

Continued Dissent: Is It Responsible Loyalty?

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Three recent magazine items have intrigued me with the possibility of their relationships. One was the series of articles in *America* devoted to the issue of loyalty and dissent;¹ the other was John Milhaven's *Critic* article "A New Sense of Sin";² the third was the *Look* article on the Presbyterian debate about sex.³ The *America* series generally propounded the viewpoint that the dissent that has centered around *Humanae Vitae* has been an exercise of responsible loyalty to the Church despite any appearances to the contrary. The Milhaven article noted that the theologians who opened the doors to contraception did so by discarding an approach to natural law and in doing so had also discarded the rationale for the traditional Catholic doctrine prohibiting all extramarital sexual behavior. This, I take it, would include masturbation, premarital and extramarital sex, homosexuality, and nongenital intercourse. The question thus raised is obvious: If the dissent from *Humanae Vitae* likewise *logically* includes dissent from the entire Christian sexual doctrine, is such dissent in fact responsible, is it an example of theological loyalty to the Church?

Certainly there must be those who would welcome the repudiation of the entire Catholic tradition about sex. Talk about guidelines, personal values and decisions, exceptions to the general norm, the over-all trend, freedom and responsibility is ever so much more palatable than talk about universal norms and negatives, faithful obedience to the law of Christ, and an objective standard of what it means to become fully human. The situation ethics which has been enshrined in the main section of the Presbyterian report certainly must have its supporters among Catholics. However, the question is not whether certain Catholics would welcome a new sex ethic that is devoid of absolutes and would rejoice in the day that the original Presbyterian proposal (as it came from the theologians and before it was amended by some "conservatives" who wanted to keep calling some things sinful) became generally and openly accepted by the Catholic Church. The questions raised by the dissent are rather 1) whether the premises on which the dissent is based can avoid becoming a *de facto* situation ethic; 2) whether such an ethic can avoid a logical outcome such as the original Presbyterian proposal; 3) whether such an ethic is loyal to Christ. If such an ethic is not loyal to Christ and if it is the logical outcome of the sexual theology of dissent, then the doctrinal dissent from *Humanae Vitae* must be seen to be neither loyal nor responsible. The dissent can also be seen as something less than responsible if it has treated the whole matter as a purely rational, philosophical argument and if it has used the adversary ethic of the courtroom lawyer in such a way as to create some one-sided impressions.

In my treatment of these questions, certain limitations should be noted. First, my observations are limited. With one exception, they are limited to the American scene, and even then they are few in number. However, it is my conviction that this limited sampling is indicative of the dissent in America. I admit that I am not well enough

1. *America*, June 27, 1970.
2. John Milhaven, "A New Sense of Sin," *Critic*, March-April 1970, pp. 14-21.
3. Jack Star, "The Presbyterian Debate Over Sex," *Look*, August 11, 1970, pp. 54-60.

acquainted with the European dissent to judge its similarity to or difference from that in North America.

Secondly, the limited selection tends to make the argumentation somewhat *ad hominem*. I make no apologies for this: it is just the fact that a few theologians have written rather frequently on dissent and sexual morality, and I believe that they have a significant influence in American Catholic theologizing as it takes place in universities and colleges, seminaries, parish adult education, and even in the secondary and elementary Catholic schools and CCD classes. The significant point, as I see it, is that these theologians are somewhat corporate personalities, summing up a pervasive theological perspective. It is in this sense that I think it is valid to use their statements as representative of the position of dissent and of trends in the theology of sex in North America.

Thirdly, the concern of this article is with current approaches in moral theology. This makes it an article on methodology. At the same time it will be apparent that my interest in methodology derives from a primary interest in Christian sexuality. Different approaches and different presuppositions lead to different conclusions, and the growing public departure from the biblical norms of sexuality has not occurred without the adoption of some new approaches.

The article is written from the viewpoint of a realist interpretation of Scripture. That is, I accept as true that God has somehow revealed what is good for man in Scripture. Thus, the condemnations of adultery, fornication, etc. are not simply the human understanding of Jesus and Paul or a projection of their own celibacy, nor are they simply a reflection of the times. I accept, through my understanding of the living tradition of the Church, the interpretation that in this area of human behavior we have in Scripture a concrete norm for men of all time and not just a reflection valid for men of bygone days.

Traditionally, Catholic moralists have said that such norms are of the natural law or the order of creation; then they have proceeded to show the inherent human reasonableness of such norms—since it surely seemed reasonable to assume that we should be able to demonstrate the rationality of whatever is believed to be natural to man. Much of this reasoning was in terms of the effects, and as long as the effects remained the same and were still thought evil, the evil of the original action was seen. For example, fornication was explained as evil because of the risk of a child being born without a regular family structure. Reduced risks today then lead to fewer “evil” effects and the evil of fornication becomes questioned. When the evil of an action (e.g., fornication) is not so clearly seen today in terms of the older explanation, the question is raised about the relationship between a Christian moral teaching and the evidence or argumentation we can mount for it. Does a Christian moral teaching held forth as being of the order of creation derive its primary force from the teaching authority of the Church and its Scripture or from the clarity of the evidence and argumentation? How much of a “clarity gap” can there be? It is my opinion that the practical force of a moral doctrine for the man of faith derives from the teaching authority of the Church and its Scripture, although the ultimate force comes from its being grounded in the order of creation. Furthermore, at times we shall be quite wanting for “proofs” in morality in a manner not dissimilar to our efforts to “prove” something else that the biblical authors take for granted: that the observer of creation should be able to discern it as the handiwork of the Creator.

Furthermore, I think that the apparent difficulties in establishing the reasonableness of a moral doctrine will be closely related to the proximity that the particular practice has to the “will to freedom.” Modern atheism, as typified by Sartre, is a premise, a will to freedom; so perhaps is much of current sexuality. In each case the historical argument may be the most effective in the long run. What happens to a people when atheism becomes the order of the day? Perhaps regimes such as Nazism and Communism have already told us, and novels such as George Orwell’s *1984* and Aleksandr Solzhenitzyn’s *The First Circle* continue to dramatize it. What happens to a people when free love becomes the accepted mode? Does Aldous Huxley show us in *Brave New World*?

A Christian is free to believe that, in an effort to spare man the consequences of having to find out empirically about the effects of atheism and hedonism, God in His revelation has been rather explicit about both belief and sexuality. If we can say that it is natural, of the very order of creation, for man to recognize his Creator and not flinch from admitting the gap between our reasons and the act of faith, we should not be ashamed to admit a gap between our reasons for the Christian sexual ethic and our faith in it. In the last analysis, the traditional sex ethic says that sexual actions have a certain transcendental significance about them, and the methodology of empiricism simply cannot transcend the physical to arrive at such a spiritual valuation. As we progress farther into civilization which denies its Judeo-Christian foundation, we can expect an increasing divergence between the moral vision of those who have consciously or unconsciously adopted contemporary secular premises and those who retain the Christian tradition. It is not a question of facts, as it was with Galileo; the new revolution is a question of values.

I am quite sure that much more needs to be said about the relationship of the religious ethic and the clarity of evidence we can produce for it, but the foregoing remarks should serve at least to delineate the position from which this article is written. Others may be convinced that the apparent clarity gap needs to be bridged by accepting what seems reasonable to people of today and changing the traditional Christian ethic accordingly. My criticism of the current dissent stems at least partly from a conviction that a methodology that seeks to build a Christian ethic on what is clear and reasonable to contemporary man is building on sand. A second reason for my criticism of the dissent is that, as seen in the light of the earlier model in Protestantism, the process of dissent historically begins with the area of less clarity, contraception, and moves steadily forward into the topics of premarital and extramarital sex, areas certainly noted for a greater biblical clarity. Whether or not theologians and contemporary man will find greater clarity of evidence to support the Christian tradition in these areas is something to be considered, because it is not impossible that someday we may have the Catholic equivalent of the Presbyterian report. These general concerns are spelled out in what follows.

I

To start with the mode of presentation first, has the theology of dissent used the representational ethic of the courtroom lawyer and the collective bargaining agent as contrasted with the communitarian ethic of the professional arbitrator in its

argumentation? That is, has it tended to leave a one-sided and perhaps misleading impression?

First, the special qualification of *Humanae Vitae* as a noninfallible teaching can be misleading (regardless of the source of the label). For all that any of us know, it may in fact be infallible in the same way that the teaching about the divinity of Christ was infallible prior to Nicaea and prior to the development of the dogmatic note of infallibility. That is, if a teaching is true, it is so regardless of the dogmatic note attached to it. Secondly, and more to the point, the singling out of *Humanae Vitae* for this treatment carries with it a possibly misleading impression when no such mention of noninfallibility is regularly attached to other statements of popes and bishops. For example, it is difficult for me to imagine a theologian writing on the social order and qualifying his references to *Pacem in Terris* and *Populorum Progressio* with repeated statements that in these documents the pontiffs were teaching noninfallibly and that the faithful should give them respectful attention but should not feel bound by them in forming their consciences. Certainly, if pressed, he would admit the nondefined character of such teachings, as he would have to admit the nondefined status of teaching about the dignity of man, infanticide, and any other moral teaching. Furthermore, it is difficult to imagine anyone saying that because such documents as the social encyclicals failed to carry the dogmatic note of infallibility, the burden of proof remained on the magisterium. The point I am trying to make is that the *regular* treatment of *Humanae Vitae* by dissenting theologians in this *singular* way leaves a one-sided impression. Furthermore, if every reference to the ordinary magisterium as exercised in social encyclicals and Vatican II were couched in the language of reservation, what would be the effect?

A related question concerns whether the subject of authority has been given anything like equal treatment regarding the Pope and the papal birth-control commission (hereafter PBCC). Has it been made clear to the Catholic people who have listened to the dissent that the PBCC possessed no theological authority? Or, in fact, has not the impression been made that contraception is approved by the Holy Spirit, who made His will known through the authority of the majority position? My affirmative response to the last question leads directly to the second point at issue: whether the dissent has treated an essentially religious matter as a purely philosophical one.

II

The criticism of *Humanae Vitae* has fallen into three categories: 1) it was not a collegial statement; 2) it was not promulgated as infallible; 3) its philosophy did not convince the dissenters. My question about responsible dissent asks whether the philosophy of the majority position of the PBCC report has convinced the majority of dissenters. The core argument of that document treated the individual marital sex act as deriving its morality from the totality of sex acts in the marriage. In my opinion, the argument is quickly reduced to something like absurdity simply by treating extramarital sex acts in the same way. Does the mutually out-in-the-open, key-club-weekend extramarital sex take its morality from the over-all general fidelity of the partners, or is such behavior to be branded as adultery regardless of intention? I could not claim to have read all the literature on dissent, but in what I have read I have found not a single argument based on the cogency of the philosophy of the PBCC; and I think this is due to

the poverty of the position. The references to the fact that the PBCC *majority* stated a judgment are simply appeals to authority. It seems to me that fairness, loyalty, and responsible dissent would include a criticism of the PBCC majority philosophy, when similar criticisms are made about *Humanae Vitae*.⁴

Furthermore, I have seen nothing in the theology of dissent which points out that it is impossible to provide arguments about moral behavior that are convincing to all in a society of pluralistic practices, even to all men of good will. Here I think Paul VI may be open to criticism for his apparent naïvete in thinking that “men of our day are particularly capable of seizing the deeply reasonable and human character of this fundamental principle,” i.e., the inseparable connection of the unitive and procreative aspects of the conjugal sex act. However, if Paul VI is to be criticized for wishful thinking here, it should also be mentioned that even the PBCC majority position saw the union of the unitive and procreative aspects as the fullness to which the contraceptive acts were ordered and from which they received their morality. It is easy to understand how Paul VI, seeing the reasoning of those who advocated contraception, might have thought that the norm of inseparability was apparent in general to men of our day. It is becoming increasingly evident that in no area of sexual morality is there universal rational agreement. Nor is there such agreement among Christians even on matters of life and death; one only has to observe the statements on abortion issued by the Lutheran Church of America and other Protestant theologians as Dietrich Bonhoeffer, Karl Barth, and Helmut Thielicke to the effect that abortion is murder pure and simple.

Given the fact that Christian morality never has been nor ever will be identical with philosophical ethics, is it really responsible and loyal to the Church to dismiss out of hand a reaffirmation of one of the most ancient moral traditions in Christianity on the basis that it is not philosophically agreeable today? The immediate objection is that a matter of natural law should be demonstrable to all men, not just believing, submissive Roman Catholics. I have tried to anticipate this by showing that even in what I consider a much more obvious area of natural law, such as abortion, such demonstration simply is not working today. The truth of the matter is that in the area of human behavior we can arrive at moral certitude, but the person who wants to disagree will always find room for dissent. Since other areas of morality are not proposed to rest purely on philosophical ethics, it seems less than responsible to disregard the tradition affirmed by *Humanae Vitae* on the grounds that its rationale is not totally convincing philosophically—unless at the same time the dissent questions and disregards every other area of morality in which the philosophy fails to convince all.

There are, most likely, some who will agree that this is precisely the job of moral theology today: to criticize every traditionally accepted moral norm and to conclude that those which cannot be supported in a rational way that is convincing to all should be dropped as archaic accretions. This process is fairly well under way in situation ethics; as far as sex is concerned, the results are pretty well in. It is, for all practical purposes, impossible to prove that any given sexual act is always wrong. For example, the older reasons against adultery showing the dangers of broken homes simply fall by the wayside before a people who accept or at least tolerate adultery. Such sociological reasons are meaningless before people who mutually agree to participate in weekend key clubs. It

4. Such a criticism is provided in at least one article of dissent: M. John Farrelly, O.S.B., “The Principle of the Family Good,” *Theological Studies* 31 (1970) 262-74.

seems to me that the most a modern philosophical ethic can do is to conclude with situation ethics that we should be loving, loyal, and helpful according to the demands of the situation. If a couple after thoughtful consideration decided it was loving etc. to join a weekend key club, the ultimate rational judgment would center around their responsible personal considerations, not the act called material adultery by the older ethic. A philosophic ethic stops at what seems reasonable to men, but the reasonableness of men may be foolishness in the sight of God.

A religious ethic, on the other hand, does not claim to be solely rational, i.e., to be dependent solely upon its ability to demonstrate the reasonableness of its claims to the men of its times. It relies for its real force on the loyalty of men to their religious covenant. It is, if you will, a loyalty ethic rather than a philosophical ethic. The Christian religious ethic does not, or at least should not, presume to be able to prove to all why adultery is wrong either in general or in every case. It simply affirms that God, who knows what is best for full human development, has forbidden the practice of adultery. The theologian is free, and perhaps even obliged, to explain the evil of adultery in the terms of his day, but he will never fully succeed, for the simple reason that he can never adequately and fully understand what it means to be human, much less what it means to be an adopted son of God.

Regarding contraception, the Christian ethic will scarcely be able to do a better job of explaining its evil than it can with regard to the more evident question of adultery. It is once again a question of a loyalty ethic based on the belief that God calls the married couple to be open to the risk of transmitting life.

The basis for this belief at the present time is a general belief that the Church has been guided by the Spirit in its basic doctrine of marital noncontraception. As the Episcopalian priest Robert Farrar Capon noted in *Bed and Board*, it is a little difficult to believe that the Christian Church, which until 1930 taught unanimously against contraception, has suddenly been shown to be in error.⁵ I would add that the difficulty is compounded when we are asked to believe that the tradition has been shown to be in error by modern man who is likewise showing us attitudes and practices of sex such that we can only ask “Can you call it anything above degradation?”

This belief, grounded on the ordinary magisterium, as is Catholic belief about adultery, may likewise be shown to be at least somewhat grounded in Scripture. The criticism that has fallen on the “sin of Onan” has not yet provided adequate reason to show why only Onan merited death for his transgression of the levirate when his father and younger brother were likewise guilty of breaking the levirate in the same circumstances.⁶ Nor has the levirate theory shown why Onan received death when the Jewish punishment as recorded in Scripture was simply an insult to the offender by the aggrieved woman in the presence of the elders.⁷ I have submitted in *Covenant, Christ and Contraception* that an adequate explanation has to take into account the manner in which Onan violated the levirate covenant, his going through the motions which he then invalidated by contraception.⁸

5. Robert Farrar Capon, *Bed and Board: Plain Talk About Marriage* (New York, 1965) p. 87.

6. Gn 38:6-26. In v.26 Judah admits his guilt: “This comes of my not giving her to my son Shelah, to be his wife.”

7. Dt 25:5-10

8. John F. Kippley, *Covenant, Christ and Contraception* (Staten Island, N.Y., 1970) pp. 17-19. [This revised book is now called *Sex and the Marriage Covenant* (Ignatius Press, 2005).]

In a manner similar to the defense of the Catholic doctrine about adultery, a theology based on the biblical notion of covenant may be employed in an effort to provide a reasonable explanation. However, all such explanations are doomed to fall short of being fully adequate, for the simple reasons adduced before: our limitations in understanding ourselves as personal creatures, self-determining and yet called to be obedient as adopted sons of God.

Of course, this raises a question: “Do we have here a tradition embodying the work of the Spirit or merely a human tradition which is simply old?” I cannot see how this can be answered on a purely rational basis, since the working of the Spirit is not a subject of demonstration. Thus the dilemma: if the subject matter itself cannot be conclusively proved on the basis of philosophical ethics (a problem common to all areas of morality) and if we cannot prove conclusively in religious ethics that the tradition is of the Spirit (a problem likewise common to all areas of morality, in that no area of human behavior has been defined *de fide*), then are we not left with a practical moral agnosticism?

It seems to me that one can resolve this question either by following the path of situation ethics and the language of radical personalism or by following the path of the religious covenant. The former admits that the historical tradition provides certain insights and guidelines but stresses that in the last analysis the person, in order to become more fully person, must make his own code and his own decisions about what is right and wrong for him to do here and now.

The morality of the religious covenant reminds the believer that God has not revealed Himself through logical demonstration, that the scandal of Christianity, according to Bultmann, is the call to faith in Jesus, the call to be obedient to Him.⁹ It says that the road to becoming more fully a person is the acceptance of Christ as Word and norm, and involves death to self. It admits that certain material norms associated with interpersonal relations are universally binding. It holds that the great moral tradition of the covenanted Church is binding on all and that the burden of proof is upon those who would change it.

This brings us to a crucial point in the examination of whether the dissent from *Humanae Vitae* has been responsible or not. On whom is the burden of proof? If the burden rests upon the tradition, it seems that we are faced with the moral agnosticism mentioned previously; for I cannot see, aside from the covenant of faith and loyalty, how anyone can prove that a given interpersonal action is always wrong. The most (it seems to me at this time) that the tradition can demonstrate is that its sexual doctrine is internally consistent and in full accord with Scripture and covenant theology. This I think I have done in *Covenant, Christ and Contraception*.¹⁰ It can further show that contradictory approaches lead to what is moral chaos in terms of the religious covenant. To assert that the burden of proof rests continually on the tradition seems tantamount to treating the entire matter exclusively as a subject of philosophical ethics.

If it is true, as Richard McCormick has suggested, that the only thing actually guaranteed by an ancient moral tradition is its age, it nevertheless is given a weight of probability not to be lightly dismissed in terms of the religious covenant. The burden of

9. Rudolph Bultmann, *Jesus Christ and Mythology* (New York, 1958) chap. 3.

10. *Op. cit.*, chap 5, “Toward a Unified Theory of Christian Sexuality.”

proof falls upon those who would seek to show that the presumed guidance of the Spirit in the moral tradition was really only the prudence of men. If it be accepted, then, that the burden is upon the advocates of contraception, what is the evidence for change?¹¹

III

We are back to the key question of this essay, which asks in a critical tone whether the dissent from *Humanae Vitae* has been an exercise in responsible loyalty to the Church. Does the rationale behind the dissent result in a *de facto* situation ethic, and if so, is it loyal to Christ and His Church?

It might be well to look briefly at some of the premises of dissent; I think it fair to say that Charles E. Curran represents this point of view in an articulate way and thus provides a fair point of reference. Fr. Curran mentions three contemporary philosophical approaches, all of which “would deny the absolute conclusion of the papal encyclical in condemning all means of artificial birth control.”¹² The transcendental method would be primarily interested in the way in which “an authentic Christian person makes his ethical decisions and carries them out...Such theory would also tend to reject the encyclical’s view of man and his generative faculties.”¹³ Curran notes that such a theory would have to enter the world of material norms, but it would constantly realize the “provisional value of its precepts which are limited by the data at hand.”¹⁴ (Granted the importance of not doing the right thing for the wrong reason, it seems to me to be equally important, if not much more so, not to do the wrong thing for the right reason.) Secondly, an approach which stresses personal relationships would tend to argue for contraception in some circumstances. Thirdly, a personalist approach “will definitely affect moral conclusions, especially when such conclusions have been based on the physical structure of the act.”¹⁵

First, I think it necessary to respond that a moral theology which accepts revelation, material negative absolutes, and the doctrine of noncontraception can find much in these premises with which to agree. A theology of sex based on the covenants of religion and marriage is certainly interested in whether the decision-maker responds in a spirit of filial obedience; it is certainly concerned with personal relations, for it condemns various sexual acts as violations of an interpersonal relationship intended by God. I have always thought that the evil of adultery was its violation of the personal commitment of marriage. A covenant theology of sex is personalist likewise in that it stresses the presence (or absence) of a covenant freely entered by morally responsible persons.

Such a theology of sex distinguishes between marital and nonmarital contraception; it condemns the former, because the physical act is a sign of refusal to accept the fullness of the meaning of the marriage act as a renewal of the marriage covenant for better or for worse; at the same time it does not condemn the same physical act in nonmarital relations, because the meaning of a covenant renewal cannot be present.

11. Cf. Philippe Delhaye, “Conscience and Church Authority,” *Louvain Studies*, Fall, 1969, p. 369: “With an amazing (for him) sense of juridicism, Newman asserts that the burden of proof lies not upon the magisterium but upon the faithful.”

12. Charles E. Curran, “Natural Law and Contemporary Moral Theology,” in *Contraception: Authority and Dissent*, ed. Charles E. Curran (New York, 1969) p. 171.

13. *Ibid.*, p. 175.

14. *Ibid.*

15. *Ibid.*, p. 172.

Such a theology of sex accepts the positive values of a personalist approach, but limits the misapplication of these values by likewise accepting certain material negative norms.

Allow me to develop the example of the key club. Let us suppose that some members of a community decided that they should do something more to build community, something to break down the walls that tended to keep them separate. Reasoning that marital sex helped to overcome the barriers of separateness within a given marriage, they decided that the mutual exchange of marriage partners would be helpful in breaking down similar barriers in their limited community. They knew that their actions were contrary to the accepted norms of society, but they also agreed that only by making their own ethic could they develop as self-determining persons. They agreed to set a time limit of two months of weekends as a first experiment and then to decide on the basis of experience whether or not to continue. They likewise decided that the element of chance was more likely to encourage everyone to be polite and kind to everybody else during the week, and thus decided that the women would put the house keys in a hat and that the men would draw keys for their weekend house partners. Realizing the serious and far-reaching consequences of their experiment, they asked a local pastor noted for his liberal views to bless their undertaking. He wished them well but declined the formal blessing because it might upset the more conservative members of his flock. However, he agreed with them that the older theology which talked about adultery as an injustice to the aggrieved partner was not relevant to a situation in which an enlightened husband and wife both fully waived such rights. He also agreed that their use of contraception made irrelevant the older arguments about illegitimate children. He offered only the suggestion that each weekend couple take a fair amount of time to discuss the experiment with each other and that there should be no compulsion felt to go ahead with sexual intercourse if both individuals involved for some reason did not feel like it. Both suggestions were accepted by the group.

The Catholic proponents of contraception will groan that I have created an absurd parody, a straw man, that they thoroughly condemn such things as these key clubs as adultery and affronts to the dignity of man. However, given the premises on which the dissent from *Humanae Vitae* is based, is it not possible that couples could arrive at such a conclusion? To put it in stronger terms, is it possible to avoid such a conclusion?

First, our group's conclusion accepts the premise that there are no absolute material negative norms or that, if there are, they are in doubt. The group has likewise accepted the theological position that the burden of proof "is increasingly upon the ethicist to prove and not merely accept as a fact that sexual actuations have meaning only in terms of the marital act."¹⁶ Our group's members cannot see how the older approaches are really relevant and they are not aware of any new approaches that seek to defend the traditional prohibition of such behavior as adultery. The "authorities" were wrong on usury and religious liberty, were they not, and they had to learn from the experience of people, did they not? So our group concludes that the older authorities are equally wrong about sexual liberty and will have to learn from the experience of the people. Then our group has believed itself to be responsible in the way in which they arrived at their decision. They have been open to change, open to each other; they are using the inductive approach of the sciences in their limited experience; they humbly admit that they may possibly be wrong and thus have arranged for an evaluation. They

16. *Ibid.*, p. 165

are convinced, therefore, that thus they fulfill the requirements of the transcendental methodology. As for the relational approach, they are convinced that their primary and perhaps even sole purpose is to build and reinforce their community relationships. Certainly they believe they are exercising the new personalism, which calls them to create their own decisions, to become truly free. They have looked with respect to the older teaching about adultery but have not been convinced that such guidelines are meaningful for themselves in their situation, which calls for new efforts to build community in a country which is quickly becoming polarized and divided.

Can anything really be said against this if the premises of dissent are granted in the way in which they are proposed and used in some of the contemporary criticism and denial of the doctrine of noncontraception? How does such a picture differ in essence from that presented in a recent novel, in which the hero and heroine, both unmarried, have intercourse one night and receive Holy Communion in St. Peter's the next day, to show their liberation from the old prohibitive Catholic moral teaching? Nor can it be said that such events as key clubs do not exist. They do exist, although the rationale forming them may not be as sophisticated as that of the radical personalism I have illustrated.

I think that much can be said against the position advanced, but not on the basis of the premises of the current authors of dissent. A covenant theology of sex will admit that it can rarely if ever explain in a fully adequate manner the evil of adultery. It can go further and stress the notion of fidelity to God's command and to the personal and irrevocable commitment of marriage. It can point inductively to a consensus among novelists and other writers that the sexual acts condemned by the traditional Catholic morality do not lead to the personal enrichment of those who practice them. Such a covenant theology would have to admit that key clubs were not expressly dealt with by Scripture, but it would not on that account refrain from judging them as adulterous.

A covenant theology of sex will also use the inductive method in questioning the environment in which the new sexual morality has developed. The sexual experience of Scandinavia cannot be ignored; the full personal liberty that has led to the popular current live stage shows of copulation in New York and Los Angeles cannot be dismissed as irrelevant.¹⁷ Nor can the proposal of the Presbyterians be ignored. It is part of the inductive evidence showing where the premises of radical personalism inevitably lead. Its inductive approach would also point to the fact that modern man today shows a growing acceptance of the fact that he must learn to live in conformity with nature. The statement that "modern man could never tolerate a theory which equates human happiness with conformity to nature" certainly needs to be modified by the interest modern man is showing in ecology.¹⁸ The entire body of attack on "physicalism" in moral theology needs to be re-evaluated in the light of our understanding that, in the words of the environmentalist, "nature bats last."

IV

In this whole question of responsibility and dissent, one huge and primary question keeps coming to mind: "Why bother at all? Why make this fuss about sexual

17. *Time*, Nov. 16, 1970, p. 92.

18. Charles E. Curran, "Absolute Norms and Medical Ethics," in *Absolutes in Moral Theology*, ed. Charles E. Curran (Washington, D.C., 1968) p. 122.

doctrine and practice? Why not just tell everybody to do what comes naturally? Maybe through such an experience we will find out that the entire biblical and traditional doctrine has no more meaning for man today than St. Paul's discourse on women's head coverings. Why should we not accept a radical personalism in which the sole criterion is 'as long as no one gets hurt, as long as you don't exploit'?"

Two sets of evidence prevent me from accepting such a point of view—one is inductive, the other more deductive. The more inductive evidence comes from contemporary literature. To paraphrase the Walter Lippmann of 1929, the prophets of a purely personal sex ethic have advocated it, have experienced it, have written about it, and have told us that they have discovered a wasteland.¹⁹ More recently Albert Camus noted in *The Fall* that modern man's history could be written briefly: he fornicated and he read the newspapers. John Updike's recent novel *The Couples*, on suburban adultery, hardly shows the couples enriched. Aldous Huxley in *Brave New World* shows complete sexual satisfaction as one of the primary sources of alienation from within the person. I am not aware of major writers who show their characters more humanized by their sexual liberties. In short, in neither my personal nor my vicarious experience have I found that the sex life that is open to the advocates of radical personalism makes for a more authentic human existence.

The second, more deductive, and more fundamental fact is my acceptance of Christ as the norm of what it means to become fully human. For reasons that I cannot adequately explain, He taught a rigorous doctrine about adultery. I can only conclude that man becomes more human by refusing the temptation of adultery, even when it is only in his mind. The same holds true in my belief for the rest of the sexual doctrine enunciated in Scripture and/or carried to our times by tradition (thus excluding acceptance of an emphasis on the procreative aspect as the *only* value of sex).

If it is true that the person becomes more human by fidelity to the Christian religious covenant and its sexual doctrine, then it is also true that those who advocate a rationale which leads people away from that covenant fidelity must bear a heavy responsibility for the dehumanizing of their listeners and followers.

V

To begin a conclusion, I restate my agreement with Milhaven that the proponents of dissent from the doctrine of noncontraception have presented a rationale of change which likewise removes the rationale behind the general traditional sexual doctrine of the Church. I submit that the combination of no absolutes (either outright denial or extreme reluctance to accept) and what I have called radical personalism (with its associated approaches) as used by the current advocates of contraception and dissent must logically lead to the same attitude with regard to every other aspect of sexual morality: the tradition perhaps presents an ideal for ideal people in ideal circumstances, but in the sinful world in which we live there are no universally binding material norms. In the last analysis everything is up to the individual's practical judgment—technically, moral nominalism.

19. Walter Lippmann, *A Preface to Morals* (New York, 1929). Chapter 14, "Love in the Great Society," is reprinted in slightly abridged form in *Contemporary Moral Values*, ed. H. K. Girvetz (Belmont, California, 1968) pp. 296-309.

Thus the advocates of contraception present us not only with a changed doctrine of birth control but implicitly and logically with an entire package. It is in vain that some might aver that they hold to the traditional doctrine regarding premarital and extramarital sex, nongenital relations, etc. The fact that some *will* to hold onto the tradition in some areas while advocating a different approach in birth control is immaterial. The logic of their radical personalism marches inexorably. Thus the doctrine in the body of the recent Presbyterian report comes as no surprise. I believe it to be unchristian and unecumenical, but at least it is logical in terms of the premises of radical personalism.

Certainly my view of this is neither unique nor new. Walter Lippmann, writing in 1929, attributed the breakdown in sexual morality to one thing: efficient contraception.²⁰ He saw it relieve the fear of pregnancy and thus open the door to all sorts of sexual activity previously avoided. As previously mentioned, Charles Curran has accurately noted that the premises of certain approaches lead to the contraceptive conclusion.

For the various reasons mentioned previously, it is impossible for me at this time to agree that the dissent from *Humanae Vitae* thus far has been an exercise of responsible loyalty to the Church. First, the dissent of which I am aware has treated the two sides of the question with different criteria. *Humanae Vitae* is criticized for its reliance on the authority of tradition, while the references to the PBCC are nothing more than repeated appeals to authority. The philosophy of *Humanae Vitae* is severely criticized; the philosophizing of the majority position is generally passed over in polite silence; the dogmatic note of “noninfallible” is emphasized in a way not at all paralleled in the treatment of the social encyclicals. Secondly, the attacks on the philosophizing of *Humanae Vitae* have tended to leave the impression that Christian morality is a matter of philosophical ethics. Thirdly, the advocates of contraception have dissented from *Humanae Vitae* largely on grounds of radical personalism, which leads inexorably to an ethic of moral nominalism: no absolutes, just guidelines suggested for most-of-the-time behavior.

However, little is to be gained from speculation about whether the dissent up to now has been responsible and loyal. More important is the future. It seems to me that the time has come for re-evaluation of the course of dissent.

First, such a re-evaluation needs to consider the proposal of the Presbyterian report on sexual ethics and also the various statements on abortion by various Protestant church bodies of social concern. Are not such statements the direct and inevitable result of denying material absolutes and emphasizing personalism? And is there anything at all that logically stands in the way of advocating complete “liberty”?

Secondly, does not such a re-evaluation need to consider the huge spiritual malaise that has descended upon Western civilization contemporaneous with the ascent of situation ethics, radical personalism, and radical sexual freedom? Is it unreasonable to take into account the high suicide rates of the Scandinavian countries, whose people enjoy full sexual freedom and the highest social security?

One of the more interesting arguments for contraception holds up the principle of the family good and states that contraception may be used to foster the love and good of the entire family.²¹ Yet in the face of a society which has had an increasing rate of

²⁰ *Ibid.*

²¹ Farrelly, *art. cit.*

contraception, we likewise have had a high and increasing rate of divorce. This does not necessarily mean that the use of contraception has been a causal factor in the divorce rate, but it does lead one to question how helpful contraception has been for the authentic good of the family. That is, if it really promoted the family good, could we not expect to see a decrease in the divorce rate as contraception became as widely practiced as it is today?

Thirdly, does not such a re-evaluation need to take a new look at the way in which suffering has been treated? Underlying the whole doctrine of contraception from the 1930 Lambeth Conference to the present is the premise that the suffering of abstinence, especially for long periods, cannot be called for in Christian marriage. (Of course, the logical consequence of such reasoning is that in cases of unavoidable marital abstinence, e.g., severe sickness, separation, etc., extramarital relations become permissible. This reasoning is seen rather clearly in the Presbyterian report.) I want to raise the question of the use of such suffering, voluntarily accepted, in the co-redemption of the world. Are not Christians called to suffer with Christ in the redemption of the human race? If so, is there any situation in which we can more normally expect some amount of suffering than in Christian marriage, which as a sacrament is precisely the visible sign, the visible re-enactment, of Christ's redeeming, suffering love for His Church? I see no good in suffering as such, but my Christian faith teaches me that much good has come through suffering willingly accepted in faithful obedience to the Father's call. Furthermore, within marriage, that suffering which is endured because of fidelity to the moral teaching of the Church is especially like Christ's, in that it could be avoided by another course of action and is accepted and endured only through the spirit of faithful obedience to the will of the Father.

In the same light, such a re-evaluation of the theology of dissent needs to reflect on the fact that the absolutizing of the goal of nonsuffering has not only been greatly responsible for the advocacy of contraception but has likewise been greatly influential—perhaps the single greatest influence—in the call for abortion on demand. The modern frame of mind has absolutized nonsuffering. The Planned Parenthood Association, which formerly was somewhat emphatic in its distinction between contraception and abortion (because abortion involved killing a human being), is now silent on such a distinction and advocates abortion as another means of birth control. How can the inductive approach advocated by the theologians of dissent fail to give heavy weight to these phenomena of the modern mind?

Finally, will not such a re-evaluation have to face up to the fact that liberal Christian ethics is in a position similar to liberal Protestant dogmatics, when Karl Barth ascended his pulpit one day and discovered that he really had nothing to say to his people?

Considering the results that have come about already from the development of these modern premises, and considering that such premises seem to form the primary bases for dissent, is continued dissent from the doctrine of marital noncontraception any longer an exercise in responsibility and loyalty to the Church? Has not the time come for the theologians of dissent to do that which they have demanded of the papal magisterium: admit that their premises have been incomplete, their applications faulty, and their conclusions invalid?

Such an admission will not be the end of moral theology. It may well be the beginning of an authentic renewal of a moral theology based on covenant relations.

Somehow I have difficulty in equating renewal with the adoption of liberal Protestant and humanist ethics. Readmission of universal negatives may well provide the stimulus for incisive thinking, for perhaps deepening our understanding of what is really forbidden by God in our interpersonal relations. The admission of the importance of the material structure of the human act can be both a help and a stimulus in clarifying and perhaps narrowing the human act involved. A covenant theology of sex which accepts moral absolutes will inevitably encounter problems, but I remain convinced at present that it offers far greater promise than that of a radical personalism. I will gladly accept the criticism of those who can show me that my fears are unfounded, that the personalism that leads to contraception does not also go the rest of the way of the Presbyterian report—and further; but considering the inductive evidence available already in liberal Protestant ethics, I hope I may be pardoned for saying that I am not holding my breath.

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