

The Boundaries and Authority of Catholic Social Teaching: A Reply to John Finnis

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IN JUNE 2015, WHEN IT WAS STILL PLAUSIBLE THAT SOMEONE other than Donald J. Trump would be the Republican Party's nominee for president in the 2016 election cycle, former Florida governor Jeb Bush made news by preemptively distancing himself from Pope Francis's encyclical *Laudato Si'*, scheduled for publication in the coming days.¹ "I do not get economic policy from my bishops or my cardinals or my pope," Bush declared. "I think religion ought to be about making us better as people and less about things that end up getting in the political realm."² The pundit Rod Dreher pounced with a brief column entitled "Jeb Bush, Cafeteria Catholic." "Jeb Bush, as a Catholic," Dreher intoned, "is not free to discard the social teaching of the Catholic Church ... because it does not suit his personal beliefs."³ Dreher acknowledged that bishops are neither "policy wonks" nor "experts at dictating economic policy," but he underlined that "Catholic Christianity is not focused only on personal piety, but has a broad social dimension as well." Bush's statement, Dreher concluded, made it clear that he was "no better than liberal Catholics who reject the Church's teaching on abortion, marriage, and other areas that inconvenience their consciences."

This paper concerns the boundaries between Catholic social teaching (hereafter CST), such as Pope Francis's *Laudato Si'*,⁴ and Catholic moral teaching, commonly identified with the magisterium's condemnation of such practices as abortion, contraception, and

¹ A leaked copy was published on June 15, 2015 in *L'Espresso*; Bush was reacting to early reports. *Laudato Si'* appeared officially on June 18, 2015.

² Mark Joseph Stern, "Jeb Bush Rejects His Church's Teachings on Climate Change. Why Not on Marriage Equality?," *Slate*, June 17, 2015, slate.com. The full quotation is less dismissive: Bush also says, "I'd like to see what [Pope Francis] says as it relates to climate change and how that connects to these broader, deeper issues before I pass judgment."

³ Rod Dreher, "Jeb Bush, Cafeteria Catholic," *American Conservative*, June 16, 2015, theamericanconservative.com. Subsequent quotations in the paragraph come from this column.

⁴ Francis explicitly describes *Laudato Si'* as belonging to "the body of the Church's social teaching" (no. 15).

euthanasia. In his haste to lump Bush with “liberal Catholics,” Dreher ran roughshod over any boundary, but his reluctant acknowledgment that bishops are neither “policy wonks” nor “experts at dictating economic policy” suggests that there may be rather more to say. This paper also addresses, though more briefly, the related question of how to understand the authority of CST for faithful Catholics. Is the faithful Catholic, as Dreher seems to imply, obliged to assent and defer to each and every social teaching of the Church, just the same as to its teaching on abortion, contraception, and the like?

This paper’s inquiries hardly proceed in a vacuum. Distinguished scholars have spoken to these questions,⁵ and there are relevant magisterial texts and theological commentaries.⁶ I take as this paper’s principal interlocutor one such distinguished scholar, the philosopher and legal theorist John Finnis, who contributed three chapters to the recent, monumental *Catholic Social Teaching: A Volume of Scholarly Essays*, edited by Gerard V. Bradley and E. Christian Brugger.⁷ That volume’s closing chapter, Finnis’s “A Radical Critique of Catholic Social Teaching,” stakes out provocative positions on the authority of CST. In chapters of their own, Bradley and Brugger also take positions along the same lines as Finnis’s. Accordingly, this paper begins by presenting and commenting on Bradley’s, Brugger’s, and Finnis’s arguments. The paper then turns to a critical discussion of the account of practical reasoning Finnis uses to support the contrast between teachings that apply negative moral norms with teachings that apply affirmative or positive moral norms. Here I draw on work by the moral theologian Jean Porter, in particular her book *Moral Action and Christian Ethics*. This part of the paper argues that practical reasoning is more complex than Finnis allows and the contrast that he, Brugger, and Bradley draw between the teachings in question is overly sharp. Finally, the paper considers the implications of that conclusion for the authority of CST.

⁵ See, for example, Charles E. Curran, “Catholic Social and Sexual Teaching: A Methodological Comparison,” *Theology Today* 44 (1988): 425–440. Compare, more recently, Todd A. Salzman and Michael Lawler, “*Amoris Laetitia*: Toward a Methodological and Anthropological Integration of Catholic Social and Sexual Ethics,” *Theological Studies* 79, no. 3 (2018): 634–652.

⁶ See, for example, the instruction *Donum Veritatis* issued by the Congregation for the Doctrine of the Faith, esp. no. 24; Avery Dulles, SJ, *The Craft of Theology: From Symbol to System* (New York: Crossroad, 1992), chapter 7, “The Magisterium and Theological Dissent,” 105–118; and Francis A. Sullivan, SJ, *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium* (New York: Paulist, 1996), esp. 21–44.

⁷ Gerard V. Bradley and E. Christian Brugger, eds., *Catholic Social Teaching: A Volume of Scholarly Essays* (Cambridge: Cambridge University Press, 2019). See my review in *Commonweal*, September 2020, 54–55, www.commonwealmagazine.org/leave-it-laity.

CATHOLIC MORAL TEACHING, *Si*; CATHOLIC SOCIAL TEACHING, *No*

In the introduction to their volume, Bradley and Brugger present CST as “an expression—indeed a branch—of moral theology.”⁸ In other words, CST is not an altogether separate body of doctrine from the Church’s other moral teachings. Instead, there is a common root, so to speak. More fully, guided by both divine revelation and natural reason, CST “reflects upon issues and events *in history* in the light of moral principles and offers guidance for living a Christian life.”⁹ Yet CST to date exhibits, according to the editors, several “weaknesses.” These include “ambiguity about its scope or subject-matter, insufficient attention to the dependence upon empirical and other factors inherent in any justice consideration, [and] inappropriate assumptions about who it is that has primary responsibility for undertaking such considerations.”¹⁰ Nonetheless, against unnamed Catholic theologians characterized as engaged “in radical theological dissent against the authoritative teaching of the Church,” Bradley and Brugger affirm that the magisterium’s

authoritative *moral* teachings ... can and do include the excluding of certain moral objects as always and everywhere wrongful to choose ... and that the propositions asserted in these latter teachings are practically prior to matters of prudential judgment that men and women of good faith can and do disagree upon without any fallacy in their thinking or objective disorders in their willing.¹¹

Note the inchoate distinction between “authoritative *moral* teachings” and “matters of prudential judgment.”

The editors’ respective chapters reiterate and amplify these themes. Bradley states that CST is “really applied moral teaching.”¹² He also notes that “according to a sound understanding of the laity’s apostolate,” as expounded in Vatican II and post-conciliar documents, “one can critically judge a particular pastoral intervention as inappropriate, for it might impose obligations of assent and deference upon the laity that in truth they should not be made to bear.”¹³ For example, “Matters of sociological, economic, demographic, and scientific fact—including the patterns of earth’s temperatures and the

⁸ Gerard V. Bradley and E. Christian Brugger, “Introduction: Contingency, Continuity, Development, and Change in Modern Catholic Social Teaching,” in *Catholic Social Teaching*, 2.

⁹ Bradley and Brugger, “Introduction,” 2 (*italics in the original*).

¹⁰ Bradley and Brugger, “Introduction,” 4.

¹¹ Bradley and Brugger, “Introduction,” 7–8 (*italics in the original*).

¹² Bradley, “How Bishops Should Teach Catholic Social Doctrine,” in Bradley and Brugger, *Catholic Social Teaching*, 528.

¹³ Bradley, “How Bishops Should Teach,” 532.

human responsibility for any sharp deviations from expected patterns—are not within the bishops’ distinctive competence.”¹⁴ As Dreher reluctantly acknowledged, bishops are not “policy wonks.” From this perspective, Bush was within his rights, as a lay politician, not simply to defer to *Laudato Si’*. It belongs to the laity, Bradley writes, “to judge for themselves contingent matters of fact” and “weigh prudential considerations.”¹⁵

Brugger has much more to say about the relationship of CST and what he calls the “‘moral documents,’ texts not ordinarily associated with the CST corpus,” such as Pope Paul VI’s encyclical *Humanae Vitae*.¹⁶ According to Brugger, “CST is just Catholic moral teaching with emphasis upon the political and economic realms.”¹⁷ He thus rejects as “harmful and indeed nonsensical” the “bifurcation ... between the Church’s commitment to ‘social justice’ on the one hand and her teachings on the Fifth and Sixth Commandments of the Decalogue on the other” (roughly, killing and sex).¹⁸ He acknowledges, however, a difference in “the nature of obligation” according to whether what is in question “is an affirmative law (a positive norm) or a prohibitive law (a negative norm).”¹⁹ All moral norms impose obligation, but “positive norms do not bind absolutely.”²⁰ Instead, circumstances make a difference. For example (not Brugger’s), what is commonly called the duty to rescue does not normally bind when the act of rescuing would imperil the rescuer’s own life, the determination of which involves an assessment of facts and likelihoods.²¹ By contrast, “Negative norms ... bind absolutely—always and in every instance (*semper et pro semper*); they require that we always refrain from—not perform—the kind of action they proscribe,” at which point Brugger cites Pope John Paul II’s encyclical *Veritatis Splendor*.²²

Brugger uses this distinction between how negative and positive norms bind in order to say more about the “harmful bifurcation” between CST and magisterial teaching bearing on abortion,

¹⁴ Bradley, “How Bishops Should Teach,” 537.

¹⁵ Bradley, “How Bishops Should Teach,” 532.

¹⁶ Brugger, “Catholic Social Teaching Is Catholic Moral Teaching,” in Bradley and Brugger, *Catholic Social Teaching*, 511.

¹⁷ Brugger, “Catholic Social Teaching,” 510 (italics in the original).

¹⁸ Brugger, “Catholic Social Teaching,” 510–511.

¹⁹ Brugger, “Catholic Social Teaching,” 513.

²⁰ Brugger, “Catholic Social Teaching,” 513.

²¹ Parents might hold themselves to a higher standard.

²² Brugger, “Catholic Social Teaching,” 513–514 (italics in the original). See Pope John Paul II, *Veritatis Splendor*, nos. 52, 82.

contraception, and so forth.²³ Admittedly, there is a bifurcation—after all, the editors’ introduction, as quoted above, presents CST as a “branch ... of moral theology”—but the apparent divergence of CST from other moral teachings is put in proper perspective once we change the metaphor and see “positive norms and exceptionless negative norms as two sides, as it were, of the same moral coin, namely, the field of rational guidance toward integral human fulfillment.”²⁴ What is potentially harmful about the bifurcation, we might say, is thereby taken out of circulation. According to Brugger, our view of CST must be widened so that we see exceptionless negative norms as belonging to CST inasmuch as respecting them “is an absolutely minimal demand of social justice and an essential first step on the way to that perfection in Christian charity called for by the Gospel.”²⁵ Going forward, Brugger advises, magisterial “documents should be careful to communicate the differences in the ways that negative norms and nonabsolute positive norms bind (*semper et pro semper* vs. *semper sed non pro semper* [always and in every case vs. always but not in every case or all circumstances]), and [the documents] should solicitously avoid the common mistake of formulating their teachings of positive norms in overly absolutist ways.”²⁶ As he observes regarding economic justice, “‘Don’t defraud the poor’ is ... straightforward. ‘Help them overcome their poverty’ is not.”²⁷ The magisterium oversteps its competence if it claims expertise in the policies politicians must enact.

Notwithstanding, Brugger acknowledges that, since “the competency of the magisterium to teach authoritatively extends ... to what pertains to good morals,” it follows that “the magisterium rightly addresses social issues bearing upon human good.”²⁸ His position is not that the magisterium should cease issuing social teachings (though he does suggest significantly “shortening the length” of the documents),²⁹ but that “Church leaders should be mindful to remain within their proper competencies while doing so.”³⁰ In his view, the “concrete positive application” of norms of justice regarding, say, the

²³ See Brugger, “Catholic Social Teaching,” 514: “This distinction is important for assessing the harmful bifurcation spoken about above.” I am reading Brugger charitably on whether there is a bifurcation or not. If CST is “a branch ... of moral theology,” then bifurcation there must be.

²⁴ Brugger, “Catholic Social Teaching,” 523.

²⁵ Brugger, “Catholic Social Teaching,” 522.

²⁶ Brugger, “Catholic Social Teaching,” 524.

²⁷ Brugger, “Catholic Social Teaching,” 514.

²⁸ Brugger, “Catholic Social Teaching,” 525.

²⁹ Brugger, “Catholic Social Teaching,” 526.

³⁰ Brugger, “Catholic Social Teaching,” 525.

economy or the environment exceeds the magisterium's ken.³¹ By contrast, "If ... some behavior is rightly identified as an instance of the kind singled out by an exceptionless negative norm, Church leaders rightly oppose every social initiative aimed at shielding that behavior or securing liberties to carry it out."³²

The first clause of that last sentence ("If ... some behavior...") suggests an account of practical reasoning and thus leads into John Finnis's "Radical Critique of Catholic Social Teaching," where such an account is made explicit.³³ Finnis agrees with Bradley and Brugger that "CST is part of Catholic moral teaching and cannot be well studied or taught without a clear grasp of its dependence upon, and integration within, that moral teaching as a whole."³⁴ Finnis also affirms "the basic division between the two kinds of norms (affirmative and negative) that the Church, like common morality, teaches."³⁵ As he writes:

Negative moral norms bind always and in relation to every instance of the kind of act they pick out; affirmative moral norms, however, although they are to be borne in mind as general guidance, do not bind *specifically* except in appropriate circumstances. The application of affirmative moral norms of justice is always dependent, therefore, on assessment of the circumstances, an assessment that, though morally guided, always involves some judgment about facts and likelihoods.³⁶

³¹ Brugger, "Catholic Social Teaching," 525. See further 526: "Members of the hierarchy may, of course, express what opinions they have, but they should ensure that the faithful do not take those opinions as the teaching of the Catholic Church."

³² Brugger, "Catholic Social Teaching," 525.

³³ Note that the sentence's second clause, claiming that "Church leaders rightly oppose," etc., may be more controversial than it appears, depending on what is taken to follow from it. Imagine that the "social initiative" in question is a law protecting abortion rights. Are Catholic politicians bound in conscience to follow the lead of the magisterium in opposing such a law? More to the point, does the magisterium have the competence to dictate what good law is in a particular society? Is good law always the same as legally enforcing sound morality? See for discussion Cathleen Kaveny, "Toward a Thomistic Perspective on Abortion and the Law in Contemporary America," *The Thomist* 55 (1991): 343–396 and *Law's Virtues: Fostering Autonomy and Solidarity in American Society* (Washington, DC: Georgetown University Press, 2012). Compare George McKenna, "On Abortion: A Lincolnian Position," *Atlantic Monthly*, September 1995, 51–68, theatlantic.com.

³⁴ John Finnis, "A Radical Critique of Catholic Social Teaching," in Bradley and Brugger, *Catholic Social Teaching*, 556. See also 575: "It is artificial and hazardous to separate the Church's teaching in the way that has become institutionalized in the Roman Curia's separate organs for marriage (and family), and for justice (and peace and development)."

³⁵ Finnis, "A Radical Critique," 564.

³⁶ Finnis, "A Radical Critique," 557 (italics in the original).

Finnis uses this distinction just as Brugger does: namely, to contrast magisterial teaching that applies affirmative (positive) norms with magisterial teaching that applies negative norms. Again in Finnis's words:

Pastors and laity alike should constantly remind themselves ... that, *because* the diagnosing of causalities, effects and side-effects, risks and probabilities is an inherently difficult and often uncertain matter, it is entirely possible for informed and well-catechized Catholics in good faith to hold *diametrically opposed views on, say, climate change, migration policy, sentencing policy, healthcare policy, the organization of employment, laws of inheritance and taxation*, and so on, while respecting all relevant moral principles and norms.³⁷

The case is different when it comes to “the teaching of *negative* responsibilities and norms”: according to Finnis, “In this domain, stable and specific teaching can rightly be proposed as certain on a good many matters.”³⁸

The account of practical reasoning that supports this contrast is straightforward and seemingly incontrovertible:

All practical reasoning includes premises of two kinds: one (or more) *evaluative* premise(s), about what is desirable, good, appropriate, permissible, and so forth; and at least one *factual* premise about what behavior would be involved in the proposed action, and what good and bad effects are likely to result from that behavior in the circumstances as they actually are or are likely to be.³⁹

Finnis concedes that “even the application of exceptionless negative moral norms, such as the norm excluding the intent to kill a person or persons, can sometimes involve difficult assessments of complex facts,” but he insists that “the application of affirmative moral norms is inherently even more—much more—relative to assessment of circumstances.”⁴⁰

The claim that the application of affirmative moral norms depends on the assessment of circumstances is familiar by now: Bradley, Brugger, and Finnis make this claim time and again. What is new is Finnis's concession that “even the application of exceptionless

³⁷ Finnis, “A Radical Critique,” 573 (italics in the original).

³⁸ Finnis, “A Radical Critique,” 558 (italics in the original).

³⁹ Finnis, “A Radical Critique,” 556 (italics in the original). Compare, interestingly, R. M. Hare, *The Language of Morals* (Oxford: Oxford University Press, 1952), 56, though for Hare we choose our principles, whereas for Finnis they are given by our nature. See for discussion Alasdair MacIntyre, *A Short History of Ethics*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1998), 260–261.

⁴⁰ Finnis, “A Radical Critique,” 556.

negative moral norms ... can sometimes involve difficult assessments of complex facts." This concession warrants attention, despite or perhaps all the more because of Finnis's seeming attempt to diminish it by claiming that the point holds "even more" and "much more" for the application of affirmative norms.

Recall that Finnis also writes that "negative moral norms bind always and in relation to every instance of the kind of act they pick out."⁴¹ A simple point to note is that norms do not themselves "pick out" acts. People identify particular actions as kinds of actions. Moreover, people sometimes disagree about how to describe the "object" of an action: that is, the generic concept in terms of which it is correctly described.

Take the well-known case of Captain Lawrence Oates, who died, in 1912, during an expedition to the South Pole. Suffering from gangrene and frostbite and estimating that his condition was jeopardizing the survival of his three remaining companions, who had refused to leave him behind, Oates walked out from his tent into a blizzard, thereby sacrificing his life. Joseph Boyle, a onetime frequent collaborator with Finnis, claims that "actions like that of Captain Oates need not be suicide, but can be described as a side effect of choices to do other things (e.g., removing oneself from the group), which have death as a predictable result."⁴² That description of what Captain Oates did is dubious. Are we to agree that Oates's "close-in intention," to use Finnis's terminology,⁴³ was simply to remove himself from the group, with death as a predictable "side effect"? It is more plausible to say that Oates intended to sacrifice himself for the sake of his companions; that is why he walked out from his tent into the blizzard. Whether his action is correctly described as suicide, however, seems to be a further question. There is, of course, a traditional rule, though disputed in some quarters, against suicide as a kind of wrongful killing. Even if we say that Oates intended to die (rather than simply remove himself from the group), is what he did correctly described as "suicide"? At the very least, Oates's action is hardly a paradigmatic example of suicide, and it is also hard to see it as contravening the rationale or point of the rule against suicide, namely (though roughly), that human life should not be treated as cheap.

⁴¹ Finnis, "A Radical Critique," 557. Compare Brugger, "Catholic Social Teaching," 525: "If, for example, some behavior is rightly identified as an instance of the kind singled out by an exceptionless negative norm." Norms also do not themselves "single out" kinds of behavior.

⁴² Joseph M. Boyle, Jr., "Sanctity of Life and Suicide: Tensions and Developments within Common Morality," in *Suicide and Euthanasia: Historical and Contemporary Themes*, ed. Baruch Brody (Dordrecht: Kluwer, 1989), 233.

⁴³ Finnis, "A Radical Critique," 558.

Jean Porter's observation is to the point: "Knowledge of facts is not sufficient to resolve the question of classification, since our difficulty lies precisely in determining what significance we ought to give the facts that we know."⁴⁴ Further, "The distinction between description and evaluation ... is seen to be a misplaced distinction," as the choice of how to describe what Oates did is bound up with our evaluation of what he did.⁴⁵ If that claim is right, then practical reasoning is more complex than Finnis allows. More precisely and fully, practical reasoning involving the application of negative norms is not simply a matter of applying an evaluative premise to a factual one. Instead, at least in difficult cases (the kind of case that occupies "casuists"), practical reasoning involving the application of negative norms requires us to reckon with not only the correct description of a particular action, but also the proper interpretation and scope of a rule.⁴⁶

BLURRING THE LINE

Getting clearer on the complexity of practical reasoning is crucial for clarifying the relationship between CST and Catholic moral teaching (Brugger's "moral documents," such as *Humanae Vitae*). Porter serves as an insightful guide.

Porter's *Moral Action and Christian Ethics* is focused on the question: "How are we to move from concepts of generic kinds of action to correct descriptions of specific actions?"⁴⁷ More simply put, "how do we arrive at moral judgments?"—which, she observes, is "equivalent to asking for an account of moral rationality."⁴⁸ The basic problem is evident in the case of Captain Oates. There is a traditional rule against suicide. If pressed, many people likely could provide paradigmatic examples of the violation of this rule, and they could articulate its rationale or point. Whether what Oates did should count as suicide is however unclear. He certainly did not show wanton disregard for the value of human life in sacrificing his life for the sake of his companions. Was the "object" of his action nonetheless suicide? Did he do evil so that good might come, against Paul's Letter to the Romans (3:8)? Was his action an intrinsic evil, the kind of action that

⁴⁴ Jean Porter, *Moral Action and Christian Ethics* (Cambridge: Cambridge University Press, 1995), 29.

⁴⁵ Porter, *Moral Action and Christian Ethics*, 37. As Julius Kovesi remarked, "We always evaluate under a certain description" (*Moral Notions* [London: Routledge & Kegan Paul, 1967], 151).

⁴⁶ See further Kovesi, *Moral Notions*, 110–111: "Once we know what is the morally relevant description of our act we do not need a major premise to come to a conclusion."

⁴⁷ Porter, *Moral Action and Christian Ethics*, 4.

⁴⁸ Porter, *Moral Action and Christian Ethics*, 5.

can never be made right or good by motive or circumstances or consequences? Aristotle gives the examples of adultery, theft, and murder: "There is ... never any possibility of getting anything right about them, but one always goes astray, nor is there doing anything well or not well about such things [say] by committing adultery with the right woman and when and in the way one ought, but simply doing any of these things is to go wrong."⁴⁹

The concept of an intrinsic evil is relevant for present purposes. Pope John Paul II's *Veritatis Splendor*, amply cited by Brugger and Finnis, quotes *Gaudium et Spes* in listing "homicide, genocide, abortion, euthanasia, and voluntary suicide" as examples of intrinsic evils.⁵⁰ As Porter observes elsewhere, however, "*Veritatis Splendor* does not appear to acknowledge the indeterminacy of moral concepts, and the correlative necessity for judgment in their application."⁵¹ It is one thing to hold that suicide, for example, is an intrinsic evil, never to be made right by motive or circumstances or consequences; but it is another thing to judge that a particular action, such as Oates's, is suicide. Like all generic concepts in a natural language, "suicide" has an open texture. There is a core of paradigmatic examples many people would call suicide, but there is also a measure of indeterminacy. It is not always obvious whether a particular action like Oates's, which might be classified and condemned as suicide, is properly described in that way. How to describe what Oates did involves, in Porter's words, an "irreducible element of discretion."⁵² We must make a judgment, based on our understanding of the rationale of the rule against suicide. That judgment in turn deepens our understanding of the rule. Clearly, there is room for reasonable disagreement about both the appropriate judgment and the understanding of the rule.

Moral Action and Christian Ethics may be characterized as a polemic against a Kantian understanding of practical reason, according to which, in Porter's words, moral rules function to "determine the uniquely correct answer to any moral question that may

⁴⁹ Aristotle, *Nicomachean Ethics*, trans. Joe Sachs (Newburyport, MA: Focus, 2002), II.6, 1107a. It is worth noting here both that calling an act intrinsically evil "does not, by itself, say anything about the comparative gravity (or seriousness) of the act" and that recognizing that an act is intrinsically evil "does not necessarily mean that it is a grave evil." See Cathleen Kaveny, "Intrinsic Evil and Political Responsibility: Is the Concept of Intrinsic Evil Helpful to the Catholic Voter?," in *Voting and Holiness: Catholic Perspectives on Political Participation*, ed. Nicholas P. Cafardi (New York: Paulist, 2012), 127 and 129.

⁵⁰ John Paul II, *Veritatis Splendor*, no. 80, quoting *Gaudium et Spes*, no. 27.

⁵¹ Porter, "Moral Reasoning, Authority, and Community in *Veritatis Splendor*," *Annual of the Society of Christian Ethics* 15 (1995): 208.

⁵² Porter, *Moral Action and Christian Ethics*, 31.

arise, in a way that is compelling to any impartial, rational individual.”⁵³ The book’s thesis in that regard is that “moral rules logically cannot function in the way that the Kantian account would suggest.”⁵⁴ The primary reason is because of the nature of generic moral concepts: a moral rule against suicide, or against adultery, abortion or theft,⁵⁵ to vary the examples, is indeterminate to the same extent that those concepts are.

The example of adultery may remind readers of the controversy over Pope Francis’s apostolic exhortation *Amoris Laetitia*, released April 2016 following the 2014 and 2015 synods on the family in Rome.⁵⁶ In September 2016, four retired cardinals sent him five *dubia* raising questions about chapter 8 of the exhortation, in particular whether it was to be understood as reversing, in several instances, “the teaching of St. John Paul II’s encyclical *Veritatis Splendor* ... based on sacred Scripture and the Tradition of the Church.”⁵⁷ In a much-discussed footnote in chapter 8, Francis suggests that people “living in ‘irregular’ situations,” such as divorced and remarried without an annulment, might, in some cases, be permitted to receive the sacraments.⁵⁸ He goes on, in the same note, to quote his apostolic exhortation *Evangelii Gaudium*, reminding priests “that the confessional must not be a torture chamber, but rather an encounter with the Lord’s mercy” and that the Eucharist “is not a prize for the perfect, but a powerful medicine and nourishment for the weak.”⁵⁹

One of the *dubia* asks whether, after *Amoris Laetitia*, “one still need[s] to regard as valid the teaching of St. John Paul II’s encyclical *Veritatis Splendor*, no. 79, based on sacred Scripture and on the

⁵³ Porter, *Moral Action and Christian Ethics*, 8. Similarly, Joseph Boyle claims against Kantians that “the notion of ‘respecting rational nature as an end in itself’ is simply too vague to be decisively predicated ... except perhaps in a few uncontroversial kinds of acts, like slavery and rape. Disagreements about what kinds of acts are properly described as acts of respecting rational nature or failing to respect it cannot, it seems to me, be settled except by compromise, intuition, or decision” (Boyle, “Aquinas, Kant, and Donagan on Moral Principles,” *New Scholasticism* 58 [1984]: 407).

⁵⁴ Porter, *Moral Action and Christian Ethics*, 34.

⁵⁵ See *Summa Theologiae* II-II q. 66, a. 7 for Aquinas on theft in cases of urgent need—not, properly speaking, theft at all.

⁵⁶ See for further discussion of the controversy my paper “Regarding Silence: Ethics and Ecclesiology in Two Recent Controversies,” in *One Bread, One Body, One Church: Essays on the Ecclesia of Christ Today in Honor of Bernard P. Prusak*, ed. Christopher Cimorelli and Daniel Minch (Leuven: Peeters, 2021), 195–201.

⁵⁷ See “Full Text and Explanatory Notes of Cardinals’ Questions on *Amoris Laetitia*,” *National Catholic Register*, November 14, 2016, www.ncregister.com. The authors of the *dubia* are Cardinals Walter Brandmüller, Raymond Burke, Carlo Caffarra, and Joachim Meisner.

⁵⁸ Pope Francis, *Amoris Laetitia*, no. 305, n. 351.

⁵⁹ See *Evangelii Gaudium*, nos. 44, 47.

Tradition of the Church, on the existence of absolute moral norms that prohibit intrinsically evil acts and that are binding without exceptions.” An interesting question to ask in this regard is whether it makes sense to say that a person who is divorced and remarried without an annulment commits *adultery* against his or her first spouse when having sex with his or her second spouse.⁶⁰ Is “adultery” the correct description for what the divorced and remarried person is doing here? Each sexual act in the second marriage might be seen as an ongoing and accumulating betrayal of the first marriage (in a word, adultery even years later). Or we might consider the first marriage effectively over (though not canonically dissolved), with the consequence that the former spouses just can no longer be either faithful or faithless toward one another. From this perspective, the possibility of their committing adultery toward one another has passed.⁶¹

Or take the story of Susanna in chapter 13 of the Greek version of the book of Daniel.⁶² Susanna refuses to submit to the wishes of two unjust judges who threaten to have her condemned to death if she does not have sex with them. *Veritatis Splendor* presents her as an “admirable witness of fidelity to the holy law of God even to the point of a voluntary acceptance of death.”⁶³ The encyclical goes on: “Susanna ... bears witness not only to her faith and trust in God but also to her obedience to the truth and to the absoluteness of the moral order. By her readiness to die a martyr, she proclaims that it is not right to do what God’s law qualifies as evil in order to draw some good from it.” But imagine that Susanna had submitted to having sex lest she be killed (also change the story so that she is threatened with imminent death, not a trial in which she might be rescued by the likes of Daniel). Although she is a married woman, would what she does count as “adultery”? Is that the correct description here? Such a judgment is hardly plausible—it seems, instead, grotesque—but *Veritatis Splendor* apparently takes for granted that Susanna would have been guilty of adultery, and of doing evil so that good might come of it, had she not chosen likely death.

We might also consider more complicated examples, such as cases of so-called vital maternal-fetal conflict, or more complicated rules,

⁶⁰ I paraphrase here Cathleen Kaveny, *Ethics at the Edges of Law: Christian Moralists and American Legal Thought* (Oxford: Oxford University Press, 2018), chapter 8, “Second Chances and Statutes of Limitations: Engaging Walter Kasper,” 198. See also David Cloutier and Robert Koerpel, “Beyond the Law-Conscience Binary in Catholic Moral Thought,” *Journal of Moral Theology* 10, no. 2 (2021): 187–191.

⁶¹ Kaveny, *Ethics at the Edges of Law*, 206.

⁶² I follow Porter in considering this story; see “Moral Reasoning, Authority, and Community in *Veritatis Splendor*,” 210–211.

⁶³ Pope John Paul II, *Veritatis Splendor*, no. 91.

such as the so-called doctrine or principle of double effect.⁶⁴ The point, however, should be clear by now: moral rules do not and cannot “determine a uniquely correct solution to every moral dilemma”;⁶⁵ practical reasoning is accordingly more complex than applying an evaluative premise to a factual one. At the same time, it would be a mistake to conclude that practical reasoning is thus irrational or arbitrary, a mere exercise of will. To the contrary, reasons can be given for judging that, for example, what Captain Oates did should not count as suicide, or that a married woman who submits to unwanted sex lest she be killed does not thereby commit adultery. The moral traditions to which we belong—in Alasdair MacIntyre’s oft-quoted sense of historically embedded, socially embodied arguments over what goods to pursue and evils to shun⁶⁶—give us plenty of material to work with as we seek to deepen and refine our grasp of a rule. That said, the judgments we make in difficult cases will not be dictated by the rule; our judgments will be underdetermined, so to speak, by the rule as it was handed down to us. It is noteworthy that Brugger, as quoted above, presents respecting exceptionless negative norms as “an absolutely minimal demand of social justice and an essential *first step* on the way to that perfection in Christian charity called for by the Gospel.”⁶⁷ Arguably, a demand of justice is that it be informed by charity and mercy *from the start*. To paraphrase an observation from Porter, if the moral law is not interpreted in a spirit of genuine empathy and concern for neighbor, it risks inflicting injustice, for example on the woman who is a victim of sexual violence.⁶⁸ Francis’s reminder “that the confessional must not be a torture chamber, but rather an encounter with the Lord’s mercy” also seems germane.

⁶⁴ For an extended discussion of both the notorious case of an abortion at St. Joseph’s Hospital in Phoenix, Arizona in 2009 and the doctrine or principle of double effect, see my *Catholic Moral Philosophy in Practice and Theory: An Introduction* (New York: Paulist, 2016), 41–72. For the record, I agree with Porter that “the insight expressed by the Pauline principle [evil is not to be done so that good may come], or the doctrine of double effect, is better understood as a reflection of ... general assumptions about the limits and the extent of human responsibility, than as a decision procedure ... for resolving any and all moral dilemmas.” See *Moral Action and Christian Ethics*, 71; compare Sophie Botros, “An Error about the Doctrine of Double Effect,” *Philosophy* 74 (1999): 71–83, and James F. Keenan, SJ, “The Function of the Principle of Double Effect,” *Theological Studies* 54 (1993): 294–315.

⁶⁵ Porter, *Moral Action and Christian Ethics*, 74.

⁶⁶ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 222.

⁶⁷ Brugger, “Catholic Social Teaching,” 522 (emphasis added).

⁶⁸ Porter, “Moral Reasoning, Authority, and Community,” 215. See also *Moral Action and Christian Ethics*, 195: “After two centuries of Kantian moral theory, we need to emphasize again how critically important it is that justice be tempered with mercy, even from the standpoint of justice itself.”

Two objections should be anticipated before turning to the import of this line of argument for the contrast that Finnis, Brugger, and Bradley draw between CST and Catholic moral teaching. The first objection is that the moral theory that Finnis helped develop together with Joseph Boyle and Germain Grisez is not Kantian and accordingly not vulnerable to Porter's polemic against a Kantian understanding of practical reason. Finnis, Boyle, and Grisez sought to recover natural law from centuries of misunderstanding. Whether they did so, or instead invented a new form of natural law (the so-called new natural law), is notoriously subject to debate,⁶⁹ but it is indisputable that they intended to displace the Kantian imperative to respect persons in favor of a Thomistic imperative to respect the goods of persons. The second objection is that the "object" of an action is not so indeterminate as I have claimed it to be. To the contrary, as Pope John Paul II writes in *Veritatis Splendor*:

In order to be able to grasp the object of an act which specifies that act morally, it is ... necessary to place oneself *in the perspective of the acting person*. ... By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order. ... Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.⁷⁰

In Finnis's words, "For moral assessment and judgment, the act is just what it is ... as intended, i.e., under the description it has in the proposal which the agent adopts by choice."⁷¹

The response to the first objection is that the new natural law (whether in the sense that it is renewed or novel) is Kantian in the way that matters for present purposes. In fact, the new natural lawyers recommend their theory in part because, according to them, the Thomistic imperative to respect the goods of persons provides firmer guidelines and more "absolutes" than the Kantian imperative to respect persons.⁷² This paper is not the place to summarize the new natural law.⁷³ Suffice it to say, its basic rule is that "what one should

⁶⁹ See, for example, Ralph McInerny, "The Principles of Natural Law," *American Journal of Jurisprudence* 25 (1980): 1–15.

⁷⁰ Pope John Paul II, *Veritatis Splendor*, no. 78 (italics in the original).

⁷¹ Finnis, "Object and Intention in Moral Judgments according to Aquinas," *The Thomist* 55 (1991): 18.

⁷² See Alfonso Gómez-Lobo, *Morality and the Human Goods: An Introduction to Natural Law Ethics* (Washington, DC: Georgetown University Press, 2002), 129. Compare Boyle, "Aquinas, Kant, and Donagan on Moral Principles," 408, and "Sanctity of Life and Suicide," 234–235 and 246–247. Boyle writes at 235 in the latter paper: "[Kantian] procedures allow for far too few moral absolutes."

⁷³ See, for a beginning, my *Catholic Moral Philosophy in Practice and Theory*, 181–187.

do is to promote and never violate” the basic goods of human life, such as life itself, knowledge, and friendship, among others.⁷⁴ The theory also requires us to believe, however, not only that there are such basic goods evident to all upon reflection, but that we grasp them with enough content that they can be action-guiding.

Porter is again an insightful guide. She allows that “the claim that these goods are self-evidently manifest as such as soon as they are experienced is indeed plausible with respect to some of these, such as life or knowledge,” but she goes on to note that, “even with respect to such goods ... [the new natural lawyers] find it necessary to qualify what these goods comprise in order to show how certain moral conclusions flow from them.”⁷⁵ Her example is how the good of life “is expanded to include procreation, in order to justify the claim that the use of contraception involves ‘acting against’ the good of life.”⁷⁶ What is difficult to see is how our practical knowledge that life is a basic good “can yield specific moral conclusions” all on its own, without question-begging stipulations.⁷⁷ Putting contraception aside, consider Captain Oates again. Was his wandering away from his companions an attack on the good of life? The answer is hardly obvious. Considering other goods, just how to specify the key ingredients of, say, the good of family, and to determine what counts as an attack against this good? Must a family comprise “mothering and fathering”?⁷⁸ Would allowing gay couples to adopt children violate or promote the good of family life? And so forth. The point is that indeterminacy is endemic to the new natural law, not eliminated by it.

The response to the second objection is twofold. First, a purely first-person account of human action appears indefensible.⁷⁹ It is a mistake to reduce the object of an action to what is physically done—John Paul II is right in *Veritatis Splendor* that “the object of a given moral act” is not just “a process or an event of the merely physical order”—but it is equally a mistake to reduce the object of an action to what the agent proposes to do, as if the specification of the object depended solely on the agent’s purpose. Yet this is just what the new natural lawyers do. Recall Finnis’s claim, quoted above, that “for moral assessment and judgment, the act is just what it is ... as intended, i.e., under the description it has in the proposal which the agent adopts

⁷⁴ Boyle, “Aquinas, Kant, and Donagan on Moral Principles,” 407.

⁷⁵ Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, MI: Eerdmans, 2005), 128.

⁷⁶ Porter, *Nature as Reason*, 128.

⁷⁷ Porter, *Nature as Reason*, 129.

⁷⁸ Compare Gómez-Lobo, *Morality and the Human Goods*, 14.

⁷⁹ I take this wording from Christopher Tollefsen, “Is a Purely First Person Account of Human Action Defensible?,” *Ethical Theory and Moral Practice* 9 (2006): 441–460.

by choice.”⁸⁰ The upshot is that, for example, as Finnis, Grisez, and Boyle claim, “When someone chooses to do a craniotomy on a baby to save his or her mother’s life in an obstetrical predicament, the morally relevant description of the act would not include killing the baby.”⁸¹

The problem here is that, in the words of a critic of the new natural law, “The object of the will is constituted *both* by the choice of the acting person *and* by the physical structure of the act”—not just its physical/material component, but also not just the acting person’s purpose.⁸² *What* one can say one intends is constrained by *what* it is one is physically doing, that is, the physical structure of the action.⁸³ One cannot reasonably and intelligibly say that, in choosing to set in motion a process or event one knows constitutes killing, what one is doing is not killing because one does not intend to kill and has some other object in mind instead. As Elizabeth Anscombe remarks, “Circumstances, and the immediate facts about the means you are choosing to your ends, dictate what descriptions of your intention you must admit.”⁸⁴

Second, however, concede for the sake of argument that a purely first-person account of human action is defensible. The indeterminacy of the “object” of an action—that is, the generic concept in terms of which it is correctly described—is not thereby eliminated. If how to describe an action is not always clear to third-person observers, why should we suppose it is always clear from the first-person perspective? Otherwise put, why should we *not* suppose that the acting person is sometimes beset with the same problem as observers? Do agents always just know, perspicaciously and infallibly, under what description they propose to act or have acted? For example, would the question of how to describe Oates’s action be resolved if only we could query him? The literary example of Huckleberry Finn suggests that the first-person perspective may not be at any advantage. To the contrary, time and again, the words at Huck’s disposal—the “deep

⁸⁰ Finnis, “Object and Intention,” 18.

⁸¹ John Finnis, Germain Grisez, and Joseph Boyle, “‘Direct’ and ‘Indirect’: A Reply to Critics of Our Action Theory,” *The Thomist* 65 (2001): 29.

⁸² Nicanor Pier Giorgio Austriaco, OP, “Abortion in a Case of Pulmonary Arterial Hypertension: A Test Case for Two Rival Theories of Human Action,” *National Catholic Bioethics Quarterly* 11 (2011): 514 (italics in the original).

⁸³ Compare James G. Murphy, SJ, “The Principle of Double Effect: Act-Types and Intentions,” *International Philosophical Quarterly* 53 (2013): 200, “The intention with which the agent acts is constrained by the structure or design or nature of the act-type”; and Steven J. Jensen, “Getting Inside the Acting Person,” *International Philosophical Quarterly* 50 (2010): 468, “Causal structures are the material conditions out of which intentions are made.”

⁸⁴ Elizabeth Anscombe, “Action, Intention, and ‘Double Effect,’” *Proceedings of the American Catholic Philosophical Association* 56 (1982): 23.

conceptual attitudes,” to take a phrase from Iris Murdoch, that constitute the moral vision of the slaveholding society in which he was born and raised—limit what he can grasp and articulate and thus work against the development of his own point of view.⁸⁵

Here is the upshot. If practical reasoning is more complex than Finnis allows—which it surely is—then a hard distinction between “authoritative *moral* teachings” and “matters of prudential judgment” cannot be sustained. In other words, the line between CST and Catholic moral teaching on abortion, contraception, euthanasia, and so forth is blurrier than Finnis, Brugger, and Bradley allow.

To recall, Bradley and Brugger affirm that the magisterium’s

authoritative *moral* teachings ... can and do include the excluding of certain moral objects as always and everywhere wrongful to choose ... and ... the propositions asserted in these latter teachings are practically prior to matters of prudential judgment that men and women of good faith can and do disagree upon without any fallacy in their thinking or objective disorders in their willing.⁸⁶

As we also have seen, Brugger and Finnis make much of the difference between how negative and affirmative moral norms bind: *semper et pro semper* vs. *semper sed non pro semper*. As Finnis goes on to observe, “The application of affirmative moral norms of justice is always dependent, therefore, on assessment of the circumstances, an assessment that, though morally guided, always involves some judgment about facts and likelihoods,”⁸⁷ which all three authors are quick to note does not fall within the special competence of the magisterium. Instead, following Vatican II, they emphasize, in Finnis’s words, “The lay role of forming reasonable judgments about the facts, causalities, trends, and consequences at stake in applications of all the affirmative responsibilities commanded by the Lord and taught by the Church.”⁸⁸

⁸⁵ See for discussion my paper “When Words Fail Us: Reexamining the Conscience of Huckleberry Finn,” *Journal of Aesthetic Education* 45, no. 4 (2011): 1–22. See also Iris Murdoch, “Vision and Choice in Morality,” *Proceedings of the Aristotelian Society*, supplementary volume 30 (1956): 43.

⁸⁶ Bradley and Brugger, “Introduction,” 7–8 (italics in the original).

⁸⁷ Finnis, “A Radical Critique,” 577.

⁸⁸ Finnis, “A Radical Critique,” 577. See *Gaudium et Spes*, no. 43: “Let the layman not imagine that his pastors are always such experts, that to every problem which arises, however complicated, they can readily give him a concrete solution, or even that such is their mission. Rather, enlightened by Christian wisdom and giving close attention to the teaching authority of the Church, let the layman take on his own distinctive role.” Compare *Apostolicam Actuositatem*, no. 1, declaring that “modern conditions demand that [the lay] apostolate be broadened and intensified,” and *Lumen Gentium*, no. 36, declaring that “the laity have the principal role in the overall

Resisting “overly absolutist” prescriptions about what justice demands—for example, the rejection of markets in carbon credits, as Francis has suggested⁸⁹—does seem well-warranted. Finnis, Brugger, and Bradley are here simply in agreement with moral theologians whom they in other regards dismiss. Charles Curran, for example, observes that modern Catholic social teaching changed over the twentieth century to recognize “significant gray areas” with respect to the proper resolution of social ills.⁹⁰ By contrast, Curran also observes that “contemporary official Catholic teaching on sexual ethics” admits “very little gray area.”⁹¹ Typically, “Something is either forbidden or permitted,” whatever its complexity.⁹²

Finnis, Brugger, and Bradley seem to think that this contrast is just as it should be, following from the difference between how negative and affirmative moral norms bind. In light of the indeterminacy of moral rules, however, this paper has pointed out gray areas around adultery and suicide, only as examples. No doubt examples could be multiplied. To be clear, the difference between how negative and affirmative moral norms bind—*semper et pro semper* vs. *semper sed non pro semper*—does indeed generally distinguish CST from Catholic moral teaching. But it is not the case that only CST admits reasonable disagreement; Catholic moral teaching does as well. I leave it open to debate whether Finnis is right that, as I quoted him above,

*Because the diagnosing of causalities, effects and side-effects, risks and probabilities is an inherently difficult and often uncertain matter, it is entirely possible for informed and well-catechized Catholics in good faith to hold diametrically opposed views on, say, climate change, migration policy, sentencing policy, healthcare policy, the organization of employment, laws of inheritance and taxation, and so on, while respecting all relevant moral principles and norms.*⁹³

fulfillment of [the] duty” to see to it that “the world may be permeated by the spirit of Christ and ... fulfill its purpose in justice, charity, and peace.”

⁸⁹ Pope Francis, *Laudato Si'*, no. 171. See further Eduardo M. Peñalver, “Carbon Trading and the Morality of Markets in *Laudato Si'*,” in *Care for the World: Laudato Si' and Catholic Social Thought in an Era of Climate Crisis*, ed. Frank Pasquale (Cambridge: Cambridge University Press, 2019), 41–55.

⁹⁰ Curran, “Catholic Social and Sexual Teaching,” 439. Pope Paul VI’s apostolic letter *Octogesima Adveniens*, no. 4, is explicit on this point: “In the face of such widely varying situations it is difficult for us to utter a unified message and to put forward a solution which has universal validity. Such is not our ambition, nor is it our mission. It is up to the Christian communities to analyze with objectivity the situation which is proper to their own country, to shed on it the light of the Gospel’s unalterable words and to draw principles of reflection, norms of judgment and directives for action from the social teaching of the Church.”

⁹¹ Curran, “Catholic Social and Sexual Teaching,” 440, 439.

⁹² Curran, “Catholic Social and Sexual Teaching,” 440.

⁹³ Finnis, “A Radical Critique,” 573 (italics in the original).

Perhaps the philosopher protests too much, though that would be the subject of a different paper. What this paper has argued is that there is an ineliminable gray area—on account of there being, in Porter’s words, “an ineliminable element of judgment”⁹⁴—in the application of *negative* norms. It follows, *pace* the apocalyptic language accompanying some magisterial moral teaching,⁹⁵ that not every disagreement on neuralgic moral issues is a sign of the degeneracy and corruption of the modern world.⁹⁶ Instead, given the complexity of the issues, disagreement is to be expected both among people of good will and even among faithful Catholics.

QUESTIONING THE PREMISES

As we have seen, Finnis, Brugger, and Bradley take a deflationary view of the authority of CST. Finnis goes the furthest of the three. According to him:

*Popes and other pastors should generally state only [CST’s] timeless moral norms and general moral principles; if they teach anything beyond these as CST, it should always be in **hypothetical** form. Pastors should generally not propose even hypothetical CST teachings without first having every disputable question of economic causality, other social consequences, or natural-scientific facts, carefully and even-handedly **debated** in their presence by competent lay Catholics who hold opposing positions about those matters.*⁹⁷

Moreover, “The Church’s pastors should more or less completely abandon attempts to *teach* diagnoses of the current causes of the evils that afflict their societies and humanity as a whole, and attempts to teach that the Church has ‘solutions’ to those supposed causes.”⁹⁸ More modestly (and sounding remarkably like Pope Francis), “In the field of CST, pastors’ primary concern should be to *inform* and *animate* the consciences of the faithful.”⁹⁹

This deflationary view of the authority of CST seems to depend, however, on the juxtaposition of CST with Catholic moral teaching. In that juxtaposition, Catholic moral teaching is free from reasonable

⁹⁴ Porter, “Moral Reasoning, Authority, and Community,” 216.

⁹⁵ See, for example, Pope John Paul II’s encyclical *Evangelium Vitae*, no. 28: “We are facing an enormous and dramatic clash between good and evil, death and life, the ‘culture of death’ and the ‘culture of life.’”

⁹⁶ See further Porter, “Moral Reasoning, Authority, and Community,” 216–219.

⁹⁷ Finnis, “A Radical Critique,” 572 (italics and bold in the original).

⁹⁸ Finnis, “A Radical Critique,” 572 (italics in the original).

⁹⁹ Finnis, “A Radical Critique,” 574 (italics in the original). Compare Pope Francis, *Amoris Laetitia*, no. 37: “We have been called to form consciences, not to replace them.”

disagreement; CST is rife if not overrun with it. In syllogistic form, the logic seems to be, roughly:

- If a teaching admits reasonable disagreement, its authority is limited.
- CST admits reasonable disagreement.
- Therefore, CST's authority is limited.

But what follows for the authority of CST once it is acknowledged that Catholic moral teaching, too, admits reasonable disagreement? Does the same logic hold for Catholic moral teaching, or do we have reason instead to question the premises and formulate them anew?

This paper's interest is the authority of CST, not the authority of magisterial moral teaching on abortion, contraception, and so forth. With respect to the teachings of the ordinary, non-definitive magisterium, I take it for granted that the faithful Catholic, whether lay or clergy, is enjoined to what has traditionally been called *obsequium religiosum*, which appears as well in the documents of Vatican II.¹⁰⁰ Just what *obsequium* means, however, is a matter of some controversy.¹⁰¹ Helpfully for present purposes, the distinguished canon lawyer Ladislav Orsy proposes that "the discussion whether [*obsequium*] means precisely 'respect' or 'submission' works on a wrong assumption, which is that the Council indeed meant it in a specific and precise way."¹⁰² According to Orsy, what is called for in all cases is an attitude of "love of God and love of His Church," which will be in need of specification in every concrete case. Sometimes submission could be called for, sometimes respect, "depending on the progress which the Church has made in clarifying its own beliefs."¹⁰³

Following Orsy, here, then, is a closing suggestion: there is no one, overarching answer to the question of the authority of CST for the faithful Catholic. Instead, different social teachings, on diverse topics (e.g., the rights of labor), will be found and come to have varying authority as the faithful receive, examine, and prayerfully consider them.¹⁰⁴ By contrast, Finnis seems to want to raze the *tradition* of

¹⁰⁰ See, for example, *Lumen Gentium*, no. 25.

¹⁰¹ See James T. Bretzke, SJ, *Handbook of Roman Catholic Moral Terms* (Washington, DC: Georgetown University Press, 2013), 163–164.

¹⁰² Ladislav Orsy, SJ, "Magisterium: Assent and Dissent," *Theological Studies* 48 (1987): 490. Compare Dulles, *The Craft of Theology*, 110–111 and Sullivan, *Creative Fidelity*, 23–24.

¹⁰³ Orsy, "Magisterium," 490. Orsy does not specify what he means by "Church." Perhaps he would reply that there is no one definite sense, but it is noteworthy that he speaks more than once in his paper of "the whole Church" (e.g., 483, 484, 487).

¹⁰⁴ Compare P. Bracy Bersnak, "The Magisterium and Social Doctrine: Weighing and Interpreting the Documents," *Journal of Catholic Social Thought* 19, no. 2 (2022): 327–330.

Catholic social teaching: more precisely, to reduce it to a set of principles of indeterminate application. Curran's observation is to the point: "The unofficial canon of Catholic social teaching today"—the documents, or parts of documents, that are remembered and invoked and discussed, as opposed to the many that have fallen into oblivion—"has been brought about by the reception of the church itself and by subsequent popes." In other words, "The whole church has played a role in what is viewed today as constituting the body of official Catholic social teaching."¹⁰⁵ From this perspective, we can understand why Jeb Bush's seeming dismissiveness toward *Laudato Si'* was inappropriate—it did not exhibit an attitude of "love of God and love of His Church"—while Dreher's insistence that Bush must be submissive was also off the mark. Bush would not have been wrong to want to read the document, examine and consider its teachings with the rest of the Church; to the contrary, the affirmative norms of love of God and love of Church enjoin just such use of critical intelligence. Moreover, it may be that what calls for consideration in a document like *Laudato Si'* are not only or even primarily the normative claims it makes, but the faith-filled vision it presents of human beings' relationship with creation and one another. *Laudato Si'* at least, if not also other CST encyclicals and magisterial documents, seeks to shape (and shape up) its readers' ways of seeing the world.¹⁰⁶ That aspect of CST goes missing in analyses focused on principles and policies. **M**

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¹⁰⁵ Curran, "Catholic Social and Sexual Teaching," 426.

¹⁰⁶ See on this point, which I thank a referee for emphasizing, Vincent Miller, "Higher Education and the Ecological Crisis: Integral Ecology as a Catalyst for Critical and Creative Transdisciplinary Engagement," in *Catholic Higher Education and Catholic Social Thought*, ed. Bernard G. Prusak and Jennifer Reed-Bouley (New York: Paulist, 2023), 134–137.