EVIL AND/OR COMPROMISE SITUATIONS IN MORAL THEOLOGY

Compiled by

James T. Bretzke, S.J.
jbretzke@jesuits.org

Last update: October 31, 2018

URL: https://www2.bc.edu/james-bretzke/EvilAndCompromiseInMoralTheologyBibliography.pdf


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EVIL AND/OR CONFLICT SITUATIONS IN MORAL THEOLOGY

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Theological/Philosophical Problem of Evil (Theodicy)


An introduction plus 8 articles ranging from A.S. Peake's 1905 essay on Job to Crenshaw's own 1975 treatment on the problem of human bondage in Sirach. Other contributors include Walther Elchrodt, Ronald J. Williams, Klaus Koch, Gerhard von Rad, Martin Buber, and Harmut Gese.


Flescher lays out the contours of his four dominant models in a helpful introductory chapter before turning to a detailed description of each in the first four chapters of his book. These models are 1) evil as the presence of badness as radical separate from goodness (e.g., Manicheanism), 2) evil as the presence of goodness, (e.g. theodicy), 3) evil as the absence of badness (a contrast to the good, e.g. perspectivalism), and finally his preferred model, 4) as what occurs in the absence of goodness, (an Augustinian notion of privation). A fifth, concluding chapter joins the Augustinian notion of evil as privation to a neo-Aristotelian virtue ethics.


Flescher is a member of the Core Faculty, Program in Public Health, associate professor of preventive medicine, and associate professor of English at Stony Brook University.


Josef Fuchs is professor emeritus of moral theology at the Pontifical Gregorian University in Rome.


Reviewed in Gregorianum by James T. Bretzke, S.J.
Haas is Associate Professor of Religious Studies at Vanderbilt.


Discusses religious aspects of suffering, the problem of evil, etc.


Arguing that the prevalence of evil presents a fundamental problem for our secular sensibility, Kekes develops a conception of character morality as a response. Kekes maintains that the main sources of evil are habitual, unchosen actions produced by our character defects and that we can increase our control over the evil we cause by cultivating a reflective temper. In addition to philosophical sources Kekes bases his arguments on the works of Sophocles, Shakespeare and Conrad.


Three seminal articles outlining Niebuhr's moral interpretation of what God is doing in the Second World War.


Begins by raising “a problem for many theists who say that God allows evil because free will is so valuable—the so-called ‘Free Will Defense’ (hereafter ‘FWD’) against the problem of evil. There have been many elaborations of the FWD, but I will argue that ultimately any such response fails to stand up to our intuitive notions of goodness. If a person acted as such theists say that God acts, we would not think of them as good. While theists can try to drive a wedge between the application of our normal standard of morality to people and to God, I will argue that there is no way to excuse God from moral responsibility for allowing evil.” Pavelich then concludes that in “offering up any possible way of understanding why God allows evil, one must either maintain that God's morality is recognizable by human standards, or admit that it is not. That is, one must decide if claims about God being moral are literal or figurative. The FWD must take them literally, since otherwise there would be no reason for a theist to give the response—they would simply say that God's values are not ours and leave it at that. But if God is allowing evil in order to preserve absolute free will, then God really is valuing things very differently than we do; so differently that any claim that God is morally good seems unjustifiable.”

At this writing Pavelich is an assistant professor of philosphy at the University of Houston.


Using the well-known 2009 “Phoenix ‘Abortion’ Case” Prusak re-examines the traditional text-book rendition of the 4 criteria of the principal of the double effect, and argues that from a philosophical perspective the criterion that “the evil effect in question may not be the means to the good effect” does not stand up to critical philosophical inquiry. Rather than do away entirely with PDE reasoning and casuistry, Prusak calls for a revision of the problematic criterion.

Prusak teaches at Villanova University.


Rigali teaches moral theology at the University of San Diego.


A doctoral dissertation.


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Intrinsece Malum (Intrinsic Evil) and/or Ontic Evil

Proposes a threefold categorization of malum of evil as a way of avoiding the problem of equivocation in the proportionalist use of the term "ontic evil." Billy grounds his terminology in an analoguous understanding of evil plus a recognition of the tension between certain Thomistic and Personalist categories.


Presents an historical overview of the traditional teaching, followed by a consideration of contemporary objections to the teaching as well as a critical evaluation of both traditional and contemporary teachings on the parvity of matter in sexual sins. Good rehearsal of the issues involved pro and con on the existence of objective morality and intrinsic evil.


Referencing Robert Schreiter's notion of philosophical and theological "intercultural" communication, this paper engages the Catholic moral tradition's conception of *intriensece malum in se* and proposes a taxonomy of views taken both from this tradition and how the term has been referenced by the Magisterium in documents such as *Veritatis splendor* and episcopal pronouncements connected with some hot button moral issues. At times the expression "intrinsically evil" functions as a shibboleth that only partially succeeds in demonstrating Schreiter's "competence criteria of effectiveness and appropriateness," and at other times the term functions more as a gauntlet thrown down to sharpen sides in political policy debates. Hopefully the notion of the taxonomy of conceptions and uses of "intrinsic evil" may aid in more dispassionate ethical analysis and overcoming some of the divisions that either the shibboleth or gauntlet usages effect.


_______. “Intrinsic Evil in *Veritatis splendor.*” Paper prepared for the Conference “The Concept of Intrinsic Evil in Catholic Theological Ethics.” Theology Faculty of the University of Vienna, January 30-31, 2018. [https://www2.bc.edu/james-bretzke/BretzkePaperOnIntrinsicEvilInVeritatisSplendor.pdf](https://www2.bc.edu/james-bretzke/BretzkePaperOnIntrinsicEvilInVeritatisSplendor.pdf)


The 5 *Dubia* of Cardinals Burke et al. on *Amoris laetitia* (AL) posits a supposed contradiction between *Veritatis splendor* (VS) on intrinsically evil acts and AL's position on pastoral discernment allowing for the possibility of a divorced/remarried individual to return to the Sacraments without an annulment or promising to live as "brother and
sister.” A group of conservative theologians in a Correctio Filialis De Haeresibus Propagatis (“Filial Correction”) also levelled serious charges that AL and Pope Francis himself are guilty of seven heresies. Certainly, AL does move beyond Familiaris consortio (FC#84) in allowing a person(s) living in more uxorio (1st Dubium). However, careful analysis of the relevant texts shows that Pope Francis has neither contradicted the moral tradition of the Church nor VS itself by envisioning such a practice (Dubia 2-5). Attention to a conscience-informed casuistry grounded in the teaching of Gaudium et spes and the Catechism of the Catholic Church (CCC), demonstrates that a proper Responsum to the Dubia and Correctio Filialis would be at best Non liquet (not proven).


At this writing Demmer was professor of moral theology at the Pontifical Gregorian University in Rome.


Dillon is associated with the “New Wineskins” movement of Catholic moral theologians and teaches at Providence College.


Drane, a professor of clinical medical ethics at Edinboro University of Pennsylvania, shares difficulties on the application of the term "intrinsically evil" to any and all condom use. Drane suggests a more careful investigation of the moral issues involved, a full understanding of the natural law tradition, and the use of the principles of the double
effect and counseling the lesser evil would all lead to a conclusion that in certain cases condom use in marriage would be morally licit.


Very critical of removal of the fetus in ectopic pregnancies–calling it a “direct abortion” and asking for a strong condemnation of this practice by the CDF.


Fuchs is Professor Emeritus of Moral Theology at the Pontifical Gregorian University in Rome.


Looks at the claims made in the Encyclical regarding the absolute prohibition of “intrinsically evil acts,” and uses a number of historical examples to indicate how previous Popes either performed, ordered, or approved a whole range of actions which have subsequently been condemned by *Gaudium et spes* #27 (which passage is used to provide the list of “intrinsically evil acts” contained in *Veritatis Splendor* #80).  Hoose also critiques the notion of “object” and intention and circumstances developed in the Encyclical as being too vaguely done, with the result that a simple reading of the text will lead to false conclusions about the nature of moral acts (at least in the Thomistic tradition).


Presents a careful reading of St. Thomas before moving on to developing the distinction between ontic evil and moral evil.


A Response to the articles of James Bretzke and Dana Dillon in the same volume.


Also found in English in Natural Law Forum 12 (1967): 132-162.


The German and English versions are a slightly reworked presentation of the French article, responding to certain criticisms the latter had evoked. In many ways this article can be taken as the beginning of the modern proportionalist debate.


Includes essays by Baruch Brody, William K. Frankena, Bruno Schüller, S.J., as well as contributions by Ramsey and McCormick, all of which deal in some way with McCormick's reformulation of the principle of the double effect, given as the 1973 Père Marquette Lecture, delivered at Marquette University in Milwaukee, Wisconsin (and which is included in this volume as well).


Discusses the recent debate over premoral norms, the direct/indirect distinction, exceptionless norms, intrinsic evil, and moral authority in terms of procedural criteria for
data selection, classification, and values-prioritization in the empirical methods of moral theology.

Author teaches moral theology at St. Paul University in Ottawa.


Murtagh is a priest in Miami.


This book was commissioned by the then Cardinal Prefect of the Congregation for the Doctrine of the Faith, Joseph Ratzinger, and its printing costs were also underwritten by the same Congregation.


Quay, a professor of physics, is a strong critic of revised moral theology and proportionalism in particular.


The article's central purpose is to give an exposition of the notion of intrinsically evil acts in such a way as to deny theories of proportionalism. References to *Veritatis Splendor* are used in a rather proof-texting fashion.

Rhonheimer teaches at the Roman Athenaeum of the Holy Cross (Opus Dei).

Using the evolving Church teaching on the moral licitness of regulating fertility by married couples, Selling outlines several differing modes of moral reasoning and analysis employed in the various teachings, and raises significant problems associated with an insufficiently nuanced understanding of terms such as “intrinsically evil/immoral.” He illustrates his discussion by using examples from Augustine to John Paul II, and focuses especially on the development of moral reasoning from Pius XI’s *1931 Casti Connubii* to Pius XII’s 1951 Address to the Italian Midwives, to Vatican II’s 1965 *Gaudium et spes* and then on to Paul VI’s 1968 *Humanae vitae* before concluding with John Paul II’s employment of terms such as “culture of life” and “culture of death” in his 1995 *Evangelium vitae* and elsewhere.

Selling is a student of Louis Janssens taught for many years at the Catholic University of Louvain, Belgium.

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*Compromise, Cooperation, Double Effect, Minus Malum, Principle of Tolerance, etc.*


One of several articles in this issue dealing with the theme of tolerance.


15 essays, mostly from the political Left, which focus on foundational issues like conscience formation, prudential judgment and a correct reading of the moral tradition of core concepts such as intrinsic evil and compromise with evil. One hearkens back to the 1986 Bishops Pastoral on the Economy, suggesting this might provide a more helpful model of political consultation and engagement, while several others highlight problems with the apparent conflation of enunciating moral principles with the call for adopting only one political policy or voting legitimacy. Finally, a couple helpful essays, such as Bryan Massingale’s on the problematic equation of opposition to slavery with abortion, give good interpretive illustrations of the kind of practical moral discernment that is needed in approaching the moral task of political participation in a way that is truly promotive of Christian holiness. The collection is balanced and covers most aspects from the abstract to the concrete, though with a fair amount of repetition of basic premises and recaps of American religious and political history (due to lack of coordination presumably about the nature of the individual essays).
Cooperation and/or Tolerance of Evil


Gives an historical overview of the concept and its development in the manual tradition, and then moves to address what Curran considers to be some missing elements in terms of the subjectivity and rights of conscience of the agent according to the traditional theory. Curran sets out his revision in terms of an understanding of the doctrine of religious freedom elaborated in *Dignitatis humanae*.

The periodical also incorrectly lists Curran as being a Jesuit.


Dissertation done under Klaus Demmer.


Rather conservative and manualistic presentation of various forms of cooperation with evil, using examples of cases involving workers in the health-care professions. Does include a good listing of some of the traditional examples given in the moral manuals for various types of "cooperation" with evil.

Originally presented as a talk at the Catholic Medical Guild's Seminar in Medical Ethics held in London.

Fisher, an Australian bioethicist studying at Oxford, is a disciple of Finnis and Grisez.

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Argues that the Vatican now accepts the “lesser of two evils” principle as applying in some cases to recommendation of condom usage for purposes of AIDS prevention.


One of several articles in this issue dealing with the theme of tolerance.


Grecco's 1982 doctoral dissertation from St. Michael's University (Toronto) in which he assesses Curran's four-step method in moral theology by applying it to Curran's "theology of compromise."


Excellent overview of the principle, as well as contemporary applications (though many of these are in the Philippine context).


This collection contains original contributions to the ongoing debate on the nature of toleration, including its definition, historical development, justification, and limits.


Against Cardinal Cormac Murphy-O’Connor and William May, Kaczor argues that the separation of Jodie and Mary was morally licit, though not morally obligatory.


Questions the legitimacy of the present understanding of the application of the principle of the double effect in complicated cases, and argues instead that the principle should be
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interpreted primarily as being heuristic and confirming of prudential decisions, rather than as providing a justification for difficult moral decisions.


Considers the impact of “duress” in reference to provisions for sterilizations in Catholic health care partnerships.


Excellent summary of the manualist tradition of the norms and distinctions involved in the principles of tolerance and cooperation with evil, which he then applies to the issue of Catholic politicians and voters in regards to abortion-related legislation. In this application he gives extensive reference to Magisterial documents such as Pope John Paul II’s Encyclical Evangelium vitae, correspondence with the then prefect of the Congregation for the Doctrine of the Faith, Joseph Cardinal Ratzinger (later Pope Benedict XVI), and the U.S. Bishops 2007 document on political participation Faithful Citizenship.

Magill is professor of heath-care ethics at the Center for Healthcare Ethics at Duquesne University in Pittsburgh.


In the wake of the infamous Phoenix “Abortion/Excommunication” case in which Bishop Thomas Olmsted declared Sr. Margaret MacBride, a hospital administrator, excommunicated and stripped St. Joseph’s Hospital of its “Catholic” designation this article revisits the moral dilemma of the pregnant woman who faced certain death and in which regardless of what was done or not done the fetus would not survive. Magill argues (counter to the Bishop) that the termination of the pregnancy was justified according to the principle of the double-effect.


Directed by Ivan Fucek, S.J. Discusses 20th century manualists (such as Hürth, Vermeersch, and Zalba), as well as papal and episcopal writings in areas of the principle of the lesser of evils, and makes some tentative illustrations in reference to contemporary moral issues such as condom education in the AIDS crisis and the acceptability of a national policy of nuclear deterrence.
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Morrino, a former Jesuit, is now bishop of Madison, Wisconsin.


One of several articles in this issue dealing with the theme of tolerance.


Argues against condom distribution in high schools, but does counsel condom use if one has the HIV virus and has already decided to engage in "sinful sexual activity."

Quinn was at the time bishop of Sacramento, California.


Rigali was professor of moral theology at the University of San Diego.


A study originally commissioned by the Congregation for the Doctrine of the Faith in 2000 and which was ordered published (first in German) “so that the theses it contains could be discussed by specialists.” While Rhonheimer does not follow what he considers to be a “weighing of goods” approach to moral analysis (which he identifies as the theory of proportionalism condemned in Veritatis splendor) he does take issue with traditionalistic arguments that in his view are now “obsolete,” “outdated,” and ultimately misconstrue the correct meaning of discerning the distinction between “direct” and “indirect” in terms of abortion.

Rhonheimer is professor of moral theology at Santa Croce, the Opus Dei school in Rome.


Reviews the manualist understandings of cooperation with evil and the more recent use of this term in debates over election support for certain politicians or parties, and then
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applies this concept to social sin and moral responsibility, using sweatshop clothing manufacture as an illustrative example.

Rubio is associate professor of Christian ethics at St. Louis University.


Looks at critiques of needle-exchange programs in light of classical formulations of cooperation with evil and judges the critiques to be wanting in the light of that tradition.


Taking up the ethical dilemma which faced Susanna in the Old Testament (Dn 13) which had been used by Pope John Paul II in his encyclical Veritatis Splendor to illustrate the notion of moral absolutes Traina critiques this a strong “absolutist” strain of natural law interpretation in the thought of Pope John Paul II, as well as moral philosophers such as Germain Grisez and John Finnis. Traina offers alternative solutions to the problem of relativism and consequentialism which so troubles moral absolutists by considering insights from the tradition of cooperation with evil and the epistemological nature of moral norms.


Doctoral dissertation done under Klaus Demmer, M.S.C.


The article examines the problematic arguments advanced by some moralists on why the Little Sisters of the Poor would be committing serious sin if they cooperated in giving official notice to the U.S. government that they oppose birth control coverage. The article is an excellent and quite readable treatment of the crucial distinctions between “formal (sinful) cooperation with evil and “material” cooperation (which may, or may not necessarily be sinful depending on intention and circumstances).

Vacek did his doctorate in moral philosophy and then taught moral theology for several decades, first at the now defunct Jesuit School of Theology-at-Chicago, then from 1981
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onwards at the Weston School of Theology (later the Weston Jesuit School of Theology) in Cambridge, and then when that school joined the newly formed School of Theology & Ministry at Boston College (in 2008). He left that faculty in 2011 to take the Stephen Duffy Chair in Catholic Theology at Loyola University in New Orleans.


One of several articles in this issue dealing with the theme of tolerance.


Analyzes the principle of gradualism in terms of the magisterial teaching as well as some of the debate around Humanae vitae and Familiaris consortio.


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Proportionalism

Aquinas, Thomas. ST II-II, q. 64, n. 7

On killing the unjust aggressor Thomas maintains that one can never intend to kill the aggressor, rather the killing must always be indirect.


Proposes a threefold categorization of malum of evil as a way of avoiding the problem of equivocation in the proportionalist use of the term "ontic evil." Billy grounds his terminology in an analogous understanding of evil plus a recognition of the tension between certain Thomistic and Personalist categories.
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The article has for context a focus of the contemporary Catholic re-examination of moral norms: the principle of double effect, which some claim can be reduced to the criterion of proportion between an act's good and evil consequences.  The article locates this claim within the teleological model of ethics, but distinguishes the theory from utilitarianism.


Thomas’s account substantially differs from contemporary double-effect reasoning (DER) insofar as Thomas considers the ethical status of risking an assailant’s life while contemporary accounts of DER focus on actions causing harm foreseen as inevitable.


The Congress was sponsored jointly the John Paul II Pontifical Institute for the Study of Matrimony and the Family of the Lateran University (Msgr. Carlo Caffarra), and the Holy Cross (Santa Croce) Center in Rome of the University of Navarra (Opus Dei).

Crosby is professor of philosophy at the University of Dallas.

Drane, a professor of clinical medical ethics at Edinboro University of Pennsylvania, shares difficulties on the application of the term "intrinsically evil" to any and all condom use. Drane suggests a more careful investigation of the moral issues involved, a full understanding of the natural law tradition, and the use of the principles of the double effect and counseling the lesser evil would all lead to a conclusion that in certain cases condom use in marriage would be morally licit.


Towards the end of this article Fuchs addresses himself to some of the mistaken understandings of proportionalism, as well as indicating what a correct understanding involves.


George is at Princeton University.


Is the judicial execution of the innocent permissible to deter crime?  Some advocates of consequentialism would respond yes, while moral absolutists argue that certain kinds of conduct, including this one, are absolutely prohibited, no matter what the consequences.  The 17 essays selected for inclusion represent the major contributions to its defense and criticism, and define the contemporary discussion.  In addition, Haber contributes an extensive bibliographic essay in which he defends his own version of moral absolutism.


Hallett proposes judging acts using a norm he calls Value Maximization.  He defines this norm and offers a full response to such critics of all forms of proportionalism as Finnis and Grisez.


Revised doctoral dissertation done at the Pontifical Gregorian University under Josef Fuchs, S.J., tracing the development and theological issues contained in the moral theory of proportionalism, from the initial publication of Peter Knauer, S.J.'s 1965 article on a revised approach to the Principle of the Double Effect through subsequent writings and debate primarily in Germany and North America.  Also contains a good bibliography of the relevant literature.

Hoose taught until his retirement on the faculty of Heythrop College, London.


Discusses the theories of Germain Grisez in terms of the human good, and his extreme reluctance to accept even the hypothetical possibility of disagreeing with the
Magisterium. Hoose goes on to clarify part of the problematic of the incommensurability of goods associated with the proportionalist school.


Presents a careful reading of St. Thomas before moving on to developing the distinction between ontic evil and moral evil.


In this discourse the Pope repeated the affirmation of immutable concrete moral norms, and gave as two examples the prohibition against contraception and direct killing of the innocent. The tone of the Pope's discourse is clearly that of the Caffarra-Grisez-Finnis line, and contains many thinly veiled negative references to the Proportionalist school.

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Johnson teaches philosophy and religion at St. Joseph's College in Rennselaer, IN.


Johnstone, an Australian, was professor of moral theology at the Alphonsianum in Rome and now teaches at the Catholic University of America.


Historical overview of the tradition of double effect reasoning from Thomas Aquinas to Peter Knauer, indicating important distinctions and developments made in this field.


Questions the legitimacy of the present understanding of the application of the principle of the double effect in complicated cases, and argues instead that the principle should be interpreted primarily as being heuristic and confirming of prudential decisions, rather than as providing a justification for difficult moral decisions.


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Kelly is professor of ethics at the Holy Cross (Santa Croce) Center in Rome.


Negative view of proportionalism.

Kiely is professor of psychology at the Pontifical Gregorian University in Rome, and consultor to the Congregation for the Doctrine of the Faith [CDF].


Also found in English in *Natural Law Forum* 12 (1967): 132-162.

The German and English versions are a slightly reworked presentation of the French article, responding to certain criticisms the latter had evoked. In many ways this article can be taken as the beginning of the modern proportionalist debate.


Argues that referring to the particular "specifications" of an act may be one way of resolving the impasse in the debate between the proportionalists and traditionalists concerning the concept of intrinsically evil acts.


Includes essays by Baruch Brody, William K. Frankena, Bruno Schüller, S.J., as well as contributions by Ramsey and McCormick, all of which deal in some way with McCormick's reformulation of the principle of the double effect, given as the 1973 Père Marquette Lecture, delivered at Marquette University in Milwaukee, Wisconsin (and which is included in this volume as well).


McCormick's famous 1973 Père Marquette Lecture, delivered at Marquette University in Milwaukee, Wisconsin, on a reformulation of the principle of the double effect.


McCormick's evaluation of the essays included in this volume, all of which relate in some way to his own seminal work, "Ambiguity in Moral Choice."

_____. "Il principio del duplice effetto." Concilium 12 (10/1976): 129-149.


Discusses the recent debate over premoral norms, the direct/indirect distinction, exceptionless norms, intrinsic evil, and moral authority in terms of procedural criteria for data selection, classification, and values-prioritization in the empirical methods of moral theology.

Author teaches moral theology at St. Paul University in Ottawa.


Discusses the jus ad bellum criteria in terms of the moral theory of proportionality. Clearly written and helpful in articulating just war theory.


Quite a good collection of articles by Protestant and Roman Catholic ethicists covering a number of topics related to the notion of moral norms and conflict situations.


This book was commissioned by the then Cardinal Prefect of the Congregation for the Doctrine of the Faith, Joseph Ratzinger, and its printing costs were also underwritten by the same Congregation.
Argues that the New Law, especially the Thomistic exposition of this, is at the cornerstone of Catholic moral theology outlined in *Veritatis Splendor*, and that the moral theory of proportionalism is incompatible with an ethics grounded in Scripture, and therefore ultimately inimical to Catholic moral theology.


Porter is professor of theology at the University of Notre Dame.


Here Ramsey develops his own position of indeterminacy and incommensurability in moral conflict situations. Primarily he dialogues with the positions of Richard McCormick and Bruno Schüller, though others are mentioned as well.


Critiques McCormick's own critique of an earlier article by Rhonheimer, as well as proportionalist theory in regards to the disputed point over moral intentionality and intrinsically evil acts.


Selling is a student of Louis Janssens and taught for many years at the Catholic University of Louvain, Belgium.


Critique of proportionalist theory, especially the distinction of moral and non-moral good/evil.

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Vacek is Professor of Moral Theology at the Weston Jesuit School of Theology.


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