



VERITAS SPLENDOR: THE CASE FOR AN OBJECTIVE MORAL ORDER

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VERITATIS SPLENDOR

The Quest for an Objective Moral Order

INTRODUCTION

The encyclical letter *Veritatis Splendor* was issued by Pope John Paul II on 6 August 1993. In keeping with Church tradition, the title given to the encyclical is its opening words: "*Veritatis splendor...*": "The splendour of truth...". The opening sentence is worth quoting in full in the context of this conference because it is an implicit affirmation of the unity of the sciences: "The splendour of truth shines forth in all the works of the Creator and, in a special way, in man, created in the image and likeness of God".¹ The message of the encyclical is that truth is accessible through knowledge of creation and especially through knowledge of humankind; through a full understanding of human nature we can grasp the most important truths, especially the truths of the moral law. The unity of natural law and divine law is the underlying theme of the document.

I propose to begin by explaining briefly the nature of the encyclical letter and its place in authoritative Church teaching. I shall then deal with John Paul's purpose in writing the encyclical and outline the scriptural setting which he chose to give it. This will be followed by a synopsis of the moral teaching which is put forward. I shall then comment on the historical background to this teaching, particularly in relation to the views of Thomas Aquinas on natural law, discuss the problems of conflict between conscience and Church teaching, and consider issues raised by the principle that it is never lawful to do evil in

order to procure good. I shall conclude by summarising the achievements of the encyclical and the problems with which it leaves us.

NATURE, PURPOSE AND CONTEXT

The encyclical letter is addressed by the Pope to the bishops of the Church. The bishops, together with the Pope as Bishop of Rome, constitute the *Magisterium*, the teaching authority of the Church in matters of faith and morals. This teaching authority is exercised in its fullness when the bishops, presided over by the Pope, make formal pronouncements, as, for example, in the documents of the Church councils. In the hierarchy of authority of Church documents, an encyclical letter comes well below the level of Council documents, which are themselves secondary to sacred scripture. Because full Church councils can be held only infrequently, there is a need for instruments for the clarification and interpretation of Church teaching in the intervals between Church councils. Synods of bishops and the Vatican Curia, including the various bodies known as sacred congregations, contribute to this function. A papal encyclical stands outside of this corporate activity of Church teaching. It is a personal document of the Pope, drawn up, of course, in his capacity as head of the Church and with the benefit of traditional Church teaching and such advice as he may choose to draw upon.

Strictly, therefore, the teaching of the encyclical is the teaching of John Paul II rather than the teaching of the Church. By addressing it to the bishops, John Paul II is seeking to influence and to lead the teaching of the Church, but the encyclical, per se, does not have the kind of authority

vested in a council decree, much less in scripture itself. The credentials of the encyclical are, however, reinforced by drawing heavily upon sacred scripture and on traditional Church teaching, including council documents. While not, therefore, carrying the full authority of Church teaching, it must be seen as a key statement summing up and interpreting elements of that teaching, a statement from the person with the greatest responsibility for defending and promulgating that teaching.

The encyclical differs from the many other statements on moral issues which have been made by Church authorities over recent years. As John Paul notes, these have concerned *many different spheres of human life*. But it is his aim in this document to deal with *the whole of the Church's moral teaching*, to recall "certain fundamental truths of Catholic doctrine which, in the present circumstances, risk being distorted or denied".² The purpose of the encyclical is to combat the view that the Church is "capable of intervening in matters of morals only in order to "exhort consciences" and to "propose values", in the light of which each individual independently makes his or her decisions and life choices".³ The Pope regards the need for this defence as most urgent because of the crisis within the Christian community itself, which is seen to be suffering an undermining of the objective status of the truths of morals. It is a response to what he sees as the rejection, even within the Church, of the traditional doctrine regarding the natural law.

As the primary scriptural basis for the encyclical, John Paul took Matthew's Gospel, Chapter 19, Verses 16-21:

Then someone came to him and said, "Teacher what must I do to have eternal life?" And he said to him, "Why do you ask me about what is good? There is only one who is good. If you wish to enter into life, keep the commandments." He said to him, "Which ones?" And Jesus said, "You shall not murder; You shall not commit adultery; You shall not steal; You shall not bear false witness; Honour your father and your mother; also, You shall love your neighbour as yourself." The young man said to him, "I have kept all these; what do I still lack?" Jesus said to him, "If you wish to be perfect, go, sell your possessions and give to the poor, and you will have treasure in heaven; then come, follow me."

The text is employed to deliver several messages. In the first place, the initial question is portrayed as an appeal to the absolute Good.⁴ The text is seen as showing us that for guidance on this matter we need to turn to a teaching authority - in this case Christ - in our own times the Church.⁵ The answer which Jesus gives is taken to show that moral questions are inextricable from religious ones: "Jesus brings the question about the morally good action back to its religious foundations".⁶

Given this interpretation of the text, one might expect John Paul to go on to read Jesus' answer to the second question ("You shall not murder ...") as, first and foremost, a reference to the commandments received through revelation, that is, the law handed down through the history of Israel. This is not absent from his account, but it comes as a surprise that the *first* reading which is offered is that the reference is to "the law which is inscribed in [one's] heart, the "natural law"", as understood by Saint Thomas Aquinas.⁷ John Paul thus prepares the reader for the emphasis on natural law which is to follow.

Finally, as if to anticipate the concern that observance of the natural law could be nothing more than superficial legalism, John Paul uses the remainder of the text to emphasise the need for

something more than external compliance. Perfection requires that we follow Jesus, it involves "holding fast to the very person of Jesus"⁸, an internal conversion which must touch the depths of our being.

The scripture-based introduction to the document is rounded off with some carefully selected reminders to the bishops. First there is a reminder of the Gospels' warrant for the authority of the Church: "He who hears you, hears me" (Luke 10:16). This is followed by observation that the moral teaching of the Apostles was characterised by "precise rules of behaviour" (*Romans* 12-15; 1 *Corinthians* 11-14, etc.) and a rejection of division among the faithful. In conclusion there is a reassertion that authority in these matters within the Church is vested in the *Magisterium*.⁹ The *Magisterium*, or teaching office of the Church, as pointed out earlier, is, in its fullest sense, the body of the bishops presided over by the Pope. Here, however, John Paul II speaks as if *he* is exercising the *Magisterium*, exercising teaching authority over the bishops. This is not an area in which the Church is noted for the clarity of its thinking, but it is one in which clarity is all-important if the avoidance of division among the faithful, and even among the bishops, is one of its aims.

THE MORAL TEACHING OF *VERITATIS SPLENDOR*

1. FREEDOM.

John Paul sees "a particularly strong sense of freedom" which is part of "a heightened sense of the dignity of human person" as "one of the positive achievements of modern culture".¹⁰ But he

also sees in this a danger to which some have fallen prey. They have exalted freedom to the status of an absolute which then becomes a source of values with the consequence that "the inescapable claims of truth disappear, yielding their place to a criterion of sincerity".¹¹ If freedom is held to have moral autonomy in this sense, he contends, then this amounts to a denial of law and, ultimately, a denial of human nature.¹² "The rightful autonomy of the practical reason means that man possesses in himself his own law", but this is not a law which we create for ourselves; rather it is one which we receive from the Creator.¹³

In developing this notion of moral law into a natural law notion, John Paul relies heavily on Thomas Aquinas. He contrasts the way in which God cares for persons with the way in which the rest of creation is cared for. God cares for persons "not "from without", through the laws of physical nature, but "from within", through reason".¹⁴ Our reason is able to show us the right direction to take in our actions through its *natural knowledge* of God's eternal law. He quotes Thomas: "the light of natural reason whereby we discern good from evil, which is the function of the natural law, is nothing else but an imprint on us of the divine light".¹⁵

Given this very theocentric account of the source of the moral law, one might wonder about the appropriateness of speaking of *natural* law in this context. John Paul says that it receives this name because the reason which promulgates it is proper to human nature. This seems to be linked to the claim that making freedom an absolute leads to a denial of human nature. If each person has absolute moral autonomy then there is no common reference point for human reason - individualism or, at best, relativism results. Whatever might be common between the judgements

of human beings would be accidentally common and not so in virtue of a common human nature. A common human nature consists essentially in a reason which has natural knowledge of objective moral law - of God's eternal law.

An encyclical of 1888 by John Paul's predecessor, Pope Leo XIII, is quoted at length:

... the natural law ... is none other than human reason itself which commends us to do good and counsels us not to sin ... But this prescription of human reason could not have the force of law unless it were the voice and the interpreter of some higher reason to which our spirit and our freedom must be subject.¹⁶

Lest this seem to give human reason too much independence, John Paul goes on to emphasise that access to this higher reason is through Divine Revelation, which is interpreted for us by the *magisterium*. Earlier he spoke with disapproval of the way in which the dependence of human reason on Divine Revelation is disregarded. He stressed the need, given our sinful nature, to rely on Divine Revelation as an effective way of knowing moral truths, "even those of the natural order".¹⁷

John Paul now turns to the charge of physicalism or biologism which is sometimes levelled against natural law ethics as taught by the Church. This charge is brought up in particular in the area of sexual ethics, in which the Church is accused of "presenting as moral laws what are in themselves mere biological laws".¹⁸

Somewhat inexplicably to the present writer, John Paul insists on associating those who make this objection with the view that human freedom is absolute: "In their view, man, as a rational being, not only can but actually *must freely determine the meaning* of his behaviour" (his

emphasis). Some may hold both these views, but there is no evident logical connection between them and there are many who object to this "physicalism" who would reject the view that we either can or must determine the meaning of our behaviour.

John Paul then proceeds to argue that those who take the view that we must determine the meaning of our behaviour end up treating the body as "a raw datum, devoid of any meaning and moral value until freedom has shaped it in accordance with its design".¹⁹ This, he contends, is contrary to Scripture and Tradition; "body and soul are inseparable, in the person, in the willing agent and in the deliberate act, they stand or fall together."

This section of the document is rounded off with a defence of the universality and immutability of natural law. Natural law is universal because it expresses not the values of society or culture, but the dignity of human nature itself. Indeed it is *because* human nature and the natural law transcend culture that cultural progress is possible - this is what frees us from being prisoners of our culture. This is not to deny that "the most adequate formulation" of the natural law for a specific time and culture may be relative. "The truth of the moral law ... unfolds down the centuries ... the norms remain valid in their substance, but must be specified and determined ... in the light of historical circumstances by the Church's Magisterium ..."²⁰

2. CONSCIENCE

In the section on conscience, John Paul continues the assault on the exaltation of freedom to the status of an absolute. The tendencies to exalt freedom "almost to the point of idolatry", he says,

"lead to a *creative* understanding of moral conscience, which diverges from the teaching of the Church's tradition and her Magisterium."²¹ Conscience is not the creator of the moral law, but rather that which leads us to recognise the moral law which commands obedience. This message is reinforced by reference to the teaching of St. Paul in the letter to the Romans (2: 14-15) and the medieval theologian, St. Bonaventure, who taught that conscience commands not on its own authority, but on God's authority.²²

Some authors, he notes, contend that moral norms may have a role in the *assessment* of a situation but they cannot replace the *personal decision* on how to act. In support of this they stress the complexity that is typical of the phenomenon of conscience and they regard the Church's interventions as inhibiting the development of moral maturity and creating conflicts of conscience.²³ Some hold that circumstances may permit exceptions to general moral rules, "and thus permit one to do in practice and in good conscience what is qualified as intrinsically evil by the moral law."²⁴

These approaches are rejected as challenging *the very identity of the moral conscience*. While conscience has an imperative character, derived from the imperativeness of the moral truth which it expresses, John Paul recognises that it is not exempt from the possibility of error. Following tradition, he notes that it can be mistaken as a result of *invincible ignorance*: "an ignorance of which the subject is not aware and which he is unable to overcome by himself". This, however, does not compromise its dignity; only *culpable error* does that.²⁵ We have a duty to fight this ignorance, to *form* our conscience. This requires not only a knowledge of the moral law but also

the development of "a sort of *connaturality*" between man and the true good".²⁶ Moreover, there can be no conflict between what the Church teaches and the well-formed conscience, because the truths which the Church teaches are those which conscience ought already to recognise.

3. CHOICE

In this section, John Paul is concerned to show the error of those who draw a radical distinction between choice as "fundamental option" and choice as particular moral decisions. He accepts that the decision of faith is a fundamental option for the believer but insists that this decision is "linked profoundly" to particular moral acts, it is brought into play only through conscious and free decisions.

To separate the fundamental option of faith from specific moral action and behaviour is to contradict the "substantial integrity or personal unity of the moral agent in his body and in his soul".²⁷ John Paul links this debate with the controversy at the time of the Reformation concerning justification by faith. Quoting the Council of Trent (1545-1563), he reiterates the teaching that faith alone is not sufficient for salvation. Justification can be lost by not living in accordance with the specific rules of the moral law.²⁸

4. TELEOLOGY

Those who regard the fundamental choice as radically separable from concrete decision-making, are portrayed by John Paul as adopting a consequentialist moral assessment of the concrete decisions, that is, whether they are good or bad is to be determined by reference to the

consequences which follow from them. He now devotes a substantial section to combatting the consequentialist or teleological approach.

If acts are to be morally evaluated by reference to their consequences, or their intended consequences, then it would never be possible to formulate an absolute prohibition. Furthermore, this would allow *acts* to be judged as good or bad without it being possible to judge as morally good or bad the *will* of the person acting.²⁹

In assessing our moral acts, it is acknowledged, account must be taken of intention and of consequences, but this is not sufficient: "*the morality of the human act depends primarily and fundamentally on the "object" rationally chosen by the deliberate will*".³⁰ This object is a freely chosen kind of behaviour. There are certain specific kinds of behaviour that are *always* wrong to choose because they are "intrinsically evil" and, as Thomas Aquinas reminded us: "no evil done with a good intention can be excused".³¹

John Paul, therefore, unequivocally rejects the teleological view that it is impossible to specify certain kinds of behaviour as morally evil independently of the circumstances that pertain to an action. Intrinsically evil acts, acts evil of their very nature, *can* be specified. The Second Vatican Council (1962-64), he says, gives several examples of such acts:

Whatever is hostile to life itself, such as any kind of homicide, genocide, abortion, euthanasia and voluntary suicide; whatever violates the integrity of the human person, such as mutilation, physical and mental torture and attempts to coerce the spirit; whatever is offensive to human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution and trafficking in women and children; degrading conditions of work which treat labourers as mere instruments of profit, and not

as free responsible persons...³²

"With regard to intrinsically evil acts", we are also reminded that, in 1968, Pope Paul VI affirmed that it is never lawful to do evil that good may come of it, when speaking with reference to deliberate contraception.

The significance, for John Paul, of the teaching that there are intrinsically evil acts cannot be underestimated. Unless it is possible to affirm that certain acts or kinds of behaviour are evil irrespective of their intention or their foreseeable consequences, he contends, it would be impossible to affirm the existence of an "objective moral order".³³ We shall discuss this view later.

APPRAISAL

1. NATURAL LAW AND THOMAS AQUINAS

Note has been taken of the emphasis which is placed on natural law in the encyclical. When Jesus tells the young man in Matthew, Chapter 19, that "You shall not murder; You shall not commit adultery...", and so on, John Paul interprets this in the first place as reminding the young man of the *natural law* inscribed in our hearts. The whole encyclical, indeed, is intended as a defence of natural law which is seen as under challenge even within the Church (cf. p3 above).

There is, however, a potential conflict here between the role of human reason and the authority of the Church in matters of natural law. Stress is laid, on the one hand, on human reason as "the

voice and the interpreter of some higher reason" and, on the other, on the need for reason to have to rely on Divine Revelation, and therefore on Church authority.

It is held, of course, that the impairment of human reason by sinfulness is a ground for arguing that divine assistance is necessary, but there remain questions about how such assistance might be provided and the extent to which it may be necessary. Perhaps it could, for example, be provided "internally" by grace or illumination, instead of "externally" through an authoritative revelation. The emphasis on the need for the "external" authority of the Church is, of course, characteristic of Catholic theology over the last couple of centuries. The fact that this is a relatively recent development might be said to indicate that there must be an alternate approach, but the expansion of this point would require more space than is available here.

Even within Catholicism, there have been differences of view on the *degree* to which we have to rely on Revelation and authority in moral matters. A follower of Thomas Aquinas wrote of him:

St. Thomas' ethical system is a natural science and not part of theology ... it is based on purely natural principles derived from reason and abstraction, just like mathematics, physics, chemistry, or physiology.³⁴

Taken to its extreme, this would imply that the Church has no more authority to question moral theologians than it had to question the findings of Galileo. But, unlike the other natural sciences, the argument goes, *we need to know the moral law for our salvation*. While our eternal destiny does not depend on our being free from error in mathematics or physics, it does depend on our being free from error on moral matters (whether this is defensible is a point to which we shall

return). If Thomas Aquinas held that ethics is a natural science, he also held that Divine Revelation on moral matters was necessary because of the impairment of human reason through sinfulness.³⁵

Given, then, that divine revelation in moral matters is necessary, what does it teach us? John Paul seems to take the view that it embraces the whole of the natural law and he cites Thomas Aquinas in support of this: "the commandments, which, according to Saint Thomas, contain the whole natural law"³⁶. The Thomist scholar, Herbert McCabe, has pointed out, however, that the text to which John Paul refers "proposes... the altogether different teaching that all the moral precepts (of the Old Law) belong to the natural law"³⁷. Much disappointment has been expressed in Catholic circles that the encyclical engages in this reductionism of the natural law to precepts given in revelation. McCabe writes:

It is a pity that a major attempt to restate Christian morality should not have tapped the resources of a more ancient Aristotelian tradition, such as St Thomas inherited and transformed, which sees human life as the movement towards God guided by the New Law which, as he insists, is no written code but nothing other than the presence in us of the Holy Spirit.³⁸

Another commentator, Nicholas Lash, contrasts the language used with reference to natural law in the first chapter of the encyclical with that of the second chapter. Natural law in the second chapter, Lash writes, is:

no longer understood (as St Thomas did) as God's illumination of our hearts and minds - as, we might say, a Christian account of what makes human behaviour *moral* action - but rather (in the manner of the nineteenth-century textbooks) as a kind of *code*, a manual of law.³⁹

This reductionism lends itself to the centralisation of authority on moral matters. Such authority

has scope only in so far as natural law can be expressed in precepts. Given the manner in which "*magisterium*" has been understood in this encyclical, with the Pope implying that he is exercising *magisterium* in relation to the bishops, this centralisation is complete. The only role remaining for moral theologians, or indeed for the other bishops, appears to be to contribute to the development of a "deeper understanding" of the reasons underlying John Paul's teaching.⁴⁰ It is very much to be doubted if this is what Thomas Aquinas had in mind when he argued for the need for divine revelation to complement natural law in moral matters.

2. CONSCIENCE

The basic teaching on conscience in the encyclical is unremarkable in a Catholic context. That conscience is not the creator of the moral law, but that by which we can discern it, and that conscience can be in error, but is not culpably in error if this arises from invincible ignorance, are incontrovertible within the tradition. There are, however, at least a couple of difficulties surrounding these teachings.

We have already noted the tension between the role assigned to reason in discerning the moral law and the insistence on the authority claimed for the *magisterium* in these matters. Reason is here the instrument of conscience, enabling it to apply general rules to particular situations in order to determine the right course of action. We are assured that ultimately there is no conflict here because the truths which the Church teaches are those which the well-formed conscience will recognise.

In a sense, it goes without saying that the *truths* which the Church teaches are those which the well-formed conscience will recognise. But what troubles many is whether everything that we are offered in the encyclical is the *truth*, or is *the teaching of the Church*, or whether some of it is the view of just the Pope and/or his advisors. This is not, of course, a general problem. Most of the moral teaching of the encyclical and much of the argumentation put forward in support of it are indisputable for Catholics, and may command a good deal of support among Christians in general and many others.

But official Catholic teaching has a specific problem, which the Pope recognises, in the area of sexual ethics. This is typified by the debate surrounding the morality of contraception:

It is no secret, but a well attested fact, that few Western Catholics are convinced that contraception is always in conflict with the natural law. Indeed, very many are convinced that it is not.... in great seriousness, most people do not believe that contraception is intrinsically evil.⁴¹

This is an issue which has divided not only the faithful, but also moral theologians and even papal commissions.⁴² There is scope, therefore, for conflict of conscience between what the encyclical seems to be teaching and what has been deduced by Catholics reasoning "in good conscience". The reassurance that there will be no conflict for the well-formed conscience is of no value, because what has been lost, for many, is the confidence that what is being offered as Church teaching is the *truth*.

The second difficulty is one which is widely pervasive in Catholic thinking on morals. The dignity of conscience is said not to be compromised by invincible ignorance. That is to say, its moral imperativeness is unaffected; one is obliged to act in conformity with it and no guilt

attaches to one for doing so. On the other hand, it has been noted earlier, it is argued that revelation of the moral law is necessary because we are vulnerable to error and because knowledge of the moral law is essential for salvation.

Leaving to one side the need for grace and faith, what the latter tenet implies is that acting in accordance with one's conscience is not sufficient for salvation; one must be acting in accordance with the moral law. Invincible ignorance, therefore, despite being non-culpable, is an obstacle to salvation.

This view was explicitly taught in the middle ages, but it is to be doubted if it would commend itself widely to our heightened sensibility to issues of justice and just desserts today. But it would not be easy for the Church to abandon it, for the complication is that, if non-culpable ignorance is deemed not to be an obstacle to salvation, then the necessity for revelation of the moral law is undermined.

3. INTRINSIC EVIL

The most central premise to the teaching of the encyclical is that there are *intrinsically evil acts*. John Paul goes as far as to say that it would be impossible to affirm the existence of an objective moral order, which is the whole thrust of the encyclical, were it impossible:

to qualify as morally evil according to its species the deliberate choice of certain kinds of behaviour or specific acts, without taking into account the intention for which the choice was made or the totality of the foreseeable consequences of that act for all persons

concerned.⁴³

How plausible this is depends on what is understood by "objective moral order". There have been many advocates of objective moral orders who have not felt it necessary to contend that there are intrinsically evil acts. Even utilitarianism offers us an objective moral order if we mean by that that it offers criteria for right and wrong which are neither subjectivist nor relativist. But utilitarianism quite clearly does not depend on there being intrinsically evil acts unless "acting contrary to the greatest good for the greatest number" counts as such.

Clearly something narrower than non-relativist and non-subjectivist is intended by "objective" here. Perhaps an objective moral order is understood to require specific norms as well as objectivity. It is still unclear that these norms have to be exceptionless ones, excluding specifiable intrinsically evil acts. There may be an argument of sorts here for this contention. If the principle that one may never do evil that good may come of it is crucial to an objective moral order, and this principle is vacuous if there are no intrinsically evil acts, then there must be intrinsically evil acts if there is an objective moral order.

It is not contended that this is the argument of the encyclical, but elements of it are certainly to be found there. The principle that one may not do evil that good may come of it is emphatically reasserted and is repeatedly associated with intrinsically evil acts - in the thought of Saint Paul, of Saint Augustine and of Pope Paul VI. There is, of course, a good deal of interpretation going on here, because neither Saint Paul nor Saint Augustine used the term "intrinsically evil act".

Moreover, the association of the term with Pope Paul VI "in reference to contraceptive practices" has dismayed and embarrassed many Catholics because Pope Paul with great care chose not to use the term "intrinsic evil", "*intrinsece malum*", in reference to contraception but "*intrinsece inhonestum*". There is a debate about the interpretation of this expression, but no debate about Pope Paul's wish not to use the more explicit "intrinsic evil".

While this last issue is an important one for an important aspect of applied ethics, it should not distract us from the foundational principles. Even if Saints Paul and Augustine did not refer to intrinsically evil acts, the "Pauline" principle that one may not do evil that good may come of it implies a distinction between the moral value of the act and the moral value of the consequences. If there is no such distinction, if the moral value of an act is measured in terms of its consequences, then the Pauline principle is vacuous. Perhaps it is now clearer why utilitarianism could not be entertained as offering an objective moral order by John Paul. Perhaps it is also clearer why there is a close association between the Pauline principle and the contention that there can be intrinsically evil acts - acts which are evil irrespective of their intended consequences.

It is a pity that, given the potential strength of the argument lying behind the encyclical, the treatment of specifying intrinsically evil acts is particularly weak. As noted earlier (p11), the encyclical refers us to the documents of the Second Vatican Council for "a number of examples of such acts". The list includes homicide, mutilation, deportation, slavery, degrading conditions of work. This "evidence" is weak on several points.

For one thing, the Council does not describe these as "intrinsically evil acts" but as "a disgrace... a negation of the honour due to the Creator"⁴⁴ For another, not all of them are acts: some are conditions, which might be, but are not necessarily, brought about by acts. Thirdly, as it has been widely pointed out by commentators, many acts in the list have not been regarded as intrinsically evil in traditional Church teaching. Homicide has been excused in just war and self-defence. Slavery was not denounced as an intrinsic evil by Saint Paul or many subsequent generations of Church authorities.

Perhaps the weakness of this part of the encyclical is inevitable. There is a temptation to think that the specification of incontrovertibly intrinsically evil acts leads into tautology. Lisa Sowell Cahill observes:

A single term like "murder" or "genocide" makes it clear that what might have been a justifiable "act in itself" (homicide) was done in wrong circumstances; or a phrase like "killing an innocent person", which spells out exactly what circumstances of homicide are meant, results in an absolute moral norm.⁴⁵

But such spelling out results in an absolute moral norm, because moral evaluation is built into the description of the act. This is not something new for the Church, of course - "Thou shalt not kill" has always been seen as requiring specification regarding moral circumstances. The notable exception to this approach in Church teaching concerns sexual ethics. It is because Church leaders have tended in this area to insist that moral circumstances are not relevant - each and every physical act of deliberate contraception is evil - that the charge of "physicalism" has been brought against them.

But let us put aside the peculiar difficulties that pertain to teachings on sexual ethics and focus

on the more general question whether it is necessary to be able to specify intrinsically evil acts in order to give content to the principle that one may not do evil that good may come of it. To give content to the principle all that is required is to be able to specify that an act is evil in a manner which does not rely entirely on balancing the consequences of the act. Now homicide is an evil act if it is performed not in self-defence, nor in defined circumstances in a just war, nor... (we may wish to add other circumstances - capital punishment, for example). Consequences may have relevance to these justifications for homicide, but the justification is not based on balancing the consequences - it is not *because* there is a favourable balance of consequences that the homicide is justified.

These justifications, therefore, are not violations of the Pauline principle. By the same token, it is possible to rule out homicide in other situations *irrespective of the balance of consequences*, for the balance of consequences is not the decisive issue in determining when homicide is justified. To give content to the Pauline principle, it is not necessary, therefore, to hold that homicide is an intrinsically evil act, if by that is meant that it is always and *per se* wrong such that it is never justifiable. It is sufficient to be able to specify that it is an evil act when certain morally relevant circumstances do not obtain. Moreover, that specification does not have to be tautologous.

The doctrine of intrinsically evil acts as put forward in this encyclical is not necessary to combat consequentialism. Neither is it necessary to combat relativism. Even Thomas Aquinas, whose reference to the commandments is taken to support the doctrine, writes: "The ten commandments

are unalterably right about what is just, but what can alter are the criteria which decide in particular cases whether this or that [*act*] is murder or adultery or theft".⁴⁶ As Mary Tuck notes: "To admit this is not to slide into relativism. Thomas even adds boldly: "Sometimes the alteration is subject to human jurisdiction. In such matters, though not in all, men represent God."⁴⁷

CONCLUSION

The encyclical is to be welcomed as a statement of the Pope's position on moral principles and as a contribution to giving those principles a grounding in sacred scripture, in the tradition of the Church and in rational debate with some other contemporary perspectives. There has been widespread welcome, both inside and outside the Church, for the eloquent development of the passage from Matthew in the first chapter.

Reactions to the second chapter, in which the moral teaching is set out in detail, have, however, been much more mixed. The treatment of these issues represents a lost opportunity in a number of senses. The document would have carried a great deal more weight and credibility, and probably would have had much modified content, had it been a statement of the bishops as a whole. Had a wider circle of advisors been involved in its drafting there would have been less misrepresentation of the movements which are criticised (both "proportionalists" and advocates of the "fundamental option" view have protested that they do not hold the views attributed to them). More expertise might also have led to a more balanced representation of other writers

such as Thomas Aquinas and Pope Paul VI.

These drawbacks would not matter a great deal if the encyclical was being proposed as a document for debate; a statement which theologians and fellow bishops could reflect upon and use as a basis from which the teaching of the whole Church might be developed and clarified. This document is intended, however, not to open a debate but to close it. Theologians are invited only to improve the reasoning for its conclusions. Maciez Zieba, in a comparative study of this encyclical and the 1990 encyclical on mission, points out that in the latter the Pope writes: "the Church imposes nothing, she only proposes".⁴⁸ Zieba seems to suggest that *Veritatis Splendor* is written in the same spirit, but this is difficult to reconcile with John Paul's statement that the encyclical was necessary because of the need to respond to a growing tendency to consider the *magisterium* as "capable of intervening in matters of morality only in order to "exhort consciences" and to "propose values"". ⁴⁹ Clearly, he intended this encyclical to do more than "propose values".

This restrictiveness is all the more frustrating when the encyclical appears to over commit us. As has been shown, it is arguable, that the Pauline principle and the objectivity of morals are separable from the doctrine of intrinsically evil acts. If this very controversial doctrine is not essential to the key principles which the Pope rightly seeks to defend, then those principles would be more easily defensible and would commend themselves much more widely. It is a pity that this debate is likely to go on only outside of official Church circles.

ENDNOTES

¹Quotations are from the Catholic Truth Society edition, published 1993, London. References are to section numbers.

²Veritatis Splendour (hereafter V.S.), s4.

³Ibid.

⁴V.S. s7.

⁵V.S. s8.

⁶V.S. s9.

⁷V.S. s12.

⁸V.S. s19.

⁹V.S. ss25, 26, 27.

¹⁰V.S. s31.

¹¹V.S. s32.

¹²V.S. s35.

¹³V.S. s40.

¹⁴V.S. s43.

¹⁵V.S. s42 (Summa Theologiae I-II, q.91, a.2).

¹⁶V.S. s44 (Libertas Praestantissimum, 20 June 1888).

¹⁷V.S. s36.

¹⁸V.S. s47.

¹⁹V.S. s48.

²⁰V.S. s53.

- ²¹V.S. s54.
- ²²V.S. ss57-8.
- ²³V.S. s55.
- ²⁴V.S. s56.
- ²⁵V.S. ss62-3.
- ²⁶V.S. s64, quoting Thomas Aquinas, Summa Theologiae II-II, q.45, a.2.
- ²⁷V.S. s67.
- ²⁸V.S. s68.
- ²⁹V.S. s75.
- ³⁰V.S. s78.
- ³¹V.S. s78.
- ³²V.S. s80, quoting the Second Vatican Council document Gaudium et Spes, the Pastoral Constitution on the Church in the Modern World, s27.
- ³³V.S. s82.
- ³⁴M.Cronin, "The Moral Philosophy of St. Thomas" in C.Lathey (ed), St. Thomas Aquinas, Cambridge 1925, p.132.
- ³⁵Summa Theologiae I-II, q.91, a.4c.
- ³⁶V.S. s79.
- ³⁷H.McCabe, "Manuals and Rule Books", The Tablet 18 December 1993, p1650.
- ³⁸Ibid.
- ³⁹N.Lash, "Teaching in Crisis", The Tablet 13 November 1993, p1480.
- ⁴⁰V.S. s110.
- ⁴¹Mary Tuck, "A Message in Season", The Tablet, 4 December 1993, p1583.

⁴²Cf. P.Hebblethwaite, "Timeless Ethics", The Tablet, 9 October 1993, pp1286-88.

⁴³V.S. s82.

⁴⁴Cf. the encyclical's own text at s80.

⁴⁵"Accent on the Masculine", The Tablet, 11 December 1993, p1619.

⁴⁶Summa Theologiae I-II, q.100, a8, quoted in Mary Tuck, loc.cit., p1584.

⁴⁷Ibid.

⁴⁸"Truth and Freedom in the thought of Pope John Paul", The Tablet, 20 November 1993, p1511.

⁴⁹V.S. s4.