If anyone wishes to know how the moral theologians have responded to the Vatican II call for renewal of moral theology, there is a wealth of material available to prove that the call has been taken very seriously. Besides the *Critical Calling* we have the 50th Anniversary Volume (1939-1989) of *Theological Studies* wherein Father McCormick gives an overview of Moral Theology from 1940 to 1989, a period during which he played a major role in articulating current moral developments. Another major contribution to the understanding of moral theology is found in the 1987 book of the English Jesuit John Mahoney, *The Making of Moral Theology*, a work that is highly praised and very frequently cited in any serious discussion of moral problems today. While focusing mainly on the *Critical Calling*, this writer will also borrow from the overview in *Theological Studies*, and from Mahoney.

Various terms will leap to mind whenever the discussion turns to moral theology, whether among moral theologians or among the laity, especially, but not only, among married couples, which, of course, includes most of the human race. Those terms include "dissent," "liberals or progressives," "conservatives or traditionalists" and, especially among theologians, "deontologists" (law centered) and "teleologists" (consequentialists). These terms reflect deep-seated divisions among laity and theologians in the post-Vatican II Church, especially after the 1968 Encyclical of Pope Paul VI on contraception, "*Humanae Vitae*.”

The dissent that followed the publication of *Humanae Vitae*
was unprecedented in the modern Church. No one had foreseen it or been prepared for it. There had been almost 50 years of tranquility and peaceful acceptance of Church teaching reaching its peak under Pius XII. The long period of peaceful acceptance of the ordinary magisterium, of unity and conformity, of living by the adage “Roma locuta est, causa finita est” ended in a widespread storm of protest.

In the eye of the storm on the American scene was, and is, Richard A. McCormick, the American Jesuit moralist, author for two decades of the highly esteemed “Notes on Moral Theology” in the prestigious Jesuit periodical Theological Studies. While also contributing innumerable articles to other leading periodicals and journals, he was writing or co-authoring books on some of the most challenging issues in current moral theology.

One proof of the esteem in which he was held on the American scene is the fact that when the Vatican document on euthanasia appeared on May 5, 1980, McCormick, as he reveals in the Critical Calling, was immediately contacted by the Washington Post, New York Times, NCNEWS, U.S. News and World Report, and several radio stations. The Apostolic Delegate in Washington at the time, Archbishop Jean Jadot, had furnished McCormick a copy of the document several days before it was released knowing that he would be approached by the media (p. 74). McCormick was able to say “that the document was excellent, to summarize it, and to support the magisterium” (ibid.).

NON-INFRINGEMENT ORDINARY MAGISTERIUM AND DISSENT

With regard to other non-infallible teaching of the ordinary magisterium, even on the Encyclical level, McCormick, along with many other moral theologians, has felt that it was his role to offer respectful dissent at times, humbly, responsibly, avoiding “excessive dependence, a no-thought and uncritical compliance, a non-historical mythologizing and glorification of the magisterium” (p. 48).

McCormick holds that the proper response to authentic non-infallible teaching is “a docile personal attempt to assimilate the teaching,” but “that docility must be critical” “because it supposes that there is some relationship between the conclusions drawn and
the arguments used" (p. 48). Karl Rahner, S.J., is cited with regard to the task of the moral theologian which, for Rahner, is "to expose as such what is unproved in the course of the argument, but also to work to break down the preconceptions behind it" (p. 51). Considering moral theology as a calling, a vocation, Rahner goes on to say that "the courage to take risks, to face opposition and criticism, is therefore among the virtues of the moral theologian" (ibid.). Especially today, in the turbulence of the post-Vatican II Church, moral theology is a critical calling.

REASONS FOR NEW CRITICAL AWARENESS IN TODAY'S CHURCH

In chapter two, McCormick lists twelve factors that he believes "encouraged a new critical awareness in the Church and helped to explain the emergence of dissent in the postconciliar Church" (p. 29). Council documents are cited in support of each factor McCormick mentions. After enumerating each of the factors McCormick sums up: "We have Vatican II underlining the rapidly changing times, the novelty of the problems cast up by these changes, the many competences needed to face them adequately, the independence of the sciences and the openness to them required to face our problems, the freedom of inquiry and expression necessary, the incompleteness of the Church's competence, deficiencies in past efforts to grapple with problems, the fact and need of development, the legitimacy of difference of opinion among believers, the fact of variation in Church discipline" (p. 34). McCormick then exclaims: "If such considerations do not explain, and even foster and validate the notion of dissent in the Church, then I should like to know why not. It is playing the ostrich to say that dissent emerged in the mid-sixties in spite of the Council, not because of it" (ibid.).

This heavy reliance on Vatican II is notable in the writings not only of McCormick but of nearly all the contemporary moral theologians.

OPPOSITION TO MCCORMICK

Not all agree with McCormick, as we well know. It is a proof of his integrity that he reveals to us some of the ultra-strong criti-
cisms (condemnations!) of some of his own brother Jesuits. One wrote to tell him that he was convinced that McCormick had lost his faith, was no longer a Catholic, and was "representing a multi-million dollar popular liberal treason" (p. 27).

Another Jesuit wrote in 1979 to tell McCormick that he was now a theologian, "not of but against the Church, breaking down the reverence for life, for marriage, for human and divine love" (ibid.). He addressed McCormick as "Dear Enemy of the Holy Father" and wondered whether he had left the priesthood and the Church but was unwilling to admit it. He also expressed his hope that the Superior General "would have the courage and integrity to dismiss you from the Society" (ibid.).

For such Jesuits and many conservatives the one issue is obedience, unity and conformity, probably with a good mixture of fear of giving scandal by any dissent. For them the old adage suffices: *Roma locuta causa finita est*. Once Rome has spoken, no matter how complex the issue, the case is closed. "The term 'magisterium' came to mean the hierarchical issuance of authoritative decrees" (p. 19). Obedience is the appropriate response (ibid.). Two Jesuits connected with the conservative *Homiletic and Pastoral Review* are also very critical of the McCormick type of moral theologian (p. 345).

**OPPOSITION FROM NON-JESUIT SOURCES**

A prominent layman, John Kippley, a strong advocate of natural family planning, suggested to the Extraordinary Synod of Bishops in 1985 that they should "declare Curran, McCormick, McBrien, Kosnik, Keane, etc., as 'not a Catholic theologian' and get them out of their prestigious positions of power" (p. 25). The ominous implications of that "etc." are frightening for McCormick. "It constitutes a huge net with a potentially enormous haul" (ibid.). For anyone who has lived under a Martial Law regime, it is a very familiar type of legislative decree, very open-ended to frighten all and catch all! As everyone knows, Charles Curran was the first to be removed.

The *National Catholic Register*, a right wing, ultra-conservative paper, once labelled McCormick as "one of the most dangerous men in America," an honor which McCormick declines, saying
that he is "unworthy" (p. 6).

SOME BISHOPS ALSO ATTACKED

In the various attacks on McCormick and his confreres some Bishops have also been victims, if not for being dissenters themselves, then "for harboring dissenters, favoring them, being soft on them, being silent about them" (p. 26). The bishops of Newark (Peter L. Gerety), of Seattle (Raymond G. Hunthausen), of Milwaukee (Rembert G. Weakland), of Denver (James V. Casey), of Chicago (Joseph L. Bernardin), of Rochester, formerly (Joseph L. Hogan), of Detroit (Thomas J. Gumbleton), of Brooklyn (Francis J. Mugavero) and others are mentioned (p. 26).

Not even the Apostolic Delegate to Washington, D.C. (1973-80), Archbishop Jean Jadot, was spared and the bishops appointed during his tenure in office were referred to pejoratively as "Jadot bishops," the ones "who did not share The Wanderers' venomous nonhistorical orthodoxy" as McCormick notes (p. 5). Ever anxious to add fuel to the fire, The Wanderers revealed on September 29, 1983 that Cardinal Edouard Gagnon, head of the Vatican Pontifical Council for the Family, had suggested that "ninety per cent of American moral theologians should seek employment elsewhere" (p. 25).

This is certainly not the renewal of moral theology sought by Vatican II. But it clearly shows that moral theology is very much alive in our day in spite of all the secularism, materialism and consumerism. The people of God are concerned and involved. The vocation of the moral theologian is not only a critical calling, it is also a most challenging one, even a dangerous one. He is liable to lose his franchise! Some might even consider the moral theologian "an endangered species."

PIUS XII AND DISSENT: HUMAN GENERIS (1950)

In his Encyclical concerning encyclicals and other pronouncements of the ordinary, non-infallible magisterium, Pius XII declared that a disputed question authoritatively settled by the Pope is no longer a matter of free theological discussion (p. 28). The theologians were "to defend, mediate and interpret ordinary (non-
infallible) papal teaching, not qualify it or depart from it” (ibid.). Such was the prestige and influence of Pius XII that few dared to dissent, but “some of the finest theologians of the time were silenced (Chenu, de Lubac, Murray, and partially, Rahner)” (p. 27). With these few, but very important exceptions, dissent was virtually unknown. Obedience, conformity, unity in doctrine were the prime concern of the theologians of the day.

VATICAN II AND DISSENT

With Vatican II a great change took place. Fr. John Courtney Murray was called to Rome. As a peritus in the Council he became the theological architect for the conciliar Document on Religious Freedom, introducing our age of ecumenism, one of the greatest developments in the history of theology. As Murray himself described the Decree, “It was, of course, the most controversial document of the whole Council, largely because it raised with sharp emphasis, the issue that lay continually below the surface of all the conciliar debates — the issue of development of doctrine. The Council formally sanctioned (in this document) the validity of development itself” (p. 32). This was the end of “a long, uphill, dissenting and personally painful critique of the teaching of Mirari Vos and the Syllabus of Errors” (p. 21). McCormick regrets that such necessary critique was considered a threat to a Church “whose trust in the Spirit is second to none” (ibid.).

DEVELOPMENT EXEMPLIFIED IN THE SACRAMENT OF Penance

One of the most remarkable developments in doctrine is that which took place during the first thousand years of the Church. From the absolute prohibition of private, repeated confession the Church moved to legislation requiring every Catholic to confess his sins privately at least once a year. John Mahoney, S.J., in his The Making of Moral Theology explores this remarkable development which took place even though the hierarchy showed “extreme disapproval” (Mahoney, p. 4). The dissent of the clergy and laity led to the development which became commonplace in the Church down to our very day. The Holy Spirit was there in the midst of the dissent and acrimony.
THEOLOGIANS "REINSTATED" BY VATICAN II

Along with Murray, Vatican II reinstated Pierre Teilhard de Chardin, S.J., Henri de Lubac, S.J., and Yves Congar, O.P. All under a cloud in the 1950's they became surrounded with a bright halo of enthusiasm. By its actual practise of revision, the Council implicitly taught the legitimacy and even the value of dissent. In effect "as Avery Dulles, S.J., has pointed out, Vatican II has implicitly admitted Church error and injustice by rehabilitating, as it were, and using the insights of theologians previously silenced" (p. 33).

Even more explicitly, McCormick states, "the Council, in its Decree on Ecumenism, after noting the need of 'continual reformation', added: 'Wherefore, if the influence of events or of the times has led to deficiencies in conduct, in Church discipline, or even in the formulation of doctrine (which must be carefully distinguished from the deposit of faith) these should be appropriately rectified at the proper moment'" (p. 33).

Still, as the saying goes, old habits die hard. In an exchange with Archbishop (now Cardinal) Jean Jerome Hamer, O.P., of the Congregation for the Defense of the Faith, in 1981, therefore long after Vatican II, Pius XII and Humani Generis were cited to put an end to discussion in the public forum. McCormick published his reply wherein he cited the example of the great change in the Church's teaching on Ecumenism in Vatican II due to "the long dissenting processes that led ultimately, not without considerable Roman resistance, to Dignitatis Humanae" (p. 77). There was no response to McCormick (ibid.).

BISHOPS WHO APPROVE OF LEGITIMATE DISSENT

The English Bishop B. C. Butler believes that "to require the same adhesion for doctrines that are indeed taught by officials with authority but to which the Church has not irrevocably committed herself is an abuse of authority" (p. 20).

Bishop Juan Arzube of Los Angeles is cited in favor of legitimate theological dissent: "There must be room for legitimate criticism and dissent from the ordinary magisterium of the Church, given
the very possibility of the development of the doctrine by way of correction and change of such teaching. To think otherwise is to sink our heads in the sand and hinder the work of the Spirit’’ (p. 20).

THE CHILL FACTOR IN CONTEMPORARY MORAL THEOLOGY

Other Bishops would agree with McCormick’s dissent on some issues but are afraid to speak out. McCormick questioned a statement on tubal ligation by the U.S. National Conference of Catholic Bishops (July 3, 1980). McCormick said the absoluteness of the document was open to question. Archbishop Hamer wrote from Rome objecting that McCormick “cast doubt upon the competent ecclesiastical authorities in the matter” (p. 72). McCormick, in his reply, mentioned that “an esteemed American bishop said to me (about the article in America): ‘I can name a hundred bishops who will agree with you, but not one who will say so publicly’” (p. 75). This is what McCormick calls “The Chill Factor in Contemporary Moral Theology” (chap. 4).

JOSEPH RATZINGER ON DISSENT: IN HIS PRE-CARDINAL DAYS

An authority worthy of special mention is cited by McCormick. Joseph Ratzinger, writing in 1970, seven years before he was made a cardinal, approved of criticism of papal documents: “. . . criticism of papal documents is possible and necessary to the extent these pronouncements are not covered in Scripture and Creed. Where there is neither the consent of the whole Church, nor a clear witness from the sources, a binding declaration is not possible” (p. 160).

KARL WOJTYLA ON DISSENT: WHILE STILL A LAYMAN

When insisting on the need to institutionalize dissent and profit from it as part of the human teaching-learning process, McCormick cites “The Acting Person” written in 1929 by Karl Wojtyla: “The structure of a human community is correct only if it admits not just the presence of a justified opposition, but also that effective-
ness of opposition which is required by the common good and the right of participation” (p. 42).

CONFUSING PRINCIPLE AND ITS APPLICATION

This is a very important concern of McCormick. Confusion of principle and application is often found in official teaching, especially where it concerns human sexuality and/or human reproduction (p. 151). “It is precisely in these areas where pluralism is most controversial and agreement with official formulations is made the litmus test of theological orthodoxy and suitability for episcopal office” (ibid.).

One of the main examples is the inseparability of the unitive and procreative meaning of the conjugal act. This inseparability is basic to Humanae Vitae and the 1987 document on In Vitro fertilization of the Congregation for the Defense of the Faith. Since they are inseparable in every act, all contraception and all in vitro fertilization is prohibited (p. 152). Others, differing from the official teaching would hold the principle that the unitive and procreative must always be held together within the relationship. “Clearly, the difference here is one of application, not of the more general principle itself” (ibid.). The individual acts are considered as part of the total relationship and judged in view of the totality.

ST. THOMAS AQUINAS: ON APPLICATION OF PRINCIPLES

Thomistic teaching (Summa, Ia Iae, q.9 a.5) is often cited by McCormick and others who dissent from non-infallible doctrine which is based on reason with no clear scriptural or creedal support. Thomas, in discussing the application of natural law to particular cases, declares that the further we get from the more general principles, the less certainty we have. The circumstances in complicated cases should make our conclusions tentative for the most part. In complicated cases with tentative conclusions no one should be surprised if there is a variety of opinions, pluralism, dissent. Thomas Aquinas would not be the least surprised.
CARDINAL BERNARDIN ON CONFUSING PRINCIPLE AND APPLICATION

If the principle is the presumption against taking human life, the application admits of development while the principle remains inviolable. In several of his speeches Cardinal Bernardin has referred to "the traditional Catholic teaching that there should always be a presumption against taking human life but in a world marked by the effects of sin there are some narrowly defined exceptions where life can be taken" (p. 148). The Cardinal pointed out how Pius XII had strengthened that presumption in our day, narrowing the traditional justification for war, and the American Bishops as well as several popes have argued against the state exercising its right to capital punishment (p. 149).

The presumption against taking human life is the inviolable principle. Determining the conditions for war and the use of capital punishment are applications. Bernardin warns against the confusing of the two (ibid.). The reader will probably recall several appeals of Pope John Paul II pleading with governments not to proceed with a planned execution of a convicted criminal.

THE PERSON AS THE NORM

Making the person and his/her acts normative was one of the greatest methodological shifts in moral theology, away from the traditional type of evidence required for assessing the morality of human acts. Vatican II determined that "the nature of the human person and human action" are to be the objective norm in judging the morality of the means "of harmonizing married love with the responsible transmission of life" (Gaudium et Spes, no. 51). In the past the integrity of the act, of the biological process had been the norm. Frustrating, interfering with the obvious design of the biological process was considered intrinsically evil, going against the plan of the Creator. This approach reached its pinnacle under Pius XII, whose main theological advisor, Franciscus Hürth, S.J., saw man as morally bound to observe the biological law inscribed in his organs and functions in the realm of sexual conduct (pp. 156-57).

Once we accept Vatican II and the person integrally and ad-
equately considered, we have to be open to the relevance of the sciences and human experience in our discernment process (p. 157). As Louis Janssens of Louvain puts it: "From a personalist standpoint, what must be examined is what the intervention as a whole means for the promotion of the human persons involved and for their relationships" (ibid.). The experience of married couples and the findings of psychology are ever opening up new levels of meaning in the marriage relationship.

McCormick admits that this is "a more gradual, inductive, time-consuming, messy, uncertain and ultimately pluralistic process than the soothing certainties of a deductive method would allow us to believe" (ibid.).

ASPECTS OF THE PERSON AS NORM

Janssens has given us a list of the essential aspects of a person, eight in all. They include his/her embodiment in the modern world, essentially rational, needing social groups, called to know and worship God, an historical being, with each person utterly original but fundamentally equal. With these in mind, Janssens formulates a general criterion for the rightness or wrongness of human actions. McCormick cites the formulation with approval. "An act is morally right, if according to reason enlightened by faith, it is beneficial to the human person adequately considered in his/her self and in their relationships" (p. 15). Janssens calls this an "ethics of responsibility, on a personalistic foundation" (ibid.).

TELEOLOGISTS/CONSEQUENTIALISTS/PROPORTIONALISTS

For Cardinal Ratzinger "consequentialism" and "proportionalism" are the root problems in the tension between the magisterium and moral theologians (p. 6). The Cardinal is worried about "a progressive process of decadence and he sees the root problem infecting especially American moral theologians" (ibid.).

As the Cardinal sees it, consequentialism teaches that "nothing is good or bad in itself. The goodness of an act depends only on its end and on foreseeable and calculable consequences" (ibid.). He holds that some moralists have tried to soften "consequentialism by proportionalism: the morality of an act depends on its end and on
the evaluation and comparison made by man among the goods which are at stake. . . . It is an individual calculation, this time of the 'proportion' between good and evil'" (ibid.).

The Cardinal sees this proportionalist methodology at the root of some liberation theologies wherein "the absolute good (and that is the building of a just society, a socialist one) becomes the moral norm, that justifies all the rest, including, if necessary, violence, homicide, lying" (p. 7).

McCormick with John Mahoney, S.J., believes that the Cardinal has set up a confrontation between the magisterium and society, forcing the moral theologians to choose between them (p. 8). In so doing the mediating role of the moral theologian between gospel values and modern culture is ignored, and the moral experience and reflection of the Church is identified with the magisterium in a way that would be unrecognizable to Vatican II. Likewise the mediating role of moral theology between the hierarchical magisterium and the faithful is also overlooked (ibid.).

McCORMICK CLARIFICATION:
CONSEQUENTIALISM—PROPORTIONALISM

The terms teleological, consequentialist, utilitarian are so diversely understood that McCormick thinks they have become all but useless (p. 63). Trying to set the record straight he lists three theories about rightness and wrongness of our actions: (1) Actions are right or wrong depending solely on the consequences. (2) Some actions are right or wrong regardless of the consequences. (3) Consequences play a determining but not the only role in rightness or wrongness (ibid.).

Allowing for the "enormous ambiguity" in the term "consequences," McCormick thinks most contemporary Catholic moral theologians fit the third category which might best be called "moderate teleologists" or "mixed deontologists" (ibid.). He cites Bruno Schüller to show that the centuries old tradition of Catholic moral theology is overwhelmingly teleological (ibid.). "Even the deontologically (law centered) understood rules that did develop had a teleological basis" (ibid.). The moralists cited by McCormick as being moderate teleologists" or "mixed deontologists" are mostly European. So it is not an exclusively "American disease" as Cardi-
nal Ratzinger believes.

PROPORTIONALISM EXPLAINED

In his overview of Moral Theology from 1940 to 1989, in *Theological Studies*, Fiftieth Anniversary volume dedicated to Moral Ethics (March 1989, vol. 50, no. 1), McCormick spells out what is common to all so-called proportionalists: "An insistence causing certain disvalues (ontic, nonmoral, pre mortal evil) in our conduct does not *ipso facto* make the action morally wrong, as certain traditional formulations supposed. The action becomes morally wrong when, all things considered, there is no proportionate reason. Thus, just as not every killing is murder, not every falsehood a lie, so not every artificial intervention preventing (or promoting) conception is necessarily an unchaste act. Not every termination of pregnancy is necessarily an abortion in the moral sense’ (p. 10). Abortion, when it is the only means of saving the life of the mother, a most rare case in the developed world, is the only case where proportionalists would consider abortion as morally allowed.

Continuing in his explanation of proportionalism, McCormick notes "two of its characteristics: (1) It contrasts markedly with earlier official understanding (e.g. *Humanae Vitae*) which regarded some of the actions in question as intrinsic moral evils (i.e. under no circumstances could they be justified). (2) It touches the lives of people in very concrete ways. One may, and I do, suspect that this is why it is so strongly resisted” (*Theological Studies*, p. 11). He notes that the discussion on proportionalism has been going on for twenty-five years (ibid.). Since avoiding another pregnancy is, of course, a very serious moral choice for almost every married couple today at some point in their fertile years, we can well understand how concerned morally good people are about the problem.

DANGER OF SUBJECTIVISM

This danger is well appreciated by McCormick and other advocates of proportionalism. To offset the danger they insist that all must make their serious moral decisions as members of a believing
community wherein we learn and form our consciences (*Critical Calling*, p. 66). This does not mean that the community is always right (ibid.). History will testify to this as we all know. It means that a “realistic individual will understand the dangers of trying to discover moral truth alone. Pilgrims are imperfect even when they join hands and hearts. But none of these reflections leads to the conclusion that an act is objectively wrong because the community thinks so” (ibid.).

For McCormick moral analysis is a continual struggle to arrive at a convergence of probabilities in our value judgments, taking Christology and the Incarnation seriously, never abandoning moral reason and argument. Vatican II has repeatedly noted that the Incarnation was an affirmation of the human and its goodness, and for McCormick this “human” is one that “presently builds its moral norms, understands exceptions to them, and communicates them through a difficult discursive process known as moral analysis” (p. 67).

The second part of *Critical Calling* is concerned with “Practical and Pastoral Questions.” Applying his approach which is basically shared by most of the leading moral theologians of the world, McCormick treats of sterilization, of homosexuality with their challenging moral and pastoral problems. The major topics in the rapidly developing, ever changing world of bio-ethics are treated at length. “Genetic engineering,” the morality of discontinuing nutrition-hydration in certain cases of the dying, moral aspects of heart transplants, and the new reproductive technology (“test tube babies”) are submitted to careful scrutiny. The ethical challenge of the AIDS crisis is assessed, and the moral pastoral problems of “the Physician and Teenage Sexuality.” These are subjects he has been studying and writing about since the issues arose.

In chapter twenty McCormick spells out ten things he would like to share with physicians. In this chapter we see in a special way the priestly care and wisdom of McCormick, the fruit of over thirty years of deep concern for both the patient and doctor as moral agents in our contemporary society.

CONCLUSION

What has been discussed in this review article does not pretend
to cover all the aspects of the many controversial topics treated by McCormick. Only actual reading of the *Critical Calling* will convey the richness of argument and the erudition and wisdom of the author. His moderation and humility and respect for those who disagree with him are admirable. For anyone who wishes to know the problems and central issues in contemporary moral theology this *apologia pro vita sua* of McCormick will be a very rewarding and interesting *vademecum*, introducing the reader to the main actors and arguments in the stirring controversy that is unfolding before our eyes.