

# Christian Virtue and Public Morality

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## I. INTRODUCTION

According to the Second Vatican Council's *Dignitatis humanae* moral discourse remains founded upon a law that is eternal, objective, and universal. Aquinas calls this divine or eternal law the *lex aeterna*. The same conciliar text, moreover, assures us that «God has enabled man to share in this divine law, and hence man is able under the gentle guidance of God's providence increasingly to recognize the unchanging truth»<sup>1</sup>. In a later text, the 1990 *Instruction on the Ecclesial Vocation of the Theologian*, the Congregation for the Doctrine of the Faith reminds us that «the whole Church as the "salt of the earth" and "the light of the world" (cf Mt 5: 13f.) must bear witness to the truth of Christ which sets us free»<sup>2</sup>. Yet surely

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<sup>1</sup> The Second Vatican Council's «Declaration on Religious Freedom» (*Dignitatis humanae*), no. 3. As John Finnis observes, the Council Fathers refer to Aquinas's teaching on the eternal law in *Summa theologiae*, Ia-IIae, q. 91, a. 1; q. 93, aa. 1-2. But compare Finnis, «The Natural Law, Objective Morality, and Vatican II», in: *Principles of Catholic Moral Life*, ed. William E. May (Chicago: Franciscan Herald Press, 1981), pp. 114-115. Pope John Paul II cites this text in his encyclical *Veritatis splendor*, no. 43.

<sup>2</sup> Congregation for the Doctrine of the Faith, 1990 «Instruction on the Ecclesial Vocation of the Theologian», no. 3.



these Church documents are not at cross purposes, as if we are being invited to separate the evangelical truth of Christ that sets us free from the immutable ordering wisdom of God. This conclusion is confirmed in the 1993 encyclical, *Veritatis splendor*, wherein Pope John Paul II makes explicit the connection between the eternal law and divine providence, which he assures us is always «a love which cares» (VS, 43).

Catholic teaching emphasizes that the eternal law, and its realization in the human creature which we call natural law, finds its definitive historical expression in the person of Jesus Christ. Still, it seems to me that the above-cited texts require us to recognize that two approaches to the one and the same truth exist, in much the same way as the philosopher «can hold the same conclusion on both demonstrative and probable grounds»<sup>3</sup>. Because demonstration and belief constitute two different kinds of knowing acts, a person strictly speaking cannot hold the same truth at the same time both by science and faith. While this is a much contested viewpoint—witness the arguments of David Schindler for the non-definability of nature in precision from grace<sup>4</sup>—it is arguably a viewpoint required to penetrate the structure of moral engagement.

Hence in this essay, I wish to articulate the significance of this truth for those who hold responsibility for the formation of a well-ordered human community. In particular, I wish to argue that the most pressing issues concerning public morality and law remain unclear without appreciation of the role of acquired and infused *habitus*—virtue—in the formation of moral character. Such appreciation is blocked by failure to distinguish *that which* God has created from *that whereby* He redeems.

The Church of Christ must indeed bear witness to universal moral truths, and thereby illuminate the proper configuration of «natural and Gospel law *lex naturalis et evangelica*»<sup>5</sup>. The encyclical *Veritatis splendor* itself develops this view of the relationship between natural and evangelical law. But the distinctions pertinent to this view of the eternal law are essential not alone for moral theology, but for the health of the political community. The lack of clarity surrounding the nature and import of

<sup>3</sup> *Summa theologiae*, Ia, q. 58, a. 7.

<sup>4</sup> See for instance David Schindler's essay «Christology, Public Theology, and Thomism: de Lubac, Balthasar, and Murray», in: *The Future of Thomism*, ed. by Deal W. Hudson and Dennis Wm. Moran (Notre Dame, Indiana: American Maritain Association, 1992). As Schindler puts it (p. 254, note 9), «The issue is simply whether the integrity of nature (philosophy) which indeed is required in the Catholic tradition entails a "purity of nature", or entails the claim at least to be able to abstract such a "pure nature"». His analysis (here and elsewhere) gravitates strongly to the conclusion that such abstraction is impossible.

<sup>5</sup> *Gaudium et spes*, no. 74: «fas vero sit eis contra abusum huius auctoritatis sua conciviumque suorum iura defendere, illis servatis limitibus, quos lex naturalis et evangelica delineat».



public morality often is reflected even—perhaps one should say “especially”—at the theological level. For instance, the on-going debate in the United States between neo-conservatives and theologians associated with the American edition of *Communio* about what stance the Church should adopt toward free-market capitalism is one instance where the need for such understanding surfaces<sup>6</sup>.

While there are many issues potentially illustrative of the essential value of the natural law for the guidance of political deliberation, perhaps none has recently evoked more controversy, nor more confusion, than that of the civil rights of homosexual persons. Hence I shall focus in the remainder of this essay upon the consequences of treating the issue of homosexual rights without first attaining the requisite clarity regarding the nature of virtue and its centrality for the common good of civil society.

First I shall provide some illustrations of the lack of clarity to which I refer as it conditions understanding of homosexual rights. I will then offer the account of virtue worked out by St. Thomas Aquinas as addressing this lack of clarity, and present an account of the intellectual factors that I believe currently work to obscure the permanent contribution of St. Thomas’ teaching. In particular I shall argue that inclusivist views of nature and grace cannot yield the appropriate guidance. Then I will show how the question of the legal status of homosexuality may provide an occasion for us to deepen our appreciation for the profound role of *habitus* in the achievement of a worthy common life.

## II. THE ISSUE OF HOMOSEXUAL RIGHTS

A few years ago in the United States, the Church’s views on the place that citizens who identify themselves as homosexuals should hold in society gained front-page publicity. A document issued by the Congregation for the Doctrine of the Faith on 23 July 1992, entitled «Some Considerations Concerning the Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons», occasioned the headlines<sup>7</sup>. This document was intended to serve as a private communication to the Bishops of the United States in order to offer «discreet assistance to those who may be confronted with the task of evaluating draft legislation regarding non-

<sup>6</sup> See David Schindler’s interview, «The Culture of Love», *The Catholic World Report*, October 1994, 42-49.

<sup>7</sup> For the document itself, see *Origins*, July 1992. One indication of the reaction appeared in *National Catholic Reporter*, November 13, 1992, in the form of more than 1500 signatures of those who protested the Vatican «Considerations».



discrimination on the basis of sexual orientation»<sup>8</sup>. But once its contents were leaked to the secular press, public statements quickly materialized.

In the respected Jesuit monthly *America*, the American priest and university professor John F. Tuohey volunteered a highly critical appraisal of the observations that appeared in the Congregation's statement<sup>9</sup>. Fr Tuohey went so far as to claim that in this case an official Church body, whether directly or indirectly, «is guilty of encouraging the violence of injustice»<sup>10</sup>. The author then alluded to a spectrum of unhappy social consequences that would ensue should anyone take the Congregation's proposed "applications" seriously. In an effort to give a counter-example, Tuohey notes in an approving tone «the contribution [that] the gay and lesbian community has made to the welfare» of the city of St. Louis.<sup>11</sup>

In advancing this argument, Tuohey by default provides stellar illustration of what ensues when philosophical distinctions disappear from one's theological repertoire. For Tuohey conspicuously fails to make the elementary philosophical distinction between what individuals do *qua* cultivated, *qua* artistic or *qua* historical preservation-minded and what human beings do *qua* moral agents. We are left to conclude that he is ignorant of the distinction between art and prudence, hence confusing the significance of the intellectual virtues in an *accomplished* person for that of the moral virtues in a *good* person. Yet should not an adequate treatment discern that howsoever good one's performance may be in some limited domain of human conduct, that this is a distinct and lesser attainment than one's performance in the moulding of one's own moral deportment and character?

Whatever the intrinsic defects in his argument, one must assume that Father Tuohey represents the view of many American Catholics, who may question the extent to which Church teaching on personal virtue ought to affect public policy on morality. For Americans, questions about human sexuality usually dominate the agenda. Not too long ago, *The New York Times* (6 September 1994) carried a full page «open letter to Pope John Paul II on the question of contraception», with signatories from every state of the Union and from some foreign countries. Their message? «We say to you simply: on the issue of contraception, you are wrong». And in the 24 September 1994 issue of *America*, Richard L. Smith poses the question: «How is the church to conduct itself within a postmodern, pluralistic United States? Should the hierarchy take the role of dialogue partner or herald of the truth?» (pp. 12-17). The author, who speaks in the first

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<sup>8</sup> See the 23 July 1992 Statement by Joaquin Navarro-Valls, director of the Vatican press office, in *Origins*, July 1992.

<sup>9</sup> *America*, 12 September 1992, vol. 167, no. 6, 136-138.

<sup>10</sup> *Ibid.*, p. 138.

<sup>11</sup> *Ibid.*, p. 137.



person, explores whether «the Roman Catholic hierarchy and the gay community, with such profound differences between us, can coexist gracefully as two very different cultures within a larger American society»? These samples of recent discussion in the United States persuade us that David Remnick of *The New Yorker* is accurate in reporting that Pope John Paul II recently reminded one of his visitors that: «You cannot take a vote on Truth»<sup>12</sup>. Can we perhaps wonder whether someone put *The New York Times* on the papal breakfast table!

Catholic moral teaching holds that the homosexual «inclination itself must be seen as an objective disorder»<sup>13</sup>. On this view, it follows that the Church legitimately can take measures to ensure that those who, for whatever reason, reject the call to a chaste life do not seek protection within or privileges from those democratic institutions that are intended to guarantee citizens freedom from discrimination on the grounds of «race, ethnic background, etc.»<sup>14</sup>. Why? Because inclinations basic to the perfection of the human person are to be distinguished from “inclinations” contrary to the perfection of the person. For instance, alcoholism may be rooted in certain genetic disorders, as is often alike suggested regarding homosexuality. Yet in the case of homosexuality we are often urged to see the tendency toward homosexual conduct as good merely because it might, on some hypotheses, be founded upon some genetic condition.

But a condition can be natural, or be contrary to nature. Does anyone suggest that alcoholics receive special constitutional protection, or urge that ungoverned alcoholism be viewed as a special beneficence of nature visited upon a lucky few? This is however precisely the view of homosexuality urged upon us by presumed reasonable theological commentators. For instance, criticizing the Vatican «Considerations» Robert Nugent argues that the Vatican Congregation for the Doctrine of the Faith should equate “sexual orientation” with “gender” as a basis for civil rights: «Gender is inseparable from human personhood and is recognized as a basis for civil rights in some societies. Gender and sexual orientation are distinct but related aspects of human sexuality. If one accepts gender as a legitimate basis for civil rights, can one logically deny sexual orientation as an equally legitimate basis?»<sup>15</sup>.

<sup>12</sup> See David Remnick, «The Pope in Crisis», *The New Yorker*, 17 October 1994, p. 52.

<sup>13</sup> Congregation for the Doctrine of the Faith, 1986 «Letter to the Bishops of the Catholic Church on the Pastoral care of Homosexual Persons», no. 3: «Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic moral evil; and thus the inclination itself must be seen as an objective disorder».

<sup>14</sup> *CDF*, 23 July 1992, Part II. Applications, no. 10.

<sup>15</sup> Robert Nugent, «The Civil Rights of Homosexual People: Vatican Perspectives», *New Theology Review* 7 (1994) 76. More recently, Vincent J. Genovesi, S.J. renewed criticism of the 1992 Congregation for the Doctrine of the Faith document. See his «Human and Civil Rights for Gays and Lesbians», *America*, 22 April 1995, pp. 15-19.



Nugent castigates the Vatican for possessing «no understanding...of the fact that one's sexual orientation as distinguished from behaviour, can be an enrichment and enhancement of human existence». One cannot but note that this is what the logician calls a *petitio principii*—a begging of the question. For what is required is to distinguish those inclinations which proceed from the wellsprings of human nature, from those which ensue only owing to defect. Without the use of this distinction, we would need logically tend to embrace all genetic disorders as positive gifts—a discovery that surely would leave many genetic scientists bemused, and which is far more culpable than any putative incomprehensions pertaining to the trial of Galileo. Needless to say, to endeavour to make the right distinctions in the absence of a philosophy of nature, or with merely empiriological data, is to invite confusion.

As the Church must work for the creation of a public atmosphere amenable to the flourishing of human persons, this same approach to public policy ought also to apply to the other virtues that the good order of public life requires. Even those who instrumentalize the common good of civil society, and consider virtue *per se* to be no essential interest of the political state, admit that the state must exercise a legitimate care for the moral health of quintessentially public life. Hence John Finnis, who argues for a merely instrumental view of the common good of civil society—such that private consensual sexual acts performed by adults are not essentially regulable by the state—nonetheless maintains that homosexual arrangements cannot rightly be established within a juridic category on a *par* with the heterosexual institution of the family.<sup>16</sup> Thus even a political state that professes indifference to life “in private” cannot escape bearing responsibility for the conditions vitally affecting moral upbringing and common life, a responsibility that requires knowledge of virtue. Yet how little we hear moralists today discuss such matters as the importance of truth-telling for establishing mutual trust among members of a community, the related obligation to protect the good name of another, and many other important public virtues associated both with justice and the other cardinal virtues.

Lack of insight into the nature of virtue inevitably affects one's account of the nexus between the *ordo legis* and morality. But what is the nature of virtue? And what is responsible for the failure of some contemporary theologians to fathom it? It is to these questions that I shall now turn.

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<sup>16</sup> Cfr. John Finnis, «Law, Morality, and “Sexual Orientation”», *Notre Dame Law Review* 69 (1994) 5, 1049-1076.



### III. AQUINAS AND NATURAL VIRTUE

We know that Aquinas in the *Summa theologiae* begins his analysis of virtue with the standard textbook definition of virtue that was common among 13th-century moralists: «Virtue is a good quality of mind, by which one lives righteously, of which no one can make bad use, which God works in us without us»<sup>17</sup>. Let us consider each element of the definition as Aquinas explains it within his general teleological view of the moral life. First, the *formal cause*: «Virtue is a good quality of mind». For Aquinas, virtue belongs to the generic category of quality, specifically virtue is a *habitus*. As a philosophical notion, *habitus* signifies the perfection of an operative capacity in the human person so that those who develop them not only function, but function well. Because the virtues really alter the nature in which they inhere, these good *habitus* modify or shape the psychological capacities of the human person. For instance, the authentically prudent person is truly mature and self-governing rather than enslaved by inordinate passion and pride. One who has initial good intent, but whose passions and pride often get the better of him, is not only intemperate in action but also and by that fact lacking in “the glorious liberty of the sons of God”.

This modification of the person by good *habitus* happens in a way that respects the virtuous person’s ability to express a full range of creativity and human initiative. Christian virtue does not produce boring uniformity, rather it gives the Christian a natural conformity to Gospel values that makes living an upright life prompt, joyful, and easy. Virtue is supple, and the virtuous person is able to decide and to act on moral issues that result from even the most complex circumstances of the moral life.

Second, the *material cause*. Since virtue is a spiritual quality, strictly speaking it has no material cause. Rather for the purposes of analysis, we speak about the subjects in which the virtues exist as supplying for their material cause. These subjects include all the rational powers or capacities of the human soul: intellect, will (or the rational appetite), and the sense appetites. Acquired virtue develops by some deliberate exercise of the human capacities or powers, *viz.*, intellect, will, sense appetites; virtue, however, does not exist as an automatic given of human nature.<sup>18</sup>

Third, the *efficient cause*: «which God works in us without us». While human actions can account for the development of the *habitus* that we call the acquired virtues, the definition envisages the infused virtues as sheer gifts of divine grace. That is, these virtuous forms come directly from the power of the Holy Spirit, who alone serves as the

<sup>17</sup> See Ia-IIae, q. 55, a. 4.

<sup>18</sup> See *De veritate*, q. 1, a. 8: «quaelibet virtus, faciens operationem hominis bonam, habet proprium actum in homine, qui sui actione potest ipsam reducere in actum».



efficient cause of their coming to be and remaining in us. Because their origin and development depends on the divine agency, the infused moral virtues function only within the broader context of faith, hope, and charity in the theological life.

Fourth, the *final cause*: «by which one lives righteously, of which no one can make bad use». As an operative *habitus*, the end or final cause of virtue remains the performance of the virtuous action itself. By definition, the exercise of virtue results only in the embrace of good objects. Each of the moral virtues formally marks off an area of human endeavor, but without specifying the exact shape that every good choice will take. The moral goodness that the virtues realize embraces the whole universe of moral objects as these conduce to our possession of the supreme Object of all human pursuit and desire. Within a teleological perspective, there really is not a fixed number of basic human goods, for every virtuous act that is to be done in some way embodies a good basic or fundamental to the human flourishing of the person who acts.

#### IV. CONTEMPORARY THEOLOGIANs AND THE NEGLECT OF NATURE: THE *NOUVELLE THÉOLOGIE* AND DEONTOLOGISM

We now make a transition, and consider how modern theology views this classical approach to the virtues and the virtuous life. Christian theologians today do not take enough account of the distinction between the infused and the acquired virtues. But the universality of moral truth requires that they teach about chastity, and the other virtues that perfect the human person, both as acquired virtues available to every human being and as infused gifts that come along with the Christian faith.

I think that there are two main reasons for this neglect. The first reason emerges from discussions in the general area of theological anthropology, and especially the popular appeal that an inclusivist view of nature and grace has enjoyed during the period of post-conciliar theology. Many blame the Leonine neo-scholastic revival for its failure to meet every challenge that 20th-century person-centered philosophies set forth, but Thomists such as Jacques Maritain, to cite one example, did point out the distinction between person and nature, both common and individual, and made fruitful use of the different levels of human reality in his essays on politics.<sup>19</sup>

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<sup>19</sup> Cfr. Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951), and *The Person and the Common Good*, trans. John J. Fitzgerald (Notre Dame, Indiana: University of Notre Dame Press, 1972).



Today, however, many Christian theologians consider only the individual person, and him or her precisely as a graced person, that is, as enjoying the benefits of an active personal relationship with the blessed Trinity. As a result, little attention is given to the human person as a *creature*, precisely as one who possesses a *created human nature*. Indeed in some theological quarters, to speak about a created human nature and its operations is excluded on principle. These theologians argue that to speak about human nature outside of a direct reference to divine grace is to suggest the existence of a human nature that is indifferent toward God, as though to follow the strand of nature in the divine tapestry were to uproot it therefrom. When moral theologians lean toward describing the actual state of the believer exclusively in categories of grace and glory, they are wont to pay less attention to human nature with its specific capacities and built-in teleologies, hence falling prey to a certain angelism.

Indeed, to adapt St Augustine's description of the knowledge of the angels, such theologians prefer to examine the moral life only in the light of the Word. But does this theological mood not risk creating some strange ambiguities? For how are the species of rightful and wrongful acts initially known, if not by reference to nature? How, for instance, could a being lacking rational nature be held guilty for falling short of the obligation to tell the truth? To the extent that inclusivist views of nature and grace result in confusion about the status of personal responsibility in the meaning of the Christ-event, we find ourselves confronted with antinomies, such as the pro-abortion group, Catholics for Choice, and Catholic activists for gay and lesbian rights. And from both pulpit and podium we hear moralists hedge on, if not outrightly condone, some plainly unvirtuous forms of human conduct. Natural virtue and its encouragement is confused with merely external legislation, as though a good life were consistent with cowardice, intemperance, imprudence, and injustice.

The second reason for the neglect of the distinction between naturally acquired and divinely infused virtue, is the appeal to rule-centered moral theories. Of course, the Decalog provides sufficient warrant for the Church's catechetical practice of using commandments or precepts to instruct the faithful about the essentials of the Christian life. But as Russell Hittinger points out, law and virtue always go together in the Catholic tradition.<sup>20</sup>

Nonetheless there are moralists who describe the moral life only in terms of normative conduct that is established by obligation and sanctioned by penalty. *Veritatis splendor* has shown that those who develop a moral theology exclusively in terms of moral norms and pay little or no attention to the requirements of human na-

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<sup>20</sup> In: *Ethics & Medics* 19 (November, 1994).



ture and its real operative powers at work in the moral life capture only a part of Catholic moral teaching. And so they are prone to produce a "morality of the head", in which natural law, if not entirely rejected, is construed principally as a quality of human intelligence, but not as settled dispositions in human nature itself.

It is significant that revisionist moral theologians (whose intent is to break free of rule-centered moral theology) show little enthusiasm for restoring the virtues of the moral life to their place in moral theory<sup>21</sup>. Because they fail to recognize both that *habitus* can serve as a real source of action in the human person and that prudence can grapple with the most complex of real life circumstances, the majority of these moralists are in agreement that only some form of proportional reasoning can really assist the perplexed person who is required to make a moral choice.

## V. THE MORAL LAW AND HOMOSEXUAL "ORIENTATION"

Now let us return again to the Congregation's letter of 23 July 1992. The document records that in the 1975 «Declaration on Certain Questions Concerning Sexual Ethics», the Congregation for the Doctrine of the Faith "took note" of the commonly-accepted distinction between the homosexual condition or tendency and individual homosexual acts. But in its 1986 «Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons», because of "an overly benign interpretation" given to the homosexual condition itself, the Congregation was obliged to clarify the proper understanding of this distinction. The clarification states: «Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic evil; and thus the inclination itself must be seen as an objective disorder» (no. 3).

While this more explicit statement of Catholic doctrine provoked some strong reactions, there is nothing particularly startling or, for that matter, novel in the substance of this teaching. Rather, as the *Catechism of the Catholic Church* confirms, it reflects the common teaching of the Church. Because of the lack of original justice, every human person can experience appetitive movements that incline him or her towards disordered behavior; as we know, these disordered emotions continue even after sacramental incorporation into Christ, for otherwise, says Aquinas, people might seek baptism for untoward reasons, for instance, to escape the debilitating effect of unruly emotions.<sup>22</sup>

<sup>21</sup> See, for instance, Richard A. McCormick, S. J., «Some Early Reactions to *Veritatis Splendor*», *Theological Studies* 55 (1994), no. 3.

<sup>22</sup> *Summa theologiae*, IIIa, q. 69, a. 3.



According to Christian theology, every defect in human nature bears the character of punishment for sin; some are purely penal, but others can lead to further sinful conduct. Moralists submit that a judgment of culpability concerning such sense movements rests on a discernment about the extent to which the person consciously and freely engages the disordered appetitive movement. The defects remaining after baptism retain the character of punishment for human nature considered in itself, but for the person these same thorns in the flesh become the occasion for conformity to Christ's sufferings and the gradual reformation of the Godly image in which we are all created.<sup>23</sup>

Take the case of sexual feelings. In their discussions of *luxuria*, the capital vice of lust, the classical moralists held that one must first of all distinguish between a venereal pleasure that is directly willed and one that is indirectly willed. The principal concern of these authors, to the extent that they maintained some perspective on the moral life, centered on «venereal pleasure directly willed outside of legitimate matrimony»<sup>24</sup>. But note that the moralists were traditionally concerned with a person's reaction to venereal pleasure, not with the fact that original sin left us susceptible to the misuse of such pleasure.

A noted Dominican moralist of our century, Dominic Prümmer records that the «old theologians» (*viz.*, those who wrote before the period of high casuistry) correctly and simply distinguished between *placencia* and *complacencia*. Inasmuch as only the second of these manners entails a free and conscious engagement with venereal pleasure, moral theologians concerned themselves with norms for regulating *complacencia*, not *placencia*<sup>25</sup>. What is important to note, is that the Catholic moral tradition was concerned about well-tempered venereal pleasure. When the Congregation says that «the [homosexual] inclination itself must be seen as an objective disorder», it means that any form of *complacencia*, whether internal or external, in venereal pleasure that arises from homosexual comportment actual or imagined constitutes unvirtuous behavior. And to accept this conclusion, it seems to me, does not require too much stretch of the theological imagination.

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<sup>23</sup> See T. C. O'Brien, *Original Sin*, vol. 26 of the *Summa theologiae* (London: Blackfriars, 1965), especially pp. 50-55. There O'Brien offers a profound commentary on Ia-IIae, q. 83, a. 2: «Whether original sin is in the substance of the soul rather than in its powers».

<sup>24</sup> Dominicus Prümmer, O.P., *Manuale Theologiae Moralis*, 3rd edition (Freiburg im Br.: Herder & Co., 1923), p. 517.

<sup>25</sup> *Ibid.*, p. 518. Unfortunately, the «Note on Church Teaching concerning Homosexual People» issued by Cardinal Basil Hume fails to take account of the full ambit of chastity when it limits the expression of homosexual vice to «homosexual genital acts». For the full text of Cardinal Hume's remarks, see *Origins* 24 (1995) 766-769.



The truth of the matter is plain enough. Indeed it may be that use of the term “inclination”, which figures so prominently in theological anthropology, is deceptive as a description for the disordered tendency toward behavior that St. Paul says should never transpire among those who belong to Christ. For example, Maritain considerably developed Aquinas’s understanding of inclination as a settled inclination in the human person<sup>26</sup>. Moreover Maritain distinguished rectified inclination—consequent upon the initial ordering to the good—from the notion of *inclinatio* as itself the initial ordering of the person to the good<sup>27</sup>. These two notions of inclination are found, as it were, at diverse ontological levels—one *consequent* on the initial ordering to the good, and the other *comprising* this initial ordering.

Thus, when Maritain spoke about tendencies, he had in mind «the tendencies written within the ontological structure of the human being»<sup>28</sup>. And when he spoke about inclinations, he developed Aquinas’s view that «the precepts of natural law sometimes are actually adverted to by the reason and sometimes are just settled convictions there»<sup>29</sup>. Adapting Freudian psychological categories, Maritain could explain that «these properly human inclinations derive both from nature and reason, but from a reason that functions unconsciously or preconsciously»<sup>30</sup>. In short for Maritain inclinations and tendencies of human nature—understood either as the first ordering of the person to the good *or* as further perfected by reason—lead only to human fulfillment. One is the beginning of virtue, and the other the achievement thereof, but neither is evil. Hence the term “inclination” as used of homosexual appetite might best be preceded by the term “disordered”. In this way one distinguishes the disorder of every vice both from the initial *per se* ordering of human nature to the good, and from the further perfection or rectification of inclination by reason.

In my view, this kind of moral analysis fits very nicely into the principles established by *Veritatis splendor*. But what are we to conclude from the fact that those who seek to experience venereal pleasure within the context of same sex relationships are also the ones who most favor the practice of hypostatizing moral qualities? Up to this time, neither those who experience adulterous or avaricious inclinations, nor those who repeatedly make poor practical judgments, nor those who are irreversibly

<sup>26</sup> For example, see Jacques Maritain, *La loi naturelle ou loi non écrite*, ed. Georges Brazzola (Fribourg: Éditions Universitaires, 1986), pp. 63-78.

<sup>27</sup> See *Man and the State* (Chicago: University of Chicago Press, 1951), pp. 90-94.

<sup>28</sup> *La loi naturelle*, cit., p. 64: «les tendances inscrites dans la structure ontologique de l'être humain...».

<sup>29</sup> *Summa theologiae*, Ia-IIae, q. 94, a. 1.

<sup>30</sup> *La loi naturelle*, cit., p. 65: «Ces inclinations proprement humaines sont à la fois de la nature et de la raison, mais de la raison fonctionnant de manière inconsciente ou préconsciente».



pusillanimous make any claim for civil rights on the basis of these conditions. But are there, then, really sufficient grounds for making a special case when it comes to speaking about the inclination to engage in homosexual conduct? Why should the “particular inclination of the homosexual person” be treated differently from the particular inclination of the adulterous person, or of the avaricious person, or of the imprudent person, or of the pusillanimous person? I can find no convincing theological reasons to justify making a special exception for the homosexual person. On the other hand, I do recognize that psychologists, sociologists, and political analysts can contribute to our understanding as to why certain persons claim special privileges in society as gays and lesbians, though few of these same specialists would likely devote as much time to arguing on behalf of adulterers, hoarders, incompetents, or cowards if such people were to advance similar claims.

And this leads to a further question. Ought we risk the confusion that comes from tightly joining adjectives such as homosexual, adulterous, avaricious, imprudent, cowardly with one of the most significant terms for all Christian theology, namely, *person*? Recall Maritain’s important remark: «Personality signifies interiority to self»<sup>31</sup>. On this account of personhood, a homosexual person—far from being someone whose homosexual “status” is retained irrespective of conduct—could only be one who actually engages in conduct of a specific kind, so that the venereal pleasure that results from such activity can be said to be directly (or under certain circumstances, indirectly) willed (*volita*). This conduct could take the form either of internal actions, such as desires, delights, and what the moralists of yesteryear called morose delectation, or external actions, which the standard authors taught could be either consummated or non-consummated, usually depending on the extent of genital involvement. And a similar moral analysis could be developed to cover the case of the adulterer, the miser, and the coward.

In other words, sinful persons are those who actually possess one or another vicious *habitus*, so that these vices actually shape their moral character. Let me be clear about this analysis. I am not arguing that sinners have no claim to the personal dignity that belongs to every human being. Rather, I am suggesting that we should consider whether it makes sense to speak about a chaste adulterer, a generous miser, or a dauntless coward. At the same time, we must also remember that *Veritatis splendor* identifies acts whose object is not capable of being ordered to God as acts «unworthy of the human person» (n. 82).

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<sup>31</sup> *The Person and the Common Good*, trans. John J. Fitzgerald (Notre Dame, Indiana: University of Notre Dame Press, 1972), p. 41. One writer, Andrew Sullivan, has already capitalized on the Church’s use of the phrase “homosexual person”, making it the premise for an argument in favor of endorsing homosexual activity. See his «The Catholic Church and the homosexual. Alone Again, Naturally», *The New Republic* 28 (1994) 47-55.



But moral theologians seem reluctant to take the full anthropological implications of virtue seriously. Instead, many have grown accustomed to talk about inclinations, orientations, and conditions as if these terms all represent something ontologically fixed in the human person, to the extent that these same theologians find it increasingly difficult to explain why it is that, in the phrase of the July statement, «there are areas in which it is not unjust discrimination to take sexual orientation into account, for example, in the placement of children for adoption or foster care, in employment of teachers or athletic coaches, and in military recruitment»<sup>32</sup>. The reaction that Father John Tuohey's article represents displays how quickly even members of the clergy are ready to judge that the Church's position on homosexuality ought to be next in line after the condemnation of Galileo to undergo a thorough reexamination. *The New York Times* generously devoted a double-column, front-page headline to the news: «After 350 Years, Vatican Says Galileo Was Right: It Moves» (Saturday, 31 October 1992). One can only imagine what headlines would accompany the news that Father Tuohey would like to hear from Rome.

I would like to propose that we can avoid this unhappy state of ecclesiastical and political turmoil. But not without giving another look at Aquinas's teaching on original justice and the effects of original sin, and by taking seriously the classical doctrine of the acquired and infused virtues. In his *La Pensée de Saint Paul*, chap. 8, «L'homme nouveau», Maritain cites St Paul's celebrated remark in *Ephesians* 5: 3, «But fornication and impurity of any kind, or greed, must not even be mentioned among you, as is proper among saints». Then, in a note, Maritain explains that the injunction, «Nec nominentur in vobis», does not prohibit frank discussion about matters of sexual morality, rather it underscores St Paul's view that such vices should not form part of the Christian life<sup>33</sup>. I would like to think that this proposal for putting discussion about Christian virtues into political discourse represents a fresh effort to advance Maritain's integral humanism.

## VI. CONCLUSION

The Church must guide those who hold responsibility for the formation of a well-ordered human community, but she can only do this effectively if theologians are willing to take seriously the right order of nature and grace. When Aquinas

<sup>32</sup> CDF, 23 July 1992, no. 11.

<sup>33</sup> In Jacques et Raïssa Maritain, *Oeuvres Complètes*, vol. 7 (Fribourg: Éditions Universitaires, 1985), p. 611: «Le sens est: qu'il ne soit pas question que ces choses existent parmi vous, qu'elles soient si éloignées de vos coeurs qu'elles ne forment jamais l'aliment de vos conversations».



discusses the damage that both original and actual sin cause to the good of human nature, he pauses to meditate on how divine grace restores to human nature its integrity.

«The cause which removes original and actual sin as well as these defects is the same one, according to the text of St Paul, “He will also bring to life your mortal bodies because of his Spirit who dwells in you” (*Rm* 8: 11). But each takes place according to the order of divine wisdom at a fitting time. For it is right that we pass to the freedom from death and suffering proper to the glory begun in Christ and acquired by Christ for us only after being conformed to him in his suffering. Thus it must be that subjection to suffering remain for a time in our bodies in order that in conformity with Christ we may merit the freedom from suffering proper to the state of glory»<sup>34</sup>. This view of the Christian life reflects a proper understanding of the place that satisfaction holds in the economy of salvation.

There is no need to rationalize disordered emotions by claiming that they represent fixed inclinations, orientations, or tendencies in the human person. Such disordered movements of the appetites, especially those that lead to a life of untoward sexual misconduct, do not form a constitutive part of the good of human nature. But theologians who advance this view not only err in their knowledge of created reality as existing in its own nature, but what remains a far greater loss, they mislead others from embracing the great mystery of our redemption. Recall that *Veritatis splendor* makes St Paul’s caution, «Lest the cross of Christ be emptied of its power» a central element of its teaching. The incarnate Son restores fallen humankind to its absolute beginning, for «all things came into being through him, and without him nothing came into being» (*Jn* 1: 3). But by the gracious providence of our God, the restoration that fallen nature achieves surpasses the grace that was originally bestowed in creation. For Christ came «full of grace and truth» (*Jn* 1: 14), and the rôle of the infused virtues is to ensure that every one who believes in Christ enjoys this «fullness we have all received, grace upon grace» (*Jn* 1: 16).

<sup>34</sup> *Summa theologiae*, Ia-IIae, q. 85, a. 6, ad 2.

*Riassunto.* «Il mondo moderno rispecchia la situazione dell’Areopago di Atene», ci rammenta Papa Giovanni Paolo II (*TMA* n. 57). Non solo vengono respinte temerariamente le verità fondamentali del credo cristiano, ma assistiamo sempre di più al crollo di quei valori morali che avevano modellato un tempo la vita pubblica delle democrazie occidentali. La verità morale cristiana non occupa più un posto privilegiato e dominante sulla pubblica piazza. Padre Cessario sostiene che il linguaggio della virtù è quello perfettamente adeguato per comunicare gli insegnamenti del Vangelo e, segnatamente, è quello atto ad



aiutare il credente cristiano a dimostrare la fondatezza delle sue argomentazioni di fronte ai frequentatori dei moderni areopaghi. Il presente saggio illustra tale tesi facendo riferimento allo spinoso interrogativo posto da coloro che difendono i diritti dei gay.

*Résumé.* «Le monde moderne reflète la situation de l'Aréopage d'Athènes», nous rappelle le Pape Jean Paul II (*TMA*, n. 57). Non seulement les vérités intrinsèques de la foi chrétienne sont rejetées avec témérité, mais de plus en plus, nous sommes témoins de l'effritement de ces valeurs morales qui façonnaient autrefois la vie publique des démocraties occidentales. La vie morale chrétienne ne détient plus un rôle privilégié et dominant sur la place publique. Le Père Cessario affirme que le langage de la vertu est celui qui convient pour communiquer les paroles de l'Évangile et qu'il peut notamment aider le croyant chrétien à promouvoir sa cause face aux habitants des aréopages modernes. Son article illustre cette thèse en se référant à la question épineuse posée par ceux qui prennent la défense des droits des homosexuels.

*Summary.* «The modern world reflects the situation of the Areopagus of Athens», so Pope John Paul II reminds us (*TMA*, n. 57). Not only are the central truths of Christian belief rejected with temerity, but increasingly we witness the crumbling of those moral values that had once shaped the public life of the Western democracies. Christian moral truth no longer enjoys a privileged and dominant place in the public square. Father Cessario argues that the language of virtue well serves to communicate Gospel teachings and, in particular, can help the Christian believer advance his case before the inhabitants of the modern areopagi. His essay illustrates this thesis by referring to the nettlesome question that is posed by those who advocate gay rights.

*Inhaltsangabe.* «Die moderne Welt widerspiegelt die Situation des Areopags in Athen» erinnert uns Papst Johannes Paul II (*TMA*, n. 57). Nicht nur werden die dem christlichen Glauben innewohnenden Wahrheiten kühn abgewiesen, sondern immer mehr werden wir auch Zeugen der Zersetzung jener moralischen Werte, welche vormals das öffentliche Leben der westlichen Demokratien bestimmten. Die christliche sittliche Wahrheit spielt in der Öffentlichkeit keine herausragende und beherrschene Rolle mehr. Pater Cessario bestätigt, daß die Sprache der Tugend zur Weitergabe des Evangeliums geeignet ist und insbesondere dem gläubigen Christen helfen kann, seine «causa» gegenüber den die modernen Areopags bevölkernde Menge zum Erfolg zu verhelfen. Sein Artikel stellt diese These dar und spielt dabei auch auf die heikle Frage an, die von den Befürwortern der Rechte der Homosexuellen gestellt wird.