THE MORAL ACT

Norbert J. Rigali, S.J.
University of San Diego

ABSTRACT

From the manuals of the classicist period, moral theology inherited an understanding of the moral act that is rooted in the classical conception of the human being as a rational animal. However, the new personalist and relational anthropology characterizing contemporary theology requires a corresponding revised idea of the nature of the moral act. This revision, it appears, cannot be definitively achieved unless a holistic material understanding of the moral life first replaces the merely formal and empty concept of it in the manualist tradition. Fortunately, this replacement seems to be occurring. The areas of sexual morality and social consciousness are those that suffer the greatest distortion in ethics based on classicist anthropology and, similarly, admit the greatest revision when transferred into the context of contemporary theological anthropology.

Suggesting that the transition of recent decades within the Catholic Church from a classicist to a modern world view has created the need in moral theology for a revised understanding of the moral act, this essay attempts to sketch the outline of the needed new understanding and then to indicate its special relevance to revisionism in sexual ethics.

I. From Acts of Rational Animals to Acts of Persons

At the beginning of the classical manuals of moral theology is generally found a treatise on human acts. These are understood, according to the definition of St. Thomas Aquinas,[1] as acts which proceed from deliberate will.[2] On the basis of this concept the manualist produced his understanding of the moral act. For some manualists, following Aquinas himself,[3] the human act and the moral act are identical. Others maintained that, while every moral act is a human act, the converse is not true. Regarded as nonmoral human acts are deliberate actions of children who have not yet achieved an understanding of moral good and evil as well as the deliberate actions of adults, especially with regard to morally indifferent matters such as reading and writing, which occur without any

[1]ST 1a2ae, q. 1, a. 1.

[2]F. Hürth and P. M. Abellán, *De Principiis—De Virtutibus et Praeceptis* (Rome: Pontifical Gregorian University, 1948), I:159.

[3]ST 1a2ae, q. 1, a. 3.

Norbert J. Rigali, S.J., is an Associate Professor in the Department of Religious Studies of the University of San Diego (San Diego, CA 92110). He is the author of many articles on moral theology in theological journals, a contributor to the American Catholic Catechism, *and an Associate Editor of* Horizons.

HORIZONS 10/2 (1983), 252-266

attention to their moral nature.[4] Thus, for moralists of the latter opinion, there was a kind of moral limbo of human acts (*actus humanus*), located between the indeliberate acts of human beings (*actus hominis*) and the deliberate, human acts in which there is moral awareness (*actus moralis*).

The contemporary moral theologian, however, is likely to view the starting-point as more complex than it appears in either traditional presentation. In the light of modern disciplines of human self-understanding, human acts must be viewed in a subtly differentiated ascent from the prehuman to the fully human, with countless variations between the two poles. On this view, acts are generally seen as more or less human and, to the same extent, more or less moral. Similarly, in the perspective of contemporary self-understanding, the human act no longer appears as an act of the rational animal as such and hence as an act which proceeds from deliberate will. While deliberate will undeniably lies at its heart, the human act is seen today as the act of a person qua person.

A person, in a contemporary perspective, is a being who is open to Being and summoned to relate the self ultimately to all reality.[5] To the extent that persons place themselves into authentic personal relationships with reality, they realize the vocation of human beings, fulfilling their personhood or humanity and assuming their places in the realm of the moral.

When one thinks of the human being as a rational animal and, with Aristotle, regards action as one of the nine secondary types of being that follow upon substance, the human act is readily understood as an action that proceeds from the rational animal acting according to its rational nature, i.e., as an action that proceeds from deliberate will. But when the human being is regarded as a person confronted by Being and summoned to relate herself or himself to all reality, it is a different matter. Now the human act is seen as an actuality through which a self-aware being enters into personal relationship with other reality as well as with the self, and such self-actuation-toward-Being appears to be a complex project in the world. On this more phenomenological view, the human act is understood as a moral configuration of a person's life rather than as a single deliberate action.

A. Fundamental Option and Sin

At the time of the Second Vatican Council, some moral theologians began to see the moral subject more as a person—a-person-in-

[4]H. Noldin, A. Schmitt, and G. Heinzel, *Summa Theologiae Moralis* (30th ed.; Innsbruck: F. Rauch, 1952), I:66.

[5]See Robert O. Johann, *Building the Human* (New York: Herder and Herder, 1968), pp. 76-79.

relationship-to-Being, a-coperson-in-the-world—than as a rational animal, acting from deliberate will,[6] and the doctrine of fundamental option was introduced. As Louis Monden expressed it, beyond the realm of object choices, in which persons confront an infinite number of possibilities and their responses range from an action that is mainly a reflex to one that constitutes a *kairos*, there is another, deeper kind of choice, a fundamental option between a Yes and a No, in which " man, as a spirit, unconditionally commits or refuses himself" and makes a choice "not with respect to specific objects but with respect to the totality of existence, its meaning and its direction."[7]

Monden's notion of fundamental option had emerged within a theology of sin and was applied in this context. Mortal sin, accordingly, is an act in which "a negative basic choice clearly manifests itself," while venial sin is a negative action "so superficial or so unfree that the basic option cannot really take shape in it."[8] Understandably, in light of the nature and consequences of mortal sin, some scholars doubted that any single action could be equivalent to a negative fundamental option. One cannot commit oneself totally, they said, in a single personal act.[9] And at this juncture in an evolving theology of sin an important point was registered by Richard McCormick.

Behind the notion that mortal sin cannot be committed in a single act, McCormick maintained, can be "a very unreal notion of the human act." Taking adultery as an example, he noted two ways in which it can be described. Abstractly considered, adultery is a single action, taking place in a brief period of time. Integrally viewed, however, "adultery includes a larger experience: the meetings, thoughts, desires, plans, effects as foreseen, the vacillations, and so on." In short, "adultery is a whole relationship brought to this culmination," and "the entire experience" is to be understood as "the full meaning of the action."[10]

Faced with the question of whether mortal sin can be committed, as has been traditionally taught, in a single act, McCormick recognized that the real problem here is not that the traditional answer is wrong but that a common understanding of what constitutes a human act is inadequate. According to the Sermon on the Mount, adultery can be something other than the human action that commonly bears the name (Mt 5:28). McCormick adds that, if the human act of adultery involves this deliberate physical action, it is also much more than this.

[6]Surely among the many factors leading to this development are the publication of Pierre Teilhard de Chardin's vision of the unity and interrelatedness of all reality, insights from depth psychology, and the influence of Martin Buber's personalism.

[7]Louis Monden, S.J., *Sin, Liberty and Law*, tr. Joseph Donceel, S.J. (New York: Sheed and Ward, 1965), p. 31.

[8]*Ibid.*, p. 36.

[9]Robert P. O'Neill and Michael A. Donovan, *Sexuality and Moral Responsibility* (Washington, DC: Corpus Books, 1968), p. 57.

[10]Richard A. McCormick, S.J., *Notes on Moral Theology 1965 through 1980* (Washington, DC: University Press of America, 1981), p. 304.

B. The Positive Moral Act

Both Monden and McCormick offer correctives to common understandings of the human or moral act, but their respective reforms are presented in the context of reforming the understanding of the negative moral act, mortal sin. These insights need to be complemented by comparable ideas about the positive moral act, the fully human act.

The human act is not simply a physical action with its accompanying intention and circumstances. The human act is not a physical unity. Nor is it a metaphysical unity. It is a moral unity, a human unity, a unity of personal relations within the world.

In its primary instance the moral act is the gravely good act. It is the fully human act, the act through which a positive fundamental option is generated or reaffirmed. But this positive act, like the negative act described by McCormick, is not to be understood as if it were only a single deliberate action. It is, rather, a mode in which a person actualizes himself or herself in the world, in relation to the Good. But, again like the act of adultery, this self-actuation has a history or, more precisely, is itself a historical process. It proceeds from the human being's temporal nature and is extended in time as a developmental complex of actions, virtues, attitudes, and so forth.

The human act, then, is a configuration of a moral life rather than a single deliberate action, and moral meaning is found primarily in the unity of a human life as a whole and secondary in the moral configurations of a person's life, which both form and give expression to the basic, unified meaning. But if a configuration of a moral life is a complex of actions, habits, attitudes, and so forth or—in McCormick's words about adultery—"the total experience" in which "the full meaning of the action" is found, what constitutes a total moral experience? In what does the unity of this moral complex consist?

To relate oneself as a person to reality is, from a Christian standpoint, to unite oneself, above all, to other human beings in relations of justice and love, thereby responding to the Love that is God. The moral life is a continual striving for the reign of justice and love throughout God's creation. The positive moral act, then, is an act in which a person relates herself or himself in justice and love to others within our shared environment. (Since, in Christian theology, the love of God and the love of neighbor are inseparable, there can be no moral act relating a person only to God and devoid of all relations to his creation.) Thus, the human or moral act is that complex of actions, dispositions, habits, and so forth that expresses, however darkly, where an individual ultimately stands with regard to justice and love in God's world. To the degree that one's ultimate stance toward justice and love—one's fundamental option—is engaged in an aspect of one's life, that aspect is, to that degree, the human or moral act. And to the extent that an aspect of a person's life is

remote from this ultimate stance, the aspect falls short of being the fully human or moral act.

II. Moral Act and Moral Life

While teachers of spiritual theology have always found it necessary to refer continually to the spiritual *life*, a comparable holistic concept is missing from the moral theology manuals. The moral theology manualist was able to proceed with his business of discussing the morality of actions without having to think holistically about the authentically moral or human *life*.[11] Why this absence from classicist moral theology?

It is an unavoidable fact of experience that the spiritual life is a developmental process, consisting of different phases. And, since the spiritual life was understood to be based on counsels rather than commandments (as classicist theology understood the distinction), there was no reason why its progressive nature should become obscured. It was accepted that individuals are spiritually different and that different behaviors are to be expected and required, depending on the level of spiritual advancement at which one has arrived. Therefore, to know what was required of an individual in the spiritual life, it was necessary to understand his or her experience against the background of the overall dynamics and innerworldly goals (as distinguished from an otherworldly telos: beatific vision, heaven, etc.) of the spiritual or interior life. Thus, one could not—and cannot now—speak intelligently about the meaning and value of particular spiritual experiences or exercises without having in mind a holistic material understanding of the spiritual life.

The moral life, on the other hand, was understood to be rooted in commandments. Indeed, the ordinary Christian life was often called the life of the commandments and thereby distinguished from the religious life (in the canonical sense), called the life of the counsels. Commandments, in this context, include precepts of the church as well as obligations derived from the theological virtues and are understood as the numerous laws regarding particular actions elaborated in the manuals. At the same time the moral agent was understood, of course, as the rational animal, and the moral act as an action that flows from deliberate will.

On this view, wherein morality is located primarily and directly in individual intentions and actions rather than in the moral life as such, the Christian ethicist does not need a holistic material conception of the moral life. If the moral life is not considered to be a developmental process, through different phases with different dynamisms, toward innerworldly goals, and is considered, instead, as only a series of actions

[11] Norbert J. Rigali, "Christ and Morality" in *Readings in Moral Theology, No. 2: The Distinctiveness of Christian Ethics*, ed. Charles E. Curran and R. A. McCormick, S.J. (New York: Paulist, 1980), p. 114.

in conformity to moral law (natural law and derived, positive laws; divine positive laws; ecclesiastical laws), then "the moral life" is merely a formal, empty concept, which is not essential to the task of determining morality. In a word, once it has been accepted that the moral life is to be understood as the life of the commandments, the moral theologian need think no more about *life*; the task now is only to determine what precepts constitute the moral law and what acts conform to those precepts.[12]

As long as "the moral life" is only a formal, empty concept, the moral act can certainly not be understood as a configuration of the moral life and undoubtedly will continue to be commonly viewed in terms of an individual action. Therefore, the popular understanding of the human or moral act can be definitively reformed only if the very notion of the moral life is transformed in moral theology into a truly holistic understanding of it. Fortunately, there is reason to believe that this transformation is under way.

Although his views are controverted on several fronts, Lawrence Kohlberg has done at least one undeniable service for Catholic moral thought. After Kohlberg, it seems, one may no longer overlook the truth that the moral life, no less than the spiritual life, is a process.[13] As matters of spirituality cannot be adequately judged without understanding the spiritual life-process, so matters of morality can be properly evaluated only within the context of the moral life-process.

III. Ethics and the Moral Life-Process

A. Masturbation

Rightly, then, Bernard Häring comments that "we cannot evaluate sexual ethics abstracted from the developmental process," which, of course, is an aspect of the moral life-process. One "cannot first propose the abstract norm that masturbation always is a mortal sin, and only then consider the difference between masturbation by infants, masturbation by adolescents, and others." Instead, one must "look first to the diversity of the phenomena" and "only then" ask about the moral meaning or possible sinfulness of the individual phenomenon.[14]

[12]See Noldin, Schmitt, and Heinzel, I:38: The human being "is bound to live a life worthy of a son of God through the supernatural observance of the commandments of God so that through good works he might merit the reward of eternal life." This statement is indicative of a moral theology in which "the moral life" is merely a formal, empty concept.

[13]Bernard Häring devotes the first volume of his second compendium of moral theology, *Free and Faithful in Christ* (New York: Seabury, 1978), to presenting the Christian moral life as a life of creative freedom and fidelity in Christ. In *Conscience: Development and Self-Transcendence* (Birmingham, AL: Religious Education Press, 1981), Walter E. Conn proposes that the moral life in general and, specifically, the Christian moral life are to be understood as the fulfillment of conscience as the drive toward self-transcendence through "a creativity that is at once sensitive, critical, responsible and loving" (p. 213 and *passim*).

[14]Häring, *Free and Faithful in Christ*, II (1979): 503, 560.

Häring's position, shared by many other moral theologians, that the action of masturbation must be seen against the background of the developmental process, as well as in a particular life-context,[15] before an adequate evaluation of its moral meaning is possible, suggests again that the human or moral act is a configuration of a person's life rather than a single action.

B. *The Contraceptive Act and the Marital Act*

Regarding regulation of conception, Häring again refuses to separate ethics from the moral life-process. He is critical of the moral theology of the past that treated "the question of methods exclusively without giving attention first to the basic decision of responsible transmission of life." In this older theology, a couple who already had many children and "used interrupted intercourse to prevent a further conception" and a couple "who rejected their parental vocation altogether and decided arbitrarily and selfishly not to allow a pregnancy" came under the same condemnation.[16] While degree of guilt might differ between the two couples, both pairs had committed the objectively mortal sinful act of contraception.

Many other Catholic moral theologians agree with Häring and maintain that the contraceptive act of the first couple can be morally justifiable, while that of the second couple is not. But I would suggest that this conception of the matter distorts its moral quality and that we should say instead: the human or moral act of the first couple, unlike that of the second, is not necessarily a contraceptive act at all.

The term, contraception, signifies a *human* act directed against conception, opposed to conception; it means anti-conception. The very name connotes human opposition to one of the three classical goods of marriage in Christian tradition: the good of offspring (*bonum prolis*). Understandably, then, in its highest teaching office the Catholic Church remains unwilling to teach that the contraceptive act can be morally justified. Nor should this be the Christian teaching.

There is, however, a great difference between being opposed to conception and desiring to control it responsibly. Nevertheless, as long as the moral act is understood as a physical action flowing from deliberate will, there is reason to regard the actions of the two couples as if they constituted the same kind of human act and hence to call them by the same name, the contraceptive act. However, if the moral act is a configuration of a person's life, the matter is very different. Then one will not find the true and human name of an action by abstracting it from the personal relations in which it has its reality.

[15] *Ibid.*, pp. 562-63
[16] *Ibid.*, pp. 523-24.

According to the latter understanding of the moral act, then, the moral meaning of a sexual action between a man and a woman cannot be determined by uprooting it from their mutual sexual life and their shared interpersonal actuation. To determine the moral meaning of a sexual action by extracting it from the relationship in which it is formed, is not unlike interpreting Biblical texts abstracted from their Scriptural context. If the sexual action of the first couple is not withdrawn from its life-context, their human act can be seen—as Häring evidently intended—as an act of mutual, interpersonal sexual commitment, encompassing a shared commitment to responsible parenthood and hence to responsible regulation of conception. And the human act of the second couple is seen to be an act of mutual sexual comment of another sort, an interpersonal commitment that entails a shared determination to oppose parenthood and, consequently, conception in their common life.

On this view, the human act of the first couple is very different from that of the second couple, and the two acts will bear the same name only at the price of great moral distortion and confusion. To be sure, there is a sameness with regard to the deliberate physical action involved in the two acts. But there is also a sameness with regard to the physical action in the marital act and in the act of adultery. The difference between one man-woman relationship and another, not a physical action considered abstractly, determines the difference between the two human acts, the marital act and adultery. Similarly, the difference between one man-woman relationship and another, not a physical action in abstraction, determines the difference between the two human acts, the act of interpersonal love involving commitment to responsible parenthood and responsible control of conception and the act of another kind of sexual commitment, entailing a determination to oppose parenthood and conception. The first is the marital act; the second is the contraceptive act.

To regulate conception, like ordering one's diet, regimen or anything else, is a matter of drawing lines and of sacrificing some values to realize others. Regulating involves also saying no to something at one time in order to say Yes when the time is right. Persons who regulate conception by rhythm say No to sexual intercourse, but their act of abstinence may not be ipso facto construed as against sexual intercourse or as anticonception. (Undoubtedly, rhythm *can* be a human act opposed to conception, the contraceptive act.) Nor should the human act of the person who at reasonably determined times says No to the possibility of conception while realizing other goods of marital intercourse be judged as anticonception.

On the view presented here, the human act that is called the marital act is, of course, a much more complex reality than the physical action of sexual intercourse between persons married to each other, just as the act of adultery is more complex than the action of sexual intercourse be-

tween adulterers. The marital act is the human act in which the marital relation finds its special expression. As the marital relation must be open to the good of offspring, so must also the marital act. But the marital relation and the human, marital act must be simultaneously open to conception and committed to responsible regulation of it. The human, marital act can be *humanly open to the good of conception* even when biological causes alone (or physical causes directed by rational deliberation), in a process of purely biological (or rational) regulation, render the action of sexual intercourse *physically* closed to conception at a particular moment. Every marital act, then, even that which is physically closed to conception, must be humanly open to it.[17]

C. Homosexuality

With regard to homosexuality, revisionism in moral theology encounters special difficulties, not least because of uncertainty surrounding it. What causes a person to be or to become homosexual remains an unsettled question. Thus, while heterosexuality appears to many to be a self-explanatory datum, homosexuality is indisputably something of an enigma. And, complicating matters further, it is also for many people a disturbingly emotional issue, rendering objectivity in discussing it extraordinarily difficult.

For his part, Häring regards homosexuality as a problem in medical ethics.[18] Although he acknowledges that many studies show it cannot be classified as an illness, Häring sees it "from our holistic view of health," as "surely a dysfunction which calls pressingly for medical help."[19] Its dysfunctional nature is presented thus: "Any sexual aberration which

[17]Unfortunately, *Humanae vitae* itself exemplifies the failure of classicist moral theology to present a completely satisfactory understanding of the human act. Although the encyclical uses the terms, conjugal act *(actus coniugalis)*, act of marriage *(coniugii actus)*, and conjugal intercourse *(coniugalis congressio)*, in its key sentence regarding human regulation of conception it states that *any use of matrimony (quilibet matrimonii usus)* must remain per se ordered to the procreation of human life (*AAS* 60 [1968], p. 488). Pope Paul VI, of course, inherited the practice of speaking about sexual intercourse between a married couple as a "use of matrimony." Nevertheless, this classicist terminology is extremely inept and misleading. It is a depersonalizing reification that causes marriage to appear as if it were a thing to be used rather than as a shared commitment to be lived. The question of contraception cannot even be posed, much less answered, without distortion unless such terminology, inextricably linked to an anthropology of the rational animal, is transcended.

Moreover, there is inherent distortion and confusion in language that speaks about a need for a human act to remain open to some good or value. It is not human acts but persons who are obliged to remain, in and through their acts, open to goods and values. Hypostasizing human acts distorts the relations that constitute the essence of moral, personal reality. Thus, while, for the sake of dialogue, adopting here the language of hypostasized human acts, I must at the same time call attention to the incapacity of this language definitively even to pose, much less to answer, the moral question of contraception.

[18]Bernard Häring, *Medical Ethics*, ed. Gabrielle L. Jean (Notre Dame, IN: Fides, 1973), pp. 184-89; *Free and Faithful in Christ*, 11:564.

[19]Häring, *Medical Ethics*, p. 186.

does not allow a person to find fulfillment in married love or in a balanced life of celibacy proves to be a grave encumbrance to freedom and joy, and troublesome in interpersonal relationships."[20]

While believing that homosexuality may at times originate in hereditary or constitutional factors, Häring thinks that "the majority of homosexual problems are either caused or at least aggravated by erratic behaviour patterns in the familial or immediate social environment."[21] Psychoanalysis is the cure; but for most homosexual persons, unfortunately, "complete psychoanalytic treatment is not yet available either for lack of competent therapists or for lack of financial means."[22] Moreover, the prognosis is less than favorable, Häring seems to imply, for those past early adulthood.[23] Nevertheless, "a number of patients can be helped through simpler anamnetic methods to the point where the overt homosexuality is reduced to a latent form with the capacity for heterosexual relationships," and this result "truly represents a therapeutic success."[24]

In summary, Häring's basic approach to homosexuality is a view of it as a psychological dysfunction caused by harmful behavioral patterns in the familial or immediate social environment and as curable by depth therapy. Accordingly, he endorses generally the notion that "patients who are really troubled by their homosexual leanings and want to be healed can be helped, but there is need of depth therapy."[25]

An ethic rooted in this uncomplicated view of homosexuality is itself basically simple. It sees the homosexual person's moral duties regarding his or her homosexuality as a duty to be changed into a heterosexual person if possible[26] and, if this is not possible, a duty "to abstain from all genital activity, just as other celibates are expected to do."[27] But this simple, absolutist ethic of homosexuality is not Häring's last word on the subject. Noting that a "counsellor has to be patient and discerning,"[28] he adds compassionate but vague[29] pastoral reflections such as the following: "[I]n the case of homosexuals who are running wild but who are settling down to a friendship built on common ideals, and gradually reducing overt activity, the decisive criteria is [*sic*] that of growth in chastity and in the overall life and attitude."[30]

[20] *Ibid.*
[21] *Ibid.*, p. 187.
[22] *Ibid.*
[23] Häring, *Free and Faithful in Christ*, II:564.
[24] Häring, *Medical Ethics*, p. 188.
[25] *Ibid.*
[26] Häring, *Free and Faithful in Christ*, II:564.
[27] *Ibid.*, p. 563.
[28] *Ibid.*
[29] McCormick has defined what he calls "vintage Häring." It is "characterized by obvious kindness and compassion, pastoral prudence, a shrewd sense of the direction of things, and a generous amount of haziness" (*Notes on Moral Theology 1965 through 1980*, p. 340).
[30] Häring, *Free and Faithful in Christ*, II:563-64.

This is not the place for a complete critique of Häring's position. I call attention only to his failure to present a unified, consistent theory. On the one hand, we have an absolutist ethic of homosexuality, based on an understanding of it as, essentially, a curable pathology. On the other hand, we are offered a concerned but hazy pastoral theology, which seems to allow, from a holistic view of the homosexual person's life, what the absolutist ethic must reprobate. The ethical and the pastoral are merely juxtaposed—a phenomenon not uncharacteristic of Häring and not uncommon in the preconciliar Church.

Other moral theologians present a unified, consistent moral theory of homosexuality. While "homosexual acts always involve a significant degree of ontic evil because of their lack of openness to procreation and to the man/woman relationship as it functions in marriage," there are, Philip Keane argues, "cases in which the ontic evil in homosexual acts does not become an objective moral evil because in the circumstances germane to these cases it is truly proportionate for the homosexual acts to be posited."[31] Thus, when "the homosexual who is not free to be otherwise or to be perfectly chaste is achieving responsible relationships and personal growth in his or her homosexual acts, these acts are ontically evil in what they lack, but not morally evil in the actual concrete totality in which they exist."[32]

Essentially the same conclusion was reached through Charles Curran's well-known theory of compromise. However, Curran emphasizes that the ontic or premoral evil in homosexuality is the result of sin—not a sin of the homosexual person but "the reality of sin in those poor relationships which contribute to this condition in the individual." According to Curran's theory, therefore, "one may reluctantly accept homosexual unions as the only way in which some people can find a satisfying degree of humanity in their lives."[33]

While Curran's theory, tying the homosexual orientation to sin, can only reluctantly justify the sexual behavior of some homosexual unions, Gregory Baum presents a view of homosexuality that prescinds from the question of its problematic origins. Since "the structure of redeemed human life is mutuality," the "crucial question" about homosexuality is whether it is compatible with mutuality, whether it is "capable of grounding friendship that enables partners to grow and become more truly human." Baum concludes: "If it is true that some people are constitutively homosexual and that homosexual relations allow for mutuality, then, from the viewpoint of Christian theology, it is the task of homosexuals to acknowledge themselves as such before God, accept

[31] Philip S. Keane, S.S., *Sexual Morality: A Catholic Perspective* (New York: Paulist, 1977), p. 87.

[32] *Ibid.*

[33] Charles E. Curran, *Catholic Moral Theology in Dialogue* (Notre Dame, IN: Fides, 1972), p. 217.

their sexual inclination as their calling, and explore the meaning of this inclination for the Christian life."[34]

Here Baum is concerned directly with the question of whether a homosexual person may affirm his or her homosexual inclination, and he only tangentially touches the even more controversial question of whether explicitly sexual behavior between homosexual persons is morally justifiable. Nevertheless, it is clear that the principle by which consistency requires him to judge the latter question is his criterion of mutuality. Thus, the question becomes: Can explicitly sexual behavior between homosexual persons ever be an act of mutuality, an act of mutual love, fidelity, and responsibility?[35]

The moral weight, however, of the question of explicitly sexual behavior between homosexual persons appears too great to be sustained by the principle of mutuality or at least by this principle as formulated here. In a Christian ethic that views the moral act as a moral configuration of the life of a person called to relate himself or herself, in justice and love, to all of God's creation, the question seems more complex. It is the question: Can explicitly sexual behavior between homosexual persons ever be constitutive of a human act expressing a relationship of shared love, fidelity, and responsibility and enabling persons to fulfill more deeply their identities as Christians-in-community and as persons-in-the-world, summoned to relate themselves, in justice and love, to all reality? And, unless homosexual persons by reason of their homosexuality are less capable than heterosexual persons of giving and committing themselves to another person, in an authentically self-transcending manner, in the intimacy of the depths of their being, the answer to this question seems to be Yes. Nor is the fact that homosexual activity cannot result in procreation an insurmountable theological argument against the Yes; for the Church acknowledges in other instances the legitimacy of sexual actions when procreation is not possible. And Biblical condemnations of homosexual behavior do not necessarily conflict with an affirmative answer, since many scholars maintain that Scriptural writers do not address the question of constitutional homosexuality.

As the preceding discussion illustrates, there is at present no consensus among theologians regarding moral questions about homosexu-

[34]Gregory Baum, "Catholic Homosexuals," *Commonweal* 99 (1974), 481.

[35]Unfortunately, Baum's use of the term, "mutuality," leaves him vulnerable to the charge that he sees human sexuality "simply as a vehicle of human intercommunication" and "fails to address the procreative or life-serving element of human sexuality" (Anthony Kosnik *et al.*, *Human Sexuality: New Directions in American Catholic Thought* [New York: Paulist, 1977], p. 206). It is possible, however, that Baum does not understand "mutuality" in a narrow context and has in mind a relationship of love, fidelity, and responsibility that opens two persons more fully to society and the world, together with their responsibilities therein. Still, he does not tell us against what horizon, broad or narrow, we are to understand his words about a "friendship that enables the partners to grow and become more truly human."

ality and homosexual behavior. Precisely for this reason the theologian has the duty to continue to explore the matter and to attempt to move the discussion forward. For it is the theologian's task to lay before the Church theories of the Christian life to be tested by the Spirit-filled experience of the Church-community, by the expertise of other theologians, and ultimately by the Spirit-guided judgments of the pastoral magisterium of the Church.[36]

IV. Sexuality and the Moral Act

It is not by accident that all three areas of revisionist ethics discussed in the preceding section are concerned with sexuality. Indeed, although theologians have produced a large body of new theology in the postconciliar Church, most practical ethical matters remain unchallenged and unchanged, with one notable exception: norms of sexual morality. There has been, for example, far less postconciliar theological revisionism with regard to the seventh commandment of the Decalogue than with regard to the sixth. As far as practical matters are concerned, the newness of contemporary theology seems to consist mainly of two things: a different view of sexual actions and a social consciousness—exemplified in liberation and political theology—that was virtually nonexistent in older theology. Why, then, the focus on sexuality, together with a new social awareness, in contemporary theology?

It was through the Second Vatican Council that the Church officially and decisively entered the age of historical consciousness.[37] In the light of the dawning new age in the Church, it is possible to see the new moral theology as the beginnings of a long, gradual process that will eventually yield a Christian ethic based on a contemporary understanding of the human person as a creative being, called to bring into being relations of justice and love throughout the world. Thus, while the older ethic tended to be about deliberately willed actions that conform to right reason and natural law, the new ethic is concerned with human acts by which persons relate themselves, in justice and love, to one another and the earth they share. But this change in Christian ethics to understanding the human being more in terms of personal relations than in terms of deliberately willed, rational actions affects especially the way in which human sexuality and the human being's social nature are understood.

As long as the human person is understood as the rational animal, obliged to act deliberately in accord with right reason and natural law, sexual activity can be ethically analyzed in the same manner as any other action. And older moral theology did just this. However, a sexual act has,

[36] Norbert J. Rigali, "Faith and the Theologian," *The Priest* 34 (1978), 14.

[37] See "Pastoral Constitution on the Church in the Modern World" in *The Documents of Vatican II*, ed. Walter M. Abbott, S.J. (New York: Guild Press, 1966), no. 4, p. 202.

in fact, a unique character. At the dawn of Christianity St. Paul realized this, but his insight is within the context of a theology of sexual sin.

> Do you not see that your bodies are members of Christ? Would you have me take Christ's members and make them the members of a prostitute? God forbid! Can you not see that the man who is joined to a prostitute becomes one body with her? Scripture says, "The two shall become one flesh." But whoever is joined to the Lord becomes one spirit with him. Shun lewd conduct. Every other sin a man commits is outside his body, but the fornicator sins against his own body. You must know that your body is a temple of the Holy Spirit, who is within—the Spirit you have received from God (I Cor 6:15-19, NAB).

Paul understands the sin of lewd conduct (*porneia*; "fornication" in the *Jerusalem Bible*) as a sin committed within and against one's own body, while every other sin is committed outside one's own body. He says this about *porneia* and not, for instance, about self-mutilation, drunkenness, or suicide, evidently because of his understanding of the sexual act as the unique act in which two persons become "one flesh," uniting themselves to one another in the depths of their bodily being and joining themselves into one life. Bound to Christ in spirit, the Christian becomes part of Christ's mystical body; thus, for a Christian to engage in lewd conduct is to unite Christ's body with a prostitute's into a union of lives. The sexual sin, then, is a unique sin because the sexual act is a unique act, the act which of its nature is destined to unite one person to another in their deepest identities. Lewd conduct is a sin in and against the Christian's own basic spiritual and relational identity, his or her being-in-Christ.

Sexuality, therefore, is not simply one characteristic of the human person among all the rest. It lies, rather, at the heart of the relational, interpersonal design that constitutes the human person as such; it pertains to one's very identity as a human person, a-person-in-relation-to-other-persons-in-the-world. Hence, the sexual act is the special human act which can express and effect the interpersonal relation of love between two persons in the totality of their persons, the act of complete interpersonal intimacy and sharing. And since the sexual act is the act in which one can thus "dispose" of the relational, interpersonal reality that constitutes one's own personhood or identity, it is the only act that is committed within one's own "body" or "flesh." All other actions flow from one's bodily identity; this action is constitutive of bodily identity.

Since sexuality directly pertains to the relational nature of human personhood, it is the sexual act that, along with the human being's social nature, suffers the greatest distortion in an ethics based on a view of the human being as a rational animal rather than as a person among persons

in the world. And, if an ethics of the rational animal is transformed into an ethics based on an understanding of the human being as a person in history, culture, and society, called to relate himself or herself personally, in love and justice, to all reality, sexuality and the human being's social nature will necessarily constitute the primary areas of ethical reform. And this, it appears, is what is occurring in the Church today.

V. Conclusion

The Church needs a moral theology which realizes that the unity of a human act is not the oneness of a deliberate action but the moral unity of a human, personal, relational reality and that it is according to this moral unity, not to the oneness of a deliberate action, that the human act must receive its human name. Moral reality is seriously distorted when the same ethical name is attributed to two human acts only because the same deliberate action is constitutive of them. Theology should be developing sophisticated, differentiated nomenclature that takes into consideration the complexity of human acts and, indeed, of human life. Unless moral theology names human acts correctly, its discussion of them will be distorted; and because of its unique relational nature this is particularly true when human sexuality is concerned.