A GRAMMAR OF THE NATURAL LAW: 
A CELEBRATION OF JOSEF FUCHS AND HIS LEGACY FOR NATURAL LAW RENEWAL

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INTRODUCTION

One of the most influential international moral theologians of the twentieth century was the German Jesuit, Josef Fuchs (1912–2005). Not only did he live through the tumult of two world wars and experience the radical reorientation and renewal that occurred during the Second Vatican Council, he also witnessed firsthand the rise of globalization and the need to secure human rights on a global scale. Rooted in an appropriation of the natural law, Fuchs’s theological ethic was sustained and ordered by his acceptance of moral realism, which affirms that an objective moral order exists independently of human understanding. Perhaps this is the most consistent thread that runs throughout the entire corpus of Fuchs’s contribution to the field and practice of theological ethics. Salient though this thread is, Fuchs’s reflections on the objective moral order were not static, but dynamic and subject to profound shifts throughout his career.

This article celebrates the life and thought of Josef Fuchs with respect to his contributions to natural law theory in theological ethics. In the first section, I provide a brief introduction to Fuchs’s theological reflections on the natural law and chart its early development citing his text *Natural Law: A Theological Investigation*. In the second section, I use Mark Graham’s work *Josef Fuchs on Natural Law* as a guide for exploring the profound shift that occurred in Fuchs’s thought due to the twofold influence of his colleague, another German Jesuit theologian, Karl Rahner, and his service with the Pontifical Commission on Population, Family, and Birth. In the third section, I explore the fruits of that conversion experience made manifest in two of his later works, *Christian Ethics in a Secular Arena* and *Moral Demands and Personal Obligations*. Inspired by Fuchs’s two post-conversion works, I call for a renewal of the natural law accompanied by its elevation within contemporary theological and ethical discourse for the twin purpose of securing human rights and promoting the conditions that contribute to the overall flourishing of human beings. To advance this claim, I contend that Fuchs is an insurmountable and invaluable figure for any contemporary project of natural law renewal.

PART I: A DISCURSIVE PROLEGOMENA TO FUCHS ON THE NATURAL LAW

One essential resource for unlocking Fuchs’s early views on the natural law is his 1965 text, *Natural Law: A Theological Investigation*. In this section, I explain what I hold to be some of the most significant features of Fuchs’s early, pre-conversion views on the natural law. In order to advance my argument that Fuchs’s theological reflection on the natural law was dynamic and
subject to change throughout his career, I isolate one distinct contour of his early reflections on
the natural law: the privileged place of the magisterium in guiding moral deliberation and
illuminating universal moral truth.

A firm believer in maintaining an objective, universal moral order, Fuchs holds that the
natural law ‘is the superior court, so to speak, for all humanity and is independent of the
changing legislation of today and tomorrow. It is the criterion of every law and of every juridical
order.’1 This is an especially noteworthy first precept of the natural law, in that it undergirds the
maintenance of an objective moral order, regardless of the historical development or social
construction of norms. There is no seemingly stronger way to maintain an objective moral order
than to have a normative law that guides all human behavior while at the same time remaining
both independent of and superior to the laws created by humans, which govern and influence the
manners and mores of civil society. In our postmodern world, moral relativism is the insidious
consequence of any social and cultural ethos that resists a universal, objective moral order. This
is evident when laws are established to protect some freedoms in one society, while laws are
written to curtail the same freedoms in another. This ideological impasse is defeated by the
natural law since the natural law claims to consistently support the same, established, general
inclinations that contribute to human flourishing, spanning across all cultures and societies
throughout the world. For example, what the natural law dictates in Uganda is the same as what
the natural law orders in the United States of America.

In order to secure the universal accessibility of the natural law, Fuchs holds that the natural
law is accessible by all humans through the shared human capacity to reason: ‘[t]he noetic
aspect of natural law, the fact that it is written in the heart of [humans] and therefore naturally
evident to [them], ensures that the most primitive peoples are capable of moral order and a
sufficient cultural development.’2 All humans are endowed with the capacity to reason and the
natural law is an objective moral order that is universally attainable. This means that all humans
have the capacity to participate in natural law reflection; the socially privileged and well-
educated few are not the only ones capable of employing human reason. All persons, by virtue
of the fact that they are rational human beings, can engage the natural law.

With its universal accessibility in mind, Fuchs furthers his analysis by noting that the design
of the natural law is teleological. Indeed, it is its teleological orientation, which shapes the
natural law’s normative voice; it is its normative voice, which gives the natural law traction in
moral discourse. Insofar as the natural law envisions what human beings are designed for by
illuminating their proper end, invoking the natural law in moral deliberation is necessary for
establishing the proper conditions for human flourishing. While the natural law is useful for
articulating a vision for human flourishing, it can enhance moral discourse when it enables
humans to arrive at a holistic understanding of what it means to be human, that is, when humans
are empowered to arrive at a thick, descriptive vision of human nature themselves.

Concerning its teleological contour, Fuchs is aware that ‘[t]he natural law is determined by
the destination and nature of [humans], it exists because of “laws written into the nature of
beings” which are ontologically rooted in human nature.’3 In this regard, the natural law and
theological anthropology are intrinsically intertwined modes of knowing. This means that
knowledge of what the human being is designed for is both attained and maintained by the
natural law. In seeking to understand the telos of human life and activity, one’s understanding of
the precepts of the natural law are illuminated; the natural law is designed to both enable and
empower humans to realize human flourishing.

Regarding its ontological dimension, Fuchs maintains that what the natural law supports as
‘natural’ is essential to understanding what a human being is, especially within a framework of
salvation history:
The precepts revealed in the different periods of the supernatural history of salvation force us to consider human nature ‘in general’ as the principle foundation of the natural law. This ‘human nature in general’ possesses elements which are discoverable in all its various modes of realization. Indeed, human qua human reasoning, situated within the context of salvation history, is born out of an ontological understanding of the natural law. The further one engages in natural law reflection, the further one will come to understand with greater clarity what it means to be human. When distilling a theological anthropology, one cannot lose sight of the salvific significance of the incarnation and its implications for elucidating with greater clarity what it means to be human. In short, the natural law not only reveals what humans are designed for, it also illuminates what constitutes humans in their very being.

Since Fuchs is situated within the Christian tradition and is writing as a Roman Catholic moral theologian, it is important to recognize that his theological ethic is theonomous. Fuchs recognizes the supreme authority of God in matters of moral deliberation concerning human nature in light of the fact that humans constitute the imago Dei. Fuchs acknowledges the soteriological significance of the natural law for the human person as made in God’s image: ‘[humans] in [their] historical existence [are] called upon by God to share in the full companionship of the Holy Trinity, in the vision of God. This destiny surpasses the intrinsic possibility of what we have called [their] nature.’ The very fact that humans are made in God’s image leads to a more complete vision of human nature and vocation.

Given the fact that humans are made in God’s image, human nature is to be understood as participating in the divine nature of God. In other words, human beings are charged to live according to their human nature, whose source and summit is found in God alone. Perhaps it is in and through this observation that the Thomistic patina which coats the lens through which Fuchs views the natural law is made most apparent: ‘[humanity’s] vocation to the beatific vision represents at the same time a different kind of vocation, namely that of fidelity to the natural law and the realization of all that human being which is not yet given with nature.’ Fuchs recognizes that human beings engage the natural law not only because it enables a framework from which to properly discern right action amidst moral tumult, but also because natural law reflection properly orients humans to the good in fulfillment of their human vocation.

Following the natural law and living as the imago Dei function concomitantly in Fuchs’s natural law theory. A concrete example of this is most saliently expressed regarding the telos of human sexuality:

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\text{[t]he obligation to realize one’s own personal God-given humanity is directly based on God’s being. The obligation to respect the biological finality of sexuality on the other hand, is based on God’s being only indirectly insofar, namely, as sexuality is part of the totality of [a person’s] being.}
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In short, Fuchs argues that the moral norms concerning human sexuality are derived from the initial awareness that humans are the imago Dei. This means that human nature is to be ontologically understood as grounded in the divine nature of God. In his early, pre-conversion years, Fuchs contended that biological determinism and gender complementarity ordered the teleological dimension of human sexuality. As a result, insofar as human sexuality is one aspect of a complete understanding of human nature, humans are required to adhere to the biological determinism and gender complementarity approach of understanding the norms for human sexuality. In so doing, humans are actually participating in the more complete human picture as revealed in the imago Dei.
The most distinct aspect of Fuchs’s early views on the natural law is his understanding of human nature as inherently fallen. The result of this weakened state of human nature is made most manifest in the limitations placed on human reason, as human beings are not omniscient. However, given the fact that the natural law is attainable through the human capacity to reason, Fuchs does not want human limitations to destabilize the universal, moral authority of the natural law. In order to compensate for the potential undermining of the natural law, Fuchs chooses to elevate the status of the teaching authority of the Roman Catholic Church: “[h]er activity as teacher of the natural law is all the more important when we consider that the human intellect is able to recognize this law, yet [humanity’s] fallen state weakens [its] knowledge in various ways.” In other words, where humans are limited in their capacity to reason concerning matters of moral deliberation, the magisterium ought to assert what is deemed to be the properly established moral norm and way of proceeding.

With this in mind, Fuchs’s idea of the natural law takes a profound ecclesiological turn. While human reason is darkened as a result of the Fall, the normative voice of the magisterium is to be respected as authoritatively illuminative in matters of moral deliberation. The magisterium ought to serve as the moral corrective to that which deviates from traditional invocations of the natural law in matters of Catholic moral teaching. Mark Graham, an astute expert on Fuchs’s contributions to moral theology, is aware of Fuchs’s conviction that the magisterium claims to have an accentuated authority when interpreting the natural law in moral discourse: ‘... the magisterium remains the crucial link between the objective moral order established by God and the possibility of grasping this moral order and articulating its contents in propositional form that offer specific directives for action.’ Note well that Fuchs neglects to consider that the magisterium is, in actuality, comprised of humans, whose own intellects are weakened by the Fall as well.

The primacy of moral authority that rests with the magisterium is the most searing feature of Fuchs’s early presentation and reflection on the natural law. That said, one’s engagement with Fuchs ought not end with this observation; he experienced a profound intellectual conversion shortly after publishing the early work on which this analysis thus far has focused. In order to present a holistic understanding of Fuchs’s legacy in the natural law tradition, the embodied narrative of his intellectual conversion is unavoidable and is the focus of the next section.

PART II: EXPLORING FUCHS’S CONVERSION EXPERIENCE

Over the course of three years, from 1963–1966, Fuchs served as an appointed member of the Pontifical Commission for Population, Family, and Birth. The findings of this select commission would ultimately be rejected in favor of the teaching conveyed in *Humanae Vitae*, the controversial encyclical promulgated by Paul VI in 1968 which articulates the official Roman Catholic position on artificial birth control, remaining in effect to this day. Drawing from the insightful and important analysis presented by Mark Graham in his text *Josef Fuchs on Natural Law*, this section explores the pivotal moments of Fuchs’s conversion leading to his renewed understanding of the natural law, an understanding which deviates from some aspects of his early views as presented in the previous section.

Fuchs’s service on the commission and the relationships he fostered with the married couples who were invited to share their experiences, struggles, and joys of married life with the celibate magisterium were two significant forces that ultimately conditioned his mind to intellectual conversion. As Graham notes, the testimony of the married couples moved Fuchs to recognize that the experience of the faithful wrestling with the moral teaching of the Roman Catholic
Church is an important testimony worth engaging: ‘[w]hile listening to these married couples, Fuchs gradually became convinced that married couples – not the magisterium or moral theologians – were in the best position to judge the liceity of artificial contraception in their concrete circumstances.’ In Fuchs’s mind, married couples were the ones who were charged to live out the moral norms established by the magisterium as ascertained through the natural law. However, as many participating members on the commission shared, families were being stretched financially, emotionally, spiritually, and mentally while they strived to maintain a faithful adherence to the magisterial teaching on birth control and family planning. The result was oftentimes that their marriages were compromised for the teaching of the church. The more Fuchs listened to these living narratives, the more he was moved to recognize that ‘... individual moral agents possess knowledge about themselves, their responsibilities and commitments, the practical effects of their actions, and their particular circumstances that enable them to judge objectively what should be done in their respective situations.’ This turn towards experience and self-knowledge gained heightened significance in Fuchs’s post-conversion understanding of the natural law.

A second significant catalyst for Fuchs’s intellectual conversion was the influence of his colleague, Karl Rahner. Rahner’s transcendental Thomism ultimately transformed Fuchs’s understanding of the human person as a moral agent. An earlier focus on human nature independent of everything else shifted to a renewed focus on the human person as historically dynamic and capable of recta ratio (i.e., right reason). Graham writes of this significant change as a critical moment during Fuchs’s intellectual conversion: ‘[o]nce . . . Fuchs accepted Rahner’s premises and theoretical framework, references to human nature in Fuchs’s natural law theory became sparse and infrequent, whereas voluminous references can be found equating natural law with right reason.’ With this insight, it is clear why Fuchs was so moved by the testimonies given by the married couples for the commission. Fuchs was adamant that these experiential testimonies, given the fact that they were offered by faithful persons whose collective conscience was formed in communio (i.e., in communion), should inform the official position to be taken by the magisterium on the issue of artificial contraception. In sum, recta ratio does not undermine the natural law; it illuminates one’s understanding of human nature and augments one’s appreciation for the natural law and its use in objective moral deliberation.

A third dimension of Fuchs’s intellectual conversion was his renewed understanding of the role of the magisterium in promoting the traditional moral teaching of the Roman Catholic Church. Recall, from the previous section, that Fuchs placed the primacy of moral competency in matters concerning moral deliberation with the magisterium. Since the human intellect is limited, all people should look to the magisterium for clarification and guidance. However, after his intellectual conversion, Fuchs began ‘to shift the locus of moral competency from the magisterium to the individual moral agent.’ This nuanced approach entertains a dialogical relationship between the magisterium and the faithful. Note how this is in stark contrast to a one-way relationship, which is characterized by a magisterium that externally imposes an interpretation of the natural law on the faithful while failing to adequately engage their experience or their capacity to recta ratio.

A fourth and final feature of Fuchs’s conversion was that he came to acknowledge that the magisterium was not to be understood as an infallible moral guide. Since the magisterium itself is comprised of fallible human beings and the inherited moral tradition has been articulated by fallible human figures, it is possible for some aspects of the moral teaching of the church to be in error. Graham traces this significant development: ‘Fuchs continued with an astonishing admonition: instead of submitting to the practical tendency of regarding the ordinary teachings of the magisterium as correct, we must begin to expect that the non-infallible magisterium is
sometimes mistaken.” Not only did this open up the possibility for dialogue between the magisterium and the faithful, it also understood moral development as a dynamic process of engagement with history, culture, and society. Far from upending a universal, objective moral order, Fuchs actually thickened the natural law within the nuanced complexities of history and invited the magisterium to mediate a conversation between the inherited tradition of the past and the present experience of the people. Participation in a respectful, two-way dialogue with the faithful, whose conscience is formed within the communal context of the church, allows for the possibility of the experiences of those in the church to be engaged in a constructive and perhaps even normative way.

When returning to the narrative of Fuchs’s service on the commission, the practical implications of his intellectual conversion are most evident regarding the norms for human sexuality. Recall from the previous section that Fuchs grounded the teleological dimension of human sexual nature in biological determinism and gender complementarity. With this in mind, it can be presupposed that the reproduction of children is and ought to be the ultimate end of sexual union; any acts such as artificial contraception, which preclude the possibility for procreation, would be considered immoral. However, as Graham notes, “[b]ecause “nature” was no longer a locus of moral normativity for Fuchs, contraceptive intervention, or the suspension of one’s natural fecundity, was morally neutral. The principle question for Fuchs was, does contraception promote a stable family and a healthy marriage?” While it is important to discern this question with *recta ratio* and with a conscience that is formed in *communio*, one cannot neglect to consider the implications the family, which is the functioning unit of society, has for the larger world in which one lives. The order and stability in the home that is likely to be achieved when a family is not stressed by the expenses of a growing household, provided the married couple is both fertile and sexually active, is an invaluable good that can contribute to the overall order and stability of society.

In short, the profound shift from a universal, objective human nature as revealed independently of human relationships and experiences to a universal, objective human nature as understood through relationships and participation in community opened the door for a renewal of both the natural law and theological ethics. By acknowledging that the magisterium is in fact fallible, Fuchs helped to humanize the moral, teaching authority of the Roman Catholic Church. Toward this end, Fuchs brought human experience into dialogue with the inherited moral tradition. In this way, an objective moral order is maintained while the actual content (i.e., moral norms) distilled from the objective moral order is seen as the result of developments of insight into the human person insofar as human intelligence is part of a developmental process. As humans come to know with greater clarity what it means to be human, they come to an increased understanding of human nature. Such an enterprise does not undermine the objectivity of the natural law, but actually thickens it with added layers of insight into the human person. The final section will discuss the fruits of Fuchs’s intellectual conversion by examining his post-conversion understanding of the natural law. It is my hope that these reflections will also serve as a catalyst for launching contemporary projects of natural law renewal that will benefit both the church and society as a whole in calling for their transformation by lifting up the experiences of the marginalized and stigmatized.

**PART III: FUCHS’S POST-CONVERSION VISION OF THE NATURAL LAW**

In this third and final section, I explore Fuchs’s post-conversion vision of the natural law vis-à-vis two of his more recent texts, *Christian Ethics in a Secular Arena* and *Moral Demands and
**Personal Obligations.** I argue that Fuchs’s post-conversion views on the natural law are especially important because they can serve as both a challenge to a narrow natural law theory and as a scaffold from which to construct a thicker natural law theory. In addition, I elucidate the following key themes, which I contend are significant hermeneutical lenses through which to view Fuchs’s mature reflections on the natural law: the existence of the moral absolute, the human being as *imago Dei*, the human capacity for self-realization, and the epistemic modes requisite for natural law reasoning, particularly the philosophical problem of the naturalistic fallacy.

Before any discussion that affirms the existence of the natural law can ensue, Fuchs argues that one must affirm the existence of a transcendent moral absolute. Recall that this is not unlike the claim made in the first section that Fuchs’s theological ethic is theonomous. It makes sense that such a vital grounding for Fuchs’s theological ethic would resist change throughout his career; the existence of a moral absolute presupposes the reality of an objective moral order. Fuchs begins his project of affirming the existence of the moral absolute by propounding a theological anthropology which reveals the moral absolute as an innate dimension of the human person: ‘[t]he absolute meaning of “being human” seems to be the condition of possibility of morality and rights. Without this meaningfulness, it is, in the end, senseless to talk about the binding force of orders and morality.’ By limning a sketch of the human person as endowed with fundamental rights and capable of moral action, Fuchs opens the door for further reflection on a moral absolute that orders the two dimensions of the human person, morality and rights, and binds them universally across all peoples throughout the world. Indeed, this process initiates the translation of an objective moral order that speaks to morality and rights, two dimensions that all human beings share.

Fuchs further expands his reflection on the natural law by establishing that the moral absolute is to be understood as transcendental so as to be both universally and objectively imparted to all human beings: ‘[t]he absolute binding force, in the sense of the basic moral experience, transcends particular moral and juridical binding norms and thus makes them into binding absolutes.’ The natural law is not unique to the particular moral or juridical norms of a given group of people within a certain social context, but transcends all particularities and applies to all peoples in their vast diversity. With this in mind, all parties involved in a moral discourse that invokes natural law reasoning must first affirm the reality of a transcendent moral absolute that directs an objective moral order.

A second feature of Fuchs’ post-conversion presentation of the natural law, which also remains unchanged, is his affirmation that the human being is made in the image and likeness of God. For Fuchs, as for many other moral theologians, the *imago Dei* is a theological precept that grounds the teaching that all humans are born with an innate dignity that ought to be affirmed, maintained, and protected. *Imago Dei*, human dignity, and human rights are three intrinsically intertwined leitmotifs in the field and practice of theological ethics. A lens through which to view humanity, the *imago Dei* further serves as a mode for reflection and application of the natural law:

God does not give positive rights and duties to [humans]; rather, [humans are] the image of God and [participate] therefore in God’s providence. Humanity therefore must try to discover by itself an order of rights and morality for [humans] and society in this world. The binding force of the order of rights and morality, found in this way, is absolute because it is founded in the reality of [humans themselves], created by God and redeemed in Jesus Christ.

In sum, Fuchs maintains that all humans are endowed with free will and agency; humans do not passively accept their rights and duties imparted from God. As the realized *imago Dei*, all humans are invited to actively participate in God’s transformative providence. By employing
their own capacity to reason, humans are permitted to exercise their own agency in reflecting on what it means to be human. In this way, God does not passively reveal the natural law to human beings. On the contrary, human beings as the imago Dei are called to reflect on the universal law that is embedded deeply within themselves, that is, the transcendent moral absolute that directs the objective moral order.

Having acknowledged that humans are the imago Dei and, as such, are called to reflect on moral behavior in light of a transcendent moral absolute, Fuchs distills the content requisite for reflection. Fuchs asserts that it is important for humans to reflect both collectively and individually on the conditions that entail self-realization: ‘what is important in both philosophical and theological speech is that [humanity’s] first duty is not to fulfill an imposed concrete order, but rather to project and discover such an order of human self-realization.’ Humans are invited to probe into the depths of human reason, especially the imagination, in order to reflect on the content that underlies the capacity for full self-realization.

The project of self-realization is as much an individual endeavor as it is a collective, communal endeavor. Fuchs understands the enterprise of self-realization as ‘... the task of realizing this self in its full, individual, interpersonal, and societal self-transcending meaning and openness.’ It is the dynamic, dialogical process of self-awareness and self-exploration that drives all humanity to come to understand and appreciate the complexity of what it means to be fully alive and fully human. Part of this complexity is the ethic, or way of being in the world, that Jesus Christ imparts to his followers. Indeed, Jesus Christ models a new way of being human in which ‘the way of the cross’ and ‘sacrifice’ are lifted up as profound offerings of unconditional love. Since Christians affirm that God revealed God’s self to humanity in and through the life, suffering, and death of Jesus of Nazareth, both ‘the way of the cross’ and ‘sacrifice’ convey as much insight into the nature of God as they do into the very nature of what it means to be human. However, Fuchs maintains that the Christian’s coming to this realization does not necessarily call for ‘the way of the cross’ and ‘sacrifice’ to be internalized without critical concern for their application: ‘[f]ollowing Jesus is an absolute demand, but there is not the same demand to imitate Jesus.’

Next, this analysis takes into important consideration the epistemic modes requisite for natural law reasoning. A common problem that will oftentimes surface in moral deliberation invoking the natural law is the naturalistic fallacy, that is, the derivation of an ‘ought’ from an ‘is.’ This can have deleterious consequences, as what is deemed to be ‘natural’ is held to be good and that which deviates from the natural is recognized as bad. Fuchs anticipates this philosophical problem and navigates through it by returning to a renewed focus on the human person:

A moral judgment about right ethical conduct cannot be deduced from what is given in nature, but can be found through human, rational, evaluative reflection within human reality as a whole. Only in this way can we avoid a naturalistic fallacy and find the true meaning of the ‘natural law.’

By welcoming reflection on human reality as a whole, Fuchs is inviting the moral theologian to engage with the morally complex world and interact with the intricacies of the quotidian moral life. The naturalistic fallacy is arrived at by reflection from the outside looking inward. On the
contrary, Fuchs proposes just the opposite; he challenges the theological ethicist who is situated within the natural law tradition to enter into the embodied, lived experience of being human and actively engage with the world as it is. In short, the naturalistic fallacy is isolated as problematic and is to be avoided.

A third aspect of Fuchs’s post-conversion understanding of the natural law is his recognition that nature is just one complex element of the moral life and of moral decision-making. Toward this end, Fuchs notes that nature is not the sole determinant of morality:

By itself, therefore, nature discloses only its being to us, not an ethical obligation. Thus, the question of how we ‘should’ make use of what is given in nature in a human and rational way is exclusively an ethical question that must be solved by human reason; it is a question of interpreting and evaluating of the relevance of nature for human reality as a whole.26

Nature is to be understood as a sort of window into the human person. As a result, human nature is to be used in descriptive discourse about what it means to be human, whereas the human capacity to reason ought to be employed in order to articulate the prescriptive dimension of the moral life. For Fuchs, the use of recta ratio in moral deliberation is precisely what makes humans human: ‘[t]o live an act humanly means proceeding reasonably, not arbitrarily, in an attempt at being – in everything – fully a person in the expression of our human nature.’27

Indeed, Fuchs privileges recta ratio in the moral life and holds that human beings, as moral agents formed in communio, are capable of recta ratio even when living in a post-lapsarian state of inherited sin. Though the human intellect is limited because humans are not omniscient beings, it does not necessarily follow that the human mind is so weak as to require passive reception of the moral tradition from the magisterium without critical and constructive reflection. What surfaced in Fuchs’s post-conversion views on the natural law was the heightened competency of the moral agent whose conscience is formed in communio. Following this realization is a thicker understanding of human nature, which is arrived at in and through the process of coming to understand what it means to be human, the conditions that promote human flourishing, and the telos of human self-realization.

Perhaps the greatest retrieval of the natural law in recent years has been Cristina L. H. Traina’s work Feminist Ethics and Natural Law: The End of the Anathemas. Appearing in Traina’s text is an entire chapter dedicated to the work of Josef Fuchs, citing the relevance of his contribution to natural law theory as an important resource for her own reappropriation. For Traina, feminism and the natural law are mutually compatible because both articulate visions and strive to maintain orders that promote universal human flourishing. In this vein, Traina lays claim to Fuchs’s understanding of human self-realization, which was explained in greater detail in the previous section: ‘Fuchs’s “will for right realization” is thus an attitude of caring for and about “the world of man” and its realization, among the most important elements of which is justice, sensitively and delicately applied.’28 Indeed, this call to self-realization entails that the human person strive to acquire the virtue of care. This is one of the many important insights of the feminist critique, which strives to order the world justly so that all human beings, particularly women who have been traditionally the subjects of gender marginalization, can fully realize their human capacity to flourish.

Traina goes on to emphasize the value of history as an essential resource for crafting a thicker, more gender inclusive natural law theory. Indeed, it has been the case that in earlier centuries, women were subject to discrimination due to their gender, which was perceived by the prevailing patriarchal power structures as naturally subordinate to the male gender. However, progress was achieved through historical developments that encouraged the popular imagination to make spaces for women in society. Traina agrees with Fuchs’s analysis of the
dynamic feature of humans as realized through a historical narrative when she writes, ‘[h]uman being[s] are not only integral, but dynamic. Like any author who embraces doctrines of both universal anthropology and genuine historical pluralism and dynamism, Fuchs searches for metaphors that express continuity in change.’29 The push to ensure continuity in change is a salient occasion where both Fuchs and Traina recognize that an objective moral order is always historically situated. This is arguably the most important precept that must first be established if any attempt is to be made at natural law renewal.

Fuchs’s emphasis on both self-realization and historical dynamism regarding human nature and the natural law are two concerns that Traina shares in her feminist approach to the natural law. While especially important for a feminist reappropriation, both are particularly useful for any project designed to renew the natural law, especially in areas where thin and narrow understandings of the natural law such as biological determinism and gender complementarity have been historically oppressive. A question that Fuchs poses, which Traina uses to motivate her reflections on feminist ethics and the natural law ought to give everyone pause for pondering: ‘[m]oral theology is not the progressive refinement of the “descent to particulars” but the answer to the question, “in which direction should human potential be developed”?’30 The natural law is a sine qua non to achieving a definitive end to the marginalization, stigmatization, and human rights violations that so many who are ‘other’ must tragically endure on a daily basis. Any contemporary ethicist and theologian invoking the natural law for the liberation of historically marginalized persons must find the beauty and grace inherent in the potential for human beings to realize their full capacity for human flourishing in the here and now to be, quite simply, irresistible.

CONCLUSION

In this paper, I have sketched a concise introduction to the intellectual development of Josef Fuchs on the natural law throughout the course of his writing. While Fuchs never abandoned his support for an objective moral order, his understanding of the ways humans came to understand the moral norms of the objective moral order was subject to change. His conversations with those who served on the commission led Fuchs to experience a profound intellectual conversion that forever changed the trajectory of the natural law tradition and its ongoing reception and presentation in the study and practice of theological ethics. Fuchs’s mature insights into the natural law must continue to be examined, gleaned, and invited into dialogue with the current experiences of human beings. It goes without saying that Fuchs’s invaluable reflections and contributions to the natural law are just as relevant today as they were when he first began to advance his innovative views.

Deeply embedded in a collection of Fuchs’s essays is a simple sentence of great profundity: ‘humans are beings of becoming, not beings created in their full development.’31 This wise and much needed insight into human nature will inspire and guide contemporary natural law reflection as humans from all walks of life are invited to come together in communio and engage in recta ratio in order to better understand what it means to be human and to promote and sustain a global and just vision for human flourishing and self-realization.

Notes

2 Ibid., p. 9.
3 Ibid., p. 7.
4 Ibid., p. 49.
5 Ibid., p. 67.
6 Ibid., p. 171.
7 Ibid., p. 171.
8 Ibid., p. 66.
9 Ibid., p. 13.
11 Ibid., p. 84.
12 Ibid., p. 84.
13 Ibid., p. 97.
14 In communion indicates a communal relationship, which I also understand to be community.
15 Ibid., p. 102.
16 Ibid., p. 97.
17 Ibid., p. 101.
19 Ibid., p. 117.
20 Ibid., p. 118.
21 Ibid., p. 119.
22 Ibid., p. 119.
24 Ibid., p. 216.
25 Ibid., p. 33.
26 Ibid., p. 33.
29 Ibid., p. 178.