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Amoris Laetitia and Catholic Morals

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On March 19 of this year, Pope Francis published his response to the two Synods on Marriage and Family of 2014 and 2015, his Apostolic Exhortation *Amoris Laetitia* (hereinafter, *AL*). In this essay we focus on the topic that governs the entire Exhortation, namely, the ancient Catholic doctrine on the authority and absolute inviolability of the informed personal conscience, and reflect on its meaning for ongoing Catholic moral life.

CONSCIENCE

Already in the thirteenth century, Saint Thomas Aquinas established the authority and inviolability of conscience. ‘Anyone upon whom the ecclesiastical authorities, in ignorance of the true facts, imposes a demand that offends against his clear conscience, should perish in excommunication rather than violate his conscience.’ For any Catholic in search of the good and the true, no clearer statement on the authority and inviolability of personal conscience could be found. Seven hundred years later, the last hundred of which saw the rights of personal conscience ignored and/or suppressed in the Catholic Church, the Second Vatican Council’s *Gaudium et Spes* issued a clarion cry in its defence. ‘Conscience is the most secret core and sanctuary of a man. There he is alone with God whose voice echoes in his depths. In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbour’ (*GS* 16). Its *Dignitatis Humanae* went further to assert the inviolability of conscience. ‘In all his activity a man is bound to follow his conscience faithfully, in order that he may come to God for whom he was created. It follows that he is not to be forced to act contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, especially in matters religious’ (*DH* 3). In the 1960s, these were

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words seldom heard in Catholic magisterial circles, but they are words deeply rooted in the Catholic moral tradition.

Conscience comes at the end of a rational process which is a process of experience, understanding, judgment, decision. This process includes a natural grasp of the first principles of practical judgment and a gathering of as much evidence as possible, consciously weighing the evidence and its implications, and finally making as honest a judgment as possible that this action is to be done and that action is not. The final practical judgment of this process is called conscience and, since it is a judgment about what is good or evil, right or wrong, it is a *moral* process. A *moral* action is one that follows the practical judgment of conscience and an *immoral* action is one that goes against conscience. It is commonplace theologically to insist that, in order to be right and moral, conscience must be informed; that information is the gathering of the necessary evidence for a conscience-judgment we have just outlined.

Since conscience is a practical judgment that comes at the end of a deliberative process, it necessarily involves the virtue of prudence, by which right reason is applied to action. Aquinas locates prudence in the intellect, arguing that it discerns the first principles of morality, applies them to particular situations, and enables conscience to make practical judgments that this is the right thing to do on this occasion and with this good intention. Prudence, therefore, needs to know both the general principles of morality and the individual situation in which human moral action is to take place. Prudence is a *cardinal* virtue around which all other virtues pivot, integrating agents and their actions. Because prudence controls the judgments that precede the exercise of all other moral virtues, and must precede them if they are to be moral, Aquinas holds that no moral virtue can be possessed without prudence, since it is proper to moral virtue to make a right choice.

ERRONEOUS CONSCIENCE

Women and men, unfortunately, as Pope Francis points out, are weak (*AL*, 291) and every judgment, even the most prudential practical judgments of conscience, can be in error. That raises the question of the erroneous conscience and so, at this point, we need to introduce some important distinctions. Ethicists note that there are two poles in every moral judgment. It is always a free, rational human *person* who makes a judgment, and so one pole of the judgment is a personal, subjective pole; but every person makes a judgment about some objective reality, contraception, cohabitation or homosexual action, for instance, and so there is always also an objective pole. Persons arrive at their judgments either by

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following the rational process outlined above or by somehow short-changing that process. In the first case, the subject may arrive at a right moral understanding and conscience-judgment about the object; in the second case, the subject may arrive at an erroneous understanding and conscience judgment about the object. If a decision to act follows a right understanding and judgment about the object, then conscience is also said to be right; if it follows an erroneous understanding and judgment, then conscience is also said to be erroneous.

If the error of understanding and judgment can be ascribed to some moral fault, taking little trouble to find out what is true and good (see *Gaudium et Spes*, 16), for instance, or negligent failure to be sufficiently attentive to the necessary experience, to gather the necessary evidence, to engage in the necessary deliberation, to take the necessary advice, then the wrong understanding and the practical judgment of conscience flowing from it are both deemed to be culpable and cannot be morally followed. If the error cannot be ascribed to some personal fault, then both the understanding and the practical judgment of conscience flowing from it are deemed to be non-culpable and not only can but must be followed, even contrary to Church authority, as Aquinas argued. Persons are bound not only *to* conscience but also *for* conscience, that is, they must do all in their power to ensure that their conscience is right. Any negligence in the search for rightness is immoral. There is one final distinction to be added here. The morality of an action is largely controlled by the subject's intention. A good intention, giving alms to the poor *because* the poor need help and to help them is the right and Christian thing to do, results in a moral action. A bad intention, giving alms to the poor *because* I want to be seen and to be praised by men (Matt 6:2, 5; see Luke 18:10-14), will result in an immoral action.

A decision of right conscience is a complex process. It is an *individual* process, but far from an exclusively *individualistic* process. The Latin word *con-scientia* literally means knowledge together, perhaps better rendered as to know together. It suggests what human experience universally demonstrates, namely, that being in consultation with others is a surer way to come to right knowledge of moral truth and right moral judgment of what one ought to do or not do. This community-basis of the search for Catholic truth, conscience, and moral action builds a sure safeguard against both an isolating egoism and a subjective relativism that negates all universal truth. The community-basis of consciences has been part of the Christian tradition since Paul, who clearly believed in the inviolability and primacy of conscience (1 Cor 10:25-27; 2 Cor 1:12; 4:2; Rom 14, 23). Ethicist Bernard Häring

calls it ‘the reciprocity of consciences.’ It is within this reciprocity of consciences that Church authority functions, not indeed guaranteeing conscience (past errors preclude that simplistic claim) but informing it to a right practical judgment. We are instructed here by Blessed John Henry Cardinal Newman’s famous comment to the Duke of Norfolk. ‘If I am obliged to bring religion into after-dinner toasts (which indeed does not seem the right thing), I shall drink to the Pope if you please, still to conscience first and to the Pope afterwards.’

The Catholic faithful, the International Theological Commission recently teaches, have an instinct for the truth of the Gospel, which enables them to recognize and endorse authentic Christian doctrine and action, and to reject what is false. Banishing the notion of a strict separation between the teaching church and the learning church, the Second Vatican Council taught that all the baptized participate in their own proper way in the teaching office of Christ and that Christ fulfils his teaching office by means not only of the hierarchy but also the laity (*Lumen Gentium*, 35). The attainment of moral truth in the Catholic tradition involves a dialogical process in the communion-church between the hierarchy and the laity and, when that process has been conscientiously completed, every last member of the laity is finally ‘alone with God whose voice echoes in his depths’ (*Gaudium et Spes*, 16) and has to make the practical judgment and decision of conscience that this is what *I* must believe or not believe, do or not do. Back to Newman’s dictum, and also to Aquinas’: conscience first and the Pope afterwards.

Having made an honest judgment and decision of conscience, no Catholic is ‘to be forced to act in a manner contrary to his conscience. Nor ... is he to be restrained from acting in accordance with his conscience, especially in matters religious’ (*Religious Freedom*, 3) and, we might add, moral. Theologian Joseph Ratzinger, later Pope Benedict XVI, pointed out that ‘not everything that exists in the Church must for that reason be also a legitimate tradition.... There is a distorting as well as legitimate tradition.’ The long-standing adherence of the Church to teachings on the taking of interest on loans, on slavery, and on religious freedom are well-known examples of distorting traditions that it now rejects. The *Catechism of the Catholic Church* places the Church’s teaching beyond doubt: Catholics have ‘the right to act in conscience and in freedom so as personally to make moral decisions’ (n. 1782). A well-informed, and therefore well formed, conscience is the long-established Catholic way to choosing the true and the good.

has to do is to obey the moral truth that is proposed to it. That is contrary to the Catholic teaching in the *Catechism of the Catholic Church*. ‘Imputability and responsibility for an action,’ it teaches, ‘can be diminished and even nullified by ignorance, inadvertence, duress, fear, habit, inordinate attachments, and other psychological or social factors’ (1735). When speaking of masturbation, it clearly teaches that ‘to form an equitable judgment about the subject’s moral responsibility and to guide pastoral action, one must take into account the affective immaturity, force of acquired habit, conditions of anxiety, or other psychological or social factors that lessen or even extenuate moral culpability’ (2352). Any conscience decision must discern not only the moral truth proposed to it but also any and every relevant circumstance in which moral action is to take place. Pope Francis clearly teaches this in several different ways in *AL*.

Speaking of those in what he calls the ‘irregular situation’ of being divorced and remarried without annulment, he acknowledges that they ‘can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment’ (*AL*, 298). In a footnote, he cites the Second Vatican Council’s judgment that if they take the option of living as brother and sister the Church offers them, ‘it often happens that faithfulness is endangered and the good of the children suffers’ (*Gaudium et Spes*, 51). For these reasons, the Pope continues, ‘a pastor cannot feel that it is enough simply to apply moral laws to those living in ‘irregular’ situations, as if they were stones to throw at people’s lives. This would bespeak the closed heart of one used to hiding behind the Church’s teachings, ‘sitting on the chair of Moses and judging at times with superiority and superficiality difficult cases and wounded families’ (*AL*, 305). His argument, of course, applies not only to divorce and remarriage, about which he is specifically speaking, but also to every other personal moral situation. He applies it to the consideration of several irregular situations.

Traditionally in Catholic sexual ethics every sexual sin is a mortal sin. *AL* challenges that position. The Church, Francis argues, ‘possesses a solid body of reflection concerning mitigating factors and situations. Hence it can no longer simply be said that all those in any “irregular” situation are living in a state of mortal sin and are deprived of sanctifying grace.’ Factors may exist which limit the ability to make a decision (*AL*, 310). The *Catechism* teaches the same doctrine: ‘imputability and responsibility for an action can be diminished or even nullified by ignorance, inadvertence, duress, fear, habit, inordinate attachments’ such as ‘affective immaturity, force of acquired habit, conditions of anxiety or other psychological

or social factors' (1735 and 2352). Francis applies these teachings to the consideration of several 'irregular situations.'

A. Communion for the Divorced and Remarried without Annulment

The topic of sacramental communion for the divorced and remarried without annulment was the topic most hotly debated at the Synods and the topic about which the bishops were most divided. In their final document, by a margin of 187 yes to 72 no votes (72% yes), they proposed a 'logic of integration' for re-establishing the divorced and remarried into communion with the Church, including possible sacramental communion. On a vote of 178 yes and 80 no (69% yes), they agreed that full integration should depend on the divorced and remarried being 'subjectively certain in conscience' about their freedom to take sacramental communion, and, on a vote of 190 yes and 64 no (75% yes) that certain conscience should depend on an internal forum process accompanied by a priest or counsellor.

Francis takes those decisions of the Synods and argues that 'conversation with the priest, in the internal forum, contributes to the formation of a correct judgment on what hinders the possibility of a fuller participation in the life of the Church and what steps can be taken to re-establish it and make it grow.' To avoid any suspicion of laxity this discernment must include 'humility, discretion and love for the Church and her teaching, in a sincere search for God's will and a desire to make a more perfect response to it' (*AL*, 300). Any conscience or internal forum judgment about divorce, remarriage without annulment, and partaking of communion, in other words, can be and must be a conscience-judgment made by the couple themselves after consultation with a priest-counsellor.

B. Contraception

The topic of contraception has divided opinion in the Catholic Church since the publication of Pope Paul VI's *Humanae Vitae* in 1968. Its treatment in *AL* focuses on the situation in which a State imposes contraception on its citizens and Francis condemns that imposition as a gross violation of both individual and couple consciences. State intervention in birth policy challenges 'the upright consciences of spouses ... and the Church strongly rejects the forced State intervention in favour of contraception, sterilization, and even abortion' (*AL*, 42). Rather than citing the text from *Humanae Vitae* on the specific prohibition of artificial birth control, Francis chooses to highlight 'the need to respect the dignity of the person in morally assessing methods of regulating birth' (*AL*, 82, 222). Noticeably absent from the Exhortation is any

reference to natural family planning or to the absolute inseparability of the unitive and procreative meanings of sexual intercourse so emphasized by Paul VI in *Humanae Vitae* and so central to his banning of all artificial contraception.

Without specifically abrogating Paul VI's much-controverted teaching, Francis comes down on what to some is a new, but is really an old though recently magisterially-ignored Catholic principle of the absoluteness and inviolability of an informed conscience. Decision about family planning, Francis insists, 'fittingly takes place as the result of a consensual dialogue between the spouses' and the decision flows from an informed conscience 'which is "the most secret core and sanctuary of a person" where "each one is alone with God whose voice echoes in the depth of the heart"' (AL, 222). The Second Vatican Council taught that the married couple 'will make decisions [about the transmission of life] by common counsel and effort *The parents themselves and no one else should ultimately make this judgment in the sight of God*' (AL, 222). This firm principle has always assumed a couple's accompaniment by a priest in their journey to an informed judgment of conscience, and Francis reinforces this in his decree that any internal forum solution should ultimately be the decision of the couple assisted by the counsel of a priest.

C. Cohabitation

The traditional approach to sex, marriage, and family in the contemporary Western world, including among a majority of Catholics, has largely collapsed. When the *Lineamenta* for the 2015 Synod on Marriage and Family was distributed, the first reaction of Catholic Marriage Care in England, charged with the marriage preparation of those wishing to marry in the Catholic Church, was that 'nearly all couples attending our marriage preparation courses are cohabiting, and many have children ... the couple asking to be married in the Church and not already living together is a rarity.' There are multiple reasons for such an approach to sex, marriage, and family, but they are not elaborated in AL and need not detain us here. Francis contents himself with the undisputed judgment that 'in some countries, *de facto* unions are very numerous, not only because of a rejection of values concerning the family and matrimony, but *primarily* because celebrating a marriage is considered too expensive in the social circumstances. As a result, material poverty drives people into *de facto* unions' (AL, 294).

Nowhere in his Exhortation does Francis condemn cohabitation in blanket fashion. In contradistinction to the *Final Report* from the Synods which condemns all cohabitation, he makes a distinction between 'cohabitation which totally excludes

any intention to marry' (AL, 53) and cohabitation dictated by 'cultural and contingent situations,' (AL, 294) like poverty, which requires a 'constructive response' that can lead to marriage when circumstances permit it. Borrowing from Jesus' treatment of the Samaritan woman and Saint John Paul II's 'law of gradualness,' he accepts the latter 'in the knowledge that the human being knows, loves and accomplishes moral good by different stages of growth' (AL, 295). The Church must never 'desist from proposing the full ideal of marriage, God's plan in all its grandeur.' Aware, however, of all the psychological, historical, cultural, and 'even biological' mitigating circumstances, she must also never desist from accompanying 'with mercy and patience the eventual stages of personal growth as these progressively appear' (AL, 307). Again the law of gradualness. The biblical Jesus leaves his followers with two commandments: first, the great commandment, 'You shall love your neighbour as yourself' (Matt 19:19; John 15:16), which is 'much more than all whole-burnt offerings and sacrifice' (Mark 12:33); second, the commandment, 'judge not that you be not judged' (Matt 7:1; Luke 6:37) (See AL, 306 and 308). The Catholic Church and Catholics in general, Francis argues, must heed these commandments even if, in his pregnant phrase, 'in the process, her shoes get soiled by the mud of the street' (AL, 308).

D. Homosexual Action

The final irregular situation Francis chooses to dwell on is the situation occasioned by the phenomenon of homosexuality. 'Every sign of unjust discrimination' is to be carefully avoided, particularly any form of aggression and violence' (AL, 250). This specific proscription of *unjust discrimination* has left the door open for some to argue that *just discrimination* against homosexual persons is permitted, a conclusion that surely is contrary to the two commandments he so emphasizes 'love your neighbour as yourself' and 'judge not.' To the much-controverted questions of homosexual marriage, Francis gives an unequivocal answer. '*De facto* or *same-sex* unions ... may not simply be equated with marriage,' and 'there are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family' (AL, 251). This judgment should be read as a positive claim for the benefits of heterosexual marriage and not just as a negative condemnation of same-sex unions.

The grand plan of AL is the rediscovery and renewal of the authentic meaning of Christian marriage and family, for 'the Christian proclamation on the family is good news indeed,' and 'the joy of love experienced by families is also the joy of the

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Church' (*AL*, 1). It is unfortunate, however, that Francis did not choose to recognize the joy of genuine love experienced by same-sex couples and chose instead to contrast it with the joy of love experienced by opposite-sex couples. We wonder if, when he wrote his brief comments on same-sex unions in paragraphs 52 and 53, he had not yet thought about paragraph 314 where he asserts, correctly, that God 'dwells deep within the marital love that gives him glory.' He cannot possibly be asserting that God dwells within the love of opposite-sex couples but not within the love of same-sex couples, for the universal and unchallenged Catholic position is the biblical position: 'God is love' and 'if we love one another, God abides in us and his love is perfected in us' (1 John 4:8, 12). We judge that, despite the negative judgments about their unions, there is good news for gays and lesbians in Francis' Exhortation. That good news lies in two things that run throughout and colour the entire document, the theme of gradualness and the theme of the authority and inviolability of personal conscience.

The theme of gradualness applies to the extent that, as mutually-loving gay and lesbian couples demonstrate that their unions, whether called marriage or not, are as loving and *interpersonally* fruitful as heterosexual unions, Catholics and their Church will become as comfortable with them as with marriage between heterosexual couples. Indeed, there is extensive sociological evidence that the majority of Western Catholics are already comfortable with gay and lesbian marriages. Francis' judgment that 'adoption is a very generous way to become parents,' his exhortation encouraging those 'who cannot have children to expand their marital love to embrace those who lack a proper family situation,' and his further judgment that 'adopting a child is an act of love, offering the gift of a family to someone who has none' can all be applied to homosexual as well as heterosexual unions (*AL*, 179, 180). The common and uninformed perspective that asserts that gay and lesbian parents are bad for the proper development of their children is universally controverted by the scientific evidence that shows that the children of gay and lesbian parents fare as well as the children of heterosexual parents. As for conscience, the theme of the freedom and inviolability of an informed personal conscience applies as much to the decision of gays and lesbians to enter a loving union and to adopt children as it applies to any other conscience or internal forum decision.

CONCLUSION

There are, of course, other questions of interest in *AL*. There is Francis' ubiquitous emphasis on poverty and its effects, especially on the women and children in families worldwide. There is his judgment that Christian marriage demands that husband and wife

be equal in their marriages. ‘Every form of sexual submission,’ he argues, ‘must be clearly rejected. This includes all improper interpretations in the passage in the Letter to the Ephesians where Paul tells women to “be subject to your husbands”. This passage mirrors the cultural categories of the time,’ and therefore does not universally apply. But, ‘as Saint John Paul II wisely observed: Love excludes every kind of subjection whereby the wife might become the servant or the slave of her husband’ (AL, 156). The questions we have examined, however, are sufficient to answer the question: *Amoris Laetitia* and Catholic Morals: *Status Quo* or Development? The answer to that question, we suggest, is twofold: there is no change of Catholic moral *doctrine* but there is certainly organic development in the *interpretation* and *application* of that doctrine. There is no change in Catholic doctrine as it has existed since long before AL, for the absolute authority and inviolability of personal and informed conscience and the modifying impact of circumstances on ethical judgment have long been part of Catholic moral *doctrine*. There is, however, organic development in the *interpretation* and *application* of that doctrine, for Pope Francis has brought the long-established Catholic doctrines about the authority and inviolability of an informed conscience and about the modifying effect of circumstances on ethical judgments out of the shadows, where they have languished for several centuries, and has placed them squarely in the forefront of Catholic moral interpretation and practice.

Word Music. Aural sound and sound sense were born for me on those musky eiderdown days, behind the top window of my grandmother’s house on main street. Aural sound was to be my first introduction to theatre, to the arts and to the unbounding possibilities of radio and writing and teaching. It was my beginning and my understating of how my place spoke to me. It spoke to me through the music and melody and patterns and inflections and phraseology and emphasis and pitch and lift and fall of the word music of the human voice.

- MARIE-LOUISE O’DONNELL, *This Place Speaks to Me*, ed. John Quinn (Dublin: Veritas) p.10.