness even without divine revelation – protect innocent human life and other fundamental goods of persons (secs. 13, 48, 50, 76–78, 79, 90). These are goods meant to last forever as elements in the divine-human communion for which God created humankind. Those who violate such elements of the everlasting kingdom refuse to make themselves ready for that kingdom. By God's gratuitously promised gift, those who respect those fundamental goods in every choice – as the tradition's exceptionless moral norms require – thereby (to use the words of Vatican II's *Gaudium et Spes* sec. 39) build up the material of the kingdom, even when the bad consequences avoidable by, say, choosing instead to kill an innocent seem overwhelming.

But in going beyond what the Encyclical itself teaches and the response it made, truly but not fully completely, to the crisis of morals and faith, I have also gone beyond the proper limits of this address, which set out only to recall a few elements of the grounds and preparations for this great act of teaching and witness.

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