

Definitions for the terms in the glossary, obtained with the help of some previous student. *These are not authored by the Course Instructor*

Casuistry is the term for the case approach to moral questions (cases of conscience)

- looks at the essential aspects to a case (not the accidental or non-essential components)
- Roman Catholic approach with scripture emphasis as well as experience
- developed into a pejorative meaning where subtle distinctions and logic are used to justify an act
- used in confession when abstracting out morally relevant features and circumstances and applying morally relevant principles

Deontology - one of the two major approaches to moral philosophy

- based on duty and obligation focused approach to morality (literally the science of duty) to determine the rightness or wrongness of actions
- Kant's categorical imperative is an example (respect persons, treat them as ends and not as a means, also autonomy of will, and moral principle is universalizable that is it applies to all people)
- imposes moral norms as prohibitions/prescriptions and obligations/prescriptions

Teleology – one of two major traditional approaches (the other being deontology) to moral reasoning which begins with a consideration of the true “nature” of the person, or aspect of the person (often called a faculty), and then evaluates a given moral action in terms of fostering or obstructing the end or goal of that nature or faculty. In this sense teleology can be said to consider the ends/consequences of an action in order to discover the moral rightness or wrongness of the given action, but teleology would not be understood as a simple consequentialism, but always looks at the consequences in respect to the proper nature or the human person, and/or the authentic goal of a given human faculty. Thus, the goal of speech is communication of the truth and anything which would intentionally obstruct or counter that goal would be morally wrong (i.e., *contra naturam*).

- a goal oriented approach to morality (a good act advances the good end)
- for Aquinas the end is to be united to God (beatific vision)
- the foundation of moral principles are found in the end of nature, etc. (secundum naturum- according to the nature or contra naturum against the nature, which means act is intrinsically evil)
- both end as goal and end as ideal

Consequentialism - the moral theory that actions are right and wrong according to the consequences that they produce (rather than based on intrinsic features)

- most theologians consider consequences among other factors
- related to teleology and utilitarianism

Utilitarianism - a method of moral decision making based on consequences

- wants to do act that promotes the greatest good for the greatest number
- questions involving measurement and minority groups

Moral Theology - is the discussion of the principles (moral law) which govern the behavior of a Christian and their application to particular circumstances or cases

- moral theology is a Catholic term, while Christian ethics is protestant term for same thing
- four fonts of moral theology are:
 1. scripture (the ultimate norm, not limited by anything else)
 2. tradition (teaching of popes, patristics, Magisterium, sacraments, creeds, dogmas, lives of saints, theologians, Christian community)
 3. moral philosophy reflection on morality using reason, what is normatively human
 4. human experience reflection of life experience, which is also a font of moral philosophy

- method seeks to balance all four fonts as they naturally overlap
- but primary interaction is scripture on tradition (and experience on philosophy)
- need an organizing concept for each sector and/or one that brings the four together (laws, individual, community, natural law, union with God)

Moral Discourse manner in which to evaluate talk of moral theology should be:

1. comprehensive - bring in all morally relevant factors
 2. comprehensible - understandable to a variety of peoples (language)
 3. consistent and coherent - internally works together and works with similar issues, cases
 4. credible - believable, logically held position, compare with experts
 5. convincing - truly persuasive, influential, changing
 6. Christian - theological themes (creation, sin, Grace, etc.) and values considered (integrates above five points)
- varieties of discourse according to Gustafson, none can stand alone
 1. prophetic - passionate indictment, utopian, eschatological, lack of grounding in norms
 2. narrative - stories, agent/community
 3. ethical - normatively human norms and rights (good, bad, right, wrong)
 4. policy - how to do something (practical), participants particularities, who does it is key

Objective Moral Order - an objective moral truth which can be known and also done

- it can be conceptualized, formulated and expressed (e.g., deontology and teleology)
- natural law provides an objective morality that is not culturally or personally relative

Moral law - an unformulated law in our hearts that is discerned by reason

- precepts and rules that govern the entire order of human conduct, personal and social
- closely associated with natural law

Eternal Law - is the divine law (divine providence) revealed in the natural law

Positive Law - means something given as law by God (does not mean affirmative)

Natural Law - the understanding (via reason) of the divine ends for humanity (which is in our nature)

- natural law provides an objective morality that is not culturally or personally relative (transhistorical, and transcultural)
- affirmation of an objective moral order (that can be ascertained by reflection on human nature)
 1. ontological and metaphysical - belief that an objective moral order exists
 - a) two models (natural law exists in precepts or inscribed in human heart, not written)
 - b) one figures out the law in the heart with right reason (since God exists with us through Incarnation)
 - c) manualists looked at human nature (and its essential relationships) to derive general principles, concrete norms, which were applied to concrete situations (manualists view challenged for immutability in light of sciences and other cultures)
 2. epistemological - the objective order is knowable (Catholics - yes and can use it, Protestants say no)
 3. normable - can be expressed in terms that are obligatory
 4. normative - performable, can do it (epikeia - interpretation of law in concrete circumstances)
 5. universalizable - can talk about natural law across time and space (transhistorical and transcultural), but part of humanity is change, so tough to reconcile
 6. universal - applied universally in that universalizable obligations (universal norms) are applied yet expressed differently based on particulars (material norm), Aquinas - natural law

- law in general (nature of law, divisions of law, effects of law)
- law in particular (eternal law, natural law, human law, old law, new law)
- principle of exitus et reditus (everything come from God and returns to God, this is presupposition and theological context for the natural law, and the nature of created reality)
- Aquinas understands the natural law according to a natural knowledge (scientia naturalis)
- natural moral law is lex indita non scripta (an unformulated law) in accord with NT grace
- natural law based on reason proper to human nature
- natural law founded on obligations and rights of rational person to perform acts that correspond to his being as in the image of God (all this is recta ratio)
- Bonum est faciendum et prosequendum, et malum vitandum ((the good is to be done and fostered and evil is to be avoided) the most basic norm of the natural law for Thomas (not an imperative or material norm)
- important to nurture nature of good, not just do it (follow reason and actualize human potential)

Levels of Moral Norms - universal norms, middle axioms (secondary precepts), specific, concrete norms

Universal Precepts (in Natural Law) - assume the universal norms

Universal Norms - the universalizable obligations of the natural law that are expressed differently in particular situations (e.g., treat all persons with dignity)

- self-evident upon rational reflection and requires no additional proof (e.g., do good, avoid evil)
- based on speculative reason and not practical reason
- the more particular one makes norms, the less certain and timeless they become

Middle Axioms (Norms called secondary precepts)

- tangible, principled expressions of general patterns that serve as bridge in casuistic thinking
- between general beliefs and situational application of belief to rules and actions
- incarnate moral values into our human lived reality
- norms are guides, not ends in themselves

Concrete Norms (specific, concrete, particular, material norms, or tertiary precepts)

- the manifestation of universalizable obligations (universal norms) in particular situations
- these norms will change because rooted in time and space (cultures and histories)
- according to Thomas these norms are not applicable in all cases concrete norms are relative (forbids ontic evil)

Virtually Exceptionless Norms – McCormick’s theory that believes that the exception points not to a dispensation from the norm but to a need to refine or reformulate the norm

- based on theology, Christology, ecclesiology
- need a view of humanity as self-determinative

Reason - significant faculty and characteristic of humans whereby brain functions to use logic to derive principles and conclusions

Practical Reason - reason put into practice

- -proper conclusion in the concrete situation (right choices in the here and now)

Speculative Reason - reason in the universal context

- proper conclusion in the universal situation

Recta ratio ("right reason") -Thomas Aquinas' term for the natural moral law (the right insight of reason that interprets man's personal being with a view to dynamic self-realization)

- discovery, discernment, realize law and become co-creators of law
- natural moral law is *lex indita non scripta* (an unformulated law) in accord with NT grace
- natural law based on reason proper to human nature
- natural law founded on obligations and rights of rational person to perform acts that correspond to his being as in the image of God
- the function of human reason is to discover moral values

Conscience - is a judgment made by an individual concerning the morality of his actions

- is a moral judgment (act) of the practical reason (means) deciding by inference from general principles the moral goodness or malice of a particular act
- seen as a "faculty" of a person
- *Gaudium et Spes* -conscience is sanctuary of the human person (sacred safe place where God is)
- tradition of church is to always follow one's conscience (higher norm than magisterium teaching)
- but conscience still limited by the common good (suicide and murder)
- must follow conscience even if erroneous
- three components of conscience:
 1. *synderesis* -tendency and capacity within us to know and do the good
 2. moral science - the process of discovering the evil to be avoided or the good to be done
 3. conscience - the specific judgment
- Fuchs' objective pole (identify conscience with practical reason and describes actions) and subjective pole (where the moral goodness of person resides based on intention) of conscience. This allows one to make an objectively morally wrong decision, but remain a morally good person. But these poles come together with moral living. (*Lex indita non scripta* - law not inscribed out there) - it is written on our hearts.
- similar distinction between Fuchs' fundamental conscience and situational conscience
- Fuchs believes that the only possible reference point for the inner moral decision is interior knowledge of what is right which is the conscience (so conscience always retains its dignity even when wrong)-*superego* (the ego of another superimposed on our own to serve as an internal censor to regulate our conduct by using guilt) is not the conscience
- form (habits, vices, virtues), inform (education, inquiry, consult), and convert conscience
- *Gaudium et Spes* #16 (Deep within his conscience man discovers a law which he has not laid upon himself but which he must obey, the law is inscribed on his heart)
- shift from objective norm of morality (the law) to subjective norm of human action (conscience)
- autonomy (self law) more important than heteronomy (law of other) so that magisterium can't mandate self law of autonomy (but helps inform the conscience)
- dignity and sanctity of conscience (*Gaudium et Spes*, *Dignitatis humanae*, *Redemptor Hominis*, *Veritatis Splendor*)
- conscience is the subjective interior axis (interior and ultimate moral guide)
- if remove conscience, then destroy interior and ultimate guide which will be replaced by something else (heteronomy or the *superego*, the state, politics, peers)
- the dignity of conscience is destroyed when allow an outside authority to take primary position
- individual relationship with God gives conscience its particular dignity because that is where person meets God

Certain Conscience - judges the morality of an act without fear of erring (large degree of assent)

Doubtful Conscience -gives rise to a positive judgment with a prudent fear of error or simply to a negative judgment in which one does not know whether an act is right or wrong

- trying to resolve a doubt before acting on it (resolve in favor of Church), must resolve (information or formation is doubtful)
- view on a continuum
- maybe less culpability

Right Conscience - the judgment formed agrees with the objective moral norm or law

Erroneous Conscience - the judgment disagrees with the objective moral norm or law

- vincible erroneous attributes the error to the subject (so person is culpable)
- error rooted in vincible ignorance which leads to culpability
- invincible erroneous does not attribute it to subject (Fuchs says person is not ethically bad even though makes an objective error inculpably, even says person good if acts by conscience)
- invincible error is rooted in invincible ignorance
- view on a continuum

Invincible Ignorance - an ignorance of which the subject is not aware and which he is unable to overcome by himself (*Veritatis Splendor*)

- no culpability attributed to the person (act done in good faith), not considered human act
- cannot overcome error
- (Fuchs says person is morally good, not just avoiding culpability, even if acting morally wrong, but according to conscience)

Vincible Ignorance - ignorance which arises when man shows little concern for seeking what is true and good (could be overcome maybe by education, inquiry, consultation, so culpability remains)

- person has freedom and ability to inform or form conscience, but fails to

Super Ego - the ego of another superimposed on our own to serve as an internal censor to regulate conduct by using guilt

- similar to conscience in nonverbal, preconceptual, commanding, prohibiting, accusing, approving, seeking reconciliation
- differences based on desire to be approved or loved (or fear of loss of such love and approval) while conscience tries to love
- conscience is open, dynamic, value, future, superego is self-centered, static, authority, past

Scruples - over sensitive conscience that needs to confess more often

- being emotionally plagued by more trivial indiscretions
- overactive superego more than conscience

Moral Obligation - moral obligation to adhere to moral norms, prescriptions and precepts

- like listening to positive and negative precepts

Conflict of Duty - moral reasons exist in favor of two or more incompatible actions

- use proportionality to resolve conflict in favor of higher duty

Moral Discernment - the process of deciding what is the morally right or wrong thing to do

- this process includes the forming (developing a virtuous character) and informing (educating, learning) of one's conscience

Moral Freedom - the realizing of our capacity to be ourselves through the particular choice we make (called freedom of choice) and connected to moral knowledge

- distinguished from freedom of self-determination which ties into the fundamental option

Moral Goodness and Moral Badness - description of persons grounded on subjective conscience

- individual relationship with God gives conscience its particular dignity because that is where person meets God
- Fuchs saying God is found in the interior so look inside (not at actions to determine a person's moral goodness)
- but criticism is that this leads to subjectivism (whatever one decides is right)
- if followed formed/or informed conscience (then morally good)
- if do not inform or form conscience, or fail to follow your conscience (then bad)
- truth and error exist in mind, good and evil in things
- the moral goodness of an act comes from its causal integrity (of act plus intention)
- moral evil comes from whatever defect (in either act or intention)
- motive can play a role in goodness or badness

Moral Rightness and Moral Wrongness - description of actions grounded on objective moral order

- refers to the individuals objective relation to the objective moral order (rightness of actions)
- the right realization of the world or object (nature-creation)
- motive does not matter here

Distinction between Right/Wrong (behavior) and Good/Bad (persons)

- the distinction rests on the difference between the objective moral order (actions) and the individuals subjective (persons) apprehension of that moral order
- moral goodness is the right realization of the subject

Moral Evil (or mortal sin) - transgression of the moral law (or disobedience of God's will)

- moral law are the precepts that govern the human conduct (the natural law written in our hearts and discernable from reason)
- moral evil includes matter, intent and circumstances (and consent and knowledge)
- a willingness to allow or cause an ontic evil without a proportionate reason (Hanigan)

Ontic Evil (real evil, also called premoral by Fuchs and physical evil) as distinguished from moral evil

- *lack of perfection or fulfillment which makes us suffer (natural consequences of our limitation and finitude)
- the fundamental source of ontic evil is our sinful condition (we cause ontic evil when we act immorally)
- every concrete action will involve the commission of some ontic evil (or omission of good)
- *allowed to cause ontic evil if have a commensurate reason, if do not have, then also a moral evil

Ontic Good - perfection, movement towards perfection, enhance potential for human goodness or growth

Ontic – Do concrete things in our limited worldly realities

Moral Good - adherence to the moral law (although could still be an ontic evil)

- see moral goodness
- something moral is right, immoral is wrong
- a decision made with proportionate reason is morally good

Intrinsic Evil - an act which regardless of intention or circumstances is morally evil (therefore can't do it)

- a subcategory of a moral evil
- act that violates the moral law and is morally evil regardless of circumstances and intent

- evil because contrary to nature (violated will presumably expressed in laws of nature)
- evil because arrogated (taking onto self God's right) a right reserved to God
- considered grave matter by itself (still need sufficient knowledge and consent for mortal sin)
- examples (murder, adultery, homosexual activity, masturbation, contraception)
- deontologists mostly concerned with the natural ends of speech and genitals
- locutio contra mentem (speech against the mind) is intrinsically evil since against nature

Proportionalism - understanding of intrinsic evil (intrinsic evil does not exist on the ontic level, but only on the objective moral level)

- they look at all the aspects of the moral act (circumstances, intention, and the act)
- acknowledge intrinsic evil if no proportionate reason to do act

Contra Naturam -against the nature, which means act is intrinsically evil

- against natural law (the will of God as expressed in human nature and nature)

Sources of Morality - (action in itself, intention of agent, circumstances)

Actus Hominis (act of man) - an act done without moral embracing

- action done by a human person, but has no moral significance in itself

Actus Humanus (human act) - a moral act

- refers to the moral dimension and responsibility of an act
- human acts express the moral goodness/badness of person (because includes intention)
- actus naturae (natural act) -norms based on physical, perform act in natural way for it to be moral

Actus personae (human personal act) - look at how an act relates to whole human person

Natura actus (moral nature of act) - comes from form (end) of the act (the finis operis)

- the manner of the act, how it is performed

Circumstances of a Moral Action - one of the three major fonts (action itself, intention, circumstances) for making a moral judgment

Moral Intention - the finis operantis of an agent

- one of the three major fonts of morality
- determines goodness or badness of the agent

Finis Operantis - the intention (objective will) of the agent (determines if evil or good)

- the aspect of the agents motive for doing an action
- Anselm, Abelard and Thomas link morality of human action to the intent of the moral agent
- the end of the act always comes down to the end of the agent (intention)
- intention (and by extension, the circumstances) are critical to any evaluation of moral action
- the Good is always finis operantis (the object/intent of the will)
- the moral meaning of an action with two ends depends on the agents intention

Finis Operis - the end (objective) of the work (the moral distinction of the end of the action itself)

- Lombard school believes the object can be morally evaluated by itself without reference to the agent
- this is really the matter aspect of matter, intent, circumstances

Direct Means - primary intention of act (for purposes of principle of double effect)

Indirect Means - secondary intention of act

- only one finis operis (end of act), but several finis operantis (intentions of agent)
- the finis operantis (intention) determines moral goodness or badness of agent
- reducing proportionate reason to the intention part
- intention must be proportionately good for it to outweigh a bad effect/act
- if have several intentions, all must be good, a bad intention will cause a bad act
- never have proportionate reason with a morally bad finis operantis (intention) at any level
- bad intention always gives a moral evil

Principle of Double Effect - principle that allows an action that has both good and bad consequences if certain circumstances are met:

- need two foreseen effects – one desired and good, other evil but tolerated
 1. **ACT** (directly) performed (the finis operas - the end of act) is right or at least indifferent/permissible
 - directly means that the finis operis (the act intended and primary intention)
 - unintended, yet foreseen evil secondary consequences are OK
 2. **MEANS** - the good accomplished is at least as immediate as the evil
 - the good is related to the good act
 - can't use a bad means to get a good end
 3. the **INTENTION** of the agent is good (finis operantis)
 - if two intentions, indirect and direct means
 - all intentions must be good to allow double effects
 4. there is a proportionate (commensurate) **REASON** for causing the harm
 - the good produced outweighs the evil effects
- the morally good end does not justify the morally bad means (the ends does not justify the means) because such an approach is contrary to the natural law of avoiding evil and doing good
- Peter Knauer talks of two aspects of one and the same action (rather than two effects)
- an evil effect is OK if an indirect effect (which is one where proportionate reason for the evil effect)

Proportionate Reason - when the intent and circumstances and foreseen consequences outweigh the foreseen negative consequences so as to support doing something

- some emphasis on the intent (because can't have a bad intent even with good consequences)
- also used to support the principle of double effect (need a commensurate reason to allow bad)
- Fuchs sees objective and subjective poles of moral agent working together (so intention and circumstances should still be considered when evaluating person)
 - Fuchs says all moral evil is intrinsically evil
- the axiom intrinsically evil in itself requires a hermeneutic process which necessarily involves an interpretation concerning intentions and circumstances (so brought back in)
- Bretzke stressed that this approach avoids abstracting morally evil actions from the agent
- Bretzke says impossible to have a moral act with reference to moral agent
- problem of even comprehending without intent and circumstances
- another view sees intrinsically evil acts as including intention and circumstances
- or oppositely, no act is intrinsically evil because must consider intention and circumstances

Proportionalism - a theory that looks at circumstances and intentions of acts to come to a moral judgment

- related to double effect, lesser evils, totality
- problem in relation to tutionism and probabilism
- also concern that concept of intrinsic evil will become relativized
- a good intention will not make a bad object good

- difficult to explain
- looks at intent, circumstances and foreseen consequences to see if have a commensurate reason to do something

Principle of Totality - to form a judgment on the moral rightness/wrongness of an action one must consider whole action (with all its components - act, intention, circumstances - that is the totality) and examine whether this totality is promotive of total person (his relationships and person in all dimensions) - according to Janssens, not just the bodily organism

- big in bioethics, related to proportionalism, double effect, and distinction between ontic and moral evil
- manualist tradition was physicalistic and individualistic (sacrifice part for the whole) - person was whole
- Vatican II moved to personalist view (which includes relationships, social sense, community)
- previously could not donate organs or do blood transfusion, now can
- Pius XII extended to allow use of healthy organ for preventive or therapeutic reasons
- also advancements make it viewed in interpersonal and personal goods
- also applied to marriage, birth control, and responsible parenting
- Haring reformulates beyond physical health and functioning to include dignity and well-being of person in all essential relationships (God, other, world, and self)

Pars Propter Totum - the dominant axiom of the manualist tradition for the principle of totality

- -"part for the whole" - in the physicalist approach one could only sacrifice a part of a person if it would help the whole (because person seen as a whole)
- the personalist view expanded the concept of what the whole entails (emotional well being, earthly vocation of human person) beyond that of just the bodily organism

Classicist World View - sees world as static and fails to see historical development

- opposed to Historical (Modern) Mentality -sees world as developing, accepts pluralism (different ways of seeing humanity) also allows for freedom of conscience and religious liberty

Physicalism - the tendency in moral analysis to emphasize or even absolutize the physical and biological aspects of the human person and human actions (independently of the function of reason and freedom)

- God's will is inscribed in the physical universe (as part of creator in creation)
- so can look at nature of creation to gain some knowledge of own nature, and of being of God
- order of nature simplistically related to order of reason
- the moral norm is derived from nature (specifically the structure of acts or faculties)
- the structures provide the material content, while the obligation provides the formal content
- so good to act in accordance with nature
- problems include:
 1. de-emphasis of interior acts (freedom, virtue, intention) since emphasize exterior acts
 2. incompleteness - ignored certain aspects of the person in isolating others
 3. totality - fails to consider all elements of person (what are they)
 4. normativity - how does a person become normative

Personalism - looks at self-conscious experience to reality in defining value and good morality

- looks at conscience and freedom (basis of human dignity) in the one model
- the paradigm (model, standard for morality) shifted from physicalism to personalism because new data arrived that could not be explained by old model (although personalism has not won out yet)
- Vatican II displayed shift in Gaudium et Spes #51 and its talk of human marriage beyond simple procreation as "the total meaning of mutual self-giving"
- a problem in focusing on the subjective person is that one may miss the objective moral order

- Janssens' eight fundamental dimensions of the human person (subject, embodied subject, part of material world, inter-relational, interdependent, historical, equal but unique, called to know and worship God)
- Johnstone's three models of personalism:
 1. ontological, complementary personalism -wider range of aspects of person considered
 2. totalist, revisionist - wider range of factors of total person
 3. dignity of conscience -freedom, conscience, reason emphasized as the basis of human dignity

Fundamental Option - is the most basic choice (related to our core freedom) or direction in our lives for God or away from God (focus on direction/orientation, and not on specific acts)

- based on transcendental theology of Karl Rahner (move out of self to supreme other)
- Rahnerian insight is that a physical person becomes human by making a core choice for an absolute value (something outside of you) to be transcendental (one must make a choice)
- choice involves entire person (not a categorical choice, it is athematic), so can't reflect on it (because of our human finitude that prevents us from standing outside self) and know what choice made (but can look at individual acts and reflect on those choices to get some indication of fundamental option)
- actions deepen or strengthen or consistent with option (or weaken or lessen or inconsistent), rare for one choice to reverse option (but theoretically possible)
- Fuchs' subject-oriented part of conscience reflects the deepest part of conscience as personal subject and categorical existence
- Magisterium (accepts theory) view is the freedom allows for a choice for or against the Good, the Truth, God which shapes a person's entire moral life (in *Veritatis Splendor*)
- no individual act in itself is equated as the fundamental option (but individual acts have some influence as *Veritatis Splendor* tries to make clear)
- mortal sin reverses fundamental option (lose grace)
- more serious, less serious, and venial sins (many serious sins do not reverse option)
- state of grace (basic direction in life is movement towards God)
- state of mortal sin (basic movement away from God)
- superego incorrectly focuses on individual acts

Sin - any word or deed or thought against the eternal law (Augustine)

- all three elements of sin (grave matter, sufficient/full consent and knowledge) are met
- also includes violations of God's will that do not count as moral offenses
- *hamartia* (new testament word for sin meaning missing the mark)
- view in context of God's love, forgiveness, and call to conversion
- competing paradigms of sin (disobedience, person-injuring, disease, dehumanization, anti-creational)
- traditions of sin (magisterium looks at law, conscience, right decision, sin if do not follow it, but social sin and psychological sin exist)
- Tanner observes that we divide people into good and bad and separate ourselves from the bad (this is a way to deal with ambiguity of sin, or to abolish/avoid personal sin)
- contrasts with middle ages and suggests we need to rediscover sin, but more so the forgiveness of sin, the reliance on God's mercy (needed for salvation)
- contemporary perfectionist attitude of all or nothing
- SINFUL means that the act is grave matter (describes only the act and not consent or knowledge)

***Original Sin** - humanity is born with via the act of procreation according to Augustine from 325

- which is a human nature deprived of its original holiness and justice, weakened in its powers, subject to ignorance, suffering, death and injustice
- destroyed infallibility of reason so can't trust totally our reason for morality (can't be totally sinless or good)

- sin of first parents transferred to all humanity
- remitted by baptism, but still conditions us

Mortal (formal) Sin (life threatening sin) -disrupt relationship with God which is man's ultimate end

- opposes man's ultimate end as it destroys the order to that end
- confess mortal sins of species and number (although church never claims to know if one sinned)
- also mortal evil
- Conditions necessary for mortal sin (need all three elements):
 - a. grave matter - objectively serious (includes intrinsic evils and also acts of degree)
 - intrinsically evil act is not a mortal sin in itself, still need knowledge and consent, but it is always grave matter (light matter is not grave)
 - *ex toto genere suo* (from its very nature is grave/grave or light/leve) - murder, but not killing, adultery (as there is no smallness of matter in the sixth commandment)
 - natural emphasis on this objective part over other two subjective elements leads to equating a mortal sin only with the grave matter (mortally sinful - objective grave matter, all elements - mortal sin as subjective)
 - the material of sin (materially sinful, or material sin is dealing with the materiality/gravity of sin) is the objective matter and objectively wrong (SINFULACT ONLY), while the form of sin includes intentionality (SIN IN ALL THREE ELEMENTS)
 - b. sufficient knowledge (awareness, reflection) subjective awareness of the maliciousness of the act
 - rigorist opinion (no longer held) is the "ordinary degree of attention in carrying out matters"
 - no need for explicit intention to offend God (responsible if just know x is a sin) - not today
 - other require knowledge about why something is a sin
 - traditionally viewed as insufficient advertence (semi-awake, semi-drunk, not full reason due to youth, old age, retardation, hysteria, extreme passion) if not these, then sufficiently aware
 - c. sufficient consent (of the will) - need both desire and freedom
 - habitual sin reduces culpability (look at mitigating circumstances like force, fear, passions)
 - non-consent is presumed for those of good conscience who abhor mortal sin, avoided opportunity to sin, and temptation causes suffering and bitterness

Sufficient Awareness (see mortal sin)

Sufficient Consent (see mortal sin)

Grave Matter (see mortal sin)

Light matter (see mortal sin)

Venial Sin (forgiveable, overlooked sin) - species of personal sin

- does not disrupt relationship with God, just inhibits order
- need not confess according to council of Trent, but suggested
- the error is to the means of our final end, but not as to the end itself
- three types of venial sins:
 1. deliberate act, but the law involved is not essential to end (light matter by its very nature)
 2. grave law, deliberate act, but light matter (stealing candy bar, matter of little importance)

- grave law, but no deliberate act (no sufficient awareness and or consent, imperfection of act)

Capital Sins - sins (not always grave) that easily become vices and sources of other sins

- Gregory the Great drew up list of seven capital sins (pride, avarice, envy, lust, gluttony, anger, sloth)

Lesser Evil [Minus malum] - allowed to counsel or aid sinners to do a lesser evil to a specific person (cannot bring in a new third person) in order to avoid the greater evil (rape someone instead of kill them)

- the lesser evil does not become a moral sin

Sin of Omission - is the failure to perform an obligatory act (an offense against a positive precept)

- involves positive duties/obligations (prescriptions like thou shalt respect sabbath)
- prescriptions apply always, all the time, everywhere (thou shalt do this)
- the omission is to fail to do what should do

Sin of Commission - is the performance of a forbidden act

- usually considered more serious because more agency and intentionality here
- involve negative duties/obligations (proscriptions like thou shalt not kill)
- proscriptions apply always, but not all the time (just war and self defense)

Temptation - is the incitement, internal or external, to sin (combat with prayer and penance)

- God does not tempt us, but is rooted in the gift of freedom

Occasion/Danger of Sin (Proximate) -the danger is proximate/near if it cannot be overcome without grave difficulty (subjective standard as to person's ability to overcome temptation)

- act of contrition promises to avoid occasions of sin (which can be a sin in itself)

Occasion of Sin (Remote) - danger of sin that can be overcome easily

Seduction (in sin) - is the deliberate effort to lead others to sin

- it is a two-fold sin against charity and moral duty

Scandal - to weaken others or lead astray (always relative) (because the inter-relatedness of Christians creates duty to care for one another)

- active scandal is the giving of scandal by unbecoming conduct
- passive scandal - is the taking of scandal at the action of another
- let yourself be scandalized by actions of another and pass off to others
- scandal of the weak (those who may not understand are scandalized even though not a sin)
- scandal is a violation against charity (not necessarily a sin, but can be)
- avoid observance of positive law (going to mass) to avoid scandal (of husband's outburst)

Cooperation with Evil (material, formal, immediate, remote)

- sharing in the moral guilt of another's sin to some degree (some amount is unavoidable, but look at intent)
- traditionally done via counsel, command, consent, provocation, praise/flattery, concealment, partner, silence, defending

Formal cooperation - the internal consent to the sinful deed of another when one externally concurs

- the intent of the agent to cooperate with sin
- intentional in the moral sense (and always sinful)
- explicit (directly intend sin of the other) or implicit (assistance is necessarily joined to bad deed)

- implicit viewed by some as material cooperation
- looking at the sinful intent (subjective perspective)
- distinguish formal cooperation (intent) from material cooperation (physical assistance)
- need both material and formal cooperation to have a sin
- formal cooperation is usually a sin and sinful

Material cooperation - is when one externally concurs (physical assistance) in the sinful deed of another (without necessarily internally consenting), so not intentional in the moral sense

- must also look at the materiality of the physical cooperation and the sense of intentionality
- what aid is given, objective view
- immediate and mediate are types of material cooperation

Immediate cooperation - is when one concurs in the evil act itself (joins act, assists act)

- probably sinful, but must still look at the formal cooperation (intent)
- the more immediate one's cooperation, the greater responsibility (moral obligation) to prevent evil

Mediate cooperation - helps the actor, but does not join the act itself, indirect help

- further divided into proximate and remote cooperation depending if mediate cooperation is more or less connected with the evil deed

Moral Compromise - to try and find the maximum possible realization of the good in a concrete situation

- choosing another good that is realistic and realizable (is exercise of prudence and epikeia)
- compromise is not a contradiction to will of God

Tolerance (of evil) - accept views of others instead of disapprove in a pluralistic society

*Social Sin

Doubtful law - a law whose obligation is unclear due to wording or applicability

- debates over moral position since reputable theologians arguing different ways
- Bretzke says a doubtful law may remain even if magisterium speaks (unless new conclusive arguments given), i.e., a mere pronouncement without convincing arguments will not necessarily remove the doubt.
- ties into magisterial authority (Rome says once speak, no longer doubtful because magisterium is a charism which gives special position of holy spirit (even without any new arguments)
- but remember that the teaching is predicated on learning via study, not on infused knowledge
- doubtful law (usually about natural law) does not oblige
- resolve in own conscience (but obliged to form and inform conscience)
- once magisterium speaks, must either agree or disagree in conscience with them (can't say you think the law is still doubtful anymore)
- resolve doubt via probabilism, tutorism, voluntarism, rigorism, probabiliorism, laxism

Tutorism - the moral view that in cases of doubt one must follow the safer opinion (safest thing) which would be to follow the precept/law

- which assumes the moral law obliges (unless view of freedom is so exceedingly probable)
- leads to rigorism (when always practiced) which limits moral initiative, creates scrupulosity, impose hardships (rigorism condemned in 1690)
- sometimes good to use tutorism
- three weaknesses (security becomes the norm at the expense of truth, very voluntaristic which focuses on power over intent, values obedience over reason)

Voluntarism - the view that the highest moral activity/response to God is obedience to God's will/laws

- so obedience to law is key to good and how to respond to cases of doubt (how to respond since a doubtful law does not bind - *lex dubia non obligat*) -doubt over wording or applicability to present situation
- related to Nominalism - God conceived as absolutely sovereign, therefore god stands above the law
- whatever God commands is good, therefore highest moral view is obedience to God's will
- this view is called voluntarism (which is the nominalist ethic)
- law becomes the ultimate and supreme norm of moral rightness
- voluntarism is a heresy which does not die easily
- if something is good only because God wills it (and not good in itself), it creates problems as to morality and moral goodness (could God will otherwise or change and hurt God's nature)
- also connected to tutorism:
 - **rigorism** - must take toughest approach as to obedience of the law (when in doubt) -everything not allowed by law is presumed a sin
 - **laxism** - when in doubt, do whatever
 - **Nominalism** - God conceived as absolutely sovereign, therefore god stands above the law - whatever God commands is good, therefore highest moral view is obedience to God's will - nominalism leads to voluntarism (which is the nominalist ethic)
 - **Probabilism** -in cases of doubt about the law, as long as have enough arguments/positions (of established authority) to take less binding approach (for liberty from the law), then have choice to act either way
 - ✓ can follow a theological opinion (even if more probable opinions to the contrary)
 - ✓ this is catholic Church's position and its response to tutorism and rigorism
 - ✓ also applies when moral tradition in flux (liminal stage)
 - ✓ tied to formation and information of the conscience
 - ✓ can't use with questions of life because life is a higher value
 - ✓ called equiprobabilism (arguments for liberty are at least equally probable) -so can follow
 - ✓ (false view is that given support of authorities and good reason, then one can disregard the law)
 - ✓ Haring states that if an upright conscience has almost equally good reason to practice freedom, then not bound by law
 - ✓ magisterium pronouncements remove the doubt (so must accept and follow or reject based on conscience, but not on doubt)
 - **Probabiliorism** - follow the vast majority of arguments in cases of doubt (the more lenient position must be stronger in order to follow)
 - **Legalism** - when norms are elevated from their true status as means to an end in themselves

***Desuetude** - the state of disuse (when moral norms become out of date due to change in history, situation, circumstances), (e.g., laws on usury)

- law loses legal force since not used
- the corollary is that something practiced for many years achieves the force of law

***Dispensation** - an excuse from the obligations of the law by law

Epikeia -(Greek word meaning fitting, suitable, reasonable used by Aristotle in Ethics, and Fuchs)

- looking at intent behind the law (when anomaly arises that was not foreseen)
- so a dispensation from law in particular instance
- three basic cases when used (according to Saurez) to escape obligation of law:
 1. impossibility of the law - beyond our ability so does not bind
 2. inhumanity of the law - too difficult or intolerable

3. not binding according to the mind of the legislator -taking on the benign intention of the legislator to excuse observance of the law in a particular situation (this last one is most commonly identified with *epikeia*)

- Aquinas says *epikeia* is a virtue in that it is an improvement of the law (related to prudence which is the ultimate and organizing virtue)
- therefore it is a positive end and an obligation in its own right
- so *epikeia* is completing or perfecting law (as opposed to Saurez's excepting of law)
- yet still more of an exception to the law
- *epikeia* may be used for human law, but not for natural law (since natural law is already perfect since revealed from God and can't be reformulated) - this is the classical view
- medieval theologians started to apply *epikeia* to natural law
- differences come from greater human understanding (so Ok to reevaluate and allow exceptions)
- Thomas seems to allow for exceptions of secondary precepts (the moral norms drawn from first precepts of natural law) because human behavior varies with different conditions
- Josef Fuchs and Klaus Demmer say the natural moral law does change because human beings are historical (thus *epikeia* is a way to complete and improve human and natural law)
- new developments, new demands, other dangers
- Fuchs sees it as trying to discover and put into practice the true moral purpose of natural law
- he hopes for true actualization of man (the nonwritten natural law which provides *recta ratio*)
- Fuchs allows for dispensation/reformulation of norms in five cases (ridiculous, harmful, incongruous, impossible, insufficient)
- use own *recta ratio* plus that of community
- *Lex Valet ut in Pluribus* (the law holds in most cases)
- the exceptional case does not disprove the moral principle
- concrete moral norms are not applicable in all cases
- exceptions do not invalidate the law (norms apply in general cases)
- the Thomistic principle that moral rightness is determined NOT by those things which happen *per accidens* in an individual, but by those which follow from the whole species
- applies to principle of double effect and medical exceptions

Slippery Slope (or wedge) Argumentation -the argument against allowing an act because it would lead to other acts that are considered morally objectionable

- what will follow from the act is other atrocious acts that can't be refuted because allowed first act and its logic (one version) or other historical factors allow extension (second version)
- allowing abortion could lead to infanticide
- contraception leads to conjugal infidelity, lowering morality, states imposing it
- progression of thought that starts at a position and leads down hill morally
- e.g., euthanasia is permissible, to optional, to mandatory

Magisterium - the teaching office of the church (resides in special way with pope and bishops in union with the pope)

- faith and morals is the object of the teaching
- the foundational concept of the *munus* (office/function/service) of the magisterium is of an office in service to the church (not a special class)
- three functions/offices of magisterium (some overlap, but do not confuse):
 - teaching authority - to catechize, to instruct, faith and beliefs, what is being taught
 - governing authority - judicial, church discipline and practice
 - sanctifying authority - members of the church (via sacraments, holding up holy men/women)
 - exaggeration of governance is greatest danger (may inappropriately tie-in to sanctification)

- or wrongly extended teaching by canonizing one particular school of thought
- pay attention to cultural grounding of authority (monarchical, aristocratic, oligarchic, democratic)
- also a time lag from cultural or theological changes
- pay attention to theological paradigms which frame and interpret magisterium:
 - judicial office - power of judgment
 - 1) charism/gift - gift of office among people of God (Paul's insight of many people and gifts working towards unity via the holy spirit) -principle of looking for spirit in discernment -biblical grounding of magisterium's authority (avoid two biblical sins)
 - creating canon within a canon (only look at certain passages for meaning)
 - proof text - simply finding passages that support point Ordinary Magisterium -church teaching that takes the form of authoritative, but not necessarily infallible teaching and does not exclude the possibility of error in principle (can have infallibility by group of bishops formally gathered)
 - -infallible when in common by pope and bishops, constancy of tradition

Extraordinary Magisterium - ex cathedra, conciliar teachings when dogmatic but not pastoral, making solemn declaration of infallibility of doctrine

Faith and Morals (De fide vel moribus)

- understanding the competence of the magisterium in such matters (as designated by the Council of Trent)
- Mahoney says better to interpret morals as customs, practices, rituals (but was switched to morals incorrectly over time)
- principles are the abstract universals compared to the concrete application of them to problems (which contains contingency within particular circumstances)
- Fuchs says magisterium should be seen as authentic primarily on principles (and much less so on application)
- respect for teaching is a value, but not absolute value (importance of seeking moral truth with conscience)

Infallibility - teachings (technically Jesus' teachings for the church) that are absolutely definitive and irreversible/irreformable (no subsequent contradictory teaching or practice allowed) proclamations that demand the unconditional assent of the faithful (none have been made on morals)

- allowed to elaborate understanding later, but never can contradict
- defined at Vatican I
 - ✓ primary object - truths of faith divinely revealed (scripture, beliefs necessary for salvation)
 - ✓ secondary object - truths important for understanding the truths of primary object
 - e.g., Immaculate Conception (1854), Assumption (1950) which impact primary object of resurrection
- as to natural law (understanding its nature, its norms, competence)
- natural law outside the purview of infallibility because so dependent on human experience (which includes variables and development that work against an infallible approach)

Infallibilism - is the incorrect extension of infallibility to include more than is necessary to be believed

- an over exaggeration of papal authority or when infallibility has been invoked

Levels of Authority in Magisterial Teaching (what is said and how)

- infallible if de fide (of the faith) and ex cathedra (from the chair)
- hierarchy of truths (refers to character) those necessary for salvation (primary object) or for understanding these (secondary objects)

- hierarchy of form (ex cathedra by Pope, conciliar teachings like constitution, decree, declaration, papal encyclicals that are dogmatic, hortatory, commemorative, papal exhortations, apostolic constitutions or letters, papal allocutions, documents of congregations, magisterial teaching of bishops)
- pope may take over document (in forma specifica)

Ex Cathedra - "from the chair" - higher (formal and infallible) conciliar document or statement from the pope on faith and morals

Lumen Gentium - Vatican II document that states that people are obliged to submit to bishops decisions in matters of faith and morals (this is especially true of the Roman Pontiff even if not ex cathedra)

- bishops not infallible individually, but if all agree and especially at ecumenical council with pope
- as to faith and morals and deposits of revelation

Obsequium Religiosum - fundamental openness to loyally accept the teaching of the Magisterium

- attitude or posture of openness (emphasize over required obedience)
- obsequium is a willingness to submit to magisterium's authority and openness to its teaching (but it is not assent as such because can't command a person to assent to something do not believe)
- must allow person to stand on own (can't bind a person's conscience)
- conscience is most important, then primacy of magisterium, then submission of will
- Lumen Gentium #25 talks about infallibility of Pope and bishops at council on faith and morals

Theological Dissent - disagreement with teaching of the magisterium

- no public dissent, but discreet and constructive criticism of documents OK
- can criticize in journals (because usually in Latin, but now English), conferences, classroom (public is limited)
- use as dialogue for common search for the truth (not as attack on church)
- a modality for approaching truth better
- consider cultural understanding of dissent (US is easier about it, others view it as a reproach)
- *Donum veritatis* provides guidelines for very limited dissent
- faculty decision are by university, except for Pontifical faculties come under bishop
- Fuchs talks about prudence (what may be said, what must be said, what should not be said)

Sensus Fidelium - the expression of the sensitivity and capacity of all the faithful who through their baptism share in the gifts and guidance of the Holy Spirit to appreciate and discern the practical meaning that revelation and Christian faith has in the world

- usually applies to doctrine, but question whether it applies to moral matters also
- will always involve discernment of spirits
- the zeitgeist (spirit of the age) and the signs of the time
 - a theological component that allows for faithful dissent

Theological Reflection on Notion of Religious Authority (Fuchs)

- sacral understanding:
 - based on authority figure of absolute ruler (vicar of Christ)
 - human authority participates in divine authority
 - God's representative as a sacral character
 - plenipotentiary (full sense of power as if actually that person)
 - danger of making authority figure God/Xt. (divinize them)
 - this results in dissent being viewed as disobedience to God
 - this view overvalues assistance of holy spirit as charism, see knowledge as infused

- functional understanding:
 - based on office
 - how well person fulfills office/function of the church
 - represent legitimate plurality of human experience
 - unifying function that brings people together (serves people, the Gospel, the Church, servant of servants)
 - title of Pope (first among equals)
 - practice, study, reflection (duty to learn if one is to teach) absolute authority (Schneiders):
 - coercive since controls other views (since can only have one) by requiring assent or compliance
- dialogical:
 - not coercive, but disclosive (allows disclosure of various authority)
 - promotes investigation and verification of truth of claim
 - serves unity, although not every voice has an equal say
 - Schneiders prefers this second type of authority which is what God exercises towards humans
- magisterium's self-understanding:
 - Charism of office (aided by Holy Spirit) functions as Interpreter of Revelation, Guardian of the deposits of faith, and the authentic interpreter of the natural law (not sole or unique, but in competing claims magisterium gives genuine view)
 - expert in humanity (applies to matters of sexual ethics)
 - concern with the exclusion of voices from the magisterium (women, married men)

Theological Reflection on the Role and Limit of the Moral magisterium

- charism of office received and exercised in a human way
- scholastic theological maxim that one receives according to his or her own mode of reception (via learning and studying)
- not really infused knowledge for people (undercuts sacral perspective), need work of conscience
- avoid magical view of infused knowledge for Magisterium (all people have some claim on spirit)
- hermeneutical privilege of the poor (out of poor experience have ability and knowledge that others do not)
- but the spirit is ultimate criterion of truth

Interpretation of Teaching of Magisterium - must look at historicity (including historical context, read in that light, do not abstract or absolutize, exegesis)

- exegesis includes hierarchy/character of truths, mode of transmitting, and frequency of repetition
- avoid magisterial positivism and magisterial cynicism

Conscience and Church Authority

- must follow conscience (even if erroneous) over any teaching even if causes excommunication
- may inhibit following an erroneous conscience if causes great injury to person or another
- diminished culpability if fear, force, passion, intoxication
- fulfillment commandments (whether prescriptions or proscriptions are always binding) while goal commandments (the ideal) are not absolutely binding
- released from obligation of laws with excuse (physical/objective or moral/subjective impossibility, inculpable ignorance), conflict of duties (use proportionality to resolve conflict in favor of higher duty), dispensation (granted bylaw as particular for individual or general for all), epikeia (exception from law), desuetude (disuse)
- Canon #18 says that favors are interpreted broadly and strictures are narrowly

- Guidelines: church teaching seen as illumination for one's conscience, study, prayer, reflection, form and inform conscience, then must follow conscience always

Bioethics - application of ethics (moral principles) to the biological sciences, medicine, health care

- four major areas (human fertility control, death and dying, beginning of life, medical research/experimentation and public policy issues), also genetics, abortion, patient care
- McCormick talks of ten cultural biases of American Society that limit Christian appreciation of morality
- methodology includes theological anthropology presupposition: person is a live body (an embodied spirit) (avoids mind/body dualism, or talking about body without spirit since go together (not separate parts))
- method includes data, interpretation, application in Christian and professional ethos
- liminality exists (see sexual ethics on liminal - the time of unsettled transition of moral paradigms)
- probabilism applies in bioethics, but can't use it in questions of life because life is a higher value
- four principles govern biomedical moral reflection (autonomy of patient, nonmaleficence - duty to avoid harm, beneficence - duty to provide benefits, justice - fair distribution of benefits and burdens)
- principle of totality is important (ok to sacrifice part to save the whole), but bioethics still has a strong physicalist paradigm (organ donation used to be wrong), although shifting to personalist
- modes of discourse (quality of life, utilitarianism, cost-benefit, legal/moral, slippery slope)

Evangelium Vitae -1995 encyclical which deals with a range of life questions including abortion, euthanasia, and capital punishment (Pope said rarely permissible and not in advanced countries)

- called a solemn non-fallible statement
- Thomas legitimizes capital punishment based on power of state to protect self

Euthanasia - originates from "easy death"

- to terminate a person's life by painless and scientific method in order to shorten suffering when have incurable or distressing illness
- compulsory (without consent) or voluntary (by choice of patient) are two types
- usually addressing "by omission" when do not provide hydration, nutrition or medicine
- arguments both ways (can do or not based on view of life and extraordinary, ordinary debate)
- foregoing extraordinary means is not the same as euthanasia (under *Evangelium vitae*)

PVS [Persistent Vegetative State]

- is the clinical condition of complete unawareness of the self and environment, accompanied by sleep wake cycles, with either complete or partial brain stem function, and no voluntary responses to stimuli, no evidence of language comprehension (life span average is 2-5 years)
- considered IRREVERSIBLE
- different from a coma (eyes closed, lack sleep wake cycles, patients aware of self and environment, but no motor function of speech)
- different from brain dead (the permanent absence of all brain functions, including brain stem, irreversibly comatose, no functions)
- debate surrounds whether hydration and/or nutrition are ordinary or extraordinary means
- hydration, nutrition, and nurse care are required for PVS patients
- irreversible, it is an exception to return to consciousness or live very long
- remember *lex valet ut in pluribus* (the law holds in most cases), exceptions do not disprove principle
- area of legitimate probabilism (two valid arguments so can choose either)
- hydration is minimal obligatory support because of gesture of basic human gesture
- or both viewed as extraordinary medical therapies because disproportionately burdensome and intrusive means of artificial life support
- no magisterial statement (bishops conflict)

Vitalism - principle that says at all costs we must maintain an organ's life (this is a heresy)

- part of American ethos (where there is life there is hope)

Ordinary means - all medicines, treatments, and operations that are morally obligatory (because do not involve any grave burden for oneself or another) to preserve life

- distinction based on how burdensome a procedure is to a specific patient (with all the circumstances like persons, place, time and culture)
- distinction between ordinary and extraordinary is based on the subjective pole (this patient's situation)
- should consider physical, personal, interpersonal, societal effects of act
- so really can't abstract out objective norms
- may make some general views (objective pole), but ultimately decide on subjective pole
- means that are normal therapies, beneficial, and do not involve any grave burden for self or other
- not really to be understood as routine or standard medical practice (but as to obligation)
- must always be used (morally obligated to do)
- the distinction between ordinary/extraordinary involves proportionalism (weighing benefits and burdens of treatments)

Extraordinary means - all medicines, treatments, and operations that do not offer a reasonable hope of success or cannot be used without excessive hardship (pain, cost, inconvenience)

- means which are overly burdensome on a particular patient so they may be used or dispensed with (emphasis is on the optional aspect)
- not meant to be understood as heroic or unusual measures involving risk
- means disproportionate to benefit (overly burdensome)

Sexual Ethics - applying moral principles to sexual questions to determine what is right/wrong behavior

- sexuality is a mode of being human (not just a part as earlier view), an aspect of covenant love
- Reidy/Moose say essential, not accidental to human person
- "disordered" behavior not directed toward its natural end (which is procreation)
- ordered sex is directed towards procreation
- negative view of sexuality (Tertullian - marriage=3Dfornication, Jerome - sex good only because it caused virgins to be born, Augustine - original sin transferred through sex, concupiscence is bad sexual desire)
- Bretzke says presently in a liminal stage (a period of unsettled transition, in a doorway, between paradigms that are shifting, pushing through boundaries and limits and develop a new principle)
- move from classicist/physicalist paradigm to personalist is a liminal stage
- view things as changing for the better
- unsettled period in moral development as new concepts and refinements find place in tradition
- issues include masturbation, homosexuality, pornography, fornication, contraception

Analysis/Evaluation of Magisterium's Sexual Ethics

- Cahill looks at impact of personalism on Roman Catholic ethics
- Curran considers shift from classicist to historical, abstract to personalist, legal to relational
- Bretzke gives context questions about sources are used, ignored, rejected and decisive
- six C's of evaluation (comprehensive, comprehensible, consistent/coherent, credible, convincing, Christian)
- textual analysis that includes Ignatian presumption of good will (save, clarify, correct in charity)
- exegesis stage (literal, genre, other sources like scripture, patristics, magisterium, level of authority, context, nature and level of truth claims, counter arguments)
- Curran sees sexual ethics first as ecclesiological issues (Bretzke disagrees)

- use *sensus fidelium* (sense of the faithful) that allows for faithful dissent
- is physical pleasure a value in itself that competes with the procreative and love union aspects

Developing a realistic and positive and responsible Roman Catholic sexual ethic

- dignity of person, image of God, moral agency
- view of human sexuality (love is human end, but could change to procreation, intimacy, pleasure)
- Song of songs, talks of giving my love to one (Gn - knowing)
- Hanigan says to promote intimacy, but guard against lust
- the social and cultural expectation to have children
- Cahill says can be procreative by loving (not just having kids)
- Catholicism holds out the ideal as the norms for marriage, but can't and do not always meet
- heterosexual marriage always held as the paradigm
- theology problematic because it sets up exclusive groups (excluding others)
- conflict between Vatican's emphasis on procreation and others on love
- crisis in sexual morality (technology, psychology, perspectives)
- marriage still emphasizes mutual self-giving, responsible parenting (which implies regulating conception)
- approach with fundamental option, ontic evil, proportionate reason

Humanae Vitae (1968) -the papal encyclical on the wrongfulness/immorality of contraception

- reiterated the principle that the two aspects or ends of conjugal act are inseparable
- birth control separates the two aspects (procreation and unity), thus immoral
- 1930 Anglican Conference allowed birth control in certain circumstances (moral obligation)
- principles of totality and Christian principles governed Anglican view
- *Casti connubii* was the Vatican response condemning anything that disrupted procreative purpose
- although talked about at Vatican II, Paul VI reserved for own issue until after
- three sections (new aspects, doctrinal principles, pastoral objectives -larger part)
 - 1) new aspects: domination over nature by humans extended to body, physical life, social life
 - rejects possibility of revising ethical norms in light of principle of totality
 - Magisterium competent to interpret the natural law
 - 2) doctrinal principles -marriage in context of God's love whereby husband and wife share all
 - idealistic view of marriage that may not be credible
 - "responsible parenthood" - principles and practical application do not match up
 - inseparable aspects of union and procreation in the marriage act (*Gaudium et Spes* called these "equal," which implied one may outdo the other, so inseparable resolves that)
 - illicit ways of regulating birth (abortion directly willed and procured even if therapeutic)
 - therapeutic abortion and sterilization OK if cures a disease and NOT directly willed
 - rhythm method is acceptable form of natural contraception since *natura*
 - artificial contraception is wrong because *contra natura*
 - it also is a violation (performed act) of a proscription which always applies, while natural is a non-performance of a prescription which does not always apply
 - can't use argument of lesser evil or totality to allow
 - "*intrinsece inhonestem*" was description of contraception used in encyclical which means not hitting the ideal or not worthy of human person (so did not mean intrinsically evil)
 - but in 1997 under *Veritatis splendor*, contraception called intrinsically evil
 - pastoral directives -do not come down hard on people
 - recognize sinfulness of humans, but mercy of God
 - let them come to sacraments
 - not infallible, although some say yes, remember *sensus fidelium*

Natural Family Planning (NFP) - the responsible planning of family size and when have children based on duties to self, children, family and society (accepted and encouraged by Rome due to population trends)

- done practically through the rhythm method or abstinence, but medical issues exist (psychic balance, birth defects) and actual effectiveness
- love of couple as primary implies regulation of conception
- Vatican document on population trends to UN
- Magisterium cannot decree about family planning because up to people

***Persona Humana** - CDF's declaration (1975) on certain questions concerning sexual ethics

- church accepts constitutional homosexuality (orientation is not sinful)
- so not a volitional choice

***Veritatis Splendor** - "the beauty of truth" is the 1993 encyclical which deals with fundamental moral theology

- it changed the classification of contraception from *intrinsice inhonestem* (missing the ideal) to intrinsically evil

Parvitas Materiae in Sexto - no smallness of matter in the sixth commandment

- any violation is considered intrinsically evil and thus grave matter

***Ratum et Consummatum** - consummation of wedding sacrament through the conjugal act of sex

Catechism - 1985 extraordinary synod, 1991 French version, 1994 English copyright

- aimed at bishops with teaching about commandments, creeds, our father

Confession - integral (complete) confession required

- confess mortal sins by species and number, venial sins recommended to confess, but not required
- confessor judges gravity, circumstances, if complete, disposition
- absolve, penance (vindictive/punish or medicinal), counsel
- old manual approach (sin with appropriate penalty)

***Vice**

***Virtue**

***Gaudium et Spes**

***Moral Habit**

***Hermeneutics**

***Imago Dei (Image of God)** - we are created in the image of God (reason and will of God in our hearts)

- thus able to access reason and the moral law
- what our image of God is (love, judge, moral lawmaker, etc.) impacts our view of the moral law

***Ius ad Bellum**

***Ius in Bello**

***Lex Talionis**

***Dignitatis Humanae** - Vatican II Document on the dignity of the human person

***Internal Forum**

***External Forum**

Notes:

Consequences of auricular confession:

- individualized over community
- act centered over development
- emphasized sin