Rahner’s Ethics: Critical Natural Law in Relation to Contemporary Ethical Methodology

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My purpose in this reflection is to juxtapose the kind of “natural law” ethical reasoning that I have found in Karl Rahner’s theology to the general approach of analytic philosophy. I am assuming that the latter, so influential among religious ethicists, consists in a sustained effort to elaborate internally consistent modes of reason giving, which are distinguished sharply from one another so that confusion can be avoided. An example of such analytic procedure would be the dichotomy between deontological and teleological modes of argument for the goodness or badness of a proposed course of action. The application of such a distinction to a particular issue, population control, exemplifies the uses that such analytic ethical theory can have in the framing of practical moral arguments. As I interpret Rahner’s writings (he himself does not deal with the relationship of his approach to that of analytic philosophy in a systematic way), a resolution of such sharp dichotomy as that between teleology and deontology can eventually be suggested. Such integration, as I believe Rahner’s approach demands, may enrich both the theory and the use of analytic modes of ethical argument, and it may also highlight the critical self-awareness which “natural-law” versions of ethical theory and moral theology or philosophy ought to cultivate.

1. This dichotomy between internally consistent (from a logical point of view) ethical arguments, which are denominated “deontological” and “teleological,” I take to be well exemplified by William Frankena, Ethics, 4th ed. (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1973), pp. 1-60.

2. I take this issue as an example because there is available a succinct summary of the analytic modes of argument with the application of a “mixed deontological mode” of argument to the population problem, all in explicit dependence upon Frankena’s work, in Daniel Callahan, Ethics and Population Limitation (New York: Population Council, 1971).

3. I am basing these interpretations on a detailed study of the method and content in Rahner’s ethics. See James F. Bresnahan, S.J., The Methodology of “Natural Law” Ethical Reasoning in the Theology of Karl Rahner and Its Supplementary Development Using the Legal Philosophy of Lon L. Fuller (Ph.D. diss., Yale University [Ann Arbor, Mich.: University Microfilms, 1972, no. 72-29520]). The completion of this project by detailed analysis of how the analytic dichotomy can be resolved must be postponed to a separate article.

4. I am encouraged to attempt to lay the basis for such an integrative suggestion which
As a preparation for more detailed development of such an integrative suggestion, then, the following account of Rahner’s approach to ethics will aim only at making his version of natural law less vulnerable to misunderstanding.

Because I am in sympathy with Rahner’s philosophical starting point for ethics (including its theological authorization), I am concerned with establishing the basis for a conversation between Rahner’s kind of thinking, with its frankly metaphysical approach, and the topics and methods which preoccupy our attention in North American university circles; yet, at the same time, I find it necessary to attend to analytic modes of ethical argument. In this situation, I find myself confronted by an unresolved strangeness separating these approaches—a chasm in discourse. This chasm implies an as yet undiscussed difference in presuppositions between Rahner’s and the analytic ethicist’s starting points. But, I do not believe that the challenge to bridge this gap can be resolved by mere confrontation of theories. I think that mutual harmonies on the level of application to moral analysis of concrete issues will prove a more fruitful basis for dialogue. Before the search for such harmonies can go forward, the vulnerability of Rahner’s approach to grave misunderstanding must be given some therapeutic attention.

In order, then, to forestall fundamental misconceptions about the content and the method of Rahner’s approach to ethics, I am first going to clarify the most basic intentions of Rahner’s version of “natural law.” Second, I shall focus on the nature of obligation, as Rahner understands it, since this explains the way in which entailment in ethical argument will be understood within this approach. Obligation, however, includes the way in which entailment in argument is based upon an epistemology of “nature,” and that will be included as one dimension of the exposition of obligation. All of this will form the basis for future, more detailed discussions of particular issues, both in individual and in social ethics, which will relate Rahner’s approach in ethics to that of linguistic analysis.

**Preliminary Clarifications Concerning the Critical and Personal Characteristics of Rahner’s Version of Natural Law**

One encounters special problems in attempting to relate a frankly metaphysical approach in ethics to mainstream analytic positions. On the one hand, a “natural-law” ethics such as Rahner’s may appear hardly recognizable, even wholly spurious, to those metaphysicians who have

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does not simply level the charge of reductionism against the analytic approach by a somewhat similar effort to indicate how inclusion of the moral within the religious can be related to analytic procedures in ethics. See James M. Gustafson, “Religion and Morality from the Perspective of Theology,” in Religion and Morality, ed. Gene Outka and John P. Reeder, Jr. (Garden City, N.Y.: Doubleday & Co., 1973), pp. 125-54.

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37
not accepted the appropriateness of studying "being" with explicit attention to Kant's "turn to the subject"—who continue to engage in an objective, rather than critical or transcendental, metaphysics. Rahner's "natural law," however, constitutes but one dimension of that "transcendental Thomism" which he develops (within an explicitly theological perspective) under the inspiration of Joseph Marechal's seminal work. Thus, for instance, to the extent that Rahner's way of doing ethics based on metaphysics can be characterized as "critical natural law," it will not easily fit within A. P. d'Entreves's account of the matter (to take a particularly helpful theoretical-historical reconstruction of the tradition). On the other hand, a transcendental natural law such as Rahner's, in spite of its indebtedness to Kant, Hegel, and Heidegger and with its resulting attempt at a critical retrieve of traditionally objective metaphysics, may easily be misunderstood by analytic thinkers as but another form of obscure misuse of language, undisciplined with respect to an analytic ideal which cultivates clarity through distinctions and "empirical verification." Preliminary clarifications, therefore, are required to extricate Rahner's critical natural law from the more obvious

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6 A. P. d'Entreves, *Natural Law: An Introduction to Legal Philosophy*, 3d ed. (London: Hutchinson Publishers, 1970). This work evidences a tension, admirable though not fully explicit, between the author's awareness of natural law as a method of reason in ethics and jurisprudence, on the one hand, and his dutiful respect for a traditional emphasis on given content, e.g., the primary and secondary precepts of natural law, on the other hand.


8 Stephen Toulmin speaks of the "irrelevance of the analytic ideal" in *The Uses of Argument* (Cambridge: Cambridge University Press, 1964), pp. 248-53. He is discussing the propensity to demand a particular kind of entailment where it is not appropriate; he is not, of course, dealing with metaphysics and metaphysical ethics as fields where this analytic ideal is out of place. This problem of an analytic misinterpretation of natural law (though not including Rahner's brand) is present in Kai Nielsen, "The Myth of Natural Law," in *Law and Philosophy: A Symposium*, ed. Sidney Hook (New York: New York University Press, 1964), pp. 122-45.
kinds of misinterpretation, both by metaphysicians and analytic thinkers.

The first, most general, clarification bears on the claim of Rahner's version of natural law that it is critical in a Kantian sense. I would observe, initially, that Rahner is dealing with a precisely metaphysical answer to the question posed by James Gustafson—"What is the normatively human?"9 Gustafson does not himself enter the metaphysical arena; rather, he elevates to awareness the multiple questions implicit in that question about the meaning of a normative use of "human"—questions which press the need for an explanation of the unavoidable reference of this normative human to empirical and descriptive meanings of human. Rahner's ontology offers a way to understand the nature and the conditions of possibility of that unavoidable reference; as will be seen, his ontology attempts to construct an understanding both of the content of that unavoidable reference and also of the method for an ongoing elaboration of that content. But, this metaphysical answer to the question of the normatively human treats what traditional Thomism calls "constitutive principles of being"—such as "essence" or "nature" in natural law—differently than do the larger number of exponents of that tradition. It is the self-conscious "spirit in the world,"10 the self-disposing "person in the world,"11 or subjectivity, in a Kantian sense, that one seeks to subject to explanatory understanding by talk of "con-

10 The cognitive dimension of man is the subject matter of what Rahner calls Erkenntnistheosophie, which employs Thomist metaphysical categories with explicit development of their subjective content, in Spirit in the World, trans. William Dyck, S.J. (New York: Herder & Herder, 1968), an excellent rendering of Geist in Welt: Zur Metaphysik des endlichen Erkenntnisses bei Thomas von Aquin, rev. Johannes Metz, 2d ed. (Munich: Kösel, 1957). Thus, when developing his ontology in reference to the cognitive aspect of human conscious activity, Rahner tends to employ the term "spirit," with "in the world" as a modifier emphasizing the always necessarily bodily (i.e., sense) aspect of this subjectivity.
11 The appetitive dimension of man becomes more explicitly the subject matter of Rahner's ontology in Hürer des Wortes: Zur Grundlegung einer Religionsphilosophie, rev. Johannes Metz, 2d ed. (Munich: Kösel, 1963), although this appetitive dimension is considered in relation to a problem of cognition—the possibility of God's revelation to man as "spirit in the world." To the extent that Rahner's ontology focuses on freedom (as conscious self-disposal), elements of traditional Thomist metaphysics are given their subjective content in what might be called a Freihheitsmetaphysik (though Rahner does not use this term). When developing his ontology in reference to the appetitive aspect of human conscious activity, Rahner tends to use the category "person"; this person is not merely transcendental but self-disposal is always necessarily to be seen in terms of "historicity" (Rahner's term in Hürer des Wortes) and thus should be qualified as "person in the world" (though Rahner does not use this term). Thus, the traditional Thomist metaphysical categories such as nature (or essence) have a reference to "spirit-person" and a content that is explicitly subjective in the Kantian sense. It is to be noted that an English translation of Hürer des Wortes has been attempted, but that it is not only unsatisfactory but positively misleading. A French translation, both accurate and enlightening in that it includes a comparison of Rahner's first edition with Metz's second edition, should be consulted. Karl Rahner and J. B. Metz, L'homme a l'écoute du verbe: Fondements d'une philosophie de la religion, trans. and ed. Joseph Holbeck (Paris: Maison Mamre, 1967).
stitutive principles of being.” While such a project, therefore, continues to employ traditional metaphysical categories, it claims that these have a fuller, explicitly subjective, meaning because Kant’s critical method has been pushed beyond Kant’s own use of it. To locate the conditions of possibility of the content (Begriff) of object-oriented thinking and willing was not sufficient; the completion of Kant’s “turn to the subject” is found by asking after the conditions of possibility of object-oriented thinking and the deciding activity of a self or subject precisely as performance (Vollzug). This founds a metaphysics which is also explicitly an anthropology—thus, in a sense, derived from Heidegger, an “ontology.”

Without attempting any more elaborate exposition of the way Rahner’s metaphysical project undergirds his ethics, I would suggest that unfamiliarity with the thrust of this project and the terminology employed in it appears to be the chief source of difficulty experienced by many who attempt to read Rahner’s theological writings sympathetically. For present purposes, which are ethical, it is enough to note that Rahner’s critical metaphysics or ontology provides a starting point from which he criticizes pre-Kantian Scholastics because their conception of nature was excessively objective. By that Rahner means that human nature was treated as if it were not decisively different from what it meant by nature in infrahuman entities (such as animals). “Nature” is “essence” considered precisely in relation to characteristic activity of the being. The older conception treated human nature in an excessively “cosmicentric” way, as if it were but another kind of static determinant of activities and as if there were not a decisive difference in the way nature is related to conscious self-possession (knowing) and self-disposal (freedom) uniquely characteristic of man as “subject.”

Bernard J. F. Lonergan, in a review of Coreth’s Metaphysics, speaks of a use of transcendental method by Coreth “which cannot occur in a Kantian context” because, whereas Kant “envisages an Ich denke (I think) as a formal condition of the possibility of objective contents being thought, still he cannot find room for a concrete reality intelligently asking and rationally answering questions. In brief, phenomena appear, but they do not perform; and transcendental conditions of possibility within a transcendental logic do not transcend transcendental logic.” Lonergan speaks of Coreth’s procedure as a “dialectic of Vollzug und Begriff.” See B. J. F. Lonergan, “Metaphysics as Horizon,” in Emerich Coreth, Metaphysics, ed. and trans. Joseph Donovan (New York: Herder & Herder, 1968), pp. 204–5, 219. (This book is an elaborated version of metaphysics similar to Rahner’s.)

Rahner gives extensive attention to the meaning of ontology as implying both continuing validity to metaphysics and the added dimension of explicit treatment of subjectivity within metaphysics in Hauer des Wortes, pp. 91–136. Here Rahner is alluding to issues of agreement and disagreement with Heidegger. Rahner will be found to make a distinction between ontic (metaphysics which does not deal with subjectivity) and ontological (an adequately critical metaphysics which does deal with subjectivity). (See “Reflections on Methodology in Theology,” in Theological Investigations, trans. David Bourke (New York: Seabury Press, 1974), 111–8. For a very early discussion of Heidegger by Rahner, see “The Concept of Existential Philosophy in Heidegger,” Philosophy Today 13 (1969): 120–37.)

Rahner speaks of the “subject” being treated as “one object among many others” in
Finally, in respect to this first clarification, it must be noted that Rahner's conception of human nature emphasizes the creativity of human free decision. The category "person," therefore, appears as the constant correlative of "nature" wherever the latter has normative import. This is so much the case that human nature for Rahner consists of nothing more nor less than the conditions of possibility of conscious freedom by which the "spirit/person in the world" shapes himself in time and history.15 For reasons which will be made clearer shortly, this means that human nature must be understood to designate a complex principle of being—to include not only immutable boundaries which limit freedom but also possibly mutable aspects, potentialities which can be differently actuated by human freedom in different eras and historical cultures. The task of an ethics which works out this critical natural law and applies it to concrete matters for decision includes reiterated exploration of these conditions of possibility fundamentally empowering self-conscious freedom itself, insofar as freedom also alters these fundamental conditions of its own possibility.

This preliminary clarification bears, to this point, on avoiding that misunderstanding of Rahner's critical natural law which would catalog a category such as human nature among the fantasies of a naively dogmatic metaphysical world which is unrelated to human conscious subjectivity and its capacity to create man himself and man's world as he experiences it. I have not yet dealt fully with the question of epistemology—how the category "nature" can be critically elaborated by


15Thus, for instance, Rahner makes the following observations on the relationship of nature to human freedom precisely as the nature of a self-conscious, therefore self-disposing, subject: "Man is the one whose freedom is laid upon him as a burden; this freedom is creative and what it creates is man himself in his final state, so that the beginning of this history of man's divinely appointed freedom—man's 'essence' as we say—is not an intangible something, essentially permanent and complete, but the commission and the power which enable him to be free to determine himself in his ultimate final state. In a correctly developed ontology of the subject... it could be made plainer that... a man's free deed—which in affecting the world determines man himself, too—must not be imagined as an external epiphenomenon sustained on the surface of a substantial essence which itself remains untouched, but becomes part of the innermost determination of this essence itself. In contradistinction to 'things' which are always complete and which are moved from one mode of completion to another, and thus are at the same time always in a final state and yet never finally determined, man begins his existence as the being who is radically open and incomplete. When his essence is complete, it is as he himself has freely created it." Translation adapted from "The Experiment with Man," in Theological Investigations, trans. Graham Harrison (New York: Herder & Herder, 1972), 9:212-13, after comparison with "Experiment Mensch," Schriften zur Theologie (Einsiedeln: Benziger, 1967), 8:270.
the kind of transcendental reflection in dialectic with careful attention to a posteriori experience that characterizes Rahner’s method. Some attention will be directed to this problem in the second section dealing with obligation. It may, however, be useful here to note that Rahner does not accept the kinds of limitations on what counts as “knowing” which would be imposed by a thoroughgoing empiricism. In fact, he critiques what has frequently passed for content of “nature” in traditional scholasticism precisely because it is based upon an uncritical, merely external and objective observation of factual continuities in human individuals and societies.16 It may also be useful to note here that Rahner’s critical natural law includes a care to understand the analogical use of language when talk is of the results of this transcendental reflection. Categories employed in his ontology are always understood to be allusive adaptations of words, the primary source of which is in objective experience; to speak of subjectivity with such words is not, therefore, to forget that one is in danger of objectifying what always remains nonobjective.17

All of this means that, in Rahner’s critical natural law, a corrective dialectic between empirically observed (objective) phenomena and systematic reflection on the conscious (subjective) conditions of possibility which ground all such objective experiences lies at the center of epistemology. Though this can only be stated here without full exposition of reasons, the dialectic in both ontology and the critical natural law based on it has to be understood to be a constantly developing task. Normative content that results from this dialectical process must be explicitly recognized to be time conditioned and culture related, potentially incomplete and partially inadequate—and, therefore, for another time and culture than that in which it has been elaborated, possibly misleading.18

It should be evident, then, that such an ethics from an ontological point of view can share with an ethics from a logical point of view both a concern for logically consistent modes of ethical argumentation (even if what is logically appropriate and inappropriate may still be a matter of discussion and disagreement) and also a concern for careful attention to such facts about man as may be empirically observed and verified. The ontological starting point, however, is intent upon finding the unifying


17Rahner deals at some length with the problem of the human word as a bearer of a possible revelation about God who is beyond empirical experience, thus with the capacity of human language to be used analogically, in Horer des Worts, pp. 185-202.

18These dimensions of Rahner’s version of natural law are discussed at length in Brennan, pp. 311-26, 380-492.
principles in the one subject that underlie all distinction making which aims at clarity in ethics. I would conclude this first clarification, then, somewhat fancifully by suggesting that the swift torpedo boats of philosophical analysis, usually flying some variation of the union jack, need not immediately conclude, on principle, that a hostile incursion is taking place when the ontological U-boot, showing a teutonic ensign with medieval embellishments, proposes to sound the depths of being as its contribution to making ethics more adequately critical. Let the possibility at least be tentatively entertained that the missions of these very differently constructed philosophical vessels may be complementary.

This process of preliminary clarification of Rahner’s critical natural law can conclude with two additional observations about the normative content of nature.

First, it must be stressed that normative content in critical natural law cannot be given a more important place than the process of dialectical reflection by which this normative content is constantly renewed. The ideal of this approach is an ever renewed critical perspective rather than the establishment of some kind of immutable code. One’s own limited world view, the unavoidable starting point of each effort to rethink the relationship of concrete matters for decision to the fundamental conditions of possibility for free decision itself, is to be submitted over and over again to disciplined reflection. And, this hermeneutical task is to be part of the very process of reflecting on matters of normative content in ethics. The ideal of critical natural law here includes a striving after ever greater opening out of one’s own viewpoint to the moral exigencies experienced by contemporary human beings. Today, an effort at responsible decision means encountering moral dilemma repeatedly and in unexpected forms within a perceptibly evolving world. This I would call a “pilgrim ethics,” and I regard it as including a philosophical disposition peculiarly responsive to the prophetic tradition in Christianity.

This also, it seems to me, prepares an ethicist to deal readily with the problem of ideology in doing his social ethics and thus to appraise critically the sociological role of theoretical justifications which function as rationalizations of given but historically relative social institutions and roles. And, this readiness to set one’s particular historically and cultur-
ally relative worldview against the broader horizon of the conditions of possibility of conscious knowing and decision particularly disposes the ethicist to recognize what sociologists of knowledge such as Peter Berger call the "negative function" of theory—its power not merely to support but also to revolutionize the political, economic, social, academic, and even ecclesiastical status quo and to do this even against the expectations, perhaps the desires, of sociologists and their objects of study. 21

Second, I would point out that Rahner's critical natural law stands in a precisely nuanced theoretical relationship to Christian theology as such. It would be inopportune here to attempt a full exposition of this. Insofar as misunderstanding may arise, however, at least this much must be said. Rahner is prepared to defend his conception of natural law within philosophy, in general, both from the charge that it is compromised in its intellectual rigor by subordination to faith commitments and also from the (opposite) accusation that its claim to relative autonomy in relation to God's sovereign Word compromises its claims to be, in any truly Christian sense, theological. This defense can be elaborated as an aspect of Rahner's celebrated theory of the "supernatural"—precisely, of his theological postulate of the "supernatural existential." 22 With respect to the normative content of his critical natural law, this means, on the one hand, that the Christian ethicist will be disposed to attend respectfully to the content of all ethical reasoning, even where such thought does not have explicitly Christian auspices. On the other hand, this also means that a rigorous attention to critical reflection very much includes consideration of the special categories elaborated by authoritative Christian doctrinal tradition and the theology which has surrounded it. 23

This entire process of preliminary clarification of the characteristics of


22 A helpful discussion of Rahner's theory of the "supernatural existential" and its relationship to the problem of positioning philosophy in relation to theology can be found in Anne Carr (n. 5 above), pp. 361-72.

23 This is dealt with at length in Bresanahan, pp. 567-607.
Rahner's ethics has involved heavily weighted, excessively brief allusions. One can begin to appreciate why traditional metaphysicians and analytic thinkers alike may experience bewilderment. A dialectical, developmental, and determinedly theological, yet inexorably critical, natural law which is not preoccupied with defending some single bundle of imperatives as an immutable code can appear to be a chiaroscuro of contradictions, especially if one particular historical or systematic philosophical preference does not permit the observer to enter into Rahner's project with decent respect for its own proper dynamism. Perhaps all of this leads one to hallucinate the ontological U-boat out of the depths of being and into the heavens—a Zeppelin? But the point of these preliminary efforts at clarification is made if one perceives, at least, that the vessel fits no ready-made categories of dismissal as it heaves into view and sets about examining concrete moral issues that have also been dealt with by North American university philosophers employing analytic argumentation.

 THEORY OF OBLIGATION IN RAHNER'S CRITICAL NATURAL LAW

Karl Rahner is explicit about the basis and the meaning of moral obligation in his version of natural law. Since this theory of obligation includes within itself a justification for entailment in ethical reason giving, Rahner's views on the matter require careful attention in this preparatory consideration of how his critical natural law can be related to analytic modes of reason giving.

For Rahner, nature can be identified by means of critically sophisticated transcendental reflection. When this process is undertaken, one confronts \"an area where 'being' (Sein) and 'oughtness' (Sollen) have a kind of mutually conditioning relationship (ein in etwa gegenseitiges Bedingungsverhältnis).\" Moral obligation, then, derives from the structures of nature. Ethical principles are expressions of the \"structure of some reality, above all ... that of man\" because these \"can be translated into claims, demands, maxims\" which human beings must respect, \"because the unhappiness consequent on their violation can be predicted.\" A claim is being made by Rahner that there can be a translation of \"is\" to \"ought,\" and it is this claim which explains my previous suggestion that Rahner's critical natural law deals with the content as well as with the method of determining content of the unavoidable reference of the normatively human to some kind of factual statements. At this point,

\(^{24}\)Rahner, \"Zum Problem der genetischen Manipulation,\" Schriften zur Theologie, 8:303. Compare with \"The Problem of Genetic Manipulation,\" Theological Investigations, 9:238.

however, it would be a mistake simply to identify this position with what an analytic philosopher like William Frankena has called "ethical naturalism," for Rahner will shortly be seen to mean by translation neither analytic deduction from a definition nor exposition of a tautology.26 Nor can an understanding of what Rahner means by translation be simply prejudged by categorizing his position as but patent use of the naturalistic fallacy, again from the analytic point of view.27 I suggest that the validity of the truth claim implicit in this theory of obligation—that this translation is a justified form of inference—can and must properly be bracketed (as a metaethical problem) until Rahner's meaning has been sufficiently exposed so that his theory can meaningfully be juxtaposed with such analytic dichotomies as that between teleological and deontological modes of argument.

Rahner's theory of obligation in critical natural law can be discussed under two headings derived from the language just quoted. First, the character of the relationship of "being" to "oughtness," which is translated in prescriptive statements, can be dissected. This means attending to the transition from "is" to "ought" both with respect to the meaning of translation and with respect to the epistemological claims being made about the human capacity to know something about this transition. Second, because Rahner speaks of a mutually conditioning relationship between "is" and "ought," the influence of free decision already taken with a consciousness of obligation upon the process of knowing being and then translating such knowledge into prescriptive statements can be examined. This will mean attending also to the claims which Rahner makes that theoria is always rooted in praxis.

TRANSITION FROM "IS" TO "OUGHT"

Focusing upon the imperative character of prescriptions enunciated within the natural-law tradition in scholasticism, Rahner asserts that Scholastic ethicists never intended to propound merely hypothetical imperatives: the object of such ethical reason giving was always to ex-

26Frankena discusses "definitist theories, naturalistic and metaphysical," but with greater emphasis on the former than on the latter—that is, without any detailed exposition of the inner workings of a metaphysical approach to ethics (Ethics, [n. 1 above], pp. 95-116). I believe this to be characteristic of analytic views of the matter. Frankena, however, does speak of "is" being translated to "ought."

27William Frankena has pointed out that the inference from "fact" to "value" is fallacious if, and only if, the inference has been shown not to be justified. I take it that this means that fact and value must have been established to be distinct, indeed intrinsically disparate realities of discourse. Whether that is true of the Sein and theollen as Rahner understands them cannot be decided by simple consideration of logical form from the analytic point of view but only by exposing what Rahner means by translation (see William Frankena, "The Naturalistic Fallacy," in Theories of Ethics, ed. Philippa Foot [Oxford: Oxford University Press, 1967], pp. 51-62, and Ethics, pp. 96-97, 99-106).
press *categorical* imperatives. Rahner himself uses the term “apodictic” to designate the unconditional character of such prescriptions. 28 It is also his view that human nature is never a merely definitional postulate in this theory. Rather, an affirmation about “nature” amounts to a “synthetic judgment a priori” and constitutes the basis for “affirmations which imply the unchangeability of human nature” and also “statements which contain in themselves an a priori law concerning the prior and future history of these human beings”, this means that historical changes are asserted to “take place only within this a priori determined realm of essence” and if they do not, to constitute “the invalidation, not the change of a continuing history, the absolute cutting off of the thread. ...

In Rahner’s view, then, natural-law prescriptions have always been intended not merely to be “hypothetical and definitional generalities” 29 because they translate into a directive for choice a *necessity* in being that underlies and makes possible the activity of the human subject in its precisely human characteristics. For this reason, this translation, when applied to the limiting or negative function of nature, constitutes a prediction that human activity, which attempts to transgress these boundaries, will destroy the human reality of free decision itself. It will contradict the inner conditions of possibility of such action and thus destroy the well-being of the subject as person. Thus far, then, such negative imperatives mean that to act against nature is not merely to suffer the indignity of having been theoretically irrational (if one’s ideal of being human is to be theoretically rational and, therefore, never to attempt to will what cannot be willed as law universal). They mean also that to act in this way is not merely to choose an alternatively viable, though in some sense perverse, course of action which can nonetheless achieve its own success in the realm of being (if one’s ideal of being human is to avoid disobedience to essentially arbitrary limits on action). To act against nature means, in some degree according to the character of the action, to effect the self-destruction of the actor as conscious and free in his action and thus to diminish the personal, whether in the individual actor or in a human grouping. 31 It is to exclude meaning because one destroys being itself.

28 Ibid., p. 240.
29 Ibid., p. 240–41.
31 At this point I am including Rahner’s ontology of freedom as “decision about self” or “self-disposal” that is consciously such even though psychological attention is focused upon an object of choice—thus his understanding of this characteristically human action as potentially destructive (or creative) of man himself in his ultimate meaning. This lies behind Rahner’s conception of “person in the world” and of nature in the case of mankind.
I would suggest that this can be expressed in the following ways. Disaster is the consequence of action which contradicts nature because the action itself is a disaster. The disastrous character of action which contradicts nature will become manifest in the disastrous consequences. Or, in contemporary instrumentalist categories, the means corrupts the end (in contrast to the claim that the end justifies the means).

When it is a question of Rahner’s discussion of positive rather than negative prescriptions and their basis in his critical natural law, the same basic theory of freedom and of its conditions of possibility operates. But, with respect to positive imperatives, this theory becomes more complex than that found in the usual versions of natural law. Here, the previously noted distinction between core nature (which is immutable) and peripheral nature (which is in some degree changeable because it can be actuated differently within human history by the creative power of human freedom) brings the central role of the freedom of the person into sharp relief.

Before discussing this theory of positive obligation, however, it must be noted that I am dealing with critical natural law here only insofar as it includes obligation in a special and restricted sense. On the level of greatest abstraction, several alternative courses of action can all be characterized as in accord with nature, though not thereby as actions all of which must be performed. I am speaking of a theory of “licitness” rather than of obligation strictly construed. This is because I am attending directly to Rahner’s “essential ethics” only at this point. In fact, Rahner demands that “essential ethics” be explicitly related to what he calls “formal existential ethics” within critical natural law, and he claims that when this is done, not merely the “licitness” of a particular positive course of action but the obligation to perform it in the strict sense can be determined. A complete exposition of this aspect of Rahner’s theory is not necessary here to grasp those aspects of his essential ethics which allow critical natural law to be juxtaposed with analytic theory.


Rahner deals fully with the relationship of essential ethics to formal existential ethics in The Dynamic Element in the Church. This relationship has theoretical importance for essential ethics itself insofar as this relationship includes the correlation of nature (or essence) with person for purposes of determining concrete positive obligation in the full sense and, therefore, for the theoretical purpose of understanding why older forms of natural law proposed a deficient view of nature or essence. See above, n. 15, and also “Situation Ethics in an Ecumenical Perspective,” The Christian of the Future, trans. W. J. O’Hara (New York: Herder & Herder, 1967), pp. 39-48; “The Church’s Limits: Against Clerical Triumphantists and Lay Defeatists,” ibid., pp. 49-76; “Der Anspruch Gottes und der Einzelne,” Schriften zur Theologie (Einsiedeln: Herder, 1965), 6:521-36 (the only essay in Schriften, vol. 6, which was not translated in Theological Investigations, vol. 6, or The Christian of the Future).
For Rahner, then, to say that a course of action is licit (and, in that sense, potentially also positively obligatory in the full sense) is no less than, in the case of negative prescriptions, to speak apodictically and categorically. To act in accord with human nature is not merely to achieve rational (because logically consistent) theoretical conformity between action and prescription, though also that, nor is it at all to choose within an unlimited range of alternatives as if there were no negative prescriptions of the kind already examined. To act in accord with human nature is to actuate some real potentiality of man’s peripheral nature not hitherto known to be present (at least in this way). To actuate a potentiality of peripheral nature is, therefore, to achieve a valid expression of man’s unchangeable core nature. It is to enhance the reality of the human actor as conscious and free within the realm of human bodiliness and human community. It is to increase, in some degree, the personal—whether in the individual or in a human grouping. It is, therefore, to create meaning and existence, or being, that is human.

I would suggest that this can be expressed in the following ways. Success is the consequence of such action (provided the particular licit alternative is also known to be obligatory in the sense determined by formal existential ethics) because the action itself is a successful expression of the virtualities in human nature (peripheral nature in relation to core nature); the successful character of the action will become manifest in successful consequences. Or, in contemporary instrumentalist categories, the means can save the end (when action taken, conceptualized as an instrumental means, is itself in accord with, because it activates virtualities within, nature, even though it happens to be directed toward an end or goal which in fact contradicts nature).

Rahner contrasts natural law with the position that man is “pure project,” a being of unlimited potentialities bounded only by the historical limitations of the present state of scientific and technological expertise, in “Bemerkungen über das Naturgesetz.” Orientierung 19 (1955): 240–41. There is an allusion, also, of course, to aspects of existentialism’s affirmation that man has unlimited potentialities because he has no permanent essence constituting conditions of possibility limiting freedom as self-creation, that the only limits are historical in the sense of actually but contingently and not necessarily present at a particular moment of history and culture in the existence of an individual or human grouping.

Thus, when in critical natural law it is said that "being" can be translated into "oughtness," what is meant is that the necessity which bounds and empowers freedom is what is always being expressed as the directive for rational exercise of that freedom, since to act rationally is to preserve and enhance freedom's own well-being. The impact of human freedom, then, is necessarily seen to be creative or destructive of freedom itself, and this understanding of freedom shapes the procedure of ethics as the search for understanding of what can work and what must fail in human decision taking. There can be discerned here both an intellectualism traditionally characteristic of natural law and a pragmatism less obviously part of the tradition. To the extent that traditional scholastic versions of natural law neglected the creative impact of the person's freedom on its own necessary conditions of possibility, they tended to become preoccupied with given, empirically observed, outer biological or social structures and with the way that particular categories of action are related externally to these structures; this meant a neglect of the creative impact of freedom on the inner structures of the conscious "spirit/person in the world" and consequently an obscuring of the intellectualism and pragmatism that really distinguish natural law from voluntaristic and antipragmatic moral theories as well as from theories of action that are not pragmatic but merely opportunistic and thus doubtfully moral at all.

At this point, then, Rahner's critical natural law can be seen as a kind of ethics which makes a theory of man as the free subject formally and explicitly part of the subject matter of ethics itself. This approach asserts that when discourse is formally prescriptive, it already expresses tacitly a description of the fundamental constitution of the ethical subject. Such theory can claim to be critically adequate, then, in its elaboration of reason giving for or against a course of action, only to the degree that it deals in an explicit way with this theoretical anthropology.

At this point, the epistemology implied in Rahner's theory of obligation becomes crucial for appreciating the nature of the truth claims implied in the translation of "is" to "ought." I have noted that Rahner's metaphysics of knowledge requires that an ethicist carry on a continual dialectic between attention to the a posteriori experience of moral issues and systematic reflection on the conditions of possibility which underly human freedom confronting these moral issues. It is because man's self-awareness always encompasses within itself a nonobjective awareness of "a content laden law imposed upon him,"35 a necessity intrinsic to human freedom as conscious, that this consciousness can be made subject to analysis through systematic reflection—that the translation of "is" into "ought" is both possible and necessary in Rahner's view. Without

35Rahner speaks of "ein inhaltliches ihm auferlegtes Gesetz" in *Hörr des Wontes*, p. 127.
attempting a full elaboration of this metaphysics of knowledge, I would note that Rahner claims that the very performance of human free decision bears within itself testimony to the limits and the potentialities of this freedom in the terms of human self-satisfaction or dissatisfaction.36

For Rahner, then, obligation (even at this relatively abstract level of essential ethics) has a radically pragmatic character. Failure or success is being experienced in the process of free choice already taking place. Within human self-awareness there is contained, at least implicitly and unthematized, the experience that one’s free decision taking conforms to, or conflicts with, the necessary limiting and empowering conditions of possibility in which freedom itself is rooted. Although rebellion against these inner conditions of freedom is possible, this explicitly negates what is being implicitly necessarily affirmed and produces an ultimate self-contradiction which is a “monstrosity.” Willing conformity to these inner conditions of freedom explicitly affirms what is also necessarily affirmed implicitly—an ultimate self-enhancement.37 This conscious,

36It is Rahner’s position that human “spirit/person in the world” is capable of distinguishing self from object (thus of having objective knowledge as performance) and of recognizing every inner-worldly object as finite (thus of being free with respect to every such object) because of transcendence. This transcendence is a cognitive and appetite “reaching beyond” every object. For it Rahner uses the terms Vorgriff auf ewe und Ausgriff auf mehr. This dynamism of both mind and appetite (will) Rahner argues is necessarily, though only implicitly and unthematized, affirmed in every affirmation. Associated with this basic dynamism are other conditions of possibility of functioning and conscious freedom that derive from man’s bodiliness and sociability. The entire complex is implicitly and unthematized affirmed even by an act which attempts to deny it. This inner self-contradiction man experiences in an implicit and unthematized, nonobjective way. He can reach back and seek to make objective such experienced contradiction by systematic reflection and thus formulate a conceptually elaborated ethics (see Hörer des Wortes, pp. 117–35). The idea that human freedom is ultimately rooted in necessity and that this necessity is accessible to human self-awareness through systematic reflection is basic to Rahner’s better-known discussion of concupiscence. There he insists that spontaneous, therefore free, appetite reaction to variously known individual goods is the very condition of possibility of decision in freedom; the free decision is triggered by the need to decide whether to indulge a particular spontaneous appetite reaction or not. Without spontaneous appetitive response, no occasion would exist for human choice (in the traditional Thomist sense of “freedom of indifference,” i.e., the power to act or not, to act in this way or that). See, “The Theological Concept of Concupiscens,” Theological Investigations, trans. C. Ernst (Baltimore: Helicon Press, 1961), 1:247–82. A similar position is affirmed with respect to the drives of the subconscious—again, human freedom is consciously rooted in necessity (see “Guilt and Its Remission: The Borderland between Theology and Psychotherapy,” Theological Investigations, 2:265–81, and “Guilt—Responsibility—Punishment within the View of Catholic Theology,” 6:197–217.

37The possibility of self-affirmation by willing acceptance of these conditions of possibility, of self-contradiction by willed denial of them, which is a fundamental aspect of Rahner’s ontology, presupposes his theory of horizon of unlimited being in consciousness (Vorgriff auf ewe). This is central to his Erkenntnismetaphysik. As an appetitive thrust toward unlimited being (Ausgriff auf mehr), this ontological theory becomes his metaphysics of freedom, particularly in “Der freie Horende,” in Hörer des Wortes, pp. 117–34. The flavor of this theory can be tested through its appearance in subsequent writings: “Theologie der Freiheit,” Schriften zur Theologie, 6:215–37, esp. p. 215; compare with “Theology of Freedom,” Theological Investigations, 6:178–96, esp. p. 181.
though not necessarily thematized and objectively articulated, experience contains that unhappiness (or happiness) that Rahner says can be predicted.

To sum up this first aspect of Rahner’s theory of obligation, then, it can be said that when his theory of nature as the conditions of possibility of freedom, thus as always the correlate of person, is conjoined to his understanding of how this obligation is contained within conscious experience, critical natural law appears radically pragmatic in the sense this designation has in American philosophy. The exercise of freedom intrinsically and consciously, though not necessarily explicitly and thematically, encompasses awareness of success or failure, of the self-enhancement or self-destruction of the conscious subject. Theory is nothing else than the effort by transcendental reflection to make explicit and thematic, to express in articulated argument, the conditions of possibility of freedom which are the source of this experience. This effort must be continually renewed because experience itself, in developing historical-cultural contexts, is always something new. Insofar as the dialectic between experience and systematic reflection is in fact carried on, the possibility of maintaining a critical perspective in ethics is also maintained; the ethicist can continue to achieve a distance from his own cultural and historical limitations, though he cannot ever transcend them in a final way. Critical natural law, then, is also to be judged pragmatically; does it supply really useful insights which give reasoned guidance to human decision taking? It does not concede that it can be criticized simply because it makes anthropology part of ethics, because it violates logical boundaries between description and prescription. The theory affirms that the translation of Sein into Sollen is but an explicit acknowledgment of components common to both of these realms because theory is rooted in an experience of how the fundamental constitution of human being produces an awareness that it cannot be violated with impunity, that it can be the empowerment of enhanced self-conscious freedom.

Critical natural law, therefore, undertakes a cognitive task that corresponds to a focus on the underlying unity of the diverse aspects of human reality as experienced. This cognitive endeavor is complex. It begins by focusing upon and giving some descriptive mediation to ex-


perience, not only as observation of matters external to the human knower-doer which can be verified scientifically—in this case, human activities and what these produce as they are viewed by the natural and social sciences—but also observation of the conscious self which conducts such observation and subjects it, necessarily whether implicitly or explicitly, to interpretation. The endeavor continues by subjecting this experience in an encompassing sense to systematic reflective analysis, wherein the necessary and sufficient conditions of possibility for both the objective and the subjective dimensions of experience and their inner unity in the one knowing and choosing subject are described anew. The cognitive endeavor then returns theory to the confrontation with experience from which it began. Within such a cognitive program, critical natural law, then, will regard all distinction making with respect to the elements of human experience—such as a logical distinction between human action as means and human action as consequences (or ends) deriving from the means, or such as a distinction between the human subject acting and the actions in their discrete characteristics in themselves—as an exercise to be made explicitly subject to correction insofar as it may obscure or deny the unity of the operating, performing subject.

**Transition from Practice to Theory**

Our consideration of Rahner's theory of obligation and the way in which it requires the active discussion of anthropology within ethics is far from complete at this point. I quoted a passage in which Rahner speaks of a "mutual conditioning relationship" between Sein and Sollen, but to this point I have dealt only with the way in which the "ought" is understood to be conditioned by—to be a translation of—the "is" in Rahner's theory. Rahner intends also to assert, however, that "is" is conditioned by—indeed is always already a translation of—the "ought." This aspect of critical natural law brings it, and theory of obligation especially with respect to epistemology, into even sharper contrast with what might be called the Kantian expectations widely prevailing among contemporary philosophers and religious ethicists. For, among other things, critical natural-law theory contrasts with the assumption that really moral obli-

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40See n. 25, above.

41This appears clearly in the context of the statement: "In the case of those realities which have many dimensions not adequately accessible to analysis, there exists a moral knowledge which has a global structure, yet is not adequately reducible by reflection to its particular elements. This moral knowledge possesses, in a certain sense, a character as decision within which being and oughtness have a mutually conditioning relationship. Within this relationship, the really 'objectively' right appears only within the right decision toward it" ("Zum Problem der genetischen Manipulation," Schriften zur Theologie, 8:303; compare with "The Problem of Genetic Manipulation," Theological Investigations, 9:235).
gation must have an autonomous character, wherein the ideal is one of duty for its own sake rather than any consideration of success or failure. Indeed, at this point, critical natural law most sharply challenges related assumptions about the possibility of achieving wide agreement in ethics (thus avoiding the relativist peril) through the use of neutral reason and formal analysis that presupposes the validity of the distinction between value free or purely descriptive accounts of human activity, on the one hand and, on the other hand, prescriptive discourse sharply contrasted with description. For critical natural law at this point calls attention to the relative subordination of ethical theorizing (considered up to now, perhaps, as if it were the product of a pure reason) to experience in the form of prior free decisions for good or ill. And, in doing so, this approach to ethics further defines and enlarges the scope of the task of systematic reflection in ethics. Critical natural law thus appears even more radically pragmatic as it is juxtaposed with analytic theory.

First, a dimension of Rahner’s anthropology which appears early in his writings and continues to be fundamental to his critical natural law must be noted. Rahner’s ontology aims at achieving an understanding of the inner unity in man which precedes and founds the complex, multileveled diversity of human nature expressed in such useful distinctions as that between reason (cognition) and will (appetite). He early on asserts that there is a unity of knowing and willing in the unified “spirit/person in the world” which results in one having to say that, since love is a free decision intimately understood only by the person performing it, therefore, one “understands” love in another only by duplicating it through a loving decision of one’s own freedom. Within this argument, which cannot and need not be exhaustively exposed here, Rahner discusses the way in which transcendental reflection on the inner conditions of possibility of freedom reveals that this very process of rational analysis is already affected by the freely taken decisions of the thinker, so that apparently theoretical knowledge of nature already reflects the influence of freedom. A man “disposes, therefore, of the norm of his own love which specifies his own essence,” and in doing so “forms the standard of his possible future decisions in his free taking of position

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43This assertion is made in the context of a complex argument dealing with the way in which man has necessarily, though implicitly, to affirm his nonnecessity because created and finite existence, yet is able freely to negate that existence, and to deny his creatureliness. This demonstration, which locates the basic condition of possibility of freedom as Ausdruss auf mehr leads to a discussion of the manner in which this free “spirit/person in the world” can be one who receives a revelation from the personal God who has created the world in a free act of love. His position is summed up by the words: “In the heart of knowledge stands love, from which knowledge itself lives.” He asserts that love of God, therefore, is “an inner dimension of knowledge (of God), even more, its condition and its ground” (Hütter des Wortes, p. 127).
toward the particular good..." There is available, in practice, no pure reason, since man "does not merely take possession of the structural law of his loving and hating" (i.e., his nature), but man also "either superimposes freely and in a new way the right aspects which he always already necessarily affirms" (in an at least implicit way) or "he lays down his own view against the true order of love." And Rahner, therefore, denies that human activity can be conceptualized, for purposes of ethics, merely as a series of "unconnected particular acts one after another"; rather, a human being "in each deed constructs the law of his activity and life as a whole," and so he "does not simply act well or badly but he himself becomes good or bad." From such an understanding of the unified subject whose willing is indeed also directed by knowing, Rahner concludes, "free decision is not merely a consequence of knowledge but also already co-defines knowledge itself." And Rahner explicitly characterizes the theory that there exists a purely neutral knowing of the human either as "a dangerous abstraction of the philosopher," since it can obscure the need for critical attention to the influence of freedom's exercise on every attempt at theory, or as "the presupposition that the concrete order of love in man rightly conforms to what has been called the necessary order of love, which always remains in the depths of human existence" and that does not excuse one from striving for such critical attention.

For Rahner, then, before any theory about dishonesty has been elaborated, the human destructiveness of such activity has already been experienced by human beings who have deliberately attempted to live dishonestly, and the unhappiness consequent upon the destruction of human community and individual integrity has been experienced; only then does the theory get elaborated by professional philosophers and theologians. The elaboration of ethical theory, in his view, occurs as an inner dimension of a pretheoretical kind of moral knowledge which he calls "global moral instinct." This concept is the more recent expression of his basic anthropology in a precisely ethical context. In his exposition of this reasoning, Rahner insists that the function of global moral

44Ibid., pp. 299-300. See also "Theology," Sacramentum Mundi, 6:234, where Rahner asserts, "Theoretical and practical reason form a unity in difference which...can never be totally perspicuous and amenable to theoretical reason."

45Herr der Worte, p. 130.
46Ibid.
47Ibid., p. 131.
48Ibid. The requirement that a critical stance be achieved from which the influence of free decision upon knowledge of nature gained through transcendental reflection can be attended to and corrected is not pressed in this passage but is the basis of Rahner's argument in "Theology and Anthropology," Theological Investigations, 9:28-45; "Philosophy and Philosophizing in Theology," 9:40-65; "Reflections on Methodology in Theology," 11:68-114.
50Ibid., pp. 238-52. The quotations used here, however, are the author's own and based on "Zum Problem der genetischen Manipulation," Schriften zur Theologie, 8:303-10.
The Journal of Religion

instinct to direct decisions which must be taken even before theory to justify them is available will include a working out of "rational analysis, with 'grounds', with conceptual rationalizations, etc."; but, in this inchoative theoretical moment, global moral instinct merely "conceals its own proper essence" because, in fact, all theoretically elaborated moral "opinions . . . are themselves—explicitly or implicitly—dependent on the results of this mode of knowing."31 The important thing to note here is that this global moral instinct has a "character as decision" in which "the really 'objectively' right appears only within the right decision toward it."32 Thus, Rahner warns explicitly that denial of the existence and influence of global moral instinct on the very process of elaborating theoretical ethics "can only obstruct the process of critical reflection on opinions."33 Moreover, Rahner also explicitly asserts in this connection that even the logic and the entailments and the entire conceptual equipment of ethics must be understood to be derivative from, and reflective of, the influence of prior free decisions for good or ill taken by the ethicist.34

An illustrative example of the meaning of Rahner's theory of the influence of practice upon theory may offer some aid to understanding. I can suggest the following formulation as a basic though, therefore, very formal and abstract prescription based on the critical natural-law positions already seen. One ought to seek to become able to grasp what it means that God is Creator—that he "lets us be"—by one's lived readiness to deal with other human beings as conscious and free and, therefore, to allow every other to shape his life through his own understanding and consent in the maximum degree possible. Every resort to coercion, therefore, whether in the form of physical violence or by subtler psychological or social pressures, is to be subordinated explicitly to creative appeal which addresses that free understanding and understand-

32See n. 42 above.
34Rahner is explicit about the subordination of logic to experience in this sense. "But this performance (of global moral instinct expressing itself in explicit theory) knows deep down that its judgment is not just the sum, afterwards added up—the formal logical result—of the considerations which it is able to 'objectify'. . . . If, for example, one tries to investigate more exactly a moral-theological 'proof' only 'rationally', then he will very quickly realize that it supposes fundamentally and from the beginning that which, looked at purely 'logically', it is trying to prove" ("Zum Problem der genetischen Manipulation," p. 304); compare "The Problem of Genetic Manipulation," Theological Investigations, 9:238). The role which experience plays here, precisely as including the influence of free decision upon theory, as well as the role of pretheoretical cognition which constitutes a taking position freely qualifying an awareness of past success or failure, reinforces the view of Anne Carr that experience plays a special role in Rahner's thought and needs to be given more precise meaning (see Carr [n. 5 above], pp. 372-76).
ing freedom of the other. And, this is to be done, not just discussed, in order that one become ever more able to understand one's own inner constitution as a human being whose having been "let be" conscious and free is a fundamental condition of possibility of being person. Conversely, to employ any species of coercion apart from such an appeal is to contradict in practice the innermost conditions of possibility of one's own conscious freedom, so to cripple in that degree one's capacity to grasp, articulate theoretically, and then live out this capacity.55

Certain conclusions about the thrust of Rahner's theory can now be indicated as a prelude to placing critical natural law into confrontation with analytic theory and such typical expressions of it as the dichotomy between teleology and deontology. It now appears that there must be a critique of practice added to theoretical reflection on moral experience, and that this critique functions within the epistemology implied. Not only must there be an explicit development of anthropology within ethics, but there must be, also, even from a theoretical viewpoint, recognition of the crucial role played by moral experience in the form of attitudes shaped by prior free decisions on the formation of ethical theory—thus, some kind of attentiveness to one's own life history as the product of freedom. A concern for moral self-criticism and moral aspiration has to reinforce the ideal of cogency of argument and theoretical elegance. The compatibility of this critical natural law with the prophetic dimension of Christianity, its character as a pilgrim ethics, which I noted in the beginning, now brings to mind the Christian category of continual conversion as the appropriate, indeed necessary, ingredient of a moral point of view as critical natural law would formulate it.56 This ingredient would allay suspicions that such a theory, in its striving to be all-encompassing, would entertain ambitions to seek imperialisitic dominance over other viewpoints rather than serve them in respectful dialogue, or would exclusively attend to removing the mote from the ethical eye of others.57

Another important specific item of agenda in critical natural law procedure would be more on the theoretical side. Since prior free decision, therefore, the personal life history of the ethicist necessarily affects that self-consciousness which contains the material upon which his transcen-

56For an able analytic discussion of the moral point of view, see Frankena, Ethics, pp. 113–16.
57Concerning this, see Bresnahan, pp. 440–49, 567–607.
dental reflection will be brought to bear, it will be important for him to be aware, also, of the extent to which such free decision imports with it one’s cultural and historical background—the broader life experience within which one’s thinking and deciding have taken place. This implies the fullest attention to the historical particularities, sociological, economic, and political, within which the life of free decision is lived by the communities surrounding and forming the individual ethicist. A critical “distance” from the ethicist’s own freely formed self-understanding in its wider roots can only be achieved in dialogue with differing, even contradictory, viewpoints and the theories based upon them. I think this is a reason why Rahner does not regard what he calls the contemporary “unavoidable pluralism” of theories, even within a particular religious tradition such as the Roman Catholic, as a development simply to be deplored.³⁴ Indeed, from the perspective of critical natural law, the achievement of theoretical agreement is much more an ideal to be striven for than an event whose realization would imply cause for unqualified rejoicing. Thus, the ideal of a moral point of view such as Frankena and other analytic ethicists propose cannot be shared by critical natural law if it implies merely a way to avoid the dangers of relativism by seeking actual agreement about the formal aspects of reason giving. Only if it implies an effort to establish tentative ground rules for effective dialogue—a procedural basis for allowing constant interaction of different ethical theories—but itself eschews all imperialism of the all-encompassing, suprahistorical system-building kind, can it accord with the moral ideal of critical natural law.

Perhaps, however, the most immediately significant item of agenda which the radically pragmatic view of obligation in critical natural law urges upon ethics falls under the category of intellectual virtue. This viewpoint places strongest emphasis on the process of ethical reflection within which matters of content, such as that shortly to be examined, are seen not as ideally irreversible but, rather, as challenges which provoke an ongoing task. The redoing which this task implies also provokes a self-critical openness to dialogue with different viewpoints, whether theoretically elaborated or in the still unanalyzed form of folk story, joke, allegory, and the like. This emphasis on dialogic process and openness to theoretical pluralism must be sustained by a basic conviction about an ultimate unity of truth which, if never more than partially attainable by human theories, yet remains the inexhaustible basis for affirming the value and relative validity of each effort to theorize. I believe that the basis for such a conviction, one that does not imply sheer

skepticism about all positions (and to that degree does deal with the peril of relativism) lies in the anthropology that Rahner makes part of ethics. The conditions of possibility which are constantly sought by this method involve "mystery"—a unity of truth that is inexhaustible because human self-awareness contains an insatiable striving and, therefore, also, that as yet incompletely grasped goal of such striving. Rahner’s sober respect for the richness of mystery in man conditions his view, and his practice, of ethics.

**CONCLUSION**

When a theory such as critical natural law has been shown to be is juxtaposed with analytic approaches to ethics which employ distinctions like that between teleological and deontological modes of argument, the conversation must inevitably focus on whether theoretical anthropology should be explicitly discussed. The conception of the ethical subject which critical natural law regards as tacitly operating in such distinctions will be discussed as a problem of whether the symbolic presentation of human action as "instrumental" is sufficient for a critical approach to ethics. Can human action as "means" be considered, in the teleological form of argument, to be morally qualified only by reference to its consequences or results, on the one hand, or, on the other, in the deontological form of argument as morally qualified only apart from consequences? Critical natural law will raise this question because it will suggest that human purposes, including intended consequences, are incarnated in the activity "in itself," and that the consequences of human activity inevitably reflect the moral character of the free decisions which produced them. Another way of speaking about the limitations of the instrumentalist symbolism of human action would be to state that there exists a "reciprocity of means and ends" in human free decision taking. Moreover, critical natural law would have to suggest that the mixed form of argument theoretically preferred by Frankena and employed by

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89Rahner returns repeatedly to the view that mystery precisely as truth, which cannot be exhausted but must be perpetually confronted by theories which achieve but partial understanding, is the central subject matter of theory ("The Concept of Mystery in Catholic Theology," *Theological Investigations*, 4:36-73; "Reflections on Methodology in Theology," *Theological Investigations*, 11:101-14; "Thomas Aquinas on the Incomprehensibility of God" [unpublished essay read at the Celebration of the Medieval Heritage, University of Chicago, November 1974]).

88The phrase is Lon Fuller’s (see “American Legal Philosophy at Mid-Century,” *Journal of Legal Education* 6 [1954]: 457-85). His more recent development of this theme which suggests that law is a process of articulating shared human purposes through exploration of how ends are being affected by the means which can be found available, is Fuller’s *Anatomy of the Law* (New York: Frederick A. Praeger, Inc., 1968; New American Library, 1970). A full discussion of this distinctively American pragmatic philosophy and its relationship to Rahner’s critical natural law is elaborated in Bresnahan, pp. 608-32.

Callahan for practical analysis of the population issue may really imply this overlap between teleology and deontology, this reciprocity of means and ends in human action. Critical natural law will ask about the cultural and historical sources of the instrumental conception of human activity—perhaps a fallout of the early stages of the industrial revolution on the university world of the English utilitarians. Indeed, critical natural law might suggest that instrumentalist versions of human action resurrect, in a way typical of technological culture, the excessively objective and cosmocentric conception of human activity which dominated older Scholastic versions of natural law. In any case, critical natural law will have to ask about the real sources of value judgments implicit either in a basically deontological argument (the reason why certain values are attributable to human actions considered apart from their consequences) or in a basically teleological argument (why certain consequences are considered to be the basis for moral judgment about the actions which produce them). Here, it will be claimed, tacit anthropologies are being forced to the surface, to resume the U-boat analogy.

These mere sketches of lines for discussion indicate how a confrontation between analytic theory and critical natural law might be structured, at least from the point of view of the latter. I do not believe that this demands simply that analytic categories and modes of argument be discarded—only that their limits as meaningful symbolization of the human be recognized and taken critically into account. This, in a way, is what analogy in traditional scholasticism always was intended to do; attention needs to be given to the relative inadequacy, as well as the usefulness, of all categorical formulations employed to designate the transcendental. So to proceed is to open the possibility of experimenting with a number of different kinds of emphasis, both on the reflective pole and on the experiential pole of the dialectic recommended by critical natural law. So, it may be a distinct advantage that this vessel seems now an U-boat, now a Zeppelin, and that it is more concerned with maintaining the pilgrim character of ethics in close relation to evolving contemporary experience of moral dilemma than in extirpating pluralism from ethics.


It is worth noting that Callahan must rest content with justifying his three basic principles for judging a proposed means of controlling population solely with the affirmation, "Suffice it to say that these values have had a predominant role, at least in the West: freedom, justice, and security/survival. Most pertinently, many of the major ethical dilemmas posed by the need for population limitation can be reduced to that of choosing among, ranking, and interpreting these three values" (ibid., p. 8). I believe that entirely similar criticism could be raised with respect to the value judgments implicit in the celebrated essay of John Rawls, A Theory of Justice (Cambridge, Mass.: Harvard University Press, 1971).

See n. 18 above.