

Istituto Giovanni Paolo II
per studi su matrimonio e famiglia

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RIVISTA DI STUDI
SULLA PERSONA E LA FAMIGLIA

ANTHROPOTES

Pubblicazione scientifica semestrale

1990

"Legalism, Moral Truth, and Pastoral Practice"

by

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Città Nuova Editrice

LEGALISM, MORAL TRUTH, AND PASTORAL PRACTICE *

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I. WHAT IS LEGALISM AND WHY IS IT WIDESPREAD?

Legalism is the view that moral norms are like positive laws: rules that depend on someone's free choice. Given a legalistic view of moral norms, both their obligatoriness and that of positive laws, which presupposes morality, seem to flow from the lawgiver's will rather than from intelligible requirements of a wise plan for realizing the good.

Christian legalists reduce moral obligation to God's law, understood as a set of precepts which the Almighty adopts and imposes. Some have thought that God could even have obliged us to hate him. Most legalists have held more plausibly that actions can be more or less suitable to human nature, and that God creates moral obligations by requiring certain suitable actions and forbidding certain unsuitable ones. On this view, God's legislative will transforms into virtuous deeds and sins what otherwise would only be manifestations of good and bad judgment.

Legal systems typically include a presumption in favor of liberty: what is not forbidden is permitted, and doubtful laws do not bind. So, legalism suggests that we are generally free to do as we please, that moral obligations limit this freedom, and that we need not accept this limitation unless an obligation is clear. From this follows the legalistic view that one can do no wrong if one follows one's conscience.

Human lawmakers attach penalties to laws to motivate obedience. Since the penalties for disobedience are not inherent consequences of wrongful acts, the authorities can impose, mitigate, or forgo the penalties for policy reasons or as their wrath or clemency moves them. Legalists think a higher power similarly backs up morality with attached sanctions. Christian legalists think of heaven and hell as the reward and punishment which God attaches to his law for obedience and disobedience.

Only manifest transgressions of positive laws are punishable. Minimum fulfillment of a law does not break it. So, on a legalistic view of morality, it

* A contribution to the symposium, *The Catholic Priest as Moral Teacher and Guide*, St. Charles Borromeo Seminary; Philadelphia, Pennsylvania; 19 January 1990.

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seems unnecessary to commit oneself to pursuing the goods and avoiding the evils to which moral norms point. One need only avoid disobedience. Therefore, legalists are minimalists. Also, those who are invincibly ignorant of a law cannot disobey it with criminal intent. Therefore, legalists think that, other things being equal, wrongdoing through ignorance is preferable to disobedience, and that it often is best to leave people in good faith.

The preceding sketch indicates what legalism is. But to understand it fully, one must see why it is so widespread.

Children initially cannot grasp the reasons behind any of the norms with which adults confront them. So, at first all norms seem alike. Inevitably, children think that the important thing about any norm is that adults want it obeyed. Thus, as children become aware of moral obligations, they regard them legalistically. This mentality is confirmed when parents reinforce moral norms by rewarding good behavior and punishing naughtiness. In consequence, even adults tend to think that moral norms receive their directive force from some authority's will.

For believers, additional factors are at work. The Old Testament lends itself to a legalistic reading. Genesis makes it clear that like everything else apart from God, morality would not exist had he not freely created. And Israel hands on moral precepts as the nucleus of her God given law. But Israel is a theocratic polity, and so her code necessarily not only embraces morality, but commingles with it all her positive law. So, it is easy for readers of the Old Testament to confuse morality with positive law, and to suppose that both depend on God in the same way.

Then too, because Israel's hopes are this-worldly and nationalistic, righteousness and sinfulness are not intrinsically related to those hopes' realization and frustration. So, the carrying out of the blessings and curses attached to Israel's law, including its moral precepts, seems to depend on God much as the carrying out of rewards and punishments attached to human law depends on public authorities.

Moreover, since God is the one Lord of all creation, evil in the world cannot be reduced to conflict among many gods or to an evil first principle opposed to God. Rather, God's plan seems to include the destruction of Israel's enemies as a means to her flourishing. So, evil and good, death and life, seem to flow from God's will in the same way. Consequently, it easily seems that even the moral discriminations in God's law depend on his will rather than on his wisdom.

Christian moral instruction conveys the sound moral content of the Old Law but often retains its legalistic tendencies. So, the first explanation of morality that Christian children are likely to hear is that some of the rules which adults impose are God's commands, and that God eventually will reward obedience and punish disobedience. While that explanation has a true sense, it also tends to confirm children's natural legalism. Hence, they are likely to grow up thinking that God could have prevented all sins: he need

only have refrained from commanding people to do hard things and not to do enjoyable things.

An additional factor inclines Catholics to legalism. Traditional moral theology clarified many sharp but subtle distinctions — for example, between accepting death as Jesus did and committing suicide in a good cause, between the upright practice of natural family planning and contraception. To those who do not understand the reasons for such distinctions, they seem like the bright but somewhat arbitrary lines that human lawmakers often draw — for example, fornication with a consenting fifteen-year old girl is rape but with a sixteen-year old is no crime, driving with one-tenth of one percent of alcohol in one's blood is a serious offense while driving with slightly less is not, and so on. The result is that Catholic moral teaching, by its use of the sharp distinctions moral theology has clarified, inevitably appears, even to the faithful who are less well-instructed, like a human legal system. And secular commentators, whose world view affords no insight into the grounds of those moral norms which the Church teaches but the contemporary world rejects, naturally think that the popes and bishops are not teachers but lawmakers: «Vatican bans *in vitro* fertilization!» and «Bishops bar use of condoms to prevent AIDS!». Hearing what the Church teaches from the mass media, the faithful absorb legalism along with the morning and evening news.

Last, not least, legalism appeals to sinful human beings. Even if one breaks the rules, one still can hope to escape punishment, because the offense may be forgiven and the deserved punishment remitted. Anyway, if sinning is mere rule breaking, it is not inherently foolish and deadly. And if moral norms are laws, most of one's life is not touched by them, and one generally is free to do as one pleases. Of course, one's freedom in a few matters is limited, but one often can find a way to do as one pleases without grossly transgressing moral limits. And if one obeys the rules, one can be sure that one is good. Even an occasional lapse cannot spoil a generally good record.

Such legalism corrupted the pharisaism which Jesus denounced. His criticism of certain pharisees was not only that they were rigorists: he also condemned their moral evasiveness and laxism. Rather, Jesus rejected their whole legalistic view and the pastoral practice that went with it.

II. HOW ARE MORAL NORMS CORRECTLY UNDERSTOOD AS TRUTHS?

The Old Testament offers some starting points for a nonlegalistic view of morality. God's will is creative; it brings creatures to be and moves them toward their fulfillment. God does not make death, for he makes only what is good. Death is a punishment for sin, but sinners call it upon themselves. God's plan of salvation extends beyond Israel to the nations; his love for

some people does not entail hatred toward others. So, God wills good to all. He orders all things wisely and lovingly. Thus, his law is not a burdensome imposition, but a blessing, a light to one's path. To ignore God's direction is foolish and self-destructive, while to follow it is fulfilling. Moral goodness begins with reverence toward God and love of neighbor. Morality is not primarily a matter of outward conformity to law, but a matter of the heart. Therefore, when sinners repent, God heals the self-mutilation which their sins caused by creating new hearts in them.

God's revelation in Jesus unfolds these beginnings. Jesus reveals that God is a communion of three persons, distinct from one another but perfectly one in love, and that God calls us to share in divine communion and to live in familial companionship with one another. God's love is a gift, but those who accept this gift can abide in it and work toward the ideal of loving God with their whole mind, heart, soul, and strength. The command to do this directs God's little children to be like their heavenly Father. The command to love one's neighbor as oneself, in communion with God, directs God's children to treat one another and themselves in accord with the reality of the divine-human communion — the kingdom — into which they are called.

Due to sin, wayward emotions are a law in one's members which tempt one not to follow moral truth, the law in one's mind. Thus, sinners experience moral norms as impositions, because these norms express demands which unfettered reason makes on wayward feelings. Although doing what is morally good is reasonable and humanly fulfilling, it often seems foolish and inhumanly difficult. But those motivated by love, who live by the Spirit, do not experience moral truth as an imposed law. The law of the Spirit of life in Jesus frees them from such slavery (cf *Rm* 8, 2).

These revealed data provided Christian reflection with material for a nonlegalistic view of morality and of the foundations of law. St. Thomas brought this reflection to a splendid synthesis in his treatise on law in his *Summa theologiae*. Law is a directive of practical reason. God is sovereignly free in choosing to create, but eternal law, his plan for creating and governing creation, flows from his wisdom and goodness. Eternal law is the foundation of all other law, and its binding force and that of all other law, including positive law, depend on the law's intelligible relationship to the good toward which it directs action, not on the lawgiver's will.

Since God made humankind in his own image, he equips us from the start with some knowledge of his plan — «natural law» — so that we spontaneously understand practical principles which point us toward the goods which fulfill us as individuals and in communities. All moral norms flow from natural law, and so the whole moral content of the Old Law also is written in our hearts. Since natural law directs us to what will truly fulfill us, God, given that he has made us what we are, has no choice about the content of morality. God is free and all-powerful, but even he cannot make black to be white, what is humanly destructive to be humanly fulfil-

ling. Therefore, God commands us to act only in morally good ways, not because he wants to impose anything, but because, loving us, he wants us to do what is for our own good.

On this basis, one can provide a nonlegalistic account of all the moral requirements of Christian life. God's love embraces all peoples; his mercy extends to the wicked as well as the righteous. Even toward the wicked, God wills only good. He does not will but only permits evil, sin and its consequences. Thus, evil is centered in alienation from God and the inevitable consequences of that alienation, and must be understood as the privation rather than as the positive contrary of good. So, God's redemptive work in Jesus neither segregates and excludes nor attacks and destroys what sin damaged, but calls it back and restores it by means of healing love.

Since Christians share in this redemptive work, specific moral requirements logically follow. They are to be perfect as their heavenly Father is perfect, and so they are to will only good, even to enemies, as God himself does. They must spread the Gospel and bear witness to it even to death, imitate God's mercy and build up his kingdom by forgiveness and beneficence toward those in need, and live chastely as members of Jesus' body in which the Spirit dwells. The New Testament also makes it clear that the morality already contained in the Old Law is not arbitrary, but is a necessary consequence of love, for love fulfills the law. For instance, if one loves one's neighbors as God loves them, one cannot choose to kill even an enemy or to replace even an unfaithful spouse.

God initially creates us with unfulfilled potentialities so that we can help to create ourselves, and in that way be more like him than if he created us from the start with greater perfection. To enable us to be like himself and to cooperate in his work, God gives us freedom of choice. Thus, in this world, God continues to create us through our own choices and acts.

Seriously evil choices and acts are self-determining. Mortal sins last unless one repents. In and of themselves, unrepented mortal sins exclude one from the kingdom because such sins constitute a self incompatible with love. For example, Jesus warns that those who refuse to meet others' urgent needs «will go away into eternal punishment» (*Mt* 25, 46). This is not a threat that Jesus will impose punishment on the uncharitable; it is simply a clarification of the fact that refusal to act as a member of Christ toward his other members is incompatible with sharing in the communion of divine family life. The First Letter of John makes this clear: «If any one has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him?» (*1 Jn* 3, 17).

Not only sins, but upright choices and acts are self-determining. Still, the relationship of sins to hell and of good deeds to heaven is not symmetrical. God warns of hell, since sinners can consign themselves to it despite everything he does to save them. But God gratuitously promises heaven, and Christians must hope in him for it. For only God can overcome sin and death, and create the new heavens and new earth. Still, what one does in

this life lasts. Charity and its fruits will endure in the kingdom. Indeed, as Vatican II teaches, in heaven all the good fruits of human nature and effort will find a place, cleansed of sin and perfected (*Gaudium et spes*, n. 39). Thus, the greatest significance of morally good choices and acts is that they build up persons, interpersonal relationships, and a humanized world which God will transform into his kingdom.

It follows that morality extends to one's whole life. It should be a life of faith in Jesus, and whatever one does should be done in his name. Love, the law of the Spirit, embraces every good and resists every evil. Since one's entire life should respond to God's calling, one never is free to do as one pleases, except insofar as one becomes like Jesus, for whom acting according to love, doing the Father's will, was his bread and wine.

III. HOW HAS LEGALISM AFFECTED PASTORAL PRACTICE?

Even before the current moral crisis in the Church, legalism affected pastoral practice in many ways.

Very often, God's sovereignty and the Church's teaching authority tended to overshadow the inherent reasonableness of moral requirements and their intrinsic relationship to the kingdom. Obedience rather than charity seemed to be the basic Christian virtue. Hell was a punishment which God would impose rather than the inevitable outcome of unrepented mortal sin.

Many pastors stressed the minimum required to avoid mortal sin. Insofar as most of the life of a lay person is taken up with secular concerns, the positive content of the lives of the laity seemed to have little religious significance. Thus, many Catholics thought that holiness is reserved for the clergy and religious. Pastors and teachers usually assumed that a few young people have vocations, but that most do not. Marriage, work, and so on were not regarded as possible elements of a Christian vocation and often were treated as no more than so many fields mined with temptations.

Since invincible ignorance frees one from guilt, pastors were more concerned about penitents' sincerity than about the correctness of their conscience. Thinking of morality as a matter of laws rather than of truths, pastors assumed that people can easily be in good faith while doing what is objectively wrong. And ignoring the phenomena of rationalization and self-deception, pastors confidently thought that they could discern when penitents were and were not in good faith.

During the twentieth century, pastoral treatment of repetitious sins through weakness — especially masturbation, homosexual behavior, premarital sex play, and contraception within marriage — grew increasingly mild. Pastors correctly recognized that weakness and immaturity can lessen such sins' malice. Thinking legalistically, they did not pay enough attention to the sins' inherent badness and harmfulness, and they developed the idea that

people can freely choose to do something which they regard as grave matter without committing a mortal sin. This idea presupposes that in making choices people are not responsible precisely for choosing what they choose. That presupposition makes sense within a legalistic framework, because law-givers can take into account mitigating factors and limit legal culpability. But it makes no sense for morality correctly understood, because moral responsibility in itself is not something attached to moral acts but simply is moral agents' self-determination in making free choices.

Repetitious sinners through weakness also were handicapped by their own legalism. Not seeing the inherent badness of their sins, they felt that they were only violating inscrutable rules. When temptation grew strong, they had little motive to resist, especially because they could easily go to confession and have the violation fixed. Beginning on Saturday they were holy; by Friday they were again sinners. This cyclic sanctity robbed many people's lives of Christian dynamism, and contributed to the dry rot in the Church which became manifest in the 1960s, when the waves of sexual permissiveness battered her.

Theologians and pastors who dissent from received Catholic teaching think they are rejecting legalism, because they set aside what they think are mere rules in favor of what they feel are more reasonable standards. However, their views are thoroughly imbued with legalism.

For dissenters think of valid moral norms as rules formulated to protect relevant values. Some even make their legalism explicit by *denying that there is any necessary connection between moral goodness* (which they restrict to the transcendental level of a love with no specific content) *and right action* (which they isolate at the categorical level of innerworldly behavior). But whether their legalism is explicit or not, all the dissenters hold that specific moral norms admit exceptions whenever, all things considered, making an exception seems the best — or least bad — thing to do. Most dissenters also think that specific moral norms valid in times past can be inappropriate today, and so they regard the Church's contested moral teachings as outdated *rules which the Church should change*.

Dissenters also assume *that doubtful laws do not bind*, and so they think the Church's moral teaching is not binding unless the case for it puts it beyond doubt. *The contested norms plainly are doubted*; many people say they experience no ill effects when they disobey them, and many theologians reject them. Now, *what is doubted can be doubted, and what can be doubted is doubtful*. So, dissenters conclude, *experience proves that the contested norms are doubtful* and no longer binding. Of course, these norms remain the Church's «official» teaching. But dissenters regard them as they do other laws which remain on the books, although experience has shown them to be unworkable, so that the authorities no longer try to enforce them and the public ignores them.

Dissenters also feel pastorally justified because dissent lessens the burden on the faithful by encouraging them to follow their own consciences

against the Church's teaching. Conceiving conscience legalistically and disregarding the possibility that the norms they contest might be truths, dissenters do not consider whether they might *be encouraging self-deception, obduracy in sin, and presumption*. Rather, they think that those who insist on received moral teachings impose unnecessary guilt on people, and that pastoral prudence demands that this guilt be relieved.

Legalism also remains prevalent in the thinking and practice of many theologians and pastors who loyally affirm the Church's moral teachings. Legalistic loyalists not only prolong pre-conciliar legalism, but respond to the moral crisis in the Church in a characteristically legalistic way. They consider it most important that the faithful not rebel against the Church's authority. So, rather than working to understand the teaching and make it understandable to the faithful, rather than figuring out how to put the teaching into practice and helping the faithful to do that, they look for ways — some of which overlap with the approaches of dissenting theologians — to reconcile contrary practice with docility to the Church.

Some legalistic loyalists explain that if one tries to understand the Church's teaching but cannot, one may follow one's own conscience, provided that one remains prepared to obey should the Church ever make it clear that one must. Some apply theories of fundamental option which, whatever their nuances, in practice assure the faithful that if their moral record is generally good, sexual sins through weakness will not count against them. Some characterize the contested teachings as ideals, thus legalistically suggesting that one need not regard them as strict rules. And many adopt a pastoral policy of gradualism, according to *which those who accept a norm in theory and take even the smallest step toward putting it into practice have done the minimum necessary* to avoid mortal sin.

IV. HOW SHOULD PASTORAL PRACTICE BE RENEWED?

Jones, a good small-town police officer knows the local people and overlooks some of their law-breaking: an elderly couple making home brew for themselves and a few friends, an unemployed man hunting out of season to feed his family, and so on. When a fight occurs in the pub and the place is smashed up, Officer Jones charges nobody with assault, but makes sure that those responsible repair the damage. Catching boys stealing from the hardware, Jones delivers them to their fathers for a thrashing. Similarly, for legalists, a good pastor is a moderate and gentle administrator of the moral law. He knows when to close his eyes and when to give dispensations from the moral rules. He realizes that many people simply cannot live up to the strict requirements of morality.

Pastors should strive to overcome every vestige of legalism in their minds and hearts. If they do, they will not try to be moderate and gentle

administrators of moral law. Will they become neurotic enforcers, imitating Captain Queeg rather than Officer Jones? No. Martinets also are legalists. If pastors escape post-conciliar legalism, they need not revert to preconciliar legalism. Instead, free of legalism, they can imitate Jesus. He proceeded like a good physician who teaches people to distinguish being healthy from feeling well, stresses preventive medicine, helps the sick and injured to regain health, and never prescribes pain killers to those who would use them to avoid life-saving surgery.

Setting aside analogies, one can articulate the principle of pastoral practice without legalism: Pastors free of legalism will work to understand in the light of faith the deepest reasons why it is good to be good and the specific reasons why each moral norm is true. They will teach this body of moral truth to the faithful and help them in every way possible to put it into practice.

Having stated the general principle for pastoral renewal, one can sketch out some of its specific features.

Nonlegalistic moral preaching and teaching will fittingly begin with the Holy Trinity, with the divine-human communion to which they call us, with Jesus who mediates that communion. The heavenly kingdom is God's family; one is blessed to be a member of it. For in it life has meaning and hope is secure. This starting point makes it clear why one should abide in God's love and why one should love neighbors, even enemies, as oneself.

Pastors free of legalism will explain how good actions are grounded in love and inherently related to human well being. They will emphasize that every good action in this life provides material for the kingdom, so that every action has everlasting significance. They will teach that every Christian should live an apostolic life, and so make daily life into rational worship, offered with Jesus' sacrifice in the Mass. They will help each member of their flock to find his or her personal vocation, to commit himself or herself to it, and to fulfill it every day of his or her life.

Such pastors also will explain how bad actions are contrary to love or, at least, incompatible with its perfection, and how they are inherently related to human misery and diminishment. They will make it clear that since moral norms are the truth about the good that human persons can choose and do, choices at odds with them, even if made through invincible ignorance, are really bad. They will explain how such objectively wrong acts detract from the well being of persons both as individuals and as a community, and provide poorer material for the kingdom than good choices and actions would provide. They will emphasize that love therefore requires that one energetically seek moral truth.

When such pastors preach or teach about any specific norm, they will avoid even true statements which are likely to be misunderstood and taken in a legalistic sense. For example, they will say neither that the norm should be obeyed because it is the law of God nor that Catholics must accept it because the Church authoritatively teaches it. Instead, they will point out

that because God is a wise and loving Father, one can be sure that his commands direct his children to what is good for them, and that because Jesus teaches in his Church, Catholics can be confident that her teaching is true.

Pastors free of legalism will help their flock to see why Christians must be different. People without faith understandably try to segregate evil or overcome it with force, and when all else fails compromise with it to make the best of this sinful world. When Christians confront evil, they should make the sharp but subtle distinctions which moral truth requires, and they must, of course, avoid sin and resist injustice as love demands. But they may never betray love by choosing evil that good may come about. Instead, following Jesus, they must draw close to sinners and the misery which results from sin, accept the suffering which evil inflicts, work to overcome it with healing love, but never forget that only God can transform this fallen world into the new Jerusalem.

Such pastors will assure the faithful that God loves them unconditionally; that, like the prodigal's father, he loves them even when they sin; indeed, that God loves even the damned — they would cease to exist if he did not love them. But pastors will explain that being loved by God is not enough to be in friendship with him, because friendship is mutual love. They will exhort the faithful, as Jesus did, to accept God's mercy, repent their sins, and abide in love. But they also will warn, as Jesus did, that hell awaits those who do not abide in love. And they will correct the mistake of legalists — including Rahner and von Balthasar — who confuse this warning with a threat. When one calls children's attention to a dead animal in the road — «That young deer didn't look before running out» — one is not threatening to run over them if they cross the highway carelessly. The penalty for their carelessness will not be something one would impose or could prevent. So, God and hell.

Pastors free of legalism will teach the faithful how sin makes moral requirements seem to be alien impositions, help them to see through this illusion, and encourage them to look forward to and experience the freedom of God's children, who rejoice in the fruit of the Spirit and no longer experience the constraint of law.

They will explain that while one sometimes must choose contrary to positive laws and cannot always meet their requirements, one always can choose in truth and abide in love. They will acknowledge the paradox of freedom — that we seem unable to resist freely choosing to sin — the paradox which St. Paul neatly formulates: «I do not understand my own actions. For I do not do what I want, but I do the very thing I hate» (*Rm* 7, 15). But they also will proclaim the liberating power of grace, and help the faithful to learn by experience that when one comes to understand the inherent evil of sin and intrinsic beauty of goodness, enjoys the support of a community of faith whose members bear one another's burdens, begs God for his help, and confidently expects it, then the Spirit of him who raised

Jesus from the dead raises one from one's sins, and one discovers that with the Spirit's grace one can consistently resist sin and choose life.

Such a pastor also will work hard in practical ways to help his people overcome obstacles to living holy lives. If he finds that some are tempted to sin because they do not know virtuous ways to solve their problems, he will encourage those capable of it to develop and disseminate the relevant knowledge — as did the pastors who fostered the work of Knaus, Billings, and others in natural family planning. If he finds that people are tempted to sin because of poverty, he will do what he can to help them and will encourage others to do the works of justice and mercy which will alleviate their pressing needs — as many pastors have done. And he will never let his flock forget that Christians love one another effectively by bearing one another's burdens, helping one another to avoid sin and its occasions, and encouraging one another to fulfill their personal vocations.

Finally, pastors free of legalism will teach people that conscience is nothing but one's final judgment as to what one should do and not do, that one's first responsibility is to do one's best to make sure that this judgment is true, that the Church's teaching hands on the moral truth which Jesus exemplified and taught, that self-deception can make one feel sure that a sin is permissible without freeing one from guilt for committing it, that doing what is wrong due to a blamelessly mistaken conscience always causes harm and often leads to tragedy, and that in every situation one should pray for the Holy Spirit's help to see what is good and holy rather than try to discern the minimum necessary to avoid mortal sin. Only then will pastors add: One must follow one's conscience — of course, one must follow it — against one's own contrary inclinations, social pressures, human laws which demand that one act against the moral truth which faith teaches, and so forth.