

**INADEQUACIES IN THE THEOLOGICAL METHODOLOGY AND CONCLUSIONS OF
THE SEXUAL PERSON: TOWARD A RENEWED CATHOLIC ANTHROPOLOGY
BY TODD A. SALZMAN AND MICHAEL G. LAWLER**

*Committee on Doctrine
United States Conference of Catholic Bishops*

On November 2, 2007, Archbishop Elden Curtiss, then archbishop of Omaha, published a statement concerning two articles by Prof. Emeritus Michael G. Lawler and Prof. Todd A. Salzman, both members of the faculty of theology at Creighton University in Omaha, Nebraska.¹ Archbishop Curtiss expressed his disappointment that in these articles the authors "argue for the moral legitimacy of some homosexual acts." He went on to affirm: "Their conclusion is in serious error, and cannot be considered authentic Catholic teaching." The following year Professors Lawler and Salzman published a book, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Georgetown University Press, 2008). This book contains the same erroneous conclusion. Moreover, applying a deficient theological methodology to additional matters, the authors reach erroneous conclusions on a whole range of issues, including the morality of pre-marital sex, contraception, and artificial insemination. Because of the pastoral danger that readers of the book could be confused or misled, especially since the book proposes ways of living a Christian life that do not accord with the teaching of the Church and the Christian tradition, the USCCB Committee on Doctrine has examined the moral methodology found in the book and offers the following brief presentation of the problems posed by it.

The ambitions of the authors of *The Sexual Person* are not small. *The Sexual Person* does not offer minor revisions to a few points of Catholic sexual ethics. Instead, the authors insist that the moral theology of the Catholic tradition dealing with sexual matters is now as a

¹ Archbishop Elden F. Curtiss, "Archbishop Clarifies Catholic Teaching," *The Catholic Voice* (2 Nov. 2007), p. 5.

whole obsolete and inadequate and that it must be re-founded on a different basis. Consequently, they argue that the teaching of the Magisterium is based on this flawed "traditional theology" and must likewise be substantially changed. The fact that the alternative moral theology of *The Sexual Person* leads to many positions in clear conflict with authoritative Church teaching is itself considerable evidence that the basic methodology of this moral theology is unsound and incompatible with the Catholic tradition. While it would be a simple matter to cite the texts presenting magisterial teaching on these issues, the Committee on Doctrine has judged that it would be more helpful in this case to examine the basic presuppositions of the alternative moral theology proposed in *The Sexual Person*. This examination could thus serve the broader purpose of helping Catholic moral theologians more generally to continue rediscovering a more adequate basis for addressing contemporary moral questions.

The authors of *The Sexual Person* do not hide the fact that many of their conclusions come into direct conflict with magisterial statements. Indeed, much of the book is devoted to demonstrating the supposed inadequacy of magisterial statements and the moral theology that underlies them. Given that the two principal sources of traditional Catholic moral theology are Scripture and the natural law, a crucial part of the argument of *The Sexual Person* is a critique of the use of Scripture and the natural law in formulating sexual ethics.

THE CRITIQUE OF SCRIPTURE

The authors correctly point out that the Scriptures do not provide "a systematic code of sexual ethics" (22). Even where there are specific scriptural references to certain sexual behaviors, however, the authors strive to show that what the Scriptures say is not relevant to our present questions. In support of their judgments, the authors appeal to the historicity of the scriptural texts. Indeed, the authors insist on the capital importance of "historical consciousness"

throughout the book. "A characteristic of sacred scripture, then, is the historicity it shares with every other document subject to sociohistorical conditions. If that is the case with scripture, the normative theology of the earliest churches, it will be the case also with the theology and doctrine of every later church" (13). In their view, interpreters must avoid an overhasty movement from the literal meaning of scriptural statements to a normative meaning of those statements for us today. "It is never enough simply to read the text to find out what it says about sexual morality. Its original sociohistorical context must first be clarified and then the text can be translated, interpreted, and inculturated in a contemporary context" (14).

While there is nothing controversial in the basic recognition of sociohistorical conditioning, the question remains as to whether or not in applying this principle of historical consciousness the authors so exaggerate the singular and particular character of historical occurrences as to fall inadvertently into a kind of historical relativism. Is it possible for an ancient text to be normative in all sociohistorical contexts? While the authors seem to recognize at least the theoretical possibility, in practice they are always arguing that the historicity of both scriptural texts and Church doctrinal statements renders them no longer normative for the contemporary situation. Moreover, at several points the authors repeat their charge that the critical deficiency of "traditionalist" Catholic moral theology--and the magisterial teaching that still employs it--is that it lacks historical consciousness and makes unfounded assertions that past statements continue to be normative in all times and places. In *The Sexual Person*, repeated appeals to historical consciousness serve to discredit norms based on scriptural texts or Church statements and to clear the way for the assertion of contrary positions.

The primary example of this is the section on homosexuality. The authors acknowledge that some scriptural texts condemn homosexual behavior, but argue that these condemnations are

based on "a false assumption, shaped by the sociohistorical conditions of the times in which they were written" (217). In fact, this "assumption" turns out to be not a single assumption but two distinct assumptions. The first is the idea that "all human beings naturally share the heterosexual condition": "Neither the Bible nor the Christian tradition rooted in it prior to the twentieth century ever considered the homosexual condition; they took for granted that everyone was heterosexual" (217). The second is the idea that "any homosexual behavior is a perversion of 'nature' and immoral" (217).

For the authors of *The Sexual Person*, the scriptural condemnations of homosexual behavior are nothing more than expressions of the sociohistorical assumptions of the writers. In their view, this is evident from the fact that the scriptural writers condemn homosexual behavior "specifically as a *perversion* of the heterosexual condition they assume to be the natural condition of every person" (217). The basis of the condemnation is thus taken to reveal the scriptural writers' assumption about the naturalness of heterosexuality, an assumption that has supposedly been disproven in the modern world. For the authors, there can be no perversion of the heterosexual condition by homosexuals since their natural orientation is not heterosexual, but homosexual. "In its modern meaning, homosexuality is not and cannot be a perversion of the heterosexual condition because homosexuals, by natural orientation, do not share that condition" (217).

There are, however, two flaws in this argument. First, an examination of the structure of the argument reveals that it is circular, for it depends on the authors' prior assumption that homosexual activity is "natural" for those with a homosexual inclination. Salzman and Lawler argue that the fact that the scriptural writers condemn homosexual behavior as unnatural without making an exception for those with a homosexual inclination shows their ignorance of the

supposedly established fact that homosexual behavior is natural for those with a homosexual inclination. This alleged ignorance makes what the scriptural writers say about homosexuality irrelevant to the contemporary discussion. For Salzman and Lawler, a major objection to their position that homosexual activity is natural for those with a homosexual orientation has thus been removed. Such an argument, however, does not demonstrate the "naturalness" of homosexual activity, but merely presupposes it.

Second, the argument depends on an equivocal use of the term "natural." Salzman and Lawler are correct that the scriptural writers regard heterosexuality as natural and homosexual acts as unnatural. For the scriptural writers, "natural" refers to what is consistent with the natural order established by God, in which man and woman were made for each other and the intrinsic purpose of human sexuality is fulfilled only in the marriage bond of man and woman. Salzman and Lawler's critique of the scriptural writers' position, however, presumes a different meaning of "natural." They speak of the homosexual orientation as "natural" in a more general sense as something that is not chosen (see 65, 89, 150-51, 217, 233). What they fail to acknowledge is that an inclination to homosexual acts can be "natural" in the way that they use the term and still "unnatural" from the perspective of the scriptural writers and the tradition of Catholic moral theology. The argument of Salzman and Lawler conceals the difference between their position and that of the scriptural writers.

The authors of *The Sexual Person* assert that since the "biblical assumption is now scientifically shown to be incorrect, the Bible has little to contribute to the discussion of genuine homosexuality and homosexuals as we understand them today" (217). The claim that the "biblical assumption is now scientifically shown to be incorrect" is misleading, however, particularly because there are in fact two assumptions at issue. As for the "assumption" about the

universality of heterosexuality, this can be said to be "scientifically" disproven only in the very narrow sense that there is empirical evidence that some people experience a sexual inclination directed primarily toward persons of the same sex. Whether or not the scriptural writers, along with the rest of society until the twentieth century, were indeed ignorant of the fact that some people have a predominantly homosexual inclination, is a historical question that cannot be considered resolved by the evidence provided in *The Sexual Person*. The only evidence adduced by Salzman and Lawler is the silence of the scriptural writers in places where they would expect to see specific references to homosexual as opposed to heterosexual orientation. In any event, the answer to this question is not decisive for the larger question about the naturalness of homosexual acts. As for the scriptural writers' "assumption" about the naturalness of heterosexual behavior and corresponding unnaturalness of homosexual behavior, this has in no sense been "scientifically" disproved. This is rather the central issue, on which the scriptural writers and the authors of *The Sexual Person* take conflicting positions. It is disingenuous for the authors to imply that their opinion has been proven by science.

The basic problem of the use of Scripture in *The Sexual Person* is that the authors treat scriptural statements as so historically conditioned that they have no relevance for subsequent ages. While there is a contemporary philosophical current that espouses a kind of historical relativism, according to which truth is not stable but varies according to historical context, such an extreme position is neither correct as a philosophical assertion nor compatible with the Christian faith. As Pope John Paul II explained: "Human language may be conditioned by history and constricted in other ways, but the human being can still express truths which surpass the phenomenon of language. Truth can never be confined to time and culture; in history it is

known, but it also reaches beyond history."² The possibility of the perception and transmission of truth across historical contexts is absolutely essential for the Christian understanding of divine revelation, which affirms that God has revealed himself in the history of Israel and enters history through the Incarnation of the eternal Word.

The Church recognizes that the Scriptures are historical documents and that studying them using historical methods will contribute to a better understanding of their meaning. The basic reason for this is that "God speaks in Sacred Scripture through men in human fashion."³ Because God uses such human means to communicate divine truths, the

interpreter must investigate what meaning the sacred writer intended to express and actually expressed in particular circumstances by using contemporary literary forms in accordance with the situation of his own time and culture. For the correct understanding of what the sacred author wanted to assert, due attention must be paid to the customary and characteristic styles of feeling, speaking and narrating which prevailed at the time of the sacred writer, and to the patterns men normally employed at that period in their everyday dealings with one another.⁴

The Church has never doubted, however, that with proper study and analysis it is possible not only to come to an understanding of the meaning that the scriptural writer intended but also, through an understanding of the human words, to come to an understanding of what God intended to convey to us by means of the human writers. History is not an impassable barrier for communication of God's truth through Scripture.

The Church has also insisted that the interpretation of Scripture does not come to completion with the historical examination of the text. The larger context of the Sacred Scriptures as a whole must be taken into account, as well as the whole tradition of the Church.

² Pope John Paul II, Encyclical Letter *On the Relationship between Faith and Reason (Fides et Ratio)* (www.vatican.va/edocs/ENG0216/_INDEX.HTM), no. 95.

³ Second Vatican Council, *Dogmatic Constitution on Divine Revelation (Dei Verbum)* (www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651118_dei-verbum_en.html), no. 12.

⁴ Ibid.

In the final analysis, all interpretation of Scripture is subject to the authoritative judgment by those responsible for the Church's deposit of faith. The Second Vatican Council affirmed that

since Holy Scripture must be read and interpreted in the sacred spirit in which it was written, no less serious attention must be given to the content and unity of the whole of Scripture if the meaning of the sacred texts is to be correctly worked out. The living tradition of the whole Church must be taken into account along with the harmony which exists between elements of the faith. It is the task of exegetes to work according to these rules toward a better understanding and explanation of the meaning of Sacred Scripture, so that through preparatory study the judgment of the Church may mature. For all of what has been said about the way of interpreting Scripture is subject finally to the judgment of the Church, which carries out the divine commission and ministry of guarding and interpreting the word of God.⁵

THE CRITIQUE OF THE NATURAL LAW

While the authors of *The Sexual Person* use an exaggerated appeal to historical consciousness in order to portray Scripture as largely irrelevant for developing a sexual morality for the contemporary age, they hold that traditional natural law arguments are not only relativized by their historical conditioning but entirely discredited by modern philosophical developments such as the sociology of knowledge. They cite the argument of David Hume that a moral obligation cannot be deduced from what exists in nature (48). Echoing Hume's epistemological skepticism, they contend that the human intellect is unable to grasp an intelligibility in nature that has moral implications.

All we can understand from "nature" is the naked facticity of a reality, sexuality and sexual intercourse for instance; nothing else. "Nature" reveals to our attention, understanding, judgment, and decision only its naked facticity, not our moral obligation. Everything beyond "nature's" facticity is the result of interpretation by attentive, understanding, rational, and responsible human beings. (48-49; see 227, 259)

For them, we never truly know nature itself but only our interpretations of nature. They insist that "nature" is a "socially constructed category" (259; see 7, 49). To help keep readers constantly aware of this fact, the authors always refer to "nature" in brackets (7, 49).

⁵ Ibid.

Whereas the Church teaches that natural law is a human participation in the divine law, the skeptical presuppositions of Salzman and Lawler seem to deny the reality of such a participation. They discuss the Congregation for the Doctrine of the Faith's treatment of natural law in *Persona Humana*, where the Congregation asserts that

all evolution of morals and every type of life must be kept within the limits imposed by the immutable principles based upon every human person's constitutive elements and essential relations - elements and relations which transcend historical contingency. These fundamental principles, which can be grasped by reason, are contained in "the Divine Law – eternal, objective and universal – whereby God orders, directs and governs the entire universe and all the ways of the human community, by a plan conceived in wisdom and love. Man has been made by God to participate in this law, with the result that, under the gentle disposition of Divine Providence, he can come to perceive ever increasingly the unchanging truth." This Divine Law is accessible to our minds.⁶

The authors raise a specific objection to the proposition that the divine law is "accessible to our minds," which for them "raises serious hermeneutical questions" (227). Without the divine law being accessible to our minds, however, there is no human participation in the divine law and hence no natural law.

In their view, natural law moral judgments have no objective basis in knowledge of the order of nature; such judgments are derived from socially constructed interpretations of nature. "When we derive moral obligations from 'nature,' we are actually deriving them from our human attention to and our interpretation of and evaluation of 'nature'" (49). Since sociohistorical locations are different, interpretations of "nature" will vary as will judgments of moral obligation based upon "nature." "It is, of course, inevitable that different groups of equally rational human beings may derive different interpretations of 'nature' and moral obligation deriving from 'nature,' and that any given interpretation may be wrong. That fact has been demonstrated time and again in history, including Catholic history" (49, see 227).

⁶ Congregation for the Doctrine of Faith, *Declaration on Certain Questions Concerning Sexual Ethics (Persona Humana)* (www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html), no. 3.

The authors insist that the problem of the plurality of interpretations and judgments cannot be resolved by an appeal to the "objective" reality of nature.

What is frequently called *objective* reality by uncritical common sense is more properly called *social reality* or reality humanly invested with *social existence, meaning, and truth*. Objective knowledge is like a mythology. It is "an arbitrary construct in which a given society in a given historical situation has invested its sense of meaningfulness and value." (53-54; quotation from Theodore Roszak, *The Making of a Counter Culture* [New York: Doubleday, 1969], 215)

Since every interpretation of nature is socially constructed, there is no objective reality apart from the meaning given it by social actors. When there is a disagreement about the meaning of an action, "it is utterly futile to point out to committed actors the 'objective' meaning of the act, for the objective meaning is the meaning assigned to the act by social actors, not the naked, uninterpreted facticity of the act" (49-50).

Here we see that the authors use the term "objective" in a peculiar way. According to their usage, an interpretation of nature or a meaning assigned to nature is "objective" if it is considered to be "objective" by social actors; "the decisive criterion for the meaning of any human action, including any moral action, is the meaning assigned to it by social actors" (49). Since social and historical contexts are inevitably plural, there will be a plurality of meanings and thus of what are seen as "objective truths" by various actors. The authors contend that there is an "evident plurality of objective moral judgments in the modern world" (55). "Plural meanings and truth, all of which are deemed objective by the actors who subscribe to them, derive inevitably from the plural sociohistorical perspectives that abound in the human world" (54).

With this affirmation of the inevitable plurality of "objective" interpretations of nature we find that in the *The Sexual Person* there is virtually nothing left of "natural law" apart from the name. Natural law thinking has its origins in the efforts of philosophers to distinguish between what is judged to be good or bad on the basis of social custom or local law and what is judged to

be good or bad on the basis of the intrinsic nature of things. By definition, arguments based on the natural law will concern what is universal and transcultural. Since their emphasis on sociohistorical conditioning leads Salzman and Lawler to reject the very idea of universal and transcultural moral norms, it is not clear why they retain the name of natural law at all. On the one hand, they assert that they agree that "absolute ethical norms exist and that these norms dispel all possible confusion" (54, see 224). On the other hand, the only universal and absolute ethical norm that they acknowledge is the bare, abstract ethical imperative to do good and avoid evil (54-55, 224-25). Beyond that they evidently see no possibility of formulating specific norms that would apply across cultures and ages.⁷ "From the revisionist perspective, there are no absolute material norms of right and wrong actions because the open-endedness of human freedom and the basic goods are granted their full significance" (99, see 122-23).

The root of the problem here is philosophical, an epistemology distorted by skepticism. Although the Catholic Church does not require that one adhere to any particular philosophical school, there are some philosophical positions that do not accord with the Catholic faith and so are unsuitable for Catholic theology.⁸ An epistemology that denies to human reason the capacity to grasp the intelligibility of nature and to discern an intrinsic order to nature is too skeptical to be compatible with a Catholic understanding of the human person as created in the image of God and a created order that has come into being and is sustained in being by the eternal Logos. Pope John Paul II warned of the dangers that come with a loss of confidence in the capacity of human reason to come to knowledge of the truth.

⁷ Salzman and Lawler are not entirely consistent in that they employ at least one argument that depends on the natural law in its structure and that seems to propose universal norms concerning specific acts when they argue that it is unnatural and immoral for heterosexuals to engage in homosexual behavior and for homosexuals to engage in heterosexual behavior (67, 168, 233).

⁸ Pope John Paul II, Encyclical Letter *On the Relationship between Faith and Reason (Fides et Ratio)*, no. 49: "The Church has no philosophy of her own nor does she canonize any one particular philosophy in preference to others."

Once the idea of a universal truth about the good, knowable by human reason, is lost, inevitably the notion of conscience also changes. Conscience is no longer considered in its primordial reality as an act of a person's intelligence, the function of which is to apply the universal knowledge of the good in a specific situation and thus to express a judgment about the right conduct to be chosen here and now. Instead, there is a tendency to grant to the individual conscience the prerogative of independently determining the criteria of good and evil and then acting accordingly. Such an outlook is quite congenial to an individualist ethic, wherein each individual is faced with his own truth, different from the truth of others. Taken to its extreme consequences, this individualism leads to a denial of the very idea of human nature.⁹

It is possible and necessary both to acknowledge historical conditioning and to uphold the capacity of human reason to grasp something about the human nature that is shared by people in various ages and cultures. As Pope John Paul II explained:

It must certainly be admitted that man always exists in a particular culture, but it must also be admitted that man is not exhaustively defined by that same culture. Moreover, the very progress of cultures demonstrates that there is something in man which transcends those cultures. This "something" is precisely human nature: this nature is itself the measure of culture and the condition ensuring that man does not become the prisoner of any of his cultures, but asserts his personal dignity by living in accordance with the profound truth of his being.¹⁰

The International Theological Commission points out that concrete application of the natural law cannot be accomplished by a syllogistic deduction from abstract principles but requires knowledge of contingent realities that vary over time.¹¹ This means that the moral theologian must gather together not only the resources offered by theology and philosophy but also those provided by a wide range of disciplines, from economics to biology, that provide insight into what the natural law requires in a particular situation.¹² The *Catechism of the Catholic Church* affirms: "Application of the natural law varies greatly; it can demand reflection that takes

⁹ Pope John Paul II, Encyclical Letter *Regarding Certain Fundamental Questions of the Church's Moral Teaching (Veritatis Splendor)* (www.vatican.va/edocs/ENG0222/_INDEX.HTM), no. 32.

¹⁰ *Ibid.*, no. 53.

¹¹ International Theological Commission, *The Search for Universal Ethics: A New Look at Natural Law* (www.vatican.va/roman_curia/congregations/cfaith/cti_index.htm), nos. 53-54.

¹² *Ibid.*

account of various conditions of life according to places, times, and circumstances."¹³ The *Catechism* goes on to insist, however, that the historicity of the natural law does not negate its universality. "Nevertheless, in the diversity of cultures, the natural law remains as a rule that binds men among themselves and imposes on them, beyond the inevitable differences, common principles."¹⁴

Natural law includes an acknowledgment that we are not the ultimate creators of the moral order, that there is a moral order prior to all human creation. The philosopher Friedrich Nietzsche found the idea of such a preexisting order to be an intolerable limitation on absolute human creativity. In fact, however, the natural law does not impinge upon human autonomy, but is rather liberating in that it prevents us from becoming the prisoners of our cultures by providing a standpoint beyond culture, beyond what is mere convention.

Contrary to what Nietzsche believed, the natural law reveals the grandeur and not the servility of the human person. The capacity to distinguish the natural order from what is a matter of human convention, whether custom or law, presupposes a grasp of the fundamental order of creation which in turn points to the fact that human reason participates in the eternal law governing that order.

*The moral law has its origin in God and always finds its source in him: at the same time, by virtue of natural reason, which derives from divine wisdom, it is a properly human law. Indeed, as we have seen, the natural law "is nothing other than the light of understanding infused in us by God, whereby we understand what must be done and what must be avoided. God gave this light and this law to man at creation." The rightful autonomy of the practical reason means that man possesses in himself his own law, received from the Creator.*¹⁵

¹³ *Catechism of the Catholic Church* (www.usccb.org/catechism/text/), no. 1957.

¹⁴ *Ibid.*

¹⁵ Pope John Paul II, Encyclical Letter *Regarding Certain Fundamental Questions of the Church's Moral Teaching* (*Veritatis Splendor*), no. 40.

A DUALISTIC VIEW OF THE HUMAN PERSON

Catholic tradition holds that the human person is a unity of body and soul, an embodied spirit. St. Thomas Aquinas affirmed that the soul is not the person; rather, the composite of soul and body is the person.¹⁶ The *Catechism of the Catholic Church* asserts: "spirit and matter, in man, are not two natures united, but rather their union forms a single nature."¹⁷ Salzman and Lawler reject the idea of a dualism of body and spirit (125, 132), yet in their moral analysis they treat the body, along with its acts, as if it were an external instrument of the spirit and not integral to the human person.

The authors' skepticism about knowledge of the natural order contributes to this dualistic view. For them, the body and bodily acts, as part of "nature," have no meaning that is not socially constructed. Thus they analyze the moral meaning of human acts without reference to the human body, since all that matters is the meaning assigned to bodily acts by the human spirit. They criticize the Catholic natural law tradition as grounding its moral analysis in the "physical" and "biological." "Positing an intrinsic meaning to sexual acts on the foundational basis of physically functioning genitalia and the location of (male) orgasm prioritizes the physical and biological over the personal and relational" (64). By contrast, they claim that their revisionist approach is above all a "personalistic" approach, for it prioritizes the "personal" and the "relational." "A personalist approach to natural law first asks questions about the *meaning* of sexual acts for human relationships before asking the biological question of genitalia or the spatial questions of where orgasm takes place" (64).

Salzman and Lawler acknowledge that in the Catholic moral tradition that "prioritizes the physical and biological over the personal and relational" concern for the personal and relational

¹⁶ St. Thomas Aquinas, *Summa Theologiae* I, q. 75, a. 4.

¹⁷ *Catechism of the Catholic Church*, no. 365.

is not absent. They note that while the Catholic moral tradition affirms that bodily or "heterogenital" complementarity is a necessary condition for a moral sexual act this is not a sufficient condition (149). "Heterosexual rape and incest take place in a heterogenitally complementary way, but no one would claim they are also personally complementary" (149). In the "personalist" moral analysis of Salzman and Lawler, which they claim prioritizes the personal and relational, however, concern for the bodily dimension in fact virtually disappears. For example, they propose that homosexual acts can be justified on the basis of a personal, affective complementarity between persons of a homosexual orientation. In their view, personal complementarity is independent of bodily complementarity, and exists even when contradicted by bodily non-complementarity. The implication here is that the personal and the bodily are separable. Rather than an integral part of the human person, the human body becomes merely an instrument of the human spirit, an instrument that can be manipulated according to one's desire.

Indeed, in this moral analysis that stresses the distinction between the physical and the personal, bodily matters, such as the "physically functioning genitalia" that are involved or the "location of (male) orgasm," have no role. For the authors of *The Sexual Person*, a sexual act of virtually any physical description, whether it be vaginal sex, oral sex, anal sex, or masturbation, can be justified if this act has a suitable meaning in the minds of those involved. For them, the only relevant question is whether "a particular sexual act facilitates or frustrates the partner's human flourishing, their becoming more affectively and interpersonally human" (68, see 156). In the end, the body and its actions have no intrinsic meaning that must be honored.

A RADICAL ALTERNATIVE TO THE TRADITION OF CATHOLIC MORAL THEOLOGY

The authors of *The Sexual Person* present a sharp contrast between the outdated "traditionalist" moral theology, still employed by the Magisterium, and the new "revisionist"

moral theology that has emerged since the Second Vatican Council. In their view, this "traditionalist" moral theology is characterized by a "classicist" world-view, according to which reality is seen as "static, necessary, fixed, and universal" (2). "The method utilized, anthropology formulated, and norms taught within this worldview are timeless, universal, and immutable, and the acts condemned by these norms are always so condemned" (2). On the other hand, "revisionist" moral theology is characterized by an embrace of "historical consciousness." In the historically conscious worldview, reality is seen as "dynamic, evolving, changing, and particular" (2). "The method utilized, anthropology formulated, and norms taught within this worldview are contingent, particular, and changeable, and the acts condemned by these norms are morally evaluated in terms of evolving human knowledge and understanding" (2).

Following the revisionist approach and its emphasis on the sociohistorical conditioning of all statements, Salzman and Lawler do not propose alternative objective and unchanging standards for moral behavior that apply universally as replacements for those of the Catholic tradition. Not only do they fault Church teaching on sexual matters for particular universal moral norms, such as those that prohibit premarital sex or homosexual acts, they fault Church teaching for offering any universal moral norms at all. In their view, moral theology—and Church teaching—should provide only general guidelines for behavior while leaving judgment concerning particular situations to individuals and their consciences.

Salzman and Lawler claim that Catholic social teaching provides a model for the kind of sexual ethics that they are advocating. "In social reality, the Magisterium does not pretend to pronounce on every last detail or to impose final decisions; it understands itself as informing and guiding believers and as leaving the final judgment and application to their faithful and responsible conscience" (8-9, see 263-64). They argue that in sexual morality, as in social

morality, the Church should provide general principles not particular norms.¹⁸ "Sociomoral principles are guidelines for reflection, judgment, and action, not unchanging moral imperatives based on divine, 'natural,' or ecclesiastical law, and demanding uncritical obedience to God, 'nature,' or the Church" (9). They contend that by proposing general principles and leaving open concrete conclusions Church teaching can be said to remain constant while adapting to changing sociohistorical conditions. "Principles remain constant. Judgments and actions might well change after reflection on changed sociohistorical conditions and the ongoing flow of human events illuminated by rational reflection and the data of the social sciences" (9).

Salzman and Lawler reject the idea of forming moral judgments about specific sexual acts in themselves. The traditional moral theology condemns certain acts in themselves, regardless of the particular historical context. In their view, the problem is that "the focus is on the act, not on the meaning of that act for human persons and their relationships" (92). For Salzman and Lawler, however, acts can never be morally judged as good or bad in themselves--as universal types that appear substantially the same in different cultures and ages--but only within a particular sociohistorical context, in relation to the persons who do them and their interrelationships with others. Thus they propose a "relation-centered" moral theology that judges acts based on what they mean for the persons who do them and for their relationships with other persons, as opposed to an "act-centered" moral theology that condemns certain acts in a universal way as applying to all persons in all times and places (95-96).

¹⁸ It is true that Catholic social teaching is usually framed in terms of general principles that positively prescribe certain kinds of actions rather than negatively proscribe specific actions. Catholic social teaching, however, does not exist separated from the whole of Catholic moral theology, but rather deals with a particular subject matter within that whole. Its general positive principles are not unconnected to negative precepts prohibiting particular actions found elsewhere in Catholic moral teaching, but rather presuppose them. For example, the pursuit of social goals such as promoting justice within society, increasing solidarity among nations, and coming to the aid of the poor presupposes basic negative norms such as those against deliberately killing the innocent, stealing, or bearing false witness.

It should come as no surprise that after undergoing such a drastic revision there is little left of Catholic moral theology in *The Sexual Person*. The authors can offer only vague and essentially subjective guidelines for moral judgment. In their view, the judgment of a particular sexual act “is to be determined, as all moral judgments are to be determined, on the basis of its impact on human flourishing with the context of a particular interpersonal relationship,” whether or not this act “facilitates or frustrates the partners’ human flourishing, their becoming more affectively and interpersonally human and Christian” (156).

The standard offered by *The Sexual Person* is simply inadequate as a criterion for moral judgment. The inadequacy can be seen first of all in the conclusions reached. The authors approve homosexual behavior, premarital sex, contraception, and artificial insemination. The Church's Magisterium has taught clearly and consistently that these are morally wrong. Furthermore, the inadequacy can be seen in the weakness of the standard itself, which is so vague and so subjective that it is difficult to see what sexual relationships among consenting adults could possibly be judged immoral apart from those that are obviously abusive. It is true that setting limits to sexual behavior does not seem to be a primary concern of the authors in writing the book; they say very little about sexual behavior that cannot be morally justified. Indeed, rather than setting moral limits, the chief concern of the authors of *The Sexual Person* appears to be to provide a moral justification for sexual behaviors that are common in contemporary culture but rejected as immoral by the Church. In their attempt to provide such a justification, however, they have had to depart substantially from Catholic moral theology, leaving only vague prescriptions that do not come into conflict with contemporary culture.

"EXPERIENCE" AS PRIMARY CRITERION FOR MORAL JUDGMENTS

For Salzman and Lawler all moral decisions are radically particular, so that any attempt at drawing universally applicable norms from Scripture, natural law, or Church teaching is futile. What standard then remains for an individual faced with a moral decision in a concrete situation? Alongside the traditional theological sources of Scripture, reason, and Church tradition, the authors propose a fourth—experience (214, see also 16). Catholic moral theology has traditionally recognized the importance of experience for developing a connatural ability to discern in particular situations what is in accord with virtue. While Scripture, reason (reflecting the natural law), and Church teaching provide universal norms on certain acts one may never do morally, many other kinds of acts are morally good or bad depending on the particular circumstances. In such cases, although there are indeed universal moral norms, these must remain general to a certain degree. The moral actor must always make a prudential judgment taking into account the circumstances of a particular situation, thus mediating between the universal and the particular. The experience of moral action helps to refine one's instinctual judgment about what is and what is not in accord with virtue.

For Salzman and Lawler, by contrast, experience is an independent source of moral knowledge that appears as a rival to Scripture, reason, and Church teaching. In fact, experience can be used as a basis for criticizing the traditional sources. In their view, traditionalist moral theologies have ignored the experiences of various people such as married couples and homosexuals and thus have not recognized how the experience of Catholics in our day has shown the falsity of their universal norms prohibiting such things as premarital sex, contraception, and homosexual behavior (73, 75, 88). By contrast, Salzman and Lawler posit experience as an authoritative source in itself and propose a dialogue between experience and the

traditional sources, rejecting what they see as "unidirectional instruction from the Bible and Christian tradition to human sexual experience" (16). They assert that their book "presents a sexual theology in which the contemporary human experience and understanding of sexuality and sexual activity are equal partners in the moral dialogue" (16).

In fact, experience turns out to be the determinative source of moral knowledge for Salzman and Lawler in matters of sexual moral theology. This seems unavoidable given their insistence that Scripture, natural law, and Church teaching have all been rendered questionable on the basis of their sociohistorical conditioning and that moral decision-making is radically particular, something that belongs to the individual in a particular circumstance, insofar as universal norms are without foundation. In the case of homosexuality, they state explicitly that experience is primary; it is "a determining source on this issue" (232).

In the dialectic between the sources of moral knowledge for morally assessing homosexual acts and relationships, experience is foundational and even primary. We concur with Farley, who notes that experience "is an important part of the content of each of the other sources, and it is always a factor in interpreting the others." It provides a sociohistorical context for interpreting the other sources of moral knowledge, and it illuminates if, and to what extent, the sources taken individually and as a whole and the normative conclusions that they reach "make sense" and "ring true" in terms of "our deepest capacity for truth and goodness." (232)

The sharp difference between the role of experience in traditional Catholic moral theology and that in the revisionist moral theology of *The Sexual Person* is evident. In Catholic theology, experience does not function as an independent or semi-independent basis on which to criticize the moral norms of the Scripture and Church teaching. One's subjective experience is not an unfailing indicator of what is good and bad. Because of the effects of sin, one may experience pleasure in doing something bad and repugnance in doing something good. Moral norms should not be trimmed to fit one's experience. Rather, truly virtuous moral experience depends on following the norms. Since the moral virtues are acquired through the repeated

performance of virtuous actions, one must begin the process of acquiring a virtue as learner, by following the guidance of the authoritative sources as to what actions are truly virtuous. Once one has acquired a virtue by repeated actions in accord with such guidance, one is well-disposed toward acting virtuously in concrete situations. Harmony between one's experience and the moral norms is the goal.

For Salzman and Lawler, however, since experience itself has become the foundational criterion, the question arises as to how one should act to acquire a virtue if the standard is one's previous moral experience. There is a clear danger in relying on one's personal experience in a world marred by sin to serve as a standard by which one can reject moral teaching that conflicts with that experience. The very idea of unnormed, individual experience as foundational results in a dangerous circularity, so that one's prejudices and those of one's culture can be simply reinforced.

There is need of a standard above one's personal experience—provided by natural law, Scripture, and the Magisterium. Salzman and Lawler, however, explicitly reject the idea of a hierarchy among the sources of moral knowledge. "Traditionalists use a hierarchical approach to the sources of moral knowledge and tend to interpret Tradition in the narrow sense of magisterial teaching, especially as this teaching pertains to moral absolutes. Scripture, reason, and experience, in that order, are all subject to the Magisterium's interpretation" (214). Revisionists, on the other hand, "use a dialectical approach between the four sources of moral knowledge" (214). In this approach, there is no overall authority to resolve conflicts among the sources; there can only be "dialogue." "When there is a conflict between these sources, a process of research, dialogue, and discernment must be undertaken to determine right understanding of divine law. This is a complex and involved process, which takes time, patience, and a commitment to

dialogue" (215). How conflicts are to be resolved in this revisionist approach is not at all evident. As this approach has been applied to sexual morality in *The Sexual Person*, it is always experience that has the last word.

The vagueness of this call to dialogue points again to the inadequacy of the revisionist approach. Salzman and Lawler have posited human experience as an authoritative source of moral knowledge on the same level with Scripture, natural law, and Church teaching and then discredited the latter three sources by an exaggerated appeal to historical consciousness. With contemporary experience left standing as the principal authority, it is perhaps inevitable that their positions on moral theology reject everything in Church teaching that comes into conflict with contemporary culture. This only serves to bring into sharp relief the need for standards beyond individual experience and beyond the culture of our day. It also serves to highlight the need for an ultimate authority to resolve conflicts among contemporary experience, natural law, Scripture, and Catholic tradition.

CONCLUSION

Professors Lawler and Salzman present their book as a *quaestio disputata*, as an examination of a disputed question in the way of the medieval universities (4). The scholarly disputations of the Middle Ages, however, took place in a framework provided by Catholic faith, requiring a recognition of the authority of Sacred Scriptures and authoritative Church teaching and a knowledge and appreciation for the Catholic theological tradition. The authors of *The Sexual Person*, by contrast, base their arguments on a methodology that marks a radical departure from the Catholic theological tradition. Consequently, it is not surprising that they reach a whole range of conclusions that are contrary to Catholic teaching. The Committee on Doctrine wishes to make it clear that neither the methodology of *The Sexual Person* nor the

conclusions that depart from authoritative Church teaching constitute authentic expressions of Catholic theology. Moreover, such conclusions, clearly in contradiction to the authentic teaching of the Church, cannot provide a true norm for moral action and in fact are harmful to one's moral and spiritual life. In the *Catechism of the Catholic Church*, where we find a genuine systematic presentation of the faith, we look for that wisdom that reflects the words of everlasting life.

The issues treated in *The Sexual Person* are indeed vital matters for the life of the Church in our time. They should be thoroughly studied and discussed by theologians as part of their service to the Church and to society. The efforts of theologians, however, can only bear fruit if they are in fact carried on within a hermeneutic of continuity and in the framework provided by the Catholic theological tradition and the teaching of the Church. New presentations of the truth of Catholic moral teaching are needed today, but the proposal contained in *The Sexual Person* is seriously flawed and falls short of the goal of theological investigation, *fides quaerens intellectum*.

USCCB Committee on Doctrine

Most Reverend Donald W. Wuerl
Archdiocese of Washington
Chairman

Most Reverend Leonard P. Blair
Bishop of Toledo

Most Reverend Daniel M. Buechlein, OSB
Archbishop of Indianapolis

Most Reverend José H. Gomez
Coadjutor Archbishop of Los Angeles

Most Reverend William E. Lori
Bishop of Bridgeport

Most Reverend Robert J. McManus
Bishop of Worcester

Most Reverend Kevin C. Rhoades
Bishop of Fort Wayne-South Bend

Most Reverend Arthur J. Serratelli
Bishop of Paterson

Most Reverend Allen H. Vigneron
Archbishop of Detroit