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A Defense of the Command/Counsel Distinction Based on Matthew 19 and 1 Corinthians 7

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PRIOR TO VATICAN II, the command/counsel distinction was ubiquitous and unquestioned in Catholic moral theology.[1] Post Vatican II saw a serious decline in its use. Undoubtedly, the historical connection between the command/counsel distinction and two-tiered ethics is the reason for the decline. As David Cloutier and William Mattison write, "[There has been a] near total abandonment of any sort of two-level ethic within the Church."[2] A two-tiered ethic was rejected because it "helps create a *de facto* higher class of Christians."[3] As a two-tiered ethic is typically articulated, all Christians are required to live the commandments, but only some live the counsels. As a result, a kind of minimalistic ethic grows up around the laity, whereas religious (those who vow the counsels) are called to a higher holiness. After Vatican II and the clearer proclamation of the universal call to holiness, two-tiered ethics no longer makes sense, and, as a result, moral theologians do not speak of commands and counsels. In fact, some moral theologians are openly critical of the distinction.[4] To use the command/counsel distinction would seem to bring back two-tiered ethics and all that is assumed to be bad about pre-Vatican II ethics.

The purpose of this paper is to defend the command/counsel distinction. It is based on solid biblical sources. Making this case is the purpose of section one. The second section aims to meet some objections to the distinction, principally that by adopting it a two-tiered ethic follows. In that section, I argue that, though the rise of two-tiered

[1] One can find the distinction in almost all manuals of moral theology, especially in the sections on vows, the new law, or the virtue of charity.

[2] David Cloutier and William Mattison III, "Method in Catholic Moral Theology," *Journal of Moral Theology* 1, no. 1 (2012): 176–178. For an exception see Kent Lasnoski, *Vocation to Virtue* (Washington, DC: The Catholic University of America Press, 2014).

[3] James Bretzke, *Handbook of Roman Catholic Moral Terms* (Washington DC: Georgetown University Press, 2013), 247.

[4] Charles Curran, *A New Look at Christian Morality* (Notre Dame: Fides Publishers, 1970), 9.

ethics is related to the use of the command/counsel distinction historically, the connection is only true if one assumes a morality of obligation.

THE SCRIPTURAL SOURCES OF THE COMMAND/COUNSEL DISTINCTION

The Scriptural roots of the command/counsel distinction are found in two texts: Matthew 19 and 1 Corinthians 7. Sustained attention to both, even with the critical eye of modern biblical exegesis, leaves one with only one option: some actions are not required but are recommended as more fitting ways of reaching the shared goal of Christian life. This is the substance of the command/counsel distinction.

Matthew 19:3–12: Eunuchs for the Sake of the Kingdom

The first passage which is typically invoked in favor of the command/counsel is Matthew 19:3–12 (cf. Mark 10:2–12). In this passage, Jesus responds to the Pharisees concerning the legitimate grounds for divorce. In his response, Jesus returns to the logic of creation: "Male and female he created them, and on account of this a man will leave his father and mother and will be joined to his wife and the two shall become one flesh." The Pharisees respond: "Then why did Moses command us to give a bill of divorce and dismiss her?" Jesus responds that Moses tolerated divorce, but it was not so from the beginning. He then utters the famous line: "I say to you that whoever divorces his wife and marries another, not concerning *porneia*, is committing adultery." Ignoring the exception clause, the disciples respond flabbergasted: "If it is so with the cause of a man and his wife, then it is not fitting to marry." Jesus's response is ambiguous: "Not all can accept this word, but only those to whom it is given." Jesus then follows this with the eunuch saying and an exhortation: "There are [some] eunuchs who were born so from the womb of their mother, [some] who were made so by man, and [some] who make themselves eunuchs for the kingdom of God. The one who is able to do this should do it" (Matthew 19:1–12).[5]

The classical interpretation of this passage sees it as a straightforward source of the command/counsel distinction. There is a command: avoid divorce and remarriage; this is adultery.[6] To avoid transgressing this commandment, one can enter a marriage and remain or avoid the marital state entirely (celibacy). One of these ways is more fitting/profitable (*sumpheron*).[7] Yet the command itself does not require one to take the more profitable way. It must be a calling from God,

[5] All translations, unless noted, are my own.
[6] John Meier, *A Marginal Jew: Rethinking the Historical Jesus, Volume IV: Law and Love* (New York: Yale University Press, 2009), 106.
[7] The verb used here is *sumphero* – used impersonally.

which is implied by the theological passive: "only those to whom it is given." Those who are given this gift, "make themselves eunuchs on account of the kingdom." In other words, it seems that Jesus is partly admitting the disciples' objection but qualifying it that only those to whom it is given can live a celibate life. Nevertheless, the commandment binds all: nobody should divorce and remarry.

Although the above interpretation seems cogent, there is a powerful alternative interpretation, which claims that Jesus's response ("not all can accept this word") refers not to the disciples' response but to the prohibition of divorce and remarriage.[8] In this interpretation, Jesus is correcting the disciples' erroneous interpretation. To marry is part of the kingdom, and absolute fidelity is its sign. If you separate from your spouse, you must live as a eunuch—one (morally) incapable of sexual acts. This is a requirement of the kingdom, and those who are Christian can live by this command. Christians are those "to whom it is given." In other words, according to this interpretation, we are not here dealing with a command and a counsel, but an absolute command addressed to all (no divorce and remarriage). If one separates from one's spouse (e.g., on account of him or her abandoning the Christian way of life) then the power of the kingdom enables celibacy. [9]

The pivotal issue separating these two interpretations is the ambiguity of Jesus's response. Does "this saying [*ton logon*]" refer to the disciples' reaction or to Jesus's divorce saying? If it refers to the disciples' reaction, then the first interpretation is more likely. Jesus is admitting their reaction that celibacy is better, considering the prohibition of divorce, but qualifying it to say that celibacy is a gift. If it refers to Jesus's prohibition of divorce and remarriage then the second interpretation is more likely. The celibacy being referenced is to avoid a second marriage and God's grace enables this. Each interpretation has strengths and weaknesses.[10] Nevertheless, solving this convoluted debate is, in a substantial sense, beside the point for the command/counsel distinction.

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[8] Quentin Quesnell, "Made Themselves Eunuchs for the Sake of the Kingdom," *The Catholic Biblical Quarterly* 30, no. 3 (1968): 335–358. See also Nil Guillemette, "Is Celibacy Better?" *Landas* 10 (1996): 3–38.

[9] Francis Moloney, *A Life of Promise: Poverty, Chastity, Obedience* (Eugene, OR: Wipf and Stock Publishers, 2001), 96ff.

[10] For a defense of the second interpretation see Moloney, *A Life of Promise*, 88ff. There are problems with the second interpretation Moloney does not note, though. First, it implies that faithfulness in marriage is a gift, a grace, and cannot be accepted by all humans. This would be problematic to the claim that marriage is a natural institution (though one could claim that without grace nature is wounded and incapable). Second, it does not fit the grammar of the passage as well as the first. Third, it seems to imply (based on the final exhortation) that some are not able to live chastely after separation (and that they are not exhorted to do so). For a defense of the first see Daniel Harrington, *The Gospel of Matthew* (Collegeville, MN: Liturgical Press, 2007), 273ff.

This passage supports the distinction either directly or indirectly. It supports the distinction directly if one takes the first interpretation. Here we find Jesus straightforwardly giving a command, do not divorce and remarry, and counseling the disciples on a more fitting way to avoid breaking the command, celibacy. Yet, one could avoid breaking the commandment by remaining faithful to marriage as well. If that is not the case, then the passage only supports the command/counsel distinction indirectly by supporting the option of living either celibately or in marriage as a follower of Christ. The scholars who defend this interpretation still recognize that there were those who lived celibate lives in the early Christian community: Jesus, John the Baptist, possibly some of the disciples.[11] Yet, none of those scholars would claim that either celibacy or marriage would be required to avoid divorce and remarriage. In other words, there are still multiple ways of fulfilling Jesus's command. Granted, the command/counsel distinction requires more than this, namely that one of the ways be more fitting than the other. Yet that can easily be supplied by Jesus's own example or the link between celibacy and the resurrected state.[12] In other words, though one could make a strong argument that this passage does not recommend one of the two ways as more fitting, it would be hard to deny it based on other passages.[13]

Matthew 19:16–30: Poverty and the Kingdom

The second passage (Cf. Luke 18:18–30, Mark 10:17–31) typically invoked to support the command/counsel distinction concerns wealth. In this passage a rich young man approaches Jesus and asks, "Teacher, what should I do to obtain eternal life?" Jesus responds, "If you wish to obtain eternal life keep the commandments." The youth responds, "Which ones?" Jesus responds with commandments from the second tablet of the Decalogue. The youth responds, "I have kept all these. What do I still lack?" Jesus responds with the famous line: "If you wish to be perfect/whole (*teleios*) sell all your possessions and give [them] to the poor, and you will have treasure in heaven, and then follow me." The young man is saddened by this, for he has many possessions. Jesus then explains the encounter to his disciples, "Entering the kingdom of heaven is difficult (*duskolōs*) for the rich." The disciples are surprised by this and respond, "Who then can be saved?" Jesus responds, "For humans this is not possible, but for God all [things] are possible" (Matthew 19:16–26).

One of the oldest interpretations of this passage comes from Jerome and sees this passage as a straightforward presentation of the

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[11] Quesnell, "Made Themselves Eunuchs for the Sake of the Kingdom," 337, n. 9.
[12] For more on Jesus's example of celibacy, see Moloney, *A Life of Promise,* 103ff.
[13] Cornelia Horn and John Martens, *Let the Little Children Come to Me: Childhood and Children in Early Christianity* (Washington DC The Catholic University of America Press, 2009), 88ff.

command/counsel distinction and the call to monastic life.[14] The youth has kept the commandments but still lacks something, still lacks the possibility of perfection made possible by the counsels. Jerome says that "whoever wants to be perfect ought to sell what he has and sell not merely a part of it, as Ananias and Sapphira did, but sell everything." Though this does not automatically render someone perfect, "Many who abandon wealth do not follow the Lord,"[15] says Jerome. It does, however, give the possibility of perfection. In other words, it is impossible to retain possessions and reach perfection. St. Jerome calls retaining possessions (i.e., following the commandments), a "lesser way" and those who follow it have a "second degree of virtue."[16] Those who give up all their possessions follow the counsel of Christ and can reach perfection. Though this is not the only pre-modern interpretation of this passage, it is a dominant one.[17]

An alternative interpretation is found in the *Oxford Biblical Commentary*, which is drawing, in part, from John Calvin. The *OBC* reads this passage as a recommendation of obedience to Christ through a story of failed obedience (cf. 4:18–20, 8:18–20, and 9:9). In other words, this interpretation claims that the passage is not about wealth or about two levels of Christians. The details of the story are not universalizable, just as "leave the dead to bury the dead" is not. Jesus is speaking to the young man in front of him, not to all Christians. Because of this, there is not a commandment and a counsel here, nor an implication that there are two levels of Christians. What some have read as a counsel is really a command to this individual. As evidence of this, the *OBC* cites the loss of the kingdom by the rich young man, not the loss of perfection, when he goes away sad.[18] If there were two levels, one would expect the loss of perfection and not the loss of the kingdom, full stop. In other words, perfection in this passage is "perfect obedience" and is required of anyone who will reach the kingdom.

What is lacking in both these interpretations is any substantial connection to the Sermon on the Mount. Neither interpretation uses Matthew 5:48 to interpret what perfection/wholeness means in this passage.[19] This not only takes Matthew 19 out of the proper context of the whole Gospel of Matthew but also ignores the clear references from

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[14] Moloney, *A Life of Promise,* 56ff.
[15] Jerome, *Commentary on Matthew,* trans. Thomas Scheck (Washington, DC: The Catholic University of America Press, 2008), 220.
[16] Benoit Matougues, *Œuvres de Saint Jerome* (Paris: Rue Neuve-Des-Petits-Champs, 1838), 79. "second degré de la vertu."
[17] For Aquinas's interpretation, see Thomas Aquinas, *Commentary on the Gospel of Matthew, Chapters 13–28* (Lander, WY: The Aquinas Institute, 2013), 1589ff.
[18] John Barton and John Muddiman, eds., *The Oxford Bible Commentary* (New York: Oxford University Press, 2013), 869–870.
[19] Moloney, *A Life of Promise,* 63ff.

Matthew 19 to the Sermon.[20] Three pieces of evidence make this clear. The first is the grammatical parallel between Matthew 5:48 and Matthew 19:21. In each, there is a call to perfection. This is Matthew's addition to the story of the rich young man and so naturally brings the reader's attention back to the Sermon. Second, in Matthew 5, Jesus is explaining the place of the moral precepts of the Mosaic Law in the life of Christians. Jesus says he has not come to abolish the law but to fulfill it. This fulfillment is a greater righteousness. Jesus is approached by a young man who is observing the law but lacks the deeper righteousness of the Sermon, the perfection/wholeness. In other words, "*exactly* the same argument is being pursued through the narrative of the rich young man [as the Sermon]."[21] Finally, the injunction to give alms and store up treasure in heaven is also straight out of the Sermon (Matthew 6:2–4, 19, 24). The grammatical and structural parallels are undeniable.

So, what does the Sermon add to our understanding of Mt 19? In the Sermon, Jesus says that one's righteousness must surpass that of the scribes and the Pharisees. Jesus is not setting aside the law but bringing it to completion/fullness.[22] It is the observance of the moral law in its fullness that brings the believer to perfection/wholeness. This perfection/wholeness, as recently argued by both Mattison and Pennington, is the deeper righteousness of interiorizing the commandments; it is virtue.[23] This is the correct explanation of what perfection means, and this is precisely what the youth lacks. He may keep the commandments exteriorly (and love his neighbor exteriorly), but he is still attached to riches and is thus divided; virtue is not only concerned with actions but also desires. This means the issue of riches is not one of prohibition but of disposition ("he left sad"), luxury, and excess (Matthew 5:1, 6:24, 6:33; Luke 7:25, Luke 19:1–10; 1 Timothy 6:6–19; 2 Peter 2:13).[24] This makes sense given Jesus's explanation to the disciples after the youth leaves. He gives an explanation based on disposition: "It is hard for the rich to attain the kingdom…but all things are possible with God" (Matthew 19:23, 26). He does not say it is impossible but is difficult. Why? Because the goal is the wholeness/perfection of the Sermon, and it is hard to remain detached from riches. In addition, the connection to the Sermon also makes sense of why Jesus only asks the youth about the commandments on the second tablet (while still recognizing that the reference to Leviticus was meant

[20] Moloney, *A Life of Promise,* 63.
[21] Moloney, *A Life of Promise,* 64.
[22] William Mattison III, *The Sermon on the Mount and Moral Theology* (New York: Oxford University Press, 2017), 64ff. Jonathan Pennington, *The Sermon on the Mount and Human Flourishing* (Grand Rapids: Baker Academic, 2018), 174ff.
[23] Pennington, *The Sermon,* 298f.
[24] See also Tzvi Novick, "Wages from God: The Dynamics of a Biblical Metaphor," *The Catholic Biblical Quarterly* 73, no. 4 (2011)*:* 708–722.

to summarize the whole law): the invitation to perfection/wholeness is an invitation to follow Christ, as is clear in the Sermon. Indeed, the entire Sermon is a portrait of Christ.[25] In Matthew 19, Jesus references the second tablet because he is inserting himself in place of the first three commandments. This makes sense of why some commentators read this as a conversion story.[26]

What the two former interpretations lack comes from attention to the Sermon on the Mount. According to the first, this passage is a straightforward recommendation of the higher way of religious life. Yet, the Sermon calls all people to the greater righteousness which is perfection. The first interpretation is only sustainable by calling some Christians to perfection. The Sermon belies this option. The second interpretation cannot be correct either. Though the *OBC* denies that the same kind of perfection/wholeness is in question in Matthew 5 and Matthew 19, it offers no evidence. The conceptual and grammatical references seem undeniable, and I see no reason why Matthew 19 would be referencing the "completeness of obedience" and Matthew 5:48 the "completeness of love."[27] Jesus follows the encounter with a general point about riches. To undercut a two-tiered reading of the passage, the *OBC* particularizes the story so much that Jesus's explanation makes no sense. Why make a general point about riches if the story is in no way universalizable? Why make a point about riches if the whole point is obedience? It is by recognizing the connection to the Sermon on the Mount, an instruction dedicated to all disciples, that two-tiered ethics is undercut. There are not two standards or two calls, but one call to wholehearted devotion to God. It is in this context that Jesus warns all his disciples against riches. The reason the youth loses the kingdom is because he refuses to part with what is keeping him from the perfection/wholeness of the kingdom.

But what of the command/counsel distinction? Connecting the passage to Matthew 5:48 does not seem directly to support the command/counsel distinction. In fact, it seems to undermine it. In the Sermon, there are not two grades of believers or two standards—one living the commandments and one living the counsels. All believers are called to the greater righteousness of the Sermon; all are called to one goal of perfection/wholeness. Nevertheless, it is in connection to the Sermon that the command/counsel distinction reasserts itself in another form.[28] The greater righteousness of the Sermon, the singular goal of the Christian life, is possible both to those who possess riches

[25] Servais Pinckaers, *The Pinckaers Reader,* eds. John Berkman and Craig Steven Titus (Washington, DC: The Catholic University of America Press, 2005), 383.
[26] Harrington, *The Gospel of Matthew,* 281.
[27] Barton, ed., *Oxford Biblical Commentary,* 869–870.
[28] I think a strong case can also be made for reading the antitheses through the distinction as well. See Mattison, *The Sermon on the Mount and Moral Theology,* 68–90.

and those who do not. It is not an issue of two standards or merely keeping the commandments versus observing the counsels of perfection but an issue of difficulty and obstacles. The rich can attain the wholehearted devotion and detachment necessary for greater righteousness, but it is more difficult. This is why Jesus uses the adverb to say that it is only "with difficulty" that the rich will enter the kingdom. In other words, poverty removes a major obstacle to the holiness of a Christian, yet one does not have to be poor to be whole/perfect. For example, some claim that Mary Magdalene was very wealthy and traveled with Jesus and provided for him out of her means (Luke 8:3).[29] Yet Jesus is saying that this is the harder way. It is difficult to be rich and not be attached to one's riches, "For where one's treasure is, there is one's heart also" (Matthew 6:21). The advice is clear. Poverty is the more fitting, but not the only possible way, of achieving wholehearted love of God and neighbor (Matthew 22:35–40). This is the command/counsel distinction. There are multiple ways, and one is more fitting.[30]

1 Corinthians 7: Paul's Preference for Virginity

This passage has been the subject of massive amounts of scholarship. Most biblical exegetes go to great lengths to argue that Paul is not claiming that celibacy is superior to marriage or that later Pauline literature developed this point.[31] Both of these debates are beyond the purview of this essay. What concerns me is that this passage explicitly contains the command/counsel distinction. Paul is recommending celibacy, but it is not necessary. Celibacy is not a commandment of the Lord but rather Paul's counsel. It is a more fitting means toward a certain common goal of the Christian life.

The provenance of this passage is a series of questions concerning marriage, celibacy, and virginity Paul receives from the Corinthians.[32] Paul finds himself in an interesting position, caught between extreme ascetics who claim that sex, even within marriage, should be avoided and his own desire to recommend celibacy. Against the extreme ascetics (7:1), Paul defends the goodness of marriage and even calls it a charism: "[Though] I wish that all were as I am, each one has a particular gift [*charisma*] from God, one of one kind and one of another" (1 Corinthians 7:7). One can see the foreshadowing of 1 Corinthians 12 and a vision of a unified body with each contributing, both married

[29] Likewise, wealthy and influential people were often named by their hometown.

[30] Even the *Oxford Biblical Commentary* implicitly admits that riches make it harder to attain the kingdom. If obedience is the goal, then poverty would be the safer/more fitting way. Riches make it harder to be obedient. See Barton, ed., *Oxford Biblical Commentary,* 870.

[31] The developed position, whether Paul's or not, would be found in Ephesians 5.

[32] For a division of this chapter see Joseph Fitzmyer, *First Corinthians* (New York: Yale University Press, 2008).

and celibate. In other words, against the extreme ascetics, Paul teaches that sex and marriage are not sinful and, on the contrary, contribute to the one body of the Church. On the other hand, Paul still wants to recommend celibacy and not simply because of an eschatological crisis. Put more bluntly, celibacy is not simply an interim ethic. Paul wants people to be free of "worldly troubles" and "anxieties" so that they may give "undivided devotion" to the Lord.[33] This is true regardless of the timing of Christ's return. In every age, celibacy has a certain advantage for prioritizing the Lord and "the Lord's affairs" (1 Corinthians 7:32).[34]

In recommending celibacy, Paul utilizes the command/counsel distinction explicitly. As he says, he is offering his *gnome* (1 Corinthians 7:25). This word means more than opinion. It is closer to a judgment on the matter.[35] Paul says explicitly that he does not lay a restriction (*brochon*) or have a commandment (*epitage*) in this regard. Paul is immediately making clear this is not an issue of necessity. Celibacy is not required for the fulfillment of the moral law, as some Corinthian ascetics seem to be suggesting. Those who marry do not sin (1 Corinthians 7:28). Rather, he wishes that all be dedicated to the Lord, *aperispastos*: without distraction, living in the world as if not living in it, and free from anxieties.[36] In Paul's judgment, both marriage and virginity are good, yet certain goals render celibacy preferable. These are goals that all Christians share. As Paul says, "I am saying this for what is advantageous/fitting (*sumphoron*) to you" (1 Corinthians 7:35).

Paul's use of the command/counsel distinction could not be more explicit. The central proposition in this passage is not the avoidance of *porneia* or divorce (though those are necessary also) but living in this world truthfully, "for the shape of this world is passing away" (1 Corinthians 7:31). Certain things are required for all: to avoid *porneia*, to shun divorce, and to live in the world as though not in the world (i.e., as Paul says—"keeping the commandments") (1 Corinthians 7:19). Paul is not recommending that those who have undertaken marriage abandon it but rather live "as though they had none" (1 Corinthians 7:29). By this he does not mean to argue sex or marriage is sinful; that would admit the position of the extreme ascetics. His point is that marriage draws you into this world and causes anxieties, making it harder to have undivided devotion. Likewise, he is not saying you should never be involved in the affairs of the world or be married, but

[33] These are the goals whether the world is ending soon or not, married or celibate. See verses 7:7 and 32ff.

[34] See Fitzmyer, *First Corinthians*, 316ff.

[35] Rollin Ramsaran, "More Than an Opinion: Paul's Rhetorical Maxim in 1 Corinthians 7:25–26," *The Catholic Biblical Quarterly* 57, no. 3 (1995): 531–541.

[36] What does Paul mean by dedication to the Lord? He means what most scholars think of as prayer, presence in cultic or church assemblies, charitable works, even preaching. These things are harder to do consistently if you are married.

that concern for the things of the Lord must take priority, and this is harder when you are married.[37] He is also not claiming that marriage is not more advantageous in other ways. Paul counsels marriage for those who struggle with sexual desire. If one's goal is to avoid adultery and one struggles with sexual desire, marriage is more fitting. When it comes to the affairs of the Lord and pleasing the Lord, celibacy is more fitting. Which is the more fitting way depends on the person and the goal in mind, but what is clear is that the commandments are distinct from what Paul counsels. This is the command/counsel distinction.

The major points of debate among scholars concerning this passage are irrelevant to this claim about the command/counsel distinction. Some scholars say that Paul is proposing his opinion here and not exercising apostolic authority. This would seem to be wrong since Paul invokes his authority by saying he is trustworthy and has the Spirit. Nevertheless, with what authority Paul recommends celibacy (or marriage) is not really a concern. Either way the structure of the command/counsel distinction is there. Other scholars say that Paul only prefers celibacy because he thinks that the *Parousia* is immanent (and is mistaken). Once he (or later Pauline literature) realizes the truth, he abandons his preference for celibacy and goes back to the equality of the callings (Ephesians 5). In some sense, this objection too is beside the point. Paul recommends celibacy for reasons other than the end of the world: undivided attention, concern for the affairs of the Lord, etc. These ought to mark every Christian life. Furthermore, even if Paul is wrong about the circumstances in which celibacy might be preferred (i.e., those goals or the poignancy he gives them are only on account of a mistaken belief in the immediate *Parousia*), he clearly admits as a method of reasoning that the commands are required and there are more or less fitting ways to fulfill them.[38] In other words, the command/counsel distinction would still be present even if the particular circumstances in which it is applied are mistaken. Likewise, some scholars claim that Paul does not claim celibacy is a higher calling.[39] While this claim seems hard to support, it is still irrelevant. What Paul counsels (marriage or celibacy, hierarchically arranged or not) is not necessary to fulfill the moral commandments, and so the commands and counsels are distinct. Paul is still distinguishing the commandment from the counsel, even if there is no absolute hierarchy among the ways of fulfilling the command. Finally, the long and detailed debates

[37] Vincent L. Wimbush, *Paul: The Worldly Ascetic* (Macon, GA: Mercer University Press, 1987), 96: "Thus, the relativizing argument (ὡς μή ἀμέριμνος) is not used for debunking, but for accepting involvement in, the structure of the world, with the provison that concern for 'the things of the Lord' take priority."

[38] Furthermore, there are tribulations in every generation, and one must always engage with the world as if it is passing away.

[39] Guillemette, "Is Celibacy Better?" 16ff; Fitzmyer, *First Corinthians,* 275f.

concerning 7:35ff and the precise meaning of *parthenos* are irrelevant.[40] In Paul's advice he indicates again that it is not a sin to marry, but that the preservation of virginity in this case is better vis-à-vis the positive goal of Christian life. This, again, implicitly involves the command/counsel distinction.

DOES THE COMMAND/COUNSEL DISTINCTION ENTAIL TWO-TIERED ETHICS?

These three Biblical passages, especially the latter two, present a picture of a shared goal of Christian life (perfection/wholeness/focus on the Lord) and certain activities which are required to reach it (e.g., love) or are necessarily contrary to this goal (e.g., adultery). Yet these passages also recognize fitting ways of reaching the goal of holiness.[41] As these passages present them, counsels are recommendations of the more fitting way. Jesus thinks that riches are an obstacle to the goal of perfection/wholeness, but they are not *ipso facto* contrary to perfection/wholeness. Likewise, Paul clearly thinks that marriage makes it more difficult to live in the world as if it is passing away and to devote more attention to the things of the Lord, yet marriage is not contrary to the Christian life and has its own gifts to bring to the body.

In some ways this is clear, and in other ways it raises more questions than it answers. It is still unclear whether a counsel is itself a greater participation in the goal or simply removes obstacles to the goal (or both), how vows should be understood in relation to counsels, whether all Christians are called to live the counsels, and whether the command/counsel distinction gives rise to two-tiered ethics (as some have contended it does). Given space limitations, I cannot answer all these questions satisfactorily. I wish to address the last question only. Nevertheless, answering this final question will allow me to cursorily touch the others.

The Command/Counsel Distinction Understood in a Morality of Happiness

The key issue for how to understand the relation between the command/counsel distinction and two-tiered ethics is freedom. Following Servais Pinckaers, one can distinguish two major conceptions of freedom: a freedom of indifference and a freedom for excellence. The first conceives of freedom as the "power to choose between contraries" whereas the second is "the power to act freely with excellence and perfection."[42] These two concepts of freedom in turn "produce two

[40] The three options are virgin daughter, betrothed virgin, or a cohabitating virgin committed to preserving virginity. See Fitzmyer, *First Corinthians,* 322ff.
[41] See footnote 60.
[42] Servais Pinckaers, *The Sources of Christian Ethics,* trans. Sr. Mary Thomas Noble (Washington, DC: The Catholic University of America Press, 1995), 375.

concepts of morality…[and] of happiness."[43] A freedom of indifference generates a moral vision which excludes nature, has no room for growth, tries to maximize choices, requires the choice of evil as a possibility, and pits the individual's freedom against others, faith, tradition, law, natural inclinations, and community. Put differently, because freedom is primarily conceived non-teleologically and negatively, any influence on the individual is inimical. Hence, commands are essentially coercive and unrelated to what an individual truly desires. In its Christian form, this ethic focuses on law, conscience, and obligation. Morality is an obligation imposed by God and received/applied in conscience. What is necessary is what God's will deems is necessary. Where God's law is silent, conscience is left with only indifferent matters.[44] The central question is: What does God's will compel me to do? If there is no law, then there is no obligation, and an individual is free to do whatever he pleases. Morality, in this conception, is the lesser of two evils (hell being the worse), but not what one wants or what fulfills.

In fact, it is a morality of obligation, and the nominalism that intellectually undergirds it,[45] which uses the command/counsel distinction to generate two-tiered ethics. One can easily see why this is the case. In a morality of obligation, law represents a minimum imposed by a higher authority under threat of punishment. One could go beyond the law, but it is not one's duty. What are the counsels, then? They become optional extras undertaken beyond the commands and represent the desire of the individual to pursue a higher way. The only connection between these two ways is the supererogatory will of the individual willing to undertake the more difficult path. Having bound oneself to the higher road (i.e., undertaken a life of the counsels), one is now subject to different requirements than those merely living the commandments. Commands and counsels constitute two competing ways of showing obedience and are related only inasmuch as both are from God. One can see why, in this conception, the command/counsel distinction can be tied to the states of life in the Church. Since the goals of the commands and counsels are diverse, the command/counsel distinction can be correlated with states of life in the Church. The laity are those who merely live the commands. Religious are those who vow and live the counsels.

In a morality of happiness, on the other hand, the command/counsel distinction is understood differently. Since commands are ordered toward the mind and direct people to an end or prohibit what is necessarily contrary to that end (ST I-II q. 90, a. 2, co.), the end toward

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[43] Pinckaers, *The Sources of Christian Ethics,* 465–466.
[44] Viktoria Deak, *Consilia Sapientis Amici* (Rome: Editrice Pontificia Universita Gregoriana, 2014), 34–43.
[45] Pinckaers, *The Sources of Christian Ethics,* 240ff.

which commandments and counsels point is one and the same: virtue, another name for the biblical perfection/wholeness (ST II-II q. 184, a. 1, co).[46] This is the shared goal of all Christians. It is within and toward this shared goal that commandments are distinguished from counsels. According to a morality of happiness, commands and counsels differ in their type of necessity for reaching an end, the absolutely necessary versus the fittingly necessary.[47] In the analogous metaphysics which undergirds a morality of happiness, there are more or less fitting ways to reach an end.[48] Fitting necessity does not require a particular action but merely recommends it as the more fitting way. The less fitting way can still reach the goal, though. This is precisely the distinction between counsel and command (ST I-II q. 108, a. 4, co). Commandments concern those actions which are necessarily contrary to the end or necessary to reach the end of virtue.[49] In those acts not concerning necessity, counsels are the recommendation of a more fitting acts *ad finem* or the recommendation to avoid certain obstacles to the end.[50] The counsels are not ordered toward a different end than the commands.[51] Both are ordered to holiness and virtue.[52] Put differently, no counsel is necessary because there is more than one way of being virtuous. This is precisely the historical and biblical teaching on the commands and counsels: all are called to perfection/wholeness; there are not two

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[46] "unumquodque dicitur esse perfectum inquantum attingit proprium finem."

[47] See John Meinert, *The Love of God Poured Out: Grace and the Gifts of the Holy Spirit in St. Thomas Aquinas* (Steubenville, OH: Emmaus Academic, 2018), 116ff.

[48] This also makes sense of what are called "near occasions of sin," which amount to counsels of avoidance.

[49] One should also notice the asymmetry between positive and negative commands (inasmuch as they relate to virtue). Negative commandments, those that move an individual to act not, inform an individual of what is contrary to an end, contrary to a virtue. Positive commandments, those that move an individual to act, inform the individual of actions that do belong to a virtue. Positive commands are absolute only in general. One must be wholeheartedly devoted to God, but this end can be reached many ways. In other words, reaching the goal of a positive command is circumstantial and actions *ad finem* are fitting. The command/counsel distinction with respect to positive commands has to do with the general and necessary (command) vs. the acts toward that end (counsel). A negative command is different. Negative commands are absolute in particular. They tell you what not to do. The command/counsel distinction in relation to negative commands is different. Here commands tell you what is necessarily contrary to virtue and counsels what is a fitting way of avoiding doing the vicious behavior (e.g., avoid near occasions of sin).

[50] Acts *ad finem* are those ordered toward and end and participating in it, but not yet fully realizing it. Aquinas, ST I-II q. 108 and ST II-II q. 186. Aquinas, ST I-II q. 108, a. 4, co.: "*Sed expeditius perveniet totaliter bona huius mundi abdicando. Et ideo de hoc dantur consilia Evangelii."*

[51] Louis Bouyer, *Introduction to the Spiritual Life* (Notre Dame, IN: Christian Classics, 2013), 241ff.

[52] Thomas Aquinas, *Quodlibetal Questions*, trans. by Nevitt and Davies (New York: Oxford University Press, 2019), IV, q. 12, a. 2, co.: "The commandments are given for acts of virtue."

standards or tiers (Matthew 5 & 19). Yet, this does not mean that all ways are equal. Some ways are more fitting ways to reach the shared goal.[53]

Implications of a Morality of Happiness for the Command/Counsel Distinction

Given a morality of happiness, which follows from the biblical witness, four things are implied about counsels: there are positive and negative counsels; the number of counsels is potentially infinite; all are required to live the counsels in some sense; and one could live the counsels without vowing them. First, there are both positive and negative counsels. Positive counsels are a fuller good and a greater participation in the end. Positive counsels should not be conceived of as purely instrumental. The acts recommended by a positive counsel are themselves a greater participation in the end.[54] Negative counsels recommend the removal of obstacles to the end. The negative counsels are purely instrumental and are not, ipso facto, a greater participation in the end. Simply because one does not have junk food in the house does not make one healthier, for example. The evangelical counsels seem to be negative counsels. Simply avoiding marriage or money does not make one more virtuous. On the other hand, both positive and negative counsels can be called a more fitting way to pursue an end. A positive counsel is more fitting because performing acts which are a greater participation in the end is more fitting than performing those with a lesser participation. A negative counsel is more fitting because to pursue an end without obstacles is more fitting than to pursue it with obstacles.

Second, the number of counsels in a morality of happiness are potentially infinite, and this follows from the diversity and plurality of proximate ends. Anytime there is a more fitting way to reach an end

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[53] Historically, the Church has consistently rejected any movement that claimed the counsels are required, effectively/in fact (Foulechat) to be virtuous or that one could progress beyond the necessity of the commandments (Quietism). See Heinrich Denzinger and Helmut Hoping, *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals,* 47th edition (San Francisco: Ignatius Press, 2012), 250, 866, 1087, 2181–2192, 2201–2269.

[54] Aquinas claims that the counsels (and he has the evangelical in mind) are ordained to the interior acts of virtue as an end but to the exterior act of virtue as the removal of obstacles. See Aquinas, *Quodlibetal Questions,* IV, q. 12, a. 2, co.: "Sic ergo patet quod consilia ordinantur sicut ad finem ad praecepta, prout sunt de interioribus actibus virtutum; sed ad praecepta, secundum quod sunt de exterioribus actibus, ordinantur consilia ad hoc quod tutius et firmius conserventur per modum removentis prohibens." I think this is right in relation to the evangelical counsels, which are negative counsels and so concern avoiding obstacles, but if you take counsel in a broader sense then it would seem to be possible to have positive counsels ordered toward exterior acts of virtue which are greater participations in a good.

or to avoid obstacles to that same end, it is a counsel.[55] Hence, a diversity of ends will yield a diversity of counsels, both positive and negative. For example, there are better and worse ways to eat vis-à-vis the end of health. The more fitting way, a better diet for example, is a greater good. To undertake eating in a worse way (e.g., keeping junk food in the house or adequate but not fully healthy meals) is not necessarily to commit acts of gluttony or insensibility. In other words, there are more counsels than just the evangelical counsels (poverty, chastity, and obedience); there are positive and negative counsels relative to each virtue.[56]

Third, all Christians are required to live the counsels in some sense since all persons are ordered to virtue. The historical distinction between the affective and effective living helps to explain this.[57] The affective living (disposition) of the counsel is simply to have the virtue, to have the purpose of the counsel. The effective living of the counsel is to live the counsel in fact (to avoid possible obstacles to acquiring the virtue or to act in a more virtuous way). Not all are called to the second (especially inasmuch as it is a negative counsel), nor is it a sin to fail to live a counsel in fact/effectively.[58] This is precisely what we see in Vatican II and subsequent magisterial teaching, especially *Lumen Gentium, Perfectae Caritatis*, and *Vita Consecrata*.[59] These documents, following Matthew 19 and 1 Corinthians 7, recognize the command/counsel distinction, reject ethical minimalism, and claim that all are called to holiness and to the counsels. An easy way to make sense of this claim is that the counsels are necessary for holiness, not in fact (effectively) but in disposition (affectively).[60] One does not have to be poor in fact, but one must be poor in spirit.

Fourth, a morality of happiness implies that one could live a counsel effectively/in fact by vow or not. The Benedictines vow stability, which removes the obstacle to which the Gyrovagues had fallen prone,

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[55] See Merkelbach's discussion of restitution, which can be done in better or worse ways. See Benedictus Merkelbach, *Summa Theologiae Moralis: Tomus Secundus* (Desclee de Brouwer et Cie, 1946), 287ff.

[56] This, likewise, makes sense of how some counsels can be a fuller participation in the end and others are not. A negative and instrumental counsel is not a fuller participation in the end. A positive counsel, the choice of a fuller good, is a fuller participation in the end.

[57] Catherine of Siena*, The Dialogue,* trans. Susanne Nofke (New Jersey: Paulist Press, 1980), 309–310; 318f.

[58] Sara Butler, "*Perfectae Caritatis,*" in *The Reception of Vatican II,* ed. Matthew Lamb and Matthew Levering (New York: Oxford University Press, 2017), 221.

[59] Matthew Lamb and Matthew Levering, eds., *Vatican II: Renewal within Tradition* (New York: Oxford University Press, 2008).

[60] This seems to be what Aquinas means by the "internal acts of virtue toward which the commandments are aimed." See Aquinas, *Quodlibetal Questions,* IV, q. 12, a. 2, co.

instability and its attendant dangers.[61] Benedictines live the counsel of stability under a vow. Yet it is possible to be stable without vowing stability (an effective living of a counsel without a vow). One could be voluntarily poor without vowing to be so. One could choose to avoid obstacles (negative counsel) or choose the fuller good (positive counsel) in relation to almost any virtue without vowing to do so.[62]

Given this understanding of the command/counsel distinction, the negative elements associated with the command/counsel distinction by a morality of obligation are undercut. There is no implication that marriage itself, the sexual act, wealth, or lacking an immediate superior to whom one owes obedience (to use the evangelical counsels) are evil.[63] They are not. This is because these are negative counsels, removing obstacles. In fact, the obstacles in this case are good things and acts ordered to the ultimate end (presupposing charity). Nevertheless, it is precisely their proximate goodness that can prove distracting. We are particularly tempted to greed, worldliness, pleasure, and pride. Hence, it is more fitting, given the end of full attention to and love of God, that these goods are not pursued. Can they be pursued virtuously? Of course. Are you more likely to be distracted by them or pursue them in a disordered way if you pursue them in the first place? Yes. Could you still be distracted by them, even if you vow not to pursue them? Sure. Could you fail to live a counsel effectively even if you vow it? Certainly. Could you live counsel more effectively but not vow it? Absolutely.[64] There are not two different standards or tiers.[65] There is one fundamental Christian vocation and fitting acts *ad finem*.

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[61] Benedicta Ward, ed., *The Desert Fathers: Sayings of the Early Christian Monks* (New York: Penguin Books, 2003), chapter 1.

[62] To grow, one wills the fuller good or the less full good with (more) intensity. Yet this is not required. You do not always have to choose the more fitting means to an end. Likewise, we need less fitting ways to reach an end so that we can pursue a higher end without rejecting the lower. Think of the interior and exterior purgations of the tradition. You can still reach the end of health without eating very healthy food. You can reach the goal of health without eating for long periods of time. This is obviously a less fitting way to reach the good of health than eating very healthy food regularly, but you have not acted contrary to that good.

[63] In the third and fourth centuries, when virginity and monasticism became much more popular, there were those authors who suggested that sexual acts within marriage were sinful (thereby implying that to be fully virtuous you had to be celibate). On the other hand, it seems the more predominant concern of these writers is not sexual activity itself but the desire (*epithumia*/*concupiscentia*) that accompanies sexual activity. The Stoic influence is unmistakable. See also Antonio Marin, *The Theology of Christian Perfection,* trans. Jordan Aumann (Eugene, Oregon: Wipf & Stock, 2018), 142ff.

[64] This seems to be what Pope Francis is recognizing in *Amoris Laetitia*, no. 162.

[65] In a morality of happiness there are still two tiers. There are those who effectively live the counsels of a virtue and those who do not. You cannot undertake, effectively, all more fitting acts. You cannot always choose the greater good in each situation, if

Finally, one can also see that in a morality of happiness the command/counsel distinction does not give rise to different states of life. It is not living the counsels that separates states of life in the Church but a vow to live them. In *Vita Consecrata,* John Paul II confirms this interpretation.

> In fact, all those reborn in Christ are called to live out, with the strength which is the Spirit's gift, the chastity appropriate to their state of life, obedience to God and to the Church, and a reasonable detachment from material possessions: for all are called to holiness, which consists in the perfection of love. But Baptism in itself does not include the call to celibacy or virginity, the renunciation of possessions or obedience to a superior, in the form proper to the evangelical counsels. The profession of the evangelical counsels thus presupposes a particular gift of God not given to everyone. (John Paul II, *Vita Consecrata*, no. 30)

Those without religious vows are called to live the counsels affectively (part of the goal inasmuch as they are positive) or effectively (e.g., poverty—to avoid attachment), but not to do so under a vow. A morality of happiness requires the counsels (in some form) of all individuals. It is a vow that generates religious life, not living the counsels (negative, positive, evangelical, or otherwise).[66] Neither does vowing the more fitting way (negative or positive) imply that one will necessarily reach the end or that the vow is somehow, in itself, a greater participation in the end.[67] Those who vow the counsels are not *ipso*

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only because choosing the greater good often means reaching a lower good in a less than optimal way or forgoing another more fitting way to reach another good.

[66] Code of Canon Law, c. 573, § 2, in *New Commentary on the Code of Canon Law,* ed. John P. Beal, James A. Coriden, and Thomas J. Greene (New York: Paulist Press, 2000), 744. See *Lumen Gentium* 44 also: "*Per vota aut alia sacra ligamina*."

[67] Deak, *Consilia Sapientis Amici,* 364. She notes a tension in the account of Aquinas between two visions of the counsels. She notes that Aquinas develops on this point, since the perfection of bishops could not depend on poverty. I think that given the teaching of Vatican II and the magisterium of John Paul II and Francis, we should go wholly with the instrumental account concerning negative counsels. This would allow the Church to recognize marriage as a state of perfection (i.e., a state of life that trains one in virtue). This does not require us to elide the superiority of vowing the (negative) counsels, for instruments which tend to the same end are of differing efficacy. Yet, all are still instruments. See Lasnoski, *Vocation to Virtue,* for an extended defense of this account of marriage. Likewise, this also does not require us to abandon the sense that there are some counsels which are a fuller participation. It simply depends on what type of counsel is in question. The evangelical counsels do seem to be instrumental, though. The tradition has consistently talked of them as avoiding certain obstacles: self-will, pleasure, wealth.

facto holier.[68] In a morality of happiness, the command/counsel distinction has nothing to do with two-tiered ethics.

IS RELIGIOUS LIFE SUPERIOR TO NON-RELIGIOUS LIFE?

Traditionally, the religious life (a life characterized by vows of a greater good) is thought to be superior to one not characterized by vows. This is usually spoken of as an "objective superiority."[69] Does jettisoning a morality of obligation and two-tiered ethics require that we reject this traditional claim in favor of religious life? If the counsels are simply more fitting ways to pursue an end, then how is the religious life universally superior (vs. circumstantially superior—i.e., for this or that person)?[70]

In order to answer this question, one must recall the distinctions between counsels (positive and negative), evangelical counsels, and living of those counsels (affectively, effectively, and vowing). It is the vowing of the counsels that is objectively superior. Why? In a morality of obligation, it would be because you are binding your freedom (which is equally ordered to good and evil, and so needs binding) and doing what is more difficult.[71] This is not the case in a morality of

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[68] On the other hand, it does imply that those vowing the more fitting way should, given the lack of obstacles, reach the end in a fuller way and are more blamable if they do not.

[69] Butler, "*Perfectae Caritatis,*" 209.

[70] Another possible objection would be that it loses the connection between the evangelical counsels and the life of Jesus. If the evangelical counsels are simply more fitting ways (by removing obstacles) to the love of God, then how can they be a greater participation in the life of our Lord? Indeed, the early Church discerned the Evangelical Counsel of obedience by a deeper reflection on the life of our Lord (Moloney, *A Life of Promise*, 119ff.). Seeing the counsels as a greater participation in the life of Jesus seems to give them value in themselves and not as instruments. Though a full answer to this objection is not possible here, two things should be noted. First, a negation cannot be good in itself. At least two, and probably all three, of the evangelical counsels, are a lack of goods. That is why I characterized them as negative counsels. They counsel the avoidance of something that is good. A lack of a lower good can open us up more fully to a higher good, but that is precisely what it means to be instrumental. Second, we should not forget the pedagogical function of the Lord's life (Butler, "Perfectae Caritatis," 212). Every action is an example for us. Did he undertake a life of poverty, chastity, and obedience because he needed training in virtue or did he avoid those goods for his mission and to give us an example? Only the second is an option. Yet in the second option, the evangelical counsels are still instrumental. Put simply, to see the Evangelical counsels as a greater imitation of the life of Jesus and to see them as removing obstacles are not mutually exclusive.

[71] Aquinas does leave a place for difficulty concerning the commandments and counsels. The counsels are the fastest and easiest way to achieve the perfect observance of the commands. Likewise, he says that the counsels are more difficult in their external acts than the commands, but the commands are more difficult in their internal acts than the exterior acts of the counsels. See Aquinas, *Quodlibetal Questions,* IV, q. 12, a. 2, ad 3 & 9.

happiness. Vowing the evangelical counsels is not the binding of freedom but its permanent training. It makes sure (as much as that is possible) that you are committed to practice the virtue or effectively remove the obstacles to a greater practice of virtue (Aquinas, *Quodlibetal Questions,* IV, q. 12, a. 1, co.).[72] This makes sense in a virtue perspective because it is repeated and consistent action that produces character change which is the goal. The vow puts you in a state of perfection, i.e., the permanent training of perfection (ST II-II, q. 184, a. 2, co.).[73] This is what, as John Paul II teaches, has "an objective superiority" (*Vita Consecrata*, no. 32). It also makes sense of how those who do not vow a counsel can still live it – effectively or affectively. One can be poor without vowing to be poor, which is an effective living of the counsel (provided it is voluntary and for God). One could have wealth but remain unattached to it and use it always for the common good, an affective living of the counsel (and a possibility of living of other virtues – munificence, for example).[74] Put simply, vowing the counsels is objectively superior because it creates the conditions for a more consistent practice (ST II-II q. 186, a. 1, ad 3). I think this is a sufficient answer to show the real, but limited, teleological superiority of vowing a counsel.[75]

CONCLUSION

The command/counsel distinction is solidly biblical. One finds clear support of it in Matthew 19 and 1 Corinthians 7. There is no need to jettison the distinction to get rid of two-tiered ethics. Understanding commands as necessary acts and counsels as more fitting acts will do that. The Lord does not give two standards but calls all people to holiness. This does not, however, require the effective living or vowing of the counsels. Yet, they remain advantageous toward that same end.

The recovery and wider use of this distinction also inoculates moral theology against serious errors and contributes to current debates. Those who avoid this distinction are apt to confuse commands and counsels. Christian perfection is a matter of command, not counsel. The commandments are not mere recommendations but are necessary.

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[72] "Hence, it is much better for their will to be set on doing so [*eorum voluntas sit ad hoc firmata*], which is done by taking an oath or vow."

[73] "omne illud quod impedit ne affectus mentis totaliter dirigatur ad Deum."

[74] Aquinas recognizes that to reach the end despite obstacles is a sign of "great virtue." ST II-II q. 186, a. 4, ad 2. For an excellent treatment of what it means to use wealth for the common good see David Cloutier, *The Vice of Luxury* (Washington DC: The Catholic University of America Press, 2015).

[75] Putting it positively, vowing the evangelical counsels makes it more likely you will love God in act (given the lack of obstacles) vs. habitually, i.e., referencing your love of other things (spouse/children/work, etc.) to God through the habitual reference of charity. If one thinks of a different end (virtue), then I think it is clear that other states of life are superior. This seems to be what Pope Francis is teaching in *Amoris Laetitia*, nos. 159–160.

Nevertheless, the acts by which we reach perfection are a matter of fittingness. To treat what is advantageous as required or what is required as simply advantageous is a serious problem. Likewise, without this distinction certain debates flounder. The debate between pacifists and just war theorists could be a debate between those who want to undertake a counsel (pacifists) and those who defend the possibility of fulfilling the commands in a less fitting, but still good, way. Similar things could be said about accompaniment, solidarity with the poor, ownership and communal living, almsgiving, reconciliation, restitution, sexual activity, dieting, and many other topics. Without the command/counsel distinction, writing on these topics will undoubtedly tend to rigorism (requiring the counsels) or treating the commands as mere recommendations. Both are serious errors. M

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