The Freedom of the Children of God

Cormac Nagle*

The goal of this essay is to seek a better understanding of the freedom of the children of God that Jesus Christ lived, taught and bequeathed to the world. To pursue this we consider briefly the meaning of independence as distinct from childish dependence and libertarianism. The essay goes on to present an overview of the teaching of the New Testament on law and freedom. Since there have been different understandings of the nature of authority in the church and especially the practical exercise of authority, we examine its history and tradition. This helps us to avoid being impaled exclusively on one or other approach, whether legalist or relativist or one burdened by a particular culture or historical circumstance.

It is important to note that an ecumenical council, Vatican II, asked for a thorough renewal of moral theology, which had become somewhat burdened with a legal rather than theological ethos. The long tradition of the church from Jesus’ teaching on can show us how to interpret in a more Christian way the ideals, norms and doctrines that guide our lives.

It is mystifying, after all Jesus said about interpreting the law in a spirit of freedom, followed by the insistence of St Paul on freedom from the law, that the Catholic Church, and Christianity in general, has at times put more emphasis on laws and efforts to restrict the freedom of the children of God. We have only to listen to the reaction of some prominent authorities in the church at the efforts of Pope Francis to return to a person-centred approach to the faith to realise how strong is this legalistic interpretation of the Gospel and the faith.

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Unfortunately, the legalistic or fundamentalist approach to the faith is still all too common amongst Catholics, both clergy and lay. It is strange how such people are all for defending authority when it fits their interpretation of law and tradition, but can reverse their acceptance of authority, even that of Vatican II, when it conflicts with their interpretation.¹ Let us go back to the basic sources of our faith, the Sacred Scripture, especially the New Testament, and church tradition. Perhaps it is summed up in Jesus’ reply to the Pharisees and lawyers: ‘The Sabbath was made for man, not man for the Sabbath’. We know the instances where Jesus spoke of freedom in face of the law and human traditions. It is important to recall them as we try to come to a fuller understanding of the freedom of the children of God.

**Dependence and Independence**

Since one of the basic sources of our faith is the human person created in the image of God, it is worthwhile to consider briefly the role of dependence and independence in helping to make us the people God intended us to be, human beings who could live up to the command to love one another as we love ourselves, persons of such great dignity that God should take on our human nature.

All of us value highly our own independence. I think most of us have come across people whose most evident characteristic is their independence. They appear self-sufficient, confident, and often untouchable, perhaps coldly detached from other people. Yet, there is a paradox here, even something amiss. For we need each other in order to be ourselves. Indeed, those people who succeed in achieving the greatest degree of independence and maturity are also those who have succeeded in forming the most satisfactory relationships with other people. ‘Independence is not the same as isolation, and no human being is in my view self-sufficient’, says Anthony Storr. ‘If such a creature as a self-sufficient human being existed, he would no longer possess those characteristics which we call human, and indeed could scarcely be said to exist as a personality.’²

Human liberation/freedom is achieved through a proper balance of independence and dependence on others. Such a balance is vital to mature love.

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¹. Some actual examples: Members of a religious association that considered itself fully ‘orthodox’ left soon after the Holy See gave them instructions to change their teaching and practices. A woman whose husband had fertility problems was told by her parish priest that she would be excommunicated if they resorted to IVF. There are extended discussions by canon lawyers in the United States as to whether you fulfil both your holy day of obligation if you attend the Saturday evening Mass on the feast of the Immaculate Conception (a holy day of obligation in the United States) and your Sunday obligation, when the feast of the Immaculate Conception falls on a Saturday. In a nearby parish the ‘temple police’ report the celebrant if he changes a word or two of the official translation of the liturgy. There is the recent report about the large number of priests in England who have reacted against any possibility of change in the church’s tradition (as they understand it) on divorce and remarriage. The examples are numerous and many are more serious than these.

That is why both fierce independence and over-dependence are regarded as poor bases for a successful marriage—or for any personal relationship, for that matter.

It seems important to begin a discussion on freedom in this vein, particularly if we are going to examine first of all Jesus’ attitude to freedom, as it helps us get away from the false notion that freedom means absolute autonomy. It can also be helpful in understanding the biblical notion of freedom. Freedom in the Bible is not the same as our dictionary definition: not belonging to any master; exemption or release from slavery or imprisonment; personal liberty. That is too negative. Freedom cannot mean complete independence, let alone from God, just as human freedom cannot mean complete independence from all other people. For then there could be no possibility of overall personal growth and, more importantly, of love.

**The Biblical Tradition**

The free person, according to the Bible, is one who belongs to God, one who freely accepts God’s place in creation, and allows God, Creator and Father, into their life.

In the biblical view we can only be free when we accept our proper place in creation according to the mind of God. When we do accept God and give ourselves to God we become free of any power that could enslave us, free of any power others could impose on us. In all circumstances of life we retain our inner freedom because we know we have committed ourselves to one who knows us, created us for ultimate happiness, and actually loves us. A good example of someone who demonstrated that inner freedom was Viktor Frankl; though he was in a concentration camp with little or no physical freedom, he could live positively (and healthily) and prepare himself to become one of the outstanding psychiatrists of the twentieth century.

The Israelites understood this from their day-to-day experience of God’s care for his people. They saw themselves as different from other nations: they had God’s good law to guide them; they had a living God, not dumb idols. This faith preserved them, freed them from the idolatry and debauchery of the pagan nations in a rather miraculous way. God preserved their faith in himself as the one true God despite the heavy influences of the other nations amongst whom they lived and who overran them from time to time.

The New Testament announces Jesus Christ as Emmanuel, God with us, and proclaims him as our Liberator par excellence. Jesus brings God into our midst, into our human lives. We get a clearer understanding of what God is like and can knowingly and freely give ourselves to him. Thus, the New Testament sees basic freedom in having the right attitude to, or relationship with, Jesus Christ.

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God’s presence amongst us, fully accepting our humanity, makes us aware of our dignity as human persons. Yet, God does not dominate us but respects our freedom to say no. Our Catholic teaching reminds us that God respects my conscience and judges my sincerity in my responsible decisions, not on what other people or institutions say is right or wrong: ‘Now the Lord is the Spirit, and where the Spirit of the Lord is, there is freedom’ (2 Cor 3:17; cf. Rom 8:12, 14-15; Matt 12:12).

Jesus tells us that because God is our Father we need not be subservient to any other master (‘call no man your father’, Matt 23:9). My dignity as a child of God, my dignity before all others, gives me a profound sense of freedom within myself and, in a proper sense, of freedom from myself as a sinner. Being concerned with such basic freedom the New Testament is not primarily interested in social freedom, freedom from slavery, from foreign domination, yet it includes freedom from all forces which enslave us in some way: forces or weaknesses that are in some way the result of sin, including sickness and death.

**Jesus’ Attitude to Freedom**

So far we have been investigating Jesus’ attitude to freedom in an oblique way by looking at the general biblical attitude that would have been part of Jesus’ culture together with the impression that the writers of the New Testament formed from their knowledge of Jesus. Now we turn more particularly to Jesus himself, to his words and actions, for some specific examples of his approach.

We have to keep in mind that Jesus’ position was unique. ‘He was led by the Spirit.’ He was certain that he possessed the Spirit of God. He spoke as one with authority, and not as the scribes and Pharisees. He knew, too, that he had a specific mission. Therefore he acted as one who knew God’s will and so judged rightly. He understood the spirit of the law of Moses and was not afraid in his practical decisions to violate what seemed to others, according to their interpretation, to be God’s will.

Even though Jesus could say, ‘if you continue in my word, you are truly my disciples, you will know the truth and the truth will set you free’ (John 8:32), we never find him coercing people into following him. He respects our dignity and the freedom that flows from it. Vatican II puts it well in the Decree on Religious Freedom, 11. As the biblical scholar Käserman noted: ‘Jesus liked to use common sense arguments; what mattered to him was agreement through understanding, not blind submission to law’.

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5. See also Vatican II Council, *Gaudium et Spes*, Pastoral Constitution on the Church in the Modern World, 16.

6. ‘God calls men to serve him in spirit and in truth. Hence they are bound in conscience but they stand under no compulsion.’ The whole paragraph is instructive on the spirit of freedom and human dignity. Citation from Walter M. Abbott, ed., *The Documents of Vatican II* (Baltimore: Angelus, 1966).

Hence, when John the Baptist sends his disciples to ask, ‘Are you he who is to come, or shall we look for another?’ Jesus answered them by simply pointing to his works. ‘Go and tell John what you hear and see’ (Matt 11:3-4). In other words, let John decide for himself; he is a man of God and will judge rightly and in freedom from prejudices. After Jesus had upbraided the cities where he had done mighty works for their lack of faith, Jesus was content to offer what he had to give of himself to draw people to him. ‘Come to me all who labour and are heavy laden’ (Matt 11:28ff.).

Everyone who has faith in Christ and takes to heart his great commandment, love God with all you have, and your neighbour as yourself, will share in his freedom.

We see Jesus’ attitude in his confrontation with the Jewish leaders. His contention with the Pharisees and lawyers was not that they claimed to keep the law and he didn’t. His argument against them was twofold. First they claimed that by observing the law of Moses they could demand salvation from God by way of covenant or contract with God, for they were the children of Abraham. Jesus defended God’s freedom to choose whom he will: ‘Do not begin to say to yourselves, “We have Abraham as our father”; for I tell you, God is able from these stones to raise up children to Abraham’ (Luke 3:8). Second, Jesus claimed that of themselves the Pharisees and lawyers were not even free to observe the law. In fact, none of you observes the law, he said to them. You are burdened by sin; you cannot find in yourselves the power to observe the law which you claim is your salvation. I am the only one who can set you free from your sins and so give you the ability to observe the law. In other words, you have no possibility of keeping the law that you so prize unless you first of all abandon yourselves to God and your neighbour. Then God will give you the grace and freedom to carry out his will (cf. John 8:31-37; Luke 11:42 ff.).

On the other hand, Jesus, because he always did the will of him who sent him, was free to observe and bring the law to perfection. Let us examine some examples. We note how the Pharisees criticised his disciples for picking ears of grain on the Sabbath as they walked through the fields, a nonchalant and enjoyable exercise. How it was misinterpreted to mean work! And Jesus’ marvellous response: ‘The Sabbath was made for man, not man for the Sabbath’ (Mark 2:27). Then, the case of the healing of the man with the withered hand. Why should he have to suffer another day when Jesus could heal him there and then, as if God’s mercy was tethered on the Sabbath, which was created in the first place for our enjoyment of God’s creation?

See how Jesus, in his freedom from prejudice and fear of consequences upon himself, looks beyond the letter of the law (God’s law through Moses, mind you) to an understanding of the Father’s intentions and our needs—to respecting human dignity above other considerations.

Jesus’ actions showed him as free from the accepted opinions of experts when the will of his Father was clear. Thus, he could demand a stricter
observance of the law in the question of divorce. Confronted with the two theories then current: divorce for any cause, that is, at the whim of the husband, or divorce only in the case of adultery, he refers not to the authorities but to God’s plan: ‘Have you not read … and the two shall become one’ (Matt 19:4ff.). Both opinions are wrong since divorce as you understand it is not according to the plan of the Creator—a reply that shocked even his disciples.

There is another situation in the Gospels where Jesus himself is actually free from what was otherwise a legitimate demand of the authorities, the temple tax. Jesus was Son of God—he even included Peter as a son of God here—and had no need to signify his adherence to worship of God by paying the temple tax. However, since his refusal would have been difficult for the authorities to understand, Jesus felt free to pay to avoid scandal—that people should think he might be saying there is no need to pay just taxes.

Because Jesus always does the will of the Father he is free to ask the Father for whatever he needs, knowing that, as he said at Lazarus’ grave, the Father always hears his prayers. He is free enough to ask that Lazarus return to life and not regard it as presumption. Jesus’ attitude is not that of having freedom for freedom’s sake, but, being free from all other constraints, such as sin, he can always seek first the kingdom of God.

The Implications for Us Who Have Received the Spirit of Christ

The freedom that Jesus possessed belongs to all who have faith in him. ‘If the Son sets you free you shall be free indeed’, he promises. In Paul’s terminology, all who have put on Christ are free (cf. Gal 3:23ff.). We shall all share in Christ’s freedom insofar as we know him and entrust ourselves to him. That, naturally, is the rub. For we fear, as we do in our human relationships, that if we give ourselves to Christ we will lose some of our independence. Yet, whatever may be the risk in human relationships, entrusting ourselves to Christ is different. He can never be unfaithful, never let us down. Such absolute faithfulness on his part can only strengthen our awareness of our own freedom and initiative.

However, we need to remember that Christ is unique. We are not Jesus, and our freedom will be limited by our sinfulness. We will not fathom God’s will as clearly as he did. Nevertheless, Christ has sent the Holy Spirit into our hearts and he himself is present in his body, the church.

St Paul is a good example of a faithful follower of Christ who believed profoundly in his freedom because he had the Spirit of Christ—so much so that he could state: ‘All things are lawful for me, but not all things are helpful’ (1 Cor 6:12). Although the Lord had given a clear instruction on divorce in the context given him by the Pharisees, Paul, a person who had really put on Christ, could feel free to adapt the spirit of that teaching and the situation in which it was given to the circumstances of his apostolate and allow divorce and remarriage in his
famous ‘Pauline Privilege’, which the church tradition fully accepted. In fact the church herself has dissolved every marriage bond, all true natural marriages, except the *ratum et consummatum* (consummated marriage between two baptised entered into according to the church’s prescribed form).

Paul’s letter to the church of Galatia upbraids the Galatian Christians for wanting to return to the observance of the law to justify them instead of placing their faith and acceptance by God in Christ, Christ’s teaching and the freedom it offers them.\(^8\)

If we could only realise that the same freedom is ours, that God accepts us, respects our dignity and therefore our freedom, we would be free to do all that is in accordance with the Great Commandment; we would be free to form our conscience, to think and ponder our faith without fear of losing it; we would be free to follow our conscience, and make difficult decisions, human decisions, fallible decisions, and abide by them in peace with ourselves and God. We would have the strength to follow our principles before other people without respect for persons.

Hopefully, the following pages will expand this in some detail as we examine how to interpret the sources of our faith according to the tradition of the church.

**History**

We see strong efforts against legalism, and restriction of personal freedom, from the early days of the church with the debate and discussion in the Council of Jerusalem as to whether the Gentiles were bound to observe the law of Moses. Peter’s words sum up the council’s decision to free the Gentiles from the observance of the law of Moses: ‘Now therefore why do you make trial of God by putting a yoke upon the neck of the disciples which neither our fathers nor we have been able to bear? But we believe that we shall be saved through the grace of the Lord Jesus, just as they will’ (Acts 15:10-11; cf. Acts 10:9-48). This collegial or assembly approach continued throughout the apostolic age as Pope Leo the Great witnessed with his statement that the bishop who is to be placed over all should be elected by all (Eph 10).

A change came about with the conversion and ‘peace’ of the Emperor Constantine, when the church began to absorb the trappings of institutional government. Constantine was the Pontifex Maximus with power to enforce authority in a worldwide empire. Law and governance in the church became centralised, and with centralisation control was taken gradually from local community. Here were the beginnings of more formal institutions and the use of

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power to enforce authority. It is noteworthy that the seven ancient ecumenical councils were convoked by the emperor.

*By the time of Charlemagne Christianity had become in the main a Roman institution,* with the development of canon law, the Roman liturgy, and the Benedictine monastic rule. ‘Christianity became almost indistinguishable from Romanitas’; lay dominion with investiture or property rights over churches was spreading (800–late 1400s).

*The Gregorian Reform (1073–85) saw the return of power to the church,* but not to the people, as Roman centralisation strengthened. Rome elected more bishops, with the pope becoming an absolute monarch, and similarly so the bishop in his own diocese.

Unfortunately, as a reaction to the Protestant Reformation the church through the Council of Trent returned to a more rigid, defensive and legalistic approach to the faith which continues to the present time. We need only note the Inquisition, the condemnation of modernism, the Syllabus of Errors, and the condemnation and exiling of some great Catholic biblical scholars, and many theologians, some of whom have only more recently been exonerated.\(^9\)

We are used to hearing the term ‘magisterium’ as the ultimate authority of the normal teaching of the church. But what exactly is the magisterium? The word itself comes from the Latin meaning ‘master’ or ‘teacher’. It was used in the church down the ages until about 150 years ago to signify the *position of teaching* which applied to bishops, the pope, and many others in the church who were either priests or laypersons. In fact the teachers at the councils were mainly theologians, and the ‘doctors of the church’ include many who were not bishops or popes.

It was a different understanding from that which seems to have been appropriated today by official documents, namely, a centralised and personified entity, applying particularly to the pope and Roman congregations. This latter day interpretation coincides with the introduction of what we call ‘encyclicals’, more solemn teaching of the popes. Murray notes that ‘the *magisterium* language of recent times suffers from a certain unreality, especially if we are told that the (personified) “Magisterium” controls all the Church’s teaching, or that Scripture must be interpreted only under the guidance of the “Magisterium”, for every theologian knows that neither Rome nor the whole episcopate either does or can control or direct everything. The fact is that the “Magisterium” in this sense does not need to; that is not its function’.\(^{11}\)

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‘The government of the Church has functioned through a variety of structures in the course of history. It has adopted features of the feudal state, the absolute monarchical state, the army and the corporation. The administrative structure, however, is not authority, but the instrument of authority.’

The point we need to emphasise is that the church down the ages has used various structures of power to enforce authority. The structures themselves are not canonised. Vatican II tried to change the policy from monarchical to hierarchical, which if understood rightly is a quite different attitude. The council placed great emphasis on the return to the Bible as a more fundamental source for human conduct, and to respect for the dignity of the human person, including respect for conscience, where one is alone with God.

Before Vatican II the axiom ‘error has no rights’ held sway. The deliberations of the council moved the emphasis to the person: even if error has no rights, persons have rights.

**The Renewal of Moral Theology**

Even before Vatican II there was a move, especially by some German theologians, to reposition the approach to moral theology from a mainly pastoral preparation for confessors to its original place, integrated into theology in general. The goals were:

- the positioning of moral theology within the greater field of theological renewal and the interaction this demands
- an application of proper scriptural interpretation instead of the use of proof texts to indicate the scriptural basis for teachings

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13. Consider the following from *Gaudium et Spes*, 16:

In the depths of his conscience man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience can when necessary speak to his heart more specifically: do this, shun that. For man has in his heart a law written by God. To obey it is the very dignity of man; according to it he will be judged. Conscience is the most secret core and sanctuary of a man. There he is alone with God, whose voice echoes in his depths. ... Conscience frequently errs from invincible ignorance without losing its dignity. The same cannot be said of a man, who cares but little for truth and goodness, or of a conscience which by degrees grows practically sightless as a result of habitual sin.

And the following from Vatican II Council, *Dignitatis Humanae*, Declaration on Religious Freedom, 3:

On his part, man perceives and acknowledges the imperatives of the divine law through the mediation of conscience. In all his activity a man is bound to follow his conscience faithfully, in order that he may come to God for whom he was created. It follows that he is not to be forced to act in a manner contrary to his conscience.

Citations from Abbott, ed., *Documents of Vatican II*. Note the transcendent and immanent aspects of conscience in the above quotes. Conscience reaches out to God (since there one is alone with God)—the transcendent aspect. At the same time conscience remains the personal arbiter of good and evil—the immanent aspect.
• a critical approach to general principles and their renewal because of the enormous task of coping with the advance of science, technology, and the social disciplines such as psychology and sociology

• a practical awareness of diverse cultures along with the vast cultural changes including strengthening individualism, a more open approach to sexuality and sexual freedom, the changing status of women, worldwide travel and work opportunities, the communications revolution etc.

• a change of method from an authoritarian and deductive one to a more concrete and inductive one.

Naturally, the renewal of moral theology in such a changed cultural milieu brought with it its own problems, not the least of which was confusion and a loss of that certainty that had existed under a more authoritarian climate. As noted above, we see a similar reaction today against Pope Francis’ efforts to re-establish a more human approach to the law and to the interpretation of some doctrines. At the same time it is clear that a simple appeal to love as the only criterion of morality is too general in itself to be the practical norm governing human life and mores. Our world is infected by sin. We need law and detailed application of that fundamental norm to guide us in living truly humanly, and for our own protection. This is where difficulties can arise: a dichotomy between legalism and fundamentalism, and the other extreme of liberalism and relativism.

We have seen the teaching and approach of Jesus to the law, followed by that of St Paul. Let us look now at authentic ways of interpreting the official teaching of the church authorities guided by the wisdom of some theologians. Hopefully, such reflection will help us to grasp the freedom of the children of God which the Creator has offered to us in Jesus Christ.

Interpreting Church Teaching and Laws

St Matthew tells us (Matt 1:19) that Joseph, espoused to Mary, was a ‘just’ man, that is, he was a person of faith who carefully observed the law. However, when it came to observing the strict letter of the law, a public tribunal appearance and judgement, Joseph took the less rigid option and decided to divorce Mary quietly or informally. We recall that Matthew was writing for Jewish converts struggling with reconciling observance of the law and the teaching of Christ: ‘You have heard it said in the past ... but I say to you ...’ Joseph is a great example for Matthew to put before his audience.

There are many treatises, formal instructions of Roman congregations, addresses of popes to the Roman Rota, along with condemnations of errors of theologians and dissident groups presented to guide us in our daily life of faith. It is not necessary to list them all or examine their content here. We can, however, peruse some important guidelines that church authorities and
Theologians offer to assist us in interpreting doctrine and law that will help the children of God to understand the freedom and dignity given them by Christ.\textsuperscript{14}

One important guide to interpretation is that of the Vatican declaration (from the Congregation for the Doctrine of the Faith), \textit{Mysterium Ecclesiae (The Mystery of the Church, 1973)}, which notes that we must take into account the influence of historical conditioning and culture, presuppositions, concerns of the time (solving particular questions), thought categories of a given epoch, available vocabulary of the time. That is, there are many variables in any statement of doctrine that must be taken into account before we can be dogmatic about the meaning of a law or teaching. Scripture scholars are well aware of such influences on meaning. The then Cardinal Ratzinger underscored the unfortunate consequences of a dogmatism that ignores these influences in an article he wrote on the condemnation and exiling of some great Catholic scriptural scholars. He pointed out how wrong and harmful to both Scripture scholars and the church were the decrees of the Consistorial Congregation (\textit{De quibus commentariis non admittendis}, 29 June 1912) and the Biblical Commission in the first half of the twentieth century. ‘The pure objectivity of the historical method does not exist. One cannot simply eliminate the philosophical hermeneutical method.’ Ratzinger cites a scientist: ‘In the area of natural science, Werner Heisenberg posited his uncertainty principle: our knowledge is never purely objective but is always conditioned by participation of the subject, where the subject stands in relationship to the question and the subject’s ability to perceive. Of course, where human beings are concerned or where the mystery of God makes itself visible, all of this is even more important’.\textsuperscript{15}

Teachings on doctrine and morals are not solely the preserve of formal ecclesiastical authority. The International Theological Commission, in a document approved by the Congregation for the Doctrine of the Faith in 2014, makes this clear:

The importance of the \textit{sensus fidei} in the life of the Church was strongly emphasised by the Second Vatican Council. Banishing the caricature of an active hierarchy and passive laity, and in particular the notion of a strict separation between the teaching Church (\textit{Ecclesia docens}) and the learning Church (\textit{Ecclesia discens}) the Council taught that all the

\textsuperscript{14} Cf. e.g. Congregation for the Doctrine of the Faith, \textit{Instruction on the Ecclesial Vocation of the Theologian} (24 May 1990); Pope Francis’s address to the judges, lawyers and officials of the tribunal of the Roman Rota, Vatican City, 23 January 2015, where he begins: ‘On this occasion, I would like to reflect on the human and cultural context in which the matrimonial intention is formed’; International Theological Commission, ‘\textit{Sensus Fidei} in the Life of the Church’ (2014), \url{http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20140610_sensus-fidei_en.html}, accessed 2 May 2015.

\textsuperscript{15} Joseph Ratzinger, ‘100 Years: The Magisterium and Exegesis,’ \textit{Theology Digest} 51, no. 1 (2004): 3–8, at 5 and 7.
baptised participate in their own proper way in the three offices of Christ as prophet, priest and king.\textsuperscript{16}

The International Theological Commission’s document \textit{Theology Today: Perspectives, Principles and Criteria} (29 November 2011), approved by Cardinal Levada, prefect of the Congregation for the Doctrine of the Faith, stated in no. 34:

The nature and location of the \textit{sensus fidei} or \textit{sensus fidelium} must be properly understood. The \textit{sensus fidelium} does not simply mean the majority opinion in a given time or culture, nor is it only a secondary affirmation of what is first taught by the magisterium. \textit{The sensus fidelium} is the \textit{sensus fidei} of the people of God as a whole who are obedient to the Word of God and are led in the ways of faith by their pastors. So the \textit{sensus fidelium} is the sense of faith that is deeply rooted in the people of God who receive, understand and live the Word of God in the Church.\textsuperscript{17}

And in no. 36: ‘Attention to the \textit{sensus fidelium} is a criterion for Catholic theology. Theology should strive to discover and articulate accurately what the Catholic faithful actually believe’.

Proper interpretation based on, for example, the commonsense norms given by the Vatican declaration cited above and the accepted scientific approach to the Sacred Scriptures is absolutely necessary if we are to understand the Word of God and the doctrines of our Catholic tradition. A purely literal approach and simplistic legalism have no place here, for they respect neither the otherness and profundity of the wisdom of the Spirit or the dignity of the people made in the image of God.\textsuperscript{18}

\textit{It can be helpful to examine also the wisdom of theologians} faced with the practical implementation of church teaching and tradition along with the norms of interpretation built into our canonical tradition. What Richard McCormick said some years back sums up a more human perspective:

I have the unavoidable impression that some more fundamentalistic Catholics are more concerned with defending past formulations than in critically testing them in new circumstances.

A significant number of theologians have therefore found these arguments (in official documents) insufficient to establish the absolute prohibition of direct sterilization. Such arguments either beg the

\textsuperscript{16} International Theological Commission, ‘\textit{Sensus Fidei}’, no. 4.
\textsuperscript{17} \url{http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_doc_20111129_teologia-oggi_en.html}, accessed 2 May 2015.
question—by assuming what is to be established, that is, that sterilization is always a moral evil—or absolutize a biological aspect of the human person by equating the unequatable: human life and the sources of human life. Depriving a person of life is one thing; depriving oneself of the power to procreate is a remarkably different thing and ought not to be treated in an identical way ethically.\textsuperscript{19}

Traditionally, Catholic moral theology has listed three ‘fonts’ or basic facets for judging the morality of an act, namely, the object, the end (intention) and the circumstances. The three taken together help us to decide the morality of the action, be it internal or external.

Let us plumb the meaning of the ‘object’ since all too often it is understood to be simply the material or physical thing done. This is a crude simplification of what has been traditionally taught. Certainly, the physical or external act is part of the object; but the term ‘object’ in moral theology means much more. It is not just the material object, such as killing, taking what belongs to another, which decides the morality. The object is fundamentally your internal act, what you intend to do. This basically decides where you stand morally. At the same time the external act is an important part of the object. Above all we need to know exactly what we are intending and why.

It is difficult to understand how the tradition became skewed. Perhaps it came about because of the legalistic atmosphere that has prevailed over the past hundred years or so. If we go back to St Thomas Aquinas’s time we get the original meaning of object, and objective morality. James Keenan, SJ, notes:

\textit{St Thomas insists that the primary concept in moral theology is the object} … This is perhaps surprising since we often associate morals with \textit{acts}, e.g. acts of lying, acts of contraception, acts of homosexuals etc. But for Thomas ethics is about objects.

In English the word ‘object’ is like the phrase ‘subject matter’; object is something conceptual, rather than physical. For Thomas the object as first found is the intention or as he also calls it the internal act and then later in the external act … But the meaning of your external action is derived from the object of your internal act … [Thomas] wants us to realise that what we think, what we intend, what we engage as our purpose is really what we must measure morally.

If the intention is wrong, then the external act will be wrong. If the intention is right, then for the external act to be right it must be a ‘fitting’ or ‘appropriate’ expression of the intention. If it falls short,

\textsuperscript{18} It would seem to me that the March 2015 protest of five hundred English priests against any change in the church’s tradition on marriage norms reflects just such a failure to understand the nature of the biblical teaching, the church’s tradition and their proper interpretation.
then, though the intention or internal act is right, the external act is wrong.\textsuperscript{20}

The well-respected manualist tradition theologian, Henry Noldin, SJ, who was studied in seminaries up till Vatican II, said: ‘All those things pertain to the object of the act that constitute its \textit{substance}, viewed not physically but \textit{morally}; furthermore, all those things constitute the substance of an act which are so essential and necessary to it that if something is lacking or added, the act is different. Thus, the object of theft is someone’s property taken against his reasonable will; for if the thing is not someone else’s, or is taken with the owner’s consent or not against his reasonable opposition, it is not theft’.\textsuperscript{21}

The pre–Vatican II moralist, Heribert Jone, OFMCap, offered a similar statement: ‘\textit{An external act} probably takes its entire moral value from the interior disposition and, therefore, in itself has no influence on the goodness or badness of the action. Accidentally, however, it generally does influence the moral value of an action, since by it the inner act is often repeated, is of longer duration and gains added intensity, and also because the external act may serve to either edify or scandalize others’.\textsuperscript{22}

\begin{itemize}

If one adopts an objectivist ontology, one will have to hold that an act of intercourse with a condom is in itself morally evil, precisely because, in this view, the moral quality resides in the separate object itself. There are two other possibilities within the tradition. One could adopt another ontological model, namely one which would allow the view that the act of intercourse, using a condom, is in itself morally neutral. But this would mean accepting the view which regarded objects as inhabiting a morally neutral world. One could adopt a view analogous to that of St. Thomas, in which the moral status of an act is not imposed on it by a separate object, but is given rather by the proportion of the act to its end, and where that proportion itself is good if it embodies a relationship which reflects the interrelatedness of the one world, which is itself a manifestation of the divine goodness. Or, finally, one could accept all these views as probable.

Many today make a terminological distinction between \textit{moral goodness} (or \textit{moral wickedness}) of the person and the \textit{moral rightness} (or \textit{moral wrongness}) of acts. As we have said, only the interior morality of the person is morality in the proper sense of the word. The morality of the acts as such is, rather, morality in an analogous sense—because it is measured not by the attitudes of the person but by the fittingness of the acts to the good of the person and of his world. The rightness (or wrongness) of the acts is, however, analogously termed moral, because the person, in order to be morally good, must endeavour to become incarnate only in right acts in the human world.

\end{itemize}
The Declaration on Euthanasia from the Congregation for the Doctrine of the Faith offers a fine example of Catholic teaching on the preservation of human life. The instruction makes it quite clear that we are bound to take ordinary or proportionate means to preserve our life and health, but we are not bound to take extraordinary or disproportionate means; we must balance the benefits and the burdens for the person in each case. It offers a very balanced approach as it takes into account the sacredness of human life in the reality of the human situation and faith in life after death.

Heeding what theologians teach about the ‘object’ will assist us in avoiding a narrow and erroneously restrictive approach to important and practical decisions that the faithful have to face daily. Examples that come to mind among others are: indirect sterilisation, ectopic pregnancies and their cure by surgical or chemical means, the use of condoms to prevent viral infection, perinatal screening, cooperation issues. Too often we hear the criticism, ‘the Catholic Church is so negative’.

There are some who almost shudder when canon law is brought into the discussion. And yet canonical jurisprudence offers some fine principles of interpretation respecting the freedom of the children of God. Some examples: canon law follows the spirit of the Gospel when it embraces the Roman Rules of Law, ‘Odiosa sunt restringenda; favorabilia sunt amplianda’. That is, when the law is restrictive of freedom you interpret it narrowly to include only those cases which can be definitely included under the law. If it is a matter of something favourable then you extend the law to include everything that might come within range, or as the Code has it in canons 36, 37: acts imposing penalties must be strictly interpreted, and all others widely interpreted. Consider another wise rule from the Rules of Law: ‘Summum ius, summa iniuria’ (If you pursue the law to its limits you will bring about the greatest injury—injustice). Vatican II summed up such an approach with: ‘It remains each man’s duty to preserve a view of the whole human person, a view in which the values of intellect, will, conscience, and fraternity are pre-eminent. These values are all rooted in God the Creator and have been wonderfully restored and elevated in Christ’.

Since our laws created by human beings cannot cover every possible situation the principle of epikeia helps to guide us through moral dilemmas. The principle calls for human wisdom in applying general moral and legal principles to situations not directly covered by laws and specific moral norms. Then, the last canon of the Code (c. 1752) reminds us to observe always canonical equity, keeping in mind the salvation of souls, which in the church must always be the supreme law. Clear-cut answers are not always available. Wisdom and the virtue

23. For detail see Congregation for the Doctrine of the Faith, Declaration on Euthanasia, 5 May 1980.
24. ‘Odia restringi et favores conveniunt ampliandi; in poenis benignior est interpretatio facienda.’ Regulae Iuris in Libro sexto Decretalium, 15 and 49.
of prudence need to be sustained by the grace of the Holy Spirit through reflection and prayer.

**Conclusion**

Those of us who learnt our faith and then our theology in the pre–Vatican II era are well aware of the inhumanity of the often fundamentalist and legalist approach of the church at that time. Unfortunately, as Pope Francis reminds us in a number of his addresses, the church is still not free from those attitudes. We smile at the anecdotes about the number of mortal sins that a priest could commit by not observing the rubrics while celebrating Mass. Mortal sin meant that you had lost the grace of God and if you died in that state you would go to hell. There were so many instances of such mortal sins: missing Mass on Sunday without a valid excuse, breaking the Lenten fast, breaking the Eucharistic fast (taking food or drink after midnight and receiving Communion), no parvity of matter where sexual sins were concerned (every sexual sin, no matter how small, was always a mortal sin). Then, mixed marriages had to take place in the sacristy and not in the body of the church (what an affront to the dignity of the persons espousing themselves, their family and friends); so, too, the prohibition of attending liturgical services of close friends in other Christian churches. One has only to follow the contents and sequence of subjects in the older moral theology manuals to see how closely they followed the Code of Canon Law instead of moral theology being seen as an integral part of theology itself, as the great medieval theologians conceived moral theology.26

St Paul deserves great praise, but also deep sympathy, for his courageous but painful efforts to deal with the almost impossible task of respecting the law as gift from God at the same time as demonstrating that the person and teaching of Jesus had subsumed the law and its interpretations. This essay has tried to show that the same spirit of freedom preached by the Spirit of Jesus has continued in the tradition of the church’s teaching, though suffering at times from an unbalanced subservience to the letter of the law. ‘Oh senseless Galatians! Who has bewitched you?’

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