

The Search for Love: Lessons from the Catholic Debate over Moral Philosophy

LOUIS MIDGLEY*

I

As is rather well-known, Catholic moral philosophers have traditionally held that biblical support for the idea of moral natural law is to be found in Romans 2:14-16. The passage reads:

For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another; In the day when God shall judge the secrets of men by Jesus Christ, according to my gospel.

In the words of Heinrich Rommen, this passage is taken by Catholics to mean that Paul "declares that the natural law is inscribed in the hearts of the heathen, who do not have the Law (of Sinai), and is made known to them through their conscience. It is valid both for pagans and for Jews because it is grounded in nature, in the essence of man."¹

But in Romans 2:14-16 Paul does not really seem to say what Rommen wants him to say, for he does not speak of a moral natural law at all, nor does he attribute the law that the gentiles give to themselves to the conscience. The conscience for Paul is the power within man to judge whether he has done

*Dr. Midgley is an associate professor of political science at Brigham Young University. The author of *Beyond Human Nature: The Contemporary Debate over Moral Natural Law*, Dr. Midgley has also published essays in the *Natural Law Forum*, *Dialogue*, *Western Political Quarterly*, *American Political Science Review*, *BYU Studies*, *American Journal of Jurisprudence*, and the *Improvement Era*.)

¹Heinrich Rommen, *The Natural Law* (St. Louis: Herder, 1947), p. 35.

what he believes he ought to do, whatever that may happen to be. The gentiles that Paul refers to, whoever they are, give themselves a law because they have not the law of God. There is no suggestion that the conscience reveals or is somehow the source of law. If it so happens that a man actually does what he believes he ought to do, then he will show "the work of the law" written on his heart and his conscience will vindicate him in the judgment; for, as Paul is attempting to show, it is the *doers* of the law who are justified and not merely the hearers (Roman 2:13). And this is true even of those gentiles who know nothing of God's law, but who still *do* (we might even say "naturally") what the law that *they give to themselves* requires of them. In addition, there is no reference in the text to a (natural) law "grounded in nature, in the essence of man." There is no mention at all of any "essence" or "nature" of man, whatever they may be. Finally, there is nothing in the text that could be construed to suggest that "reason" working on "nature" could uncover any equivalent of that which God reveals through his prophets.

Catholic scholars are not entirely unaware of the difficulties of attributing a doctrine of moral natural law to the New Testament. There is a big debate over the issue, and a number of Protestants have argued that there is no doctrine of natural law in the Bible.² In a review of a book in which Felix Flückiger,³ a prominent contemporary Protestant critic of the natural law tradition, argues against the position that Paul assimilates a natural law ethic, Anton-Herman Chroust, a Catholic jurist, made the following observations:

Since the Church in the first centuries was primarily a missionary Church the philosophical concept of natural law seems to have had little meaning for the first Christians. Flückiger is quite correct when he denies . . . that the famous passage in Romans 2:14ff . . . does refer to natural law as is commonly understood. Only during the second century A.D. did the concept of a natural law make its appearance in Christian literature, and then only by way of reception from

²The most significant marshalling of arguments for natural law in the New Testament has been done by C. H. Dodd in an essay in 1946 which has since been reprinted a number of times—see Dodd's *New Testament Studies* (Manchester, 1953), pp. 129-142. For a rejection of the idea that natural law is to be found in the New Testament, see Felix Flückiger, "Die Werke des Gesetzes bei den Heiden (nach Röm. 2:14 ff.)," *Theologische Zeitschrift*, 8 (1952), 17-42.

³Felix Flückiger, *Geschichte des Naturrecht*, I (Zollikon-Zürich: Evangelischer Verlag, 1954).

essentially Stoic sources. The Gnostics (Valentinus and Basilides), on the other hand, tried to establish a natural law based on Scriptures or the 'New Law of Christ,' as well as on Greek philosophy. Philo of Alexandria, who attempted the first great synthesis of Old Testament and Greek philosophy, identified the Mosaic Law and natural law. H. Wolfson . . . is certainly right . . . when he maintains that Philo in many respects must be considered the forerunner and model of scholastic thinking. For Philo (who also influenced Clement of Alexandria and St. Ambrose of Milan) achieved a workable assimilation of Stoic and Biblical thought. With Clement of Alexandria Greek natural law ideas gradually gained acceptance in Christian literature. With the reception of Stoic ethical notions the whole of Christian ethics acquired a more scientific form: natural law became the law of right reason, that is of natural reason (Clement). . . .⁴

The standard view reported in the history of political philosophy handbooks concerning the possibility of moral natural law in the New Testament is derived from a famous study by the Carlyle brothers in which A. J. Carlyle began by granting that "references to this theory [of natural law] in the New Testament are very scanty—indeed we have not observed any distinct reference to the subject, except in one passage in St. Paul's letter to the Romans; but this reference is very clear and distinct, and may be taken as presenting a conception which is constantly assumed by St. Paul as true and important."⁵ What was A. J. Carlyle's evidence for this assertion? "There can be little doubt," he wrote, "that St. Paul's words imply some conception analogous to the 'natural law' in Cicero, a law written in men's hearts, recognized by man's reason, a law distinct from the positive law of any State, or from what St. Paul recognized as the revealed law of God. It is," Carlyle affirmed, "in this sense that St. Paul's words are taken by the Fathers of the fourth and fifth centuries like St. Hilary of Poitiers, St. Ambrose, and St. Augustine, *and there seems no reason to doubt the correctness of their interpretation.*"⁶ Carlyle's opinion, supported by such flimsy arguments, passed into theological literature through Ernst Troeltsch's highly influential *Social Teachings of the Christian Church* and it was also appropriated di-

⁴Anton-Herman Chroust, review of Flückiger, *Geschichte des Naturrecht*, in *Natural Law Forum*, 2 (1956), 144f.

⁵A. J. Carlyle, *A History of Medieval Political Theory in the West*, Vol. 1, *The Second Century to the Ninth* (Edinburgh: Blackwood & Sons, 1903), 82f.

⁶*Ibid.*, p. 83. (Italics supplied.)

rectly from A. J. Carlyle by numerous authors of textbooks on the history of political thought.⁷

Some Catholic authors, as the passage quoted from Chroust indicates, are now willing to concede that perhaps Paul was not advancing a Stoic social ethic or some form of moral natural law, and they offer a rather more accurate account of the assimilation by the Christian community of philosophical concepts from Stoic and other sources. Furthermore, Catholic scholars are now increasingly free to pursue the authentic teachings of the Bible. The urge to recover the teachings of the Bible is at least partly the result of the official relaxation of restrictions on biblical and other historical studies by Pope Pius XII in the 1940's. Roger Aubert has called attention to an important event following World War II: "the desire to draw fresh vigor from contact with the source material—chiefly the Bible, but also the writings of the Fathers of the Church and the documents of the liturgy. . . ."⁸ The fruit of this endeavor has been a full-scale "return to the sources"⁹ and therefore a rather dramatic renewal of interest in primitive Christianity. This constituted a genuine victory for scholarship over the suspicions and controls of the *magisterium*, and has certainly contributed to the *aggiornamento* (up-dating) of the church that was instituted by Pope John XXIII and which in the Second Vatican Council and even now continues unabated.

The best known feature of the current "Catholic crisis" is the dilemma posed by traditional Catholic moral philosophy, and especially by the official position on contraception and moral natural law. The popular press has exploited the more sensational aspects of the controversy, seemingly to embarrass Catholics, and obviously with considerable success. The widespread negative reaction to the promulgation of the Papal Encyclical *Humanae Vitae* on July 25, 1968, is unprecedented in recent times. Because the entire matter has become something

⁷See, e.g., C. H. McIlwain, *Growth of Political Thought in the West* (New York: Macmillan, 1932), pp. 149f.; G. Sabine, *A History of Political Theory*, 3d ed. (New York: Holt, Rinehart & Winston, 1961), pp. 180f.; F. J. C. Hearnshaw, *The Development of Political Ideas* (Garden City: Doubleday, Doran, 1928), p. 20; L. C. Wanlass, *Gettell's History of Political Thought*, 2d ed. (New York: Appleton-Century-Crofts, 1953), p. 98; J. Harmon, *Political Thought* (New York: McGraw-Hill, 1964), p. 92.

⁸Roger Aubert, quoted by T. F. O'Dea, *The Catholic Crisis* (Boston: Beacon, 1968), p. 9.

⁹*Ibid.*, p. 8; and G. Tavard, *The Pilgrim Church* (New York: Herder & Herder, 1967), pp. 22f.

of a public scandal, the deeper significance of the underlying issues is often somewhat obscured. The whole affair is interpreted (or, better, misinterpreted) as a battle between "liberals" and "conservatives." Such a characterization makes it easy for the public to take sides but does not assist them in understanding the issues. And, as a result, a number of rather significant trends in current Catholic thought are overlooked.

What I wish to show is that, behind the public controversy over *Humanae Vitae*, some vital issues are being discussed and some profound changes in Catholic doctrine are taking shape. Some of these changes suggest a new openness to the gospel, as well as the possibility of some radical changes in Catholic moral and political philosophy. The new freedom now enjoyed by Catholic scholars has made it possible for some of them to challenge many traditional Catholic moral teachings, including even the doctrine of moral natural law. The old idea that God and a moral natural law are both known by the light of human reason independently of divine revelation is now seriously eroded and compromised. Important Catholic theologians have recently shown considerable interest in the possibility of the prophetic transformation of the "tired old church" and even argue for something quite like what Mormons call continuing revelation and some have even gone so far as to *demand* prophets in the church.¹⁰ Coupled with the new interest in the possibility of postapostolic revelation and prophecy is a growing tendency to play down the old reliance on "natural revelation" or "natural theology" which is the belief that God may be known rationally through his creation because the creation manifests (reveals?) by analogy signs of the creator.¹¹ Catholic moral philosophy has long been made to rest on a direct corollary of natural theology; not only can God's existence (or reality) be demonstrated rationally on the basis of analogies in the natural (or created) world, but also an objective, absolute ethic can be known by the light of human reason, no revelation at all being necessary to provide guidance in the affairs of this world. The current radical, and sometimes passionate,

¹⁰Louis Midgley, "The Christian World Awakens to the Need for Prophets," *Improvement Era*, Aug. 1970, pp. 68-78.

¹¹Natural theology has been ably criticized by skeptical philosophers such as David Hume (see his *Dialogues Concerning Natural Religion*), and by theologians such as Sören Kierkegaard: see, e.g., "The Absolute Paradox," in *Philosophical Fragments*, trans. by D. F. Swenson (Princeton: Princeton University Press, 1936).

public questioning of the concept of moral natural law by certain leading Catholic intellectuals is an event of singular importance, for it manifests a profound challenge to the work of generations of philosophers and theologians. It also, thereby, affords the possibility of a return to something more like the authentic teachings of the biblical witness.

The dramatic and impressive "return to the sources" which has taken place since World War II has affected Catholic moral teachings in two closely related ways. First, it has greatly improved the quality of Catholic biblical and historical studies. Secondly, it has permitted the publication of findings which run counter to received opinions within the Catholic Church and it has thereby generated support for alternative positions. A concrete instance of the rejection of moral natural law in the New Testament will now be examined.

II

In 1964 John L. McKenzie, an important Catholic biblical scholar, published an essay in which he challenged the view that Paul assimilated a concept of moral natural law in the form of Stoic ethical concepts. He did so by confronting the position of C. H. Dodd,¹² who is not Roman Catholic, which in itself offers an instructive model in such matters, for it is obvious that his real target is not Dodd at all, but traditional Catholic moral philosophy. Dodd has repeatedly maintained that the New Testament is filled with Stoic influences, including a natural law ethic. Hence, according to McKenzie, the doctrine of moral natural law that comes into the question in Romans 2:14-16 "is natural law as it was conceived in Stoicism. . . ."¹³ He then offers a rather standard interpretation of Stoic ethics, which he easily distinguishes from the teachings of Paul.¹⁴

The full details of McKenzie's argument need not concern us; his conclusions, however, demonstrate the kind of radical reconstruction which is now common in Catholic circles. Given Paul's position on the law (in Greek, *nomos*) of Moses,

¹²Dodd, *New Testament Studies*.

¹³John L. McKenzie, "Natural Law in the New Testament," *Biblical Research*, 9 (1964), 3.

¹⁴A better course would have been to follow the thesis developed by F. D. Wormuth in "Astraea and Diké: Ius Naturale in Roman Law," in *Essays in Legal History in Honor of Felix Frankfurter* (New York: Bobbs-Merrill, 1966), pp. 585-599.

McKenzie asks, "is there room for any idea of natural law? One would have to admit that if Paul accepted a Nomos of nature he would attribute to it no greater efficacy than he attributes to the Nomos of Moses; and it is difficult to see how he could attribute as much."¹⁵ McKenzie shows that a gentile morality or "natural morality," to which reference is presumably found in Romans 2:14 ff., "is by definition self-sufficient The Gentiles are their own Nomos; and Paul has spoken at some length to make it clear that the Nomos of the Gentiles is a greater failure in the war against Hamartia than the Nomos of Moses."¹⁶ Clearly Paul's theme is the justification of man and he argues that it is the doers of the law who are justified. And who can be classed as a doer of the law? It is he who loves his neighbor who has fulfilled the law, for ultimately "love is the fulfilling of the law" (Romans 13:9-10). "If Jesus has communicated his victory over sin to man, the supplementing of the teaching of Jesus by natural morality would seem to have even less appeal to Paul than the supplementing of the teaching by the Nomos of Moses."¹⁷

In his conclusion McKenzie shifts his criticisms from the position of C. H. Dodd on the presence of Stoic ethical concepts in Paul and the New Testament, and directs them against Thomist formulations of Catholic moral philosophy. "I believe Paul's thought is correctly summarized if we say that he regarded a morality of reason and nature as a morality that fails."¹⁸ However, an important question still remains. "Whether we can construct a general principle of Christian moral thinking from his rejection of the Stoic morality of reason and nature is another than a purely exegetical or biblical-theological question. But I raise it," McKenzie writes, "because it seems to me that the ideas of Paul should be considered in any scheme of Christian morality. To put the question bluntly: can there be a Christian ethics?"¹⁹ By "Christian ethics" McKenzie means "a theory of moral obligation in general and a system of moral obligations in particular *based on a rational consideration of nature.*"²⁰ Clearly he has in mind traditional Thomist natural

¹⁵McKenzie, "Natural Law," pp. 10f.

¹⁶Ibid., p. 11.

¹⁷Ibid.

¹⁸Ibid., p. 12.

¹⁹Ibid.

²⁰Ibid. (Italics supplied.)

law doctrines. "If we use the method and style of Thomas Aquinas, we should proceed thus; it seems that there can be a Christian ethics. First, Christian ethical systems exist and have long existed. Secondly, a Christian ethical system is needed to solve moral problems which are not solved in the New Testament, such as social problems, political problems, and economic problems."²¹ But McKenzie then emphatically rejects both of these arguments for a natural-law form of "Christian ethics," and it is at this point that his position becomes genuinely radical. "But on the contrary, Paul says that he who loves his neighbor has fulfilled the Law. And so I answer that there cannot be a Christian ethics."²² At least there cannot be a natural-law "Christian ethics" as long as the position of the New Testament is taken into consideration. McKenzie rejects the argument that a Christian ethics based on moral natural law is possible merely because such systems "have long existed" by pointing out that the actual "existence of ethical systems proposed by Christians shows that they are ethical *but not that* they are Christian."²³ Against the argument that natural law is needed to solve difficult social, political and economic problems, McKenzie maintains "that the ethical solution of these problems will often prove to be a rational evasion of the full weight of the Christian duty of love. Christian love offers a solution to all these problems, but we find the solution impractical. One comes to realize that reason contemplating nature can never arrive at Christian love; it can arrive at enlightened self-preservation and no more. To live conformably to nature is not to live in Christ, nor to have Christ live in one; in fact, the one may render the other impossible."²⁴

McKenzie has thus radically broken with the Thomist natural law doctrine. "I think that Paul would say that Jesus did not live and die in order that men might live by a morality of reason and nature. This they had already."²⁵

As we have seen, McKenzie insists that the Christian duty of love renders unnecessary any reliance on a morality of reason and nature—the Great Commandment is thus made the ultimate and controlling norm, while moral natural law is rejected: (1)

²¹Ibid.

²²Ibid.

²³Ibid., p. 13. (Italics supplied.)

²⁴Ibid.

²⁵Ibid.

as an evasion of the law of love, (2) as an unnecessary addenda to Christian moral commitment—one that may even render Christian love impossible, and (3) as a false imitation of the gospel of Jesus Christ. A number of other Catholics have recently taken up similar positions. One of these, John C. Meagher, has argued that Catholic moral theology, “traditionally conservative in its deportment and legal in its methodology, has long been based on an inherited concept of [natural] justice—apparently on the grounds that justice can be enjoined more confidently than charity. . . .”²⁶ We should note that in many ways the word “charity” is rather unfortunate because it commonly implies merely almsgiving. The term employed in the New Testament is *agape*—(meaning love), and the word is far more inclusive in its meaning than almsgiving, though of course almsgiving is clearly included in its meaning (cf. 2 Nephi 27:30). Meagher examines the teachings on the necessity of almsgiving in traditional Catholic moral theology. He does so in order to contrast the biblical teaching on the necessity of love with the older insistence on a morality of reason and nature.

To illustrate the weakness of natural-law thinking on almsgiving, Meagher refers to “a fairly typical two-volume manual entitled *Moral Theology: A Complete Course . . .*,” which indicates that “the state of the giver requires him to give alms only when he has a superfluity of goods. . . . Superfluities are those goods that remain over and above what are necessary for life, or the maintenance of one’s state of life justly acquired and socially useful.”²⁷ The *Complete Course* employs the phrase “necessities of state” (rather than “necessities of life”) and these are defined as “the goods a person must have to keep up his position and that of his family according to the standard of living of his class. This includes provision for the education and advancement of one’s children, for hospitality, adornment of home, and the care and improvement of one’s business.” Meagher, indulging in a bit of irony, asks: “Is there anything, one wonders, that is excluded? Yes, the text continued: ‘it does not include provision for excessive pleasures or luxuries.’ That apparently settles *that*: calculate the income currently invested in your excessive pleasure and luxuries (being

²⁶John C. Meagher, “Law, Prophets, and the Development of Peoples,” *World Justice*, 10 (Sept. 1968), 74.

²⁷Quoted in *ibid.*, p. 75.

careful, of course, not to infringe upon those connected with hospitality and adornment of home, and those not inconsistent with the standard of living of your class) and you have the measure of your superfluity.”²⁸ One is obligated to the needy only for the superfluous portion of one’s net worth. “But even then,” Meagher adds, “you’re not left without protection, the *Complete Course* hastens to reassure you: ‘The mere fact that one has a superfluity does not oblige one to give alms.’ You are vulnerable only when ‘the proper conditions of time, place, person, etc. are present.’ With a little bit of luck. . . .”²⁹ The *Complete Course* even cautions that “a rich man who refused *on principle* to give anything to those in common necessity . . . should be advised, rather than reproofed, on this point.”³⁰ Such a view is radically opposed to the teachings of the scriptures; for example, to the great message of King Benjamin in Mosiah 4:9-30 or to admonitions of 2 Nephi 26:24-33. It is obvious why McKenzie can insist that the natural-law approach to ethical “problems will often prove to be a rational evasion of the full weight of the Christian duty of love. Christian love offers a solution . . . , but we find the solution impractical. One comes to realize that reason contemplating nature can never arrive at Christian love; it can arrive at enlightened self-preservation and no more.”³¹

Meagher suggests that the chief source of difficulty in the traditional natural-law teaching is the common tendency of moralists to turn to tradition and authority when reason fails to provide moral insight or where there is not a general consensus on what reason and nature teach, or when there is a sharp controversy over the content of the supposed natural law.³² Once church authority, that is, the *magisterium*, makes official pronouncements on the content of the moral law, the reputation of the church is placed on the line and it becomes next to impossible for the church to modify the teaching. Meagher points out that one faction of a recent Catholic commission believed that “to say the Church erred in teaching . . . for so long, and in resisting 20th-century pressure for change ‘would be tantamount to seriously suggesting that the assistance

²⁸Ibid.

²⁹Ibid.

³⁰Ibid., p. 76.

³¹McKenzie, “Natural Law,” pp. 10f.

³²Meagher, “Law, Prophets,” pp. 60-68.

of the Holy Spirit was lacking to her.' " Meagher continues: "To say that the ordinary magisterium had thus erred does indeed suggest that the Popes, the other Vatican leaders, and the hierarchy may have been insufficiently responsive to the assistance of the Holy Spirit, but that is quite another matter: and who of these would claim that he has always been fully receptive to all the movements of the Spirit's vivifying and enlightening presence?"³³ Meagher argues that quite often those who merely back tradition and precedent on moral issues are adopting a position which "is tantamount to seriously suggesting that the assistance of the Holy Spirit *no longer* guides the Church."³⁴ He hopes for prophets to arise within the church to provide the necessary moral enlightenment which is now so desperately needed. But "there is a serious danger of retarding or blocking the vivifying action of the Spirit" by rejecting the prophetic function.³⁵ The church needs desperately to change her ways, even, it seems, at the price of scandal. "The danger of scandal would be more grave than it is if such reversals in teaching had never occurred before in the history of the Church."³⁶ For Meagher, the classic exemplar of the prophetic function is Peter, who in the

Gospels and the Acts manages to retain his leadership and his effective influence despite spending half his time misunderstanding, blundering, and being rebuked by the prophetic voice which cries out to him in historical events, in the indignation of Paul, in visions, even in the crowing of a cock. And it is worth noting that in every case from the Resurrection on, what Peter needed was to be jarred loose from his jealousy for the law. Faithful to the law of his history, he refused to eat what the law had taught him were unclean foods, and it took three visions to convince him that the word of the Lord takes precedence over the received law. The law of his history forbade him to mix with gentiles; and only after a barrage of visions, angels, and evident manifestations of the outpouring of the Holy Ghost could he be made to understand that the Lord had called to his society those whom his law rejected. . . . Peter's education was difficult and slow, but his openness to voices other than that of the law which history had given him made it possible for him to grow out of the legal conservatism of those in Jerusalem who clamored

³³Ibid., p. 69.

³⁴Ibid. (Italics supplied.)

³⁵Ibid., p. 70.

³⁶Ibid.

for the blood of Paul, and to grow into the freedom and truth of Christ our Lord.³⁷

We live in a disconsolate world, or so it must appear to those without the gospel. The Catholic debate over moral philosophy is merely one manifestation of the challenges confronting old comfortable assurances. With many now realizing that they are without solid bearings and teetering on the rim of an abyss, is it any wonder that the churches are in ferment? Here and there in the Catholic world the search for love is beginning to replace the traditional rational bulwark of moral natural law. The goal is salutary, though the results are often very disappointing. However, it is encouraging that the law of love no longer appears unrelated to the human predicament.

³⁷Ibid.