

**Self-Originating Source of Valid Moral Claims
or Witness to Moral Truth?
Contemporary Revisionist Accounts of Conscience—
An Exploration and Response***

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“It will not do to identify man’s conscience with the self-consciousness of the I, with its subjective certainty about itself and its moral behavior.”

—Joseph Ratzinger¹

In his seminal essay “The Procedural Republic and the Unencumbered Self,” Michael Sandel observed that the dominant political philosophy that had been implicit in the practices and institutions of the America of his day (he wrote in 1984) presupposed a certain conception of the human person—the *unencumbered self*. Wrote Sandel:

This is . . . a self understood as prior to and independent of purposes and ends. . . . For the unencumbered self, what matters above all, what is most essential to our personhood, are not the ends we choose but our capacity to choose them. . . . The unencumbered self and the ethic it inspires, taken together, hold out a liberating vision. Freed from the

* I am grateful to Justin Anderson, Kevin Flannery, S.J., and Michael Pakaluk for comments on earlier drafts of this essay.

¹ Joseph Ratzinger, “Conscience and Truth,” in *Crisis of Conscience*, ed. John Haas (New York: Crossroad, 1996), 6.

dictates of nature and the sanction of social roles, the human subject is installed as sovereign, cast as the author of the only moral meanings there are.²

This was at the time a most apt description of the modern liberal *self*. Alasdair MacIntyre captured its essence in similar terms describing the emotivist self, capable of passing moral judgment “from a purely universal and abstract point of view that is totally detached from all social particularity. Anyone and everyone can thus be a moral agent, since it is in the self and not in social roles or practices that moral agency has to be located.”³ And the moral claims of these autonomous selves are, in principle, to be held as valid simply because, as John Rawls once put it, they emerge from individuals who understand themselves, and who we take to be “self-originating sources of valid claims.”⁴ It is such a conception of the self—unencumbered, emotivist, self-originating and self-validating source of moral claims—which animates the contemporary zeitgeist.

It also captures and articulates the underlying anthropological conception of the self which animates much of contemporary Catholic moral theology. Just such a conception is the root and heart of tensions in contemporary moral theology over what constitutes an adequate understanding of moral conscience appropriate for our times. In the twentieth century, these tensions were experienced first as a much-needed corrective to manualist theology and its excessive emphasis on conscience. Today, however, as Matthew Levering has masterfully retraced, any number of “revisionist” moral theologians—as the present essay will examine—have only strained the existing

² Michael Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory* 12 (February 1984): 86–87. In the specific sense in which Sandel uses the term, the “unencumbered self” is the self that is operative in John Rawls’s “original position.” The original position does the work of grounding a notion of *right* (that is prior to the good) in a manner which at least sounds more anchored in reality than Kant’s grounding of the same notion of right in the transcendental subject. Although Rawls frees his theory from the Kantian transcendental subject, he nonetheless writes very much in the Kantian tradition; and his proposed derivation of requirements of justice from a hypothetical social contract was and remains problematic. See John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Belknap, 1999).

³ Alasdair MacIntyre, *After Virtue*, 3rd ed. (Notre Dame, IN: University of Notre Dame Press, 2007), 32.

⁴ John Rawls, “Kantian Constructivism in Moral Theory,” *Journal of Philosophy* 77 (1980): 543, cited in Sandel, “Procedural Republic,” 87n15. Rawls explains: “People are self-originating sources of claims in the sense that their claims carry weight on their own without being derived from prior duties or obligations owed to society or to other persons, or, finally, as derived from, or assigned to, their particular social role.”

tensions with their own brand of conscience-centered moral theology.⁵ Writes Levering:

Twentieth-century Catholic moral theology was marked throughout by an “abuse of conscience.” It gave too expansive a place to conscience in the Christian moral life. By the 1950s, Catholic moral theology was poised to overcome this problem, only to fall even more fully into a new version of conscience-centered moral theology after the Second Vatican Council.⁶

And this largely explains why Catholic moral theology today is in a crisis—what we can call very meaningfully a crisis of conscience. Or to put it more precisely, the institution finds itself today at a tipping point in that crisis.

What particularly forces the tipping point is the prominence that has been accorded during the pontificate of Pope Francis to post-conciliar conscience-centered moral theology. It was Cardinal Pietro Parolin, among others, who heralded Pope Francis’s 2016 post-synodal apostolic exhortation *Amoris Laetitia* (*AL*) as embodying a “new paradigm,” an expression commonly employed among the latest generation of revisionist moral theologians.⁷ To be sure, there are many elements of this paradigm, if we are to call it that, as reflected in *AL* and more broadly in the magisterium of Pope Francis which are most welcome: the priority of pastoral charity and accompaniment, and the call for “a revolution of tenderness.”⁸ Yet *AL*

⁵ The exact origin of the term “revisionist” is debatable. James Keenan, S.J.—himself a prominent revisionist moral theologian—uses the term with some regularity. My use reflects his own. Broadly speaking, the term refers to moral theologians of the twentieth century who endeavored to contribute to a reform of manualist moral theology. Keenan identifies as “revisionist” in a narrower sense those moral theologians who made the concept of “fundamental option” central to their moral systems, among them Louis Janssens, Josef Fuchs, and the later Bernard Häring; see Keenan, “Virtue, Grace and the Early Revisionists of the Twentieth Century,” *Studies in Christian Ethics* 23, no. 4 (2010): 365–80.

⁶ Matthew Levering, *The Abuse of Conscience: A Century of Catholic Moral Theology* (Grand Rapids, MI: Eerdmans, 2021), 1.

⁷ Cardinal Pietro Parolin, interview with Vatican News: “Here too perhaps I would use the same term that I used before, namely that in the end, *Amoris laetitia* arose from a new paradigm that Pope Francis is carrying forward with wisdom, prudence and also with patience” (my translation from the Italian of the January 11, 2018, interview recorded and transcribed at www.vaticannews.va/it/vaticano/news/2018-01/card-parolin-il-2018-di-francesco-allinsegna-di-giovani-e-fami.html#play; unless otherwise stated in note, all translations in this article are my own).

⁸ Pope Francis, apostolic exhortation *Evangelii Gaudium* (2013), §88. See also his

firmly embraces and authoritatively asserts a conception of the moral life in which conscience plays a primary, if not indeed *the* decisive, role. Cardinal Robert McElroy states this vision succinctly: “While Catholic teaching has an essential role in moral decision-making, it is conscience that has the privileged place.”⁹ *AL* fully embraces that post-conciliar moral theology which gives an all too expansive place to conscience and to the intimately related concept of personal moral discernment. As Levering observes:

With regard to conscience, the postconciliar difference consists in replacing the manuals’ emphasis on law and on weighted lists of authorities with postconciliar moral theology’s personal and communal Spirit-guided discernment of spirits.¹⁰

By 1991, Joseph Ratzinger observed that, in Catholic moral theology, the issue of conscience had already become “paramount,” appearing as the “bulwark of freedom.” He noted that two opposing conceptions of morality—a morality of conscience and a morality of authority—“appear to be locked in struggle with each other.” If conscience were held in some sense to be infallible, Ratzinger observed, “it would mean that there is no truth.”¹¹ In fact, he noted, such a conception of conscience would be at enmity with truth. It would serve, rather to offer us “a protective shell into which man can escape and there hide from reality.”¹²

But just such a conception of an essentially infallible conscience dominates today’s “primacy-of-conscience” school of Catholic moral theology, a conscience emerging from a self conceived as the originating source of valid moral claims.

This point has not been lost on Reinhard Hüter, who has been a keen observer of the overall impacts of this sweeping anthropocentric turn of the Western mind, from its beginnings in the thought of William of Ockham down to our day. And Hüter has rightly noted its implications and sequela that have been operative in much of post-conciliar moral theology, most

catechesis on “St. Joseph, father in tenderness” in his general audience of January 19, 2022: “Without this ‘revolution of tenderness’—there is a need for a revolution of tenderness!—we risk remaining imprisoned in a justice that does not allow us to easily rise up again and that confuses redemption with punishment.”

⁹ “Cardinal McElroy Responds to His Critics on Sexual Sin, the Eucharist, and LGBT and Divorced/Remarried Catholics,” *America*, March 2, 2023, americamagazine.org/faith/2023/03/02/mcelroy-eucharist-sin-inclusion-response-244827.

¹⁰ Levering, *Abuse of Conscience*, 6.

¹¹ Ratzinger, “Conscience and Truth,” 2.

¹² Ratzinger, “Conscience and Truth,” 4.

notably in the ongoing tensions over the nature and role of conscience in the moral life.

Hütter maintains that tensions between revisionist moral theologians and those adopting a Thomistic understanding of conscience and prudence rides precisely on this primal shift in understanding of the human person in late modernity, a shift that today leaves no aspect of post-modern thought untouched, namely, the “anthropocentric turn” with its existential dimension, the insistence on “subjective sovereignty” which he describes as “the dominant self-image” of our age. The significance of this shift for our current debate about the nature and role of conscience in the moral life cannot be underestimated. Hütter puts it succinctly:

Turning away from the primordial conscience [synderesis] and with it from the teleological order of reality and embracing instead the negative freedom of sovereign self-determination, the anthropocentric turn and the consequent sovereign subjectivity give rise to a pervasive counterfeit of conscience, the presumptuous “authenticity” of self-will.¹³

On such a conception, it is evident that conscience must of course play a paramount role in the moral life, indeed, the central role in the determination of right action.

To explain such a magnitudinous role for conscience, these theologians discover a putative moral vacuum—which conscience alone can fill—between the order of moral normativity, on the one hand, and the order of individual moral choices, on the other. On this conception of moral agency, that gap is occasioned by the utter particularity of each moral choice and its circumstances, such as to fall beyond the scope of traditional moral evaluation according to moral “species” of action to which moral norms were traditionally held to apply.

The present essay will dissect some of the central theoretical mechanisms

¹³ Reinhard Hütter, *Bound for Beatitude: A Thomistic Study in Eschatology and Ethics* (Washington, DC: Catholic University of America Press, 2019), 162. Indeed, giving it the name of “authenticity” or, to recall the signature monograph of Charles Taylor, an “ethics of authenticity” has been a way of encapsulating the anthropology of human freedom in play here, namely, freedom conceived of as the autonomous individual’s raw capacity to choose and decide. It is worth recognizing, however, as Taylor did thirty-plus years ago, that there are valid and salvageable elements within such an ethics even if, carried to the extreme, such a vision, as Taylor warned, carries the seeds of modernity’s self-destruction; see Charles Taylor, *The Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991).

and historical roots of the post-conciliar primacy-of-conscience moral theology. It will also explore what some of its advocates foresee as implications for the future of Catholic moral theology and for the moral life of Catholics broadly speaking. It will do this in contrast with a Thomistic understanding of the role of conscience and prudence in the moral life. In my first main section, I explore the revisionists' guiding assertion regarding the indeterminacy of moral norms as one considers particular situations, and its supposed basis in the thought of Aquinas; in the second, I take an in-depth look at the conception of conscience as developed within the primacy-of-conscience school; finally, in the third, I contrast all this with Aquinas's understanding of the relationship between conscience and the guiding virtue of prudence.

The Postulate

The moral-anthropological vision animating primacy-of-conscience moral theology has given rise over the past several decades to a central and guiding moral assertion. And revisionist moral theologians have been wont to invoke it particularly over the past decade with growing insistency. As a moral postulate, it has come to function as a kind of universal fundamental precept in their rendering of the moral life. It can vary in form, but in essence, what I hereafter will call simply the *Postulate* asserts: *Moral norms hold in general, but their application to specific situations becomes more tenuous the closer one examines the details of the situation.* Formulations can vary, but the central idea remains the same. At face value, most people take this to be an unremarkable truism. Yet, within the manifold of revisionist moral theology, as I hope to show briefly, it crystalizes a vision of moral agency that has long been in tension with the magisterium and was most intensely impugned by Pope St. John Paul II in the encyclical *Veritatis Splendor* (VS).

The Postulate in Recent Magisterium and Other Vatican Sources

The Postulate has a history, and today not only exercises the function of a kind of first principle of moral reasoning among revisionist moral theologians, but also has received affirmation in the magisterium of Pope Francis. Two touchstone documents where the *Postulate*—and, as we will see, its purported foundation in the thought of Aquinas—are the 2009 treatment of natural law by the International Theological Commission (ITC), *In Search of a Universal Ethic: A New Look at the Natural Law* (hereafter *Universal Ethic*), and more recently, *AL*.

The ITC's *Universal Ethic* reads as follows:

Although he lived in the epoch of Christendom, a theologian such as St. Thomas Aquinas had a very clear perception of this. Practical reason, he wrote in the *Summa theologiae*, “deals with contingent realities, about which human actions are concerned. Therefore, although there is some necessity in the general principles, *the more we descend to particular matters, the more we encounter indeterminacy*. . . . In matters of action, truth or practical rectitude is not the same for all in its particular applications, but only in its general principles: and where there is the same rectitude in particular actions, it is not equally known to all. . . . And here, *the more one descends to particulars the more the indeterminacy grows*.” (§53; emphasis added)

For its part, the key text from *AL* reads:

It is reductive simply to consider whether or not an individual’s actions correspond to a general law or rule, because that is not enough to discern and ensure full fidelity to God in the concrete life of a human being. I earnestly ask that we always recall a teaching of Saint Thomas Aquinas and learn to incorporate it in our pastoral discernment: “Although there is necessity in the general principles, *the more we descend to matters of detail, the more frequently we encounter defects*. . . . In matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles; and where there is the same rectitude in matters of detail, it is not equally known to all. . . . *The principle will be found to fail, according as we descend further into detail*.” It is true that general rules set forth a good which can never be disregarded or neglected, but in their formulation, they cannot provide absolutely for all particular situations. At the same time, it must be said that, precisely for that reason, what is part of a practical discernment in particular circumstances cannot be elevated to the level of a rule. That would not only lead to an intolerable casuistry, but would endanger the very values which must be preserved with special care. (§304; emphasis added)

I would briefly highlight its presence, as well, in a recent volume published by the Pontifical Academy for Life (PAL). In the summer of 2022, the PAL published a volume of essays entitled *Etica Teologica della Vita: Scrittura, Tradizione, Sfide Pratiche*. The volume constitutes the proceedings of a three-day interdisciplinary seminar sponsored by the PAL in the fall of 2021. The participants prepared their papers in response to a “Basic

Text” (BT) previously developed by a group of theologians convened by the PAL.¹⁴ The volume consists of twelve chapters. Each chapter begins with the corresponding section of the BT which establishes the theme for the chapter and on the basis of which two discussants and a respondent prepared their specific contributions.

The volume drew attention, as it seemed to invite reconsideration of settled Catholic moral teaching on a number of issues, particularly contraception. In chapter 5, titled “Conscience, Norm and Discernment,” the BT explores a central concern, namely, “moral decision in conscience” as the “place of moral responsibility.” And within this discussion, the authors reference *AL* §304 and Francis’s appeal to Aquinas in *Summa theologiae* [ST] I-II, q. 94, a. 4, paraphrasing the allegedly Thomistic moral postulate as “the implementation of moral truth is all the less certain the closer one gets to particular considerations” (see BT §§124 and 191, referencing *AL* §304).

According to the BT authors, the “constant back-and-forth” between practical reasoning and the immediate experience of the moral situation with all of its contingencies is such that “the natural law could not be presented as an already established set of rules that impose themselves a priori on the moral subject; rather, it is a source of objective inspiration for the deeply personal process of making decisions” (citing *AL* §305 and its citation of the ITC). Consequently, the authors again insist (echoing *AL* §304) that moral norms “cannot provide absolutely for all particular situations” (see BT §§124 and 091; see also *Universal Ethic* §59).

Existentialist Ethics

The Postulate seems to have come into full vigor sometime just after Vatican II. Yet its roots would seem to lie in part in existentialist ethics which developed in Germany after the Second World War. As Levering has observed, existentialist ethics corresponds to or expresses a very German reaction to the horrors of the war and the perception of moral failure on the part of so many German Catholics. The charge was that the manualist tradition left the German laity ill prepared for the task of moral decision-making in the face of growing moral challenges during the war.¹⁵ This is the same milieu in

¹⁴ The volume can be acquired through www.academyforlife.va/content/pav/en/eventi/theological-ethics-of-life1.html. In an introductory note, the following are listed as authors of the BT: Carlos Casalone, Maurizio Chiodi, Roberto Dell’Oro, Pier Davide Guenzi, Anne-Marie Pelletier, Pierangelo Sequeri, Marie-Jo Thiel, and Alain Thomasset.

¹⁵ Levering, *Abuse of Conscience*, 156.

which “situation ethics” had begun to thrive, and it is in this context as well that the *Postulate* derives much of its vigor and application.

Situation Ethics

“Situation ethics” was already well known as a direction or a series of tendencies in contemporary ethics for at least two decades before Joseph Fletcher popularized it in the United States in his 1966 volume by the same title. Alternatively known as “situationism,” “situationalism,” or “the new morality” (the subtitle of Fletcher’s book), it has mid-twentieth-century roots in European existentialism, and in the thought of several mainline Protestant ethicists in the U.S.¹⁶ Pope Pius XII did not hesitate in his outright condemnation of “the new morality,” addressing situation ethics in a radio message on March 21, 1952, and again, this time in greater detail, in an allocution delivered on April 18, 1952, to the International Congress of the World Federation of Catholic Young Women held in Rome.

Broadly speaking, situationism existed on a spectrum “varying from crass existentialists who admit no general principles to Catholics who would soften the rigor of the law by minimizing its prohibitions, or who would remove its complexity and ‘casuistry’ by returning to a primitive simplicity, or who would escape its sanctions by rationalizing that their own situations are ‘different’ and that God, a loving Father, understands them even though the Church does not.”¹⁷

An “Instruction of the Holy Office” published on February 2, 1956, largely summarizes Pius XII’s teaching in his radio address and allocution of four years prior.¹⁸ It addresses what it describes as an ethical “system” which usually goes by the name of “situation ethics.” The instruction describes this system as holding that “the decisive and ultimate norm of conduct is . . . a certain intimate judgment and light of the mind of each individual, by means of which, in the concrete situation in which he is placed, he learns what he ought to do.” Further, it notes that this personal judgment about what is to be done “is not measured, must not and cannot be measured, as regards its objective rectitude and truth, by any objective norm situated outside man and independent of his subjective persuasion but is entirely self-sufficient.”

¹⁶ See John Milhaven, S.J., and David Casey, S.J., “Introduction to the Theological Background of the New Morality,” *Theological Studies* 28 (1967): 213–44. See also John C. Ford, S.J., and Gerald Kelly, S.J., *Contemporary Moral Theology*, vol. 1 (Cork, Ireland: Mercier, 1958), 124–40, and Aidan Carr, O.F.M. Conv., “The Morality of Situation Ethics,” *The Catholic Lawyer* 5, no. 1 (1959): 67–83.

¹⁷ Ford and Kelly, *Contemporary Moral Theology*, 1:127.

¹⁸ See Denzinger-Schönmetzer [DS] nos. 3918–21.

Such a system, holding that moral normativity, at the end of the day, is fluid, as it is ultimately based on “*existent* human nature,” itself always fluid, contains many elements that, according to the instruction, “wander far from the Catholic doctrine handed down through the centuries.”

In their day, John Ford, S.J., and Gerald Kelly, S.J., defended the Holy See’s reference to situationism as a “system.” They noted that, although it certainly constituted a historical movement of thought or series of tendencies in ethics with roots in existentialism, by the late 1950’s the broad body of proponents of the new morality shared a commonality of traits:

The tendencies that constitute situation ethics are not completely disparate things. Rather, they are so closely connected that one cannot understand any of them without considering the others. Thus, the study of the situationists’ proposed “autonomy” from the ecclesiastical magisterium leads one to consider their attitude toward moral laws; and this leads to their theory of the primacy of individual judgment; and this, finally, can be rightly understood only in the light of their exaltation of such things as personal responsibility, personal freedom, individual activity and creativeness—in a word, of their demand for what might be called “self-assertion.” Because of this interweaving of the various tendencies, the new morality may be rightly designated as a system, even though its advocates do not propose it as such.¹⁹

As for the situationalists’ “attitude” toward the moral law, Ford and Kelly note a particular influence of Protestant theologians who, while wishing to uphold moral normativity to some degree, could not admit “an absolute binding force that would cover every concrete case.” Rather, they acknowledged the primacy of the “law of love in the New Testament” by which, presumably, an individual could come to perceive this law “as it applied to him in the concrete situations of everyday life, not through any verbal formula, but rather through a sort of divine inspiration received within his own soul.”²⁰ Josef Fuchs, in a 1954 essay, proffered the wagon wheel as an appropriate analogy to understand this Protestant approach representative of theologians such as Emil Brunner, Paul Althaus, and Georg Wünsch:

The spokes of the wheel are moral norms which all tend to one point, the will of God. However, the moral norms, like the spokes of

¹⁹ Ford and Kelly, *Contemporary Moral Theology*, 1:126.

²⁰ Ford and Kelly, *Contemporary Moral Theology*, 1:132–33.

the wheel, never meet, because at the center is a hole, a vacuum, in which God makes known to me here and now His inscrutable will. Consequently, these moral norms are a general indication of God's will, but in the concrete situation, God indicates to me—as it were independently of these norms—His present will in my regard. Since at times He may even indicate to me a course of action contrary to that prescribed in a general norm, I must look to the actual situation to discover His will.²¹

One mainstream, and arguably “middle of the road,” version of situation ethics—the version endorsed by Fletcher—does not jettison moral principles altogether. Their role, however, is not prescriptive, but merely illuminative:

Fletcher proudly presents situationism as a middle course in decision-making between the false extremes of legalism and antinomianism. . . . The method of situationism, as proposed by Fletcher, employs ethical maxims as an illuminator of problems, but is ready to compromise them or set them aside if circumstances demand an exception.²²

Yet this sense—albeit emerging in an extreme form in some Protestant theologians—remains intact in later situationalism, and will find its way into Catholic moral theology as well. Indeed, this conception of general

²¹ Josef Fuchs, “Situation Ethics and Theology,” *Theology Digest* 2 (1954): 25, cited in Ford and Kelly, *Contemporary Moral Theology*, 1:133. In critiquing situation ethics in this 1954 essay, Fuchs upholds a Thomistic understanding of natural law normativity and man's goodness in following those norms as deriving from his participation in the divine essence. As for direct divine inspiration with regard to our actions, Fuchs held then that “God can give us light to know what the moral law demands here and now, and prudence to judge the situation and to apply correctly the moral norm to it” (“Situation Ethics and Theology,” 27). Typically, situation ethics is thought of as a theoretical precursor of proportionalism. Notably, however, mainstream proportionalist moral theologians expressed at least reservations about situationalism if not rejecting it outright in one manner or another by the time Fletcher published his work. Bernard Hoose observes: “The situation ethics of Robinson, Fletcher et al. was generally rejected by Catholic theologians. . . . However, there are grounds for thinking that situation ethics may have acted at least as a catalyst in some of the processes going on in Catholic theological circles in the United States” (*Proportionalism: The American Debate and Its European Roots* [Washington, DC: Georgetown University Press, 1987], 22n39; at about the time proportionalist approaches were beginning to coalesce).

²² Milhaven and Casey, “Introduction,” 237.

moral norms which “point the way,” but which in the end cannot provide the specificity of what must be done in the particular situation, is the very root of the *Postulate* operative in contemporary revisionist moral theology, and opens the conceptual space necessary for the primacy of autonomous-conscience decision.

As Ford and Kelly had observed, all forms of situation ethics foresee the inevitable need for a personal moral decision to be made, whether that be the product of some direct contact with God (an extreme Protestant position), or of a kind of intuition deriving from a moral sense in relation to the moral value which is at stake (essentially a moral decision based on right feeling), or some other version of apparent consistency with self.²³ Yet, for many situationalists, the expressivity of moral decision is more: it is an assertion of power, of personal creativity, and ultimately of a radical liberty, namely, freedom from moral normativity itself, and in the Catholic context, freedom from the teaching authority of the Church.

Karl Rahner

More crucial to the evolution of the *Postulate* is the thought of Karl Rahner, particularly in his 1963 essay “On the Question of a Formal Existential Ethic.” If indeed Rahner is at pains early in the essay to distinguish his existential ethic from situation ethics, he also acknowledges a certain linkage between the two:

When we speak here of an (extreme) situation ethics, we mean the explicit or implicit denial of the absolute validity of material norms for the human person as such or the believer as such—the denial of norms which can state something which is also binding in the concrete situation.²⁴

He goes so far as to affirm that “this kind of situation ethics comes in the last analysis to the same thing as a massive nominalism.”²⁵ Nonetheless, while

²³ Ford and Kelly, *Contemporary Moral Theology*, 1:135. The authors candidly note here that, “whatever be their explanation [of the source of the personal conscience decision], it is necessarily somewhat baffling to one who is accustomed to thinking of judgments of conscience in terms of the application of general moral principles to concrete situations.”

²⁴ Karl Rahner, “On the Question of a Formal Existential Ethic,” in *Theological Investigations*, vol. 2, *Man in the Church* (New York: Herder and Herder, 1971), 219.

²⁵ Rahner, “On the Question of a Formal Existential Ethic,” 219.

distinguishing the two, he also holds that “this existential ethics is in our opinion the core of truth which is also found in the false situation ethics.”²⁶

After distancing his investigation from the false situation ethics, Rahner begins by asking whether the common conception in present-day Catholic moral theology of how norms are known and applied to specific instances of action really does justice to reality. The rest of the article explores why he holds that such a conception does not do justice to the real moral experience of individuals.

That is, he rejects the view that moral norms are preexistent to the individual and his decision; that the individual comes to a recognition that the norm applies to his situation and, in that recognition, becomes cognizant of a moral obligation; and that his choice in accord with the norm instantiates the norm in that particular instance. Rahner holds that such a view is simplistic and cannot stand up to careful analysis. He asks:

Is what we are in fact morally obliged to do in the concrete case, also basically identical with what can be deduced from the universal norms in view of a concrete situation? . . . Is what is morally done only the realization of universal norms—is what ought morally to be done in the concrete case *merely*, as it were, the intersection of the law and the given situation?²⁷

Rahner replies in the negative. In so doing, he believes he is simply being faithful to certain metaphysical and epistemological demands of reality, namely, that “the [moral] act [of an individual in a given situation] is a reality which has a positive and substantial property which is basically and absolutely unique.”²⁸ In simple terms, he is suggesting that the distinction between concept and singular instance, between a “value” formulated propositionally and my specific decision in response to the perception of that value *hic et nunc*—these are always irreducible one to the other, and it does not suffice to say that the specific moral choice/act is simply an “instance” of the norm understood propositionally. There is an irreducible singularity to my act of justice *hic et nunc* that is as irreducible to a propositionally formulated justice as I am irreducible to the notion of “man.”

And from such considerations emerges his understanding of a formal existential ethic. In a key passage, he explains the nature of such an ethic as

²⁶ Rahner, “On the Question of a Formal Existential Ethic,” 220.

²⁷ Rahner, “On the Question of a Formal Existential Ethic,” 222.

²⁸ Rahner, “On the Question of a Formal Existential Ethic,” 225.

something similar in genre to a universal formal ontology or anthropology. Individual ethical reality is “untranslatable into a material universal ethics” due to a “binding ethical uniqueness.” Nonetheless, he explains, “just as, on the one hand, there cannot be any science of the individual considered as a really individual singular as such and yet, on the other hand, there is a universal formal ontology of individual reality,” in this manner there remains the possibility of a formal existential ethic.²⁹

He then asks: how is individual moral obligation perceived, given this irreducible singularity of each moral choice? His answer, not surprisingly, is conscience:

There must be some function of conscience which does not merely apply the universal norms to each of my particular situations, but which moreover *grasps also what has not yet been made absolutely clear by the situation and the universal norms, and which is precisely and as such what has to be done by me individually.*³⁰

Consequently, if the *Postulate* is valid, then only conscience can fill the putative existential gap between norm and choice, norm and concrete behavior. Rahner’s existentialist ethic is the historical basis for conceiving conscience as simply the source of individual moral decision, the infallible, irreducible, and ultimate point of moral reference.

The Misuse of ST I-II, q. 94, a. 4

In their reliance on the *Postulate*, revisionist moral theologians—in some cases invoking as authoritative texts *AL* §304 and *Universal Ethic* §53—frequently appeal to the authority of St. Thomas Aquinas, citing what they take purportedly to be his formulation of the *Postulate* in *ST* I-II, q. 94, a. 4. Yet this recourse to Aquinas has been shown to be erroneous.³¹ One more

²⁹ Rahner, “On the Question of a Formal Existential Ethic,” 229.

³⁰ Rahner, “On the Question of a Formal Existential Ethic,” 229 (emphasis added).

³¹ See Kevin L. Flannery, S.J., and Thomas Berg, “*Amoris Laetitia*, Pastoral Discernment, and Thomas Aquinas,” *Nova et Vetera* (English) 16, no.1 (2018): 81–111. As for the appeal to Aquinas in support the *Postulate* in the ITC’s *Universal Ethic*, Flannery had earlier utterly dismantled the argument: “There is, therefore, no basis for *A la recherche*’s [*Universal Ethic*] claim that *ST* I-II, q. 94, a. 4 contains an argument for the indeterminateness of general practical principles. Thomas holds no such thing. And one certainly finds no support in *ST* I-II, q. 94, a. 4 for *A la recherche*’s (somewhat later) assertion that “only the conscience of the subject, the judgment of his practical reason, is capable of formulating the immediate norm of action” [*A la recherche*, 59]. This is not to say that Thomas would not acknowledge that there are instances when

time, for the record, we will here evince not only the misstep in suggesting that Aquinas here lends support for the *Postulate*, but also the fact that an accurate read of the article in question actually refutes it. This erroneous recourse to Aquinas is due largely to mistranslations, particularly in English, and to the misunderstanding of a key concept in play in article 4, namely, the Aristotelian distinction between *common principles* and *proper principles*. Kevin Flannery explains:

[Aquinas] presupposes that his readers are familiar with the Aristotelian distinction between the “common” (or, as it comes through to the English translation of Thomas just quoted, “general”) and the “proper” as set out in Aristotle’s *Posterior analytics* 1.10, Thomas tends to move rather loosely among terms like *principia communia* (common principles), *principia propria* (proper principles), *praecepta communia* (common precepts), and *praecepta propria* (proper precepts)—sometimes also speaking in abbreviated fashion simply of *communia* and *propria*. The words “common” and “proper” correspond to Aristotle’s *ta koina* (common things) and *ta idia* (proper things) in *Posterior analytics* 1.10. In that place, Aristotle explains that some principles are common even to different sciences, although they enter into the individual science in an analogous manner. Thus, although the principle “should equals be taken from equals, the results are equals” (76a41) is common to multiple sciences, when it enters into geometry, it does so as a common principle of *geometry*. The proper principles in geometry would include those having to do with the particular properties of lines (76a40).³²

With this distinction carefully in mind, we can proceed.

In *ST I-II*, q. 94, a. 4, Aquinas asks whether the natural law is one and the same for all people. The body of that article is more accurately rendered in English as follows (my translation, with brackets for corresponding notions presupposed in the context but not reflected in the Latin wording):

I answer that, as stated above, to the natural law belong those things toward which man is naturally inclined. Among these, it is proper

the application of a general precept is not clear; but neither would he assert that there is something in principle indeterminate about the application of general principles to particular cases (“Determinacy in Natural Law,” *Nova et Vetera* [English] 9, no. 3 (2011): 763–73, at 770–71).

³² Flannery and Berg, “*Amoris Laetitia*, Pastoral Discernment, and Thomas Aquinas,” 97.

to man that he be inclined to act in accord with reason. In turn, it pertains to reason to proceed from common [principles] to proper [principles], as is stated in book I of the *Physics*. The speculative reason, however, comes at this differently than does the practical reason. For since the speculative reason is occupied chiefly with necessary things, which cannot possibly be otherwise than they are, truth is found without fail in its proper conclusions just as in its common principles. But the practical reason is occupied with contingent things about which human action is concerned; and that is why, even if there be some necessity in common [practical principles], the more one progresses to the proper [principles], the more one will find that they miss the mark. Hence, in speculative matters, truth is the same for all men both in its [common] principles and in its conclusions, even though the truth is not known to all as regards the conclusions, but only as regards the principles which called common notions. But in matters of action, truth or practical rectitude is not the same for all with respect to proper [principles], but only as to the common [principles]; and where there is the same rectitude in the proper [principles], it is not equally known to all. It is therefore evident that, as regards the common principles whether of the speculative or of the practical reason, truth or rectitude is the same for all, and is equally known by all. As regards the proper conclusions of the speculative reason, while their truth is the same for all, it is not equally known by all. . . . As for the proper conclusions of the practical reason, neither their truth nor rectitude is the same for all; nor is that truth or rectitude equally known by those for whom these are the same.

And then Aquinas concludes the body of his response by illustrating the foregoing with some examples:

Hence, it is right and true that all men should act in accord with reason. From this principle, it follows in the manner of a proper conclusion that goods held in trust should be returned to their owner. And while this [that goods held in trust should be returned to their owner] is true in the vast majority of instances, in a given case it might prove deleterious and therefore unreasonable to return the goods, as in the case, for instance, that they are requested for the sake of fighting against the fatherland. And this [that goods held in trust should be returned to their owner] will be found to miss the mark the more one progresses into particular [considerations], as for example if one were

to posit that goods held in trust should be returned to their owner with such and such precaution, or in such and such a manner. The more particular conditions are added, the more are the ways it could miss the mark, such that rectitude might not consist in returning or in not returning.

We can quite readily begin to grasp that, properly understood, *ST* I-II, q. 94, a. 4, lends no credence to the assertion that the *Postulate* finds support in Aquinas. For, when Aquinas writes, “quanto magis ad propria descenditur, tanto magis invenitur defectus,” again—as we just noted, recalling Aristotle—he is not talking about “descent into the particulars of a given person’s moral situation.” He is talking, rather, about the movement within practical reasoning from common principles (*communia*) to proper principles (*propria*), and reflecting on the nature of the relationship between the two.

How can it be the case then that proper principles, unlike common principles, can admit of exceptions? He observes: “Et hoc tanto magis invenitur deficere, quanto magis ad particularia descenditur.” Why proper principles can sometimes admit of exceptions has to do with *particularia*. In the context of the article, *particularia* are particular conditions (*conditiones particulares*) that might further specify a proper principle. But to translate *particularia* as “matters of detail” (e.g., of one’s moral situation) is to entirely miss Aquinas’s point. The *particularia* are simply qualifying conditions that can further specify the proper principle. Thomas offers as examples that the norm could be further specified to the effect that borrowed goods are to be returned *with certain precautions* or *in some other manner* (e.g., borrowed goods should be returned with a grateful heart, gift-wrapped, with a thank-you note attached, etc.). His point is that the more one adds such conditions, obviously, the proper principle might be seen to *deficere*, that is, to miss the mark or admit of prudent exceptions.³³

Further, as he concludes the article, we can see that, a fortiori, Aquinas’s thought on the application of proper principles to particular situations

³³ As Flannery has pointed out, Aquinas’s understanding of *deficere* here derives from Aristotle’s *Nicomachean Ethics* 5.10 (see Flannery and Berg, “*Amoris Laetitia*, Pastoral Discernment, and Thomas Aquinas,” 99n27). It likewise presupposes the broader context of what can be reasonably supposed to be implicit in the mind of the legislator in terms of prudent exceptions to particular laws: “Thomas’s position is rather that, . . . below the level of common principles, there are principles that, given the appropriate circumstances, are quite determinate but that, in other (inappropriate) circumstances, must be applied (or not applied) according to the mind of the legislator. The application of such precepts does not depend upon pastoral or practical discernment, but upon a correct understanding of the intention of the legislator” (100).

flat-out challenges the soundness of the *Postulate*. For starters, the truth mentioned in article 4 is a *practical truth*.³⁴ Now, practical truth, as Aquinas understands through Aristotle, has two dimensions: right reason and right desire. An action—or the application of a practical moral principle to a situation—is not only right but “true” (true to reality we might say) when it embodies a proper ordering of desire in accord with right reason. This is crucial to understanding the following lines with which Thomas concludes, explaining how knowledge of proper principles and their application can run amok:

Consequently, we must say that the natural law, with regard to first common principles, is the same, both in terms of rectitude and knowledge. But as to proper [principles], which are conclusions as it were following from the common principles, [the natural law] is the same for all in the vast majority of instances both in terms of rectitude and knowledge, but in some few cases it can fail both in terms of rectitude, due to certain particular impediments (just as in nature when things subject to generation and corruption fail in rare cases due to impediments), and in terms of knowledge; and this is because, in some people, reason is corrupted by passion, either by bad custom, or by a bad disposition of nature, as in the case of the Germans who once upon a time did not hold theft to be evil even though it is expressly contrary to the natural law as Julius Caesar relates.

As Thomas makes clear, when it is the case that a proper moral principle “fails” to apply to a given situation, it might not be simply that the acting subject grasps that a prudent exception to applying the norm here and now is in order. He means additionally and clearly that the norm’s “failure” is often, more precisely, a failure on the part of the acting subject who is for some reason impeded from seeing the applicability (truth) of the norm, or sees the applicability but fails to follow the norm due to his own disordered passions or due to some other subjective impediment. Either the subject’s desire is disordered or there is a problem with his reasoning.

The upshot for proponents of the *Postulate*, as Michael Pakaluk has pointed out, is not simply that *ST I-II*, q. 94, a. 4, gives no reason whatsoever for supposing that St. Thomas thinks that the applicability of moral norms evaporates as you consider the particularities of each case:

³⁴ I am most grateful to Michael Pakaluk for sharing this insight.

It is more in fact: Aquinas seems to suppose that there is just one conclusion that various persons with strong minds and good character would reach. Disparity of judgment gets explained by weak reason or ill-formed character.³⁵

The Primacy-of-Conscience School

The *Postulate*, as it should be clear, leads revisionist moral theologians, likely taking inspiration wittingly or not from Rahner, to a kind of neo-Nominalist account of human action: all choices/actions are irreducible to “kinds” of action. Consequently, the whole moral project as conceived by the Church’s moral tradition, that the role of conscience is to apply appropriate moral norms to kinds of actions, is simply folly, tout court. On their account of things, conscience still has a role—an enormous role, to be sure—but one quite removed from Aquinas’s account of conscience and prudence. In this

³⁵ In personal correspondence with the author. Furthermore, as Gerhard Müller and Stephen Kampowski have correctly observed, the point Aquinas is making in *ST* I-II, q. 94, a. 4, about exceptions to norms (though, as we’ve seen, often based on prudent consideration of intervening factors) presupposes the distinction between positive and negative moral norms. Revisionist moral theologians simply allow for no such distinction. Yet, in practical reasoning, negative precepts work very differently than positive precepts. As Müller and Kampowski observe: “When it comes to negative precepts, however, Thomas’s discourse is different. While he certainly entertains the possibility that a positive precept like ‘deposits must be returned’ can fail in the concrete, he clearly states, for instance, that one must not commit adultery under any circumstance whatsoever, not even in order to save one’s country from tyranny (*De Malo*, 15, 1, ad 5). Negative precepts do not tell us what to do, but what not to do. Like positive precepts, they are at the service of the good, but their service is of a different kind. They do not tell us what to do in order to promote the good, but what not to do in order not to harm the good. ‘Do not commit adultery,’ for instance, is the expression of the practical truth that by engaging in sexual relations with a person who is married to another, one harms the good of that person’s marital union, and with [it] that the good of the family and ultimately that of society. And this, according to perennial tradition, is always the case. No discernment is necessary about whether or not to choose this act. As Aristotle already said, when it comes to committing adultery, every person is the wrong person, every time is the wrong time, every way is the wrong way” (Gerhard Müller and Stephen Kampowski, “Going Beyond the Letter of the Law: the Pontifical Academy for Life Challenges the Teachings of *Humanae Vitae* and *Donum Vitae*,” *First Things*, August 27, 2022, [firstthings.com/web-exclusives/2022/08/going-beyond-the-letter-of-the-law](https://www.firstthings.com/web-exclusives/2022/08/going-beyond-the-letter-of-the-law)). This key distinction simply cannot be ignored in intellectually honest and serious consideration of moral reasoning.

section, I will unpack the revisionist conception of conscience beginning with its roots in Bernard Häring.

Bernard Häring

Häring has been identified as the direct author of the two lines in *Optatam Totius* (Decree on Priestly Training) §16 articulating the Vatican II vision of a renewed moral theology:

Special care must be given to the perfecting of moral theology. Its scientific exposition, nourished more on the teaching of the Bible, should shed light on the loftiness of the calling of the faithful in Christ and the obligation that is theirs of bearing fruit in charity for the life of the world.³⁶

But his insistence on the primacy of conscience not only leaves its impression on the Council, but as James Keenan has observed, becomes a point of departure for the revisionists' conception of the centrality of conscience. Indeed, it would not be an exaggeration to suggest that Häring is the grandfather of the primacy-of-conscience school. Observes Keenan:

His work anticipated, inspired, and formed some of the most important words from the Council, [namely] the now famous definition of conscience [in *Gaudium et Spes* §16]. . . . The teaching on conscience is, I think, the emblematic expression of the hopeful expectations that were raised by Häring and affirmed by Vatican II. Universally, conscience becomes the point of departure for revisionists as witnessed by the plethora of books and essays on the topic.³⁷

If indeed *Gaudium et Spes* presents conscience as a quasi faculty within the human person, "the most secret core," the place of encounter with the divine, it also emphasizes the priority a "right conscience" which directs

³⁶ See Brennan Hill, "Bernard Häring and the Second Vatican Council," *Horizons* 33, no. 1 (2006): 92–93; James Keenan, "Bernard Häring's Influence on American Catholic Moral Theology," *Journal of Moral Theology* 1, no. 1 (2012): 36. Keenan appropriately refers to these two sentences as "a kind of terse manifesto of the revisionists' agenda."

³⁷ Keenan, "Bernard Häring's Influence," 37–38. For an analysis of the Redemptorist influence on *Gaudium et Spes*'s definition of conscience, specifically that of Domenico Capone C.Ss.R., see William McDonough, "'New Terrain' and a 'Stumbling Stone' in Redemptorist Contributions to *Gaudium et Spes*: On Relating and Juxtaposing Truths, Formulation and Its Experience," *Studia Moralia* 35 (1997): 9–15.

persons “to be guided by objective norms of morality.” Yet the later Häring, author of *Free and Faithful in Christ*, will discover much more in conscience, its nature, purpose, and possibilities. As to the centrality of conscience in moral theology, Häring could not be more emphatic: “A history of moral theology,” he observes, “could well be written in the main perspective of how conscience was understood, presented, and how the whole life manifested a concrete understanding of conscience.”³⁸

Yet it is in his concept of “the reciprocity of consciences” that we grasp the all-encompassing significance of conscience for the moral life as conceived by Häring. And, as we will see, the present generation of revisionist moral theologians will draw out the logical consequences of Häring’s doctrine to their logical extremes.

To be sure, it is in the reciprocity of consciences—that is, in the encounter with other consciences—that our consciences are ultimately informed, shaped, affirmed, and validated. In this encounter, Häring affirms that we are “free for each other,” accepting each other “as belonging to one another in the divine Word, [and] our consciences are fully alive and *creative*.”³⁹ This note of creativity is at the core of his notion of the reciprocity of consciences:

Through mutuality of consciences, a true ego-strength and self-respect arises that allows an ever-greater respect and freedom for one another’s conscience. Without this synthesis between the reverence that allows the other to be who he is and the solidarity by which the persons are a source of identity, integrity and authenticity for each other, there can be neither true freedom nor creative fidelity.⁴⁰

When conscience has thus “come to its fullness” in the encounter with “conscientious persons, the saints, the prophets” of our times, it is then that “a sincere conscience is, for everyone, the supreme authority under God.”⁴¹

In sum, one cannot help but notice how Häring’s conception of conscience, both in *The Law of Christ* and in *Free and Faithful*, is inescapably caught in the very same freedom–law binary which so characterized the manualist period, in which, as he describes it, freedom and law were seemingly assigned “the roles of two parties contending for their rights.”⁴² Yet, in *Law of Christ*, Häring appears to accept this tension as inevitable:

³⁸ Bernard Häring, *Free and Faithful in Christ*, vol. 1 (New York: Seabury, 1978), 229.

³⁹ Häring, *Free and Faithful*, 1:224 (emphasis added).

⁴⁰ Häring, *Free and Faithful*, 1:266.

⁴¹ Häring, *Free and Faithful*, 1:282.

⁴² Bernard Häring, *The Law of Christ*, ed. Edwin Kaiser, C.P.P.S., vol. 1 (Westminster MD:

Nor should it be overlooked, and particularly not in the imitation of Christ, that the teacher of moral doctrine and likewise every Christian conscience must face the problem: how shall I take law and obedience seriously without excessively taxing human liberty or unduly narrowing the scope of personal initiative through a multiplicity of doubtful laws and obligations?⁴³

The later Häring of *Free and Faithful* seems to accept a status quo in which personal freedom is constantly taxed by the demands of externally imposed moral norms. The role of conscience remains that of serving as arbiter between the two human dimensions, and best resolves itself creatively in a process which relies heavily on the reciprocal sharing of diverse takes on a right-conscience decision.⁴⁴

James Keenan, S.J.

Keenan is unarguably the dean of a new generation of revisionist moral theologians. In 2002 he founded Catholic Theological Ethics in the World Church, a worldwide network of ethicists dedicated to

Newman Press, 1961), 181. Within that binary, in which conscience must ultimately be the arbiter, Servais Pinckaers has observed: "Freedom and law confronted each other like two property owners disputing over the field of human acts. . . . Freedom was the positive pole, since it was the source of human acts and therefore their first owner. The presumption would always be in favor of freedom, as juridical language expressed it regarding rules for the solution of doubtful cases of conscience. . . . Law was morality's negative pole, for it set limits to freedom, to refrain it with its commands and prohibitions. The tension law created gave it the appearance of a pressure external to the person. . . . Caught between these two poles, morality, which was bound by its nature and role to interpret law, but was equally desirous not to repress freedom unduly or to show it favor either, was in a perpetual state of imbalance. . . . This is why ethicists of our day, having long been austere guardians of the law, frequently take up the cause of personal freedom of conscience and call into question former legal assumptions" (*The Sources of Christian Ethics*, trans. Mary Thomas Noble, O.P. [Washington, DC: Catholic University of America Press, 1995], 268–69).

⁴³ Bernard Häring, *Law of Christ*, 1:176.

⁴⁴ Levering correctly notes: "[Häring] thinks that the present controversies over moral issues are indeed in certain ways a return of the probabilist controversies, but he is generally sanguine about this situation. For Häring, the probabilists had the correct side of the argument then, and their heirs are even better positioned today when legalistic assumptions no longer need set the terms for the debate. On the one hand are those who cling to law, authority, tradition, past documents, and control; on the other are those who respect the creative freedom of conscience and who understand that new historical contexts require new norms" ("Pinckaers and Häring on Conscience," *Journal of Moral Theology* 8, no. 2 [2019]: 163).

fostering “cross-cultural, interdisciplinary conversations about critical issues in theological ethics, shaped by shared visions of hope,” according to the organization’s website.

For Keenan, the evolution in the understanding and centrality of conscience in Catholic moral theology in the twentieth century constitutes a movement away from a legalistic and prescriptive conception of conscience which contributed to “infantilizing the laity” and presupposed that “the average lay person was really not capable of discerning and executing morally right conduct.”⁴⁵ That evolution, in turn, becomes a movement toward a conception of conscience as empowering and creative, heralded especially in the work of the Belgian Benedictine Dom Odon Lottin:

What clergy and moral theologians should do, Lottin argues, is assist the laity to lead positive conscientious lives. His striking break with the manualists is seen by the hermeneutical context in which he establishes the conscience as foundational to the moral life. No longer do we find the manualists’ pathology of conscience: doubtful, laxed, scrupulous, uncertain, or erroneous. Here we find instead extensive writings on the “formation” of conscience [as well as] the resolution of doubt, not by consulting a priest who looks up what a probabilist permits, but rather by forming a mature conscience.⁴⁶

Keenan sees in Lottin a foreshadowing of what will be a characteristic element of Häring’s *Law of Christ* and later *Free and Faithful in Christ*, namely, “confidence in the theological competency and interest of the educated, conscientious Catholic.”⁴⁷

Yet, for Keenan and current revisionist moral theologians, it is not simply a matter of confidence in the level of education of Catholics. Revisionists insist that we have confidence in conscience itself as this unfailing—and it would seem infallible—source of moral truth, notwithstanding Keenan’s affirmation of each individual’s need for the influence of grace and some degree of conscience formation:

Conscience is not simply an act or a habit, as the medieval Scholastics claimed; it is deeper, more profound, more fundamental to the person.

⁴⁵ James Keenan, “To Follow and Form Over Time: A Phenomenology of Conscience,” in *Conscience and Catholicism: Rights, Responsibilities, and Institutional Responses*, ed. David E. De Cosse and Kristin E. Heyer (New York: Orbis, 2015), 4.

⁴⁶ Keenan, “To Follow and Form Over Time,” 6.

⁴⁷ Keenan, “To Follow and Form Over Time,” 9.

... Conscience has a highly relationally oriented understanding; it is not simply the agent making a judgment, but rather the way that the disciple hears and responds to the triple command to love through virtue. ... Bringing grace into the language of conscience becomes then a way of understanding the accompaniment of God with us, ... most particularly in those moments where we are *convinced in conscience of taking a stand*.⁴⁸

The implication here seems to be that, because an individual makes a moral decision with *conviction*, we should assume that the decision is therefore valid, that the degree of conviction and conscientiousness that has gone into the decision thereby attests that the decision is *graced*, so to speak, and thereby valid. Full stop.⁴⁹

Maurizio Chiodi—The Primacy of Conscience and the Object of the Act

Maurizio Chiodi is professor of moral theology at the John Paul II Pontifical Theological Institute for Marriage and Family Sciences in Rome. He was also a principal author of the “Basic Text” for the 2022 PAV volume. In a 2018 essay exploring the implications of *AL*, Chiodi lays out the essay’s objective in these terms:

To overcome the alternative between the objectivity of the norm and the subjectivity of the judgment of conscience, we will propose a theoretical rethinking of the link between “objective and subjective,” no longer proceeding from the relationship between conscience and norm, but from the link between conscience and act.⁵⁰

⁴⁸ Keenan, “To Follow and Form Over Time,” 12–13 (emphasis added).

⁴⁹ Levering has correctly noted as well that revisionists’ confidence in conscience as the unflagging and all but infallible source of valid moral decisions is anchored—albeit precariously—in the conception of human nature as evolving fluidly over time, and therefore of human mores as evolving and changing fluidly over time. But Levering very correctly asks, if such is the case: “How is it that theologians can know that there exists a universal ‘conscience’ or ‘moral consciousness’ that, as the one constant element in the midst of evolving and fluid human nature, merits credence in moral matters?” (*Abuse of Conscience*, 199). As Levering notes, Keenan is aware of such criticisms, but he and most revisionists simply double down on their assurance that the firmness and conviction in conscience decisions are the sure guarantee of morally valid claims, especially when broadly informed by Scripture, Church teaching, but most of all by the insights and input from other consciences, even if the latter lead to determinations contrary to Church teaching.

⁵⁰ Maurizio Chiodi, “Coscienza e discernimento: quale rapporto con la norma? Sul

Chiodi's project, in a word, is to emphasize the primary role of conscience in constituting the agent's understanding of the object of the act.

As with chapter 8 of *AL*, in the context of the divorced and remarried, Chiodi wants to emphasize (presumably with the support of Aquinas and the Church's traditional teaching on factors that attenuate subjective responsibility) that individuals can choose to act contrary to exceptionless moral norms without subjective guilt, or at least without placing themselves in a state of mortal sin, even in the event that they do have some knowledge of the objective moral norm, as well as their subjective understanding of being in contradiction to the norm. He holds that they can still act without guilt because their subjective grasp of the object of their act nonetheless presents itself as the best possible good they can do under the circumstances. Such an account of moral choice is possible, says Chiodi, only once we move away from the primacy of objective norm over the subjectivity of conscience, and rather turn the tables, and give primacy to the latter:

It is evident that, given this preunderstanding [presupposing the primacy of objectivity over subjectivity], the conclusion necessarily follows the premise: if an act is evil, it can never become good. Freeing itself from this opposition, which can only lead one to think of the possibility of *two contemporaneous and distinct judgments*—the objective and the subjective one—and even opposite judgments with regard to the same act, *AL* states that there can be situations in which, while transgressing the (objective) norm, the person who acts is in reality realizing the “possible good” (*AL* 308), implementing that “generous response” that “for the moment” he “can offer to God . . . in the midst of the concrete complexity of limits” (*AL*, 303).⁵¹

Chiodi suggests that such an understanding is supported by his reading of *AL*, and by the tradition's insistence that the judgment of conscience, at the end of a process of moral reasoning, comes to constitute the *final and proximate moral norm* that must be followed.

He even suggests that *VS*'s rejection of “creative conscience” and conscience as moral decision seems to neglect this point of the tradition.⁵² In the context of exploring the final of five *dubia* presented to the Holy See in response to the publication of *AL*, he asserts:⁵³

capitolo VIII di *Amoris laetitia*,” *Teologia* 43 (2018): 19.

⁵¹ Chiodi, “Coscienza e discernimento,” 25–26.

⁵² See especially *VS* §§55–56.

⁵³ On September 19, 2016, Cardinals Carlo Caffarra, Raymond Burke, Walter

In order to exclude the creative conscience and to defend the objectivity of the norm which prohibits always bad acts, this last dubium [and by implication, the teaching of *VS*] ends up denying a truth which is the common heritage of the Catholic moral tradition, according to which—as the casuistry maintained including that of Saint Alphonsus—conscience is the *norma proxima* (final) *moralitatis*, while the law is its *regula remota* (first). On this basis, it is an affirmation shared by all that the invincibly erroneous conscience must always be followed, precisely because it is *invincibly erroneus*.⁵⁴

Here Chiodi conflates two distinct situations: one in which the subject is, without knowledge or understanding, objectively erroneous but subjectively certain in her judgment of conscience; and another in which the subject *having knowledge* of a tension between her behavior and the objective moral norm, decides nonetheless to act contrary to the norm. The typical cases Chiodi and other revisionists imagine—for example, that of the divorced and civilly remarried who, continuing in a sexual relationship, wish to approach holy communion—are not in a state of invincibly erroneous ignorance. Quite to the contrary, and what gives these cases their particular moral tonality, these individuals *have some knowledge* of a norm with which they *disagree*, and certainly experience internal tension with that norm (they “find it difficult” to follow). Consequently, their autonomous decision to approach holy communion, for instance, is either presented by revisionists as tantamount to a case of invincibly erroneous ignorance, or otherwise as a certain and stable judgment of conscience, when it is actually nothing of the sort. A firm, even very earnest, decision to act contrary to a moral norm (even if the norm is not taught by the Church to be exceptionless) when that moral norm arguably applies in that given instance is not a judgment of conscience. It is a decision, an assertion of personal autonomy.

At any rate, Chiodi blames the Scholastic model of morality for reifying the object of the act, separating it from the conscience of the moral actor. Throughout the essay then, we see that Chiodi’s is an anthropological and epistemological argument: how are we to understand the traditional “object of the act” and the primacy it is given in the Catholic moral tradition as reaffirmed by *VS*? Chiodi emphasizes that the acting subject never grasps the moral nature—moral truth—of his act outside of conscience. In a

Brandmüller, and Joachim Meisner submitted five dubia regarding the post-synodal apostolic exhortation *Amoris Laetitia* to the Holy Father and Cardinal Gerhard Müller, prefect of the Congregation for the Doctrine of the Faith.

⁵⁴ Chiodi, “Coscienza e discernimento,” 26.

word, he toys with affirming, without saying it directly, that the only valid consideration of the moral object *is from within the subjective perception of the moral actor*. Only in considering the actor's subjective judgment and decision upon a course of action do we have a morally relevant (relevant for moral assessment) meaning for "the object of the act"—its objectivity always already subsumed in the subjective perception of the acting subject. "It is necessary," he affirms, "to begin from conscience, or the person, in order to understand the act."⁵⁵ Yet he holds that such an approach is possible without reducing moral discourse to a mere matter of personal history, arbitrariness, or relativism.⁵⁶

It is in this same context, however, that Chiodi makes a startling proposal: given the unfortunate Scholastic reification of the moral object and the problematic tension between conscience and norm which it has engendered, today we would do well to simply set aside an "anthropology of faculties" altogether.⁵⁷ If one approaches the human reality giving primacy to

⁵⁵ Chiodi, "Coscienza e discernimento," 33.

⁵⁶ Chiodi, "Coscienza e discernimento," 32. Chiodi's reduction of the object of the act to that which is grasped interiorly (in the judgment of conscience) by the acting person should in no way be conflated or confused with the much-debated assertion in *VS* §78 that, "in order to be able to grasp the object of an act which specifies that act morally, it is therefore *necessary to place oneself in the perspective of the acting person*." The latter expression can be understood, in the light of Aquinas's understanding of the moral object in *ST* I-II, q. 18, a. 6, as a manner of expressing simply that consideration of the moral object must be understood *in genere moris*, that is, as a reality proceeding from the will. See also Aquinas, *In II sent.*, d. 42, q. 1, a. 1, corp. For a broader discussion of interpretations of this expression, see: Stephen Brock, "*Veritatis Splendor* §78, St. Thomas, and (Not Merely) Physical Objects of Moral Acts," *Nova et Vetera* (English) 6, no. 1 (2008): 1–62; Kevin Flannery, "Placing Oneself in the Perspective of the Acting Person: *Veritatis Splendor* and the Nature of the Moral Act," in *Live the Truth: the Moral Legacy of John Paul II in Catholic Healthcare*, ed. Edward J. Furton (Philadelphia: National Catholic Bioethics Center, 2006), 47–67; Flannery, "Thomas Aquinas and The New Natural Law Theory on the Object of the Human Act," *National Catholic Bioethics Quarterly* 13, no.1 (2013): 79–104; Thomas Berg, "A Revised Analysis of the 'Phoenix Abortion Case' and a Critique of NNL Intentionality," *Nova et Vetera* (English) 15, no. 2 (2017): 365–96, esp. 391n53; Matthew Kuhner, "'The Perspective of the Acting Person' and Moral Action: Reading *Veritatis Splendor* no. 78 with Servais Pinckaers, OP," *Journal of Moral Theology* 10, no. 1 (2021): 73–101.

⁵⁷ See Chiodi, "Coscienza e discernimento," 39: "This assumption supposes that we move beyond an anthropology of the faculties, in which the unity of the person is broken down and sectioned. Reference to the personal subject in his totality requires abandoning the traditional division between reason, will and appetites—to which is closely connected the idea that it is reason that knows the moral norm—precisely in order not to fall into partial and reductive subdivisions of the whole that is the human person."

conscience, however, according to Chiodi, we should then rather understand the emotions, reason, and will and the other faculties and powers as simply “forms of conscience in its indivisible unity.”⁵⁸

All that being said, however, Chiodi insists that *AL*’s emphasis on moral discernment does not stand in opposition to *VS*’s rejection of “creative conscience,” but rather constitutes an important development in the understanding of the question.⁵⁹ Conscience as discernment, on such a view, plays a hermeneutic role. This opens a way of understanding conscience in a matter that avoids—according to Chiodi—two pitfalls on either extreme: conscience as merely the deductive applier of norms to actions, on the one hand, and conscience as subjectively “creative,” on the other, a conception rejected in *VS*.⁶⁰ Yet, given Chiodi’s collapsing of the object of the act fully into the sphere of subjective perception-construction, how he supposedly avoids the latter pitfall, and precisely the depiction of a “hermeneutic role” of conscience rejected by Pope St. John Paul II in *VS*, remains quite unclear.⁶¹

⁵⁸ Chiodi, “Coscienza e discernimento,” 39.

⁵⁹ In making this point, it should be noted, Chiodi too relies on the *Postulate* and its putative basis in Aquinas where he sees *ST* I-II, q. 94, a. 4, opening a space for such discernment: “[For Aquinas] this ‘gap’ between the common or universal principles, the secondary norms, derived from them on the one hand, and the subjective conclusions on the other is expressly motivated by the specificity of ‘contingent’ things, such as are human actions, which are precisely the concern of practical reason. The truth of its principles does not always coincide with the truth of the norms, nor this with the truth of the conclusions nor even with the knowledge (*notitia*) that the moral subject has of these. Hence, the task of thinking thoroughly through, in the *ratio practica*, the issue of the connection between universal (*commune*) and singular (*proprium*), between norm/norms and conscience. It is precisely here that the reflection on discernment takes place” (“Coscienza e discernimento,” 44–45).

⁶⁰ See Chiodi, “Coscienza e discernimento,” 45: “In considering the nature of discernment, we must exclude both the notion of a purely deductive process and the notion of a purely creative process. In discernment, rather, conscience has a hermeneutic task: discernment starts from personal and cultural experience—which for the believer implies belonging to the Church, in the constitutive dialogue with the Word and the event of Christological Revelation—then passes through the formulation of the universal norm inscribed in the forms of good experience, and finally returns to the concrete situation, through a virtuous process (involving both ‘pathos’ and ‘praxis’) that comes to recognize the ‘possible good.’”

⁶¹ See *VS* §56: “A separation, or even an opposition, is thus established in some cases between the teaching of the precept, which is valid in general, and the norm of the individual conscience, which would in fact make the final decision about what is good and what is evil. On this basis, an attempt is made to legitimize so-called ‘pastoral’ solutions contrary to the teaching of the Magisterium, and to justify a ‘creative’ hermeneutic

Conor Kelly and the New Role of the Moral Theologian

Another author who discovers in *AL* a paradigm shift in the Church's understanding of conscience is Conor Kelly, who wrote his doctoral dissertation under Keenan. In a 2016 essay, Kelly offers a "constructive proposal for the role of the moral theologian in the church today," namely, "to promote a genuine culture of discernment in the church."⁶² In a nutshell, Kelly envisions a new twofold role for moral theologians: that of heralding the complexity of moral issues, on the one hand, and serving as promoters of a culture of discernment, on the other.

We would agree with Kelly that Francis's drawing attention to the traditional distinction between objective disorder and subjective responsibility is unremarkable. But he notes enthusiastically that, in *AL*, there is something more going on than just that. And that has to do with what Francis is suggesting about the nature of conscience: conscience *does more* than judge whether a behavior is consistent with the moral norm. In *AL* §303, Francis insists: "Conscience can do more. . . . It can also recognize with sincerity and honesty what for now is the most generous response which can be given to God." Kelly, not surprisingly, hails this view of conscience as embodying the "personalist account [of conscience] that resonates with the dynamic understanding of conscience found in the work of European moralists during the mid-twentieth century."⁶³

All of this, according to Kelly, "indicates that the personalist conciliar understanding of conscience found in paragraph 303 is a facet of personal moral discernment, and not just an identifier of rules to apply."⁶⁴ On such a view, moral norms, although necessary, take on the nature of ideals to be obtained, and Kelly identifies the role of conscience in relation to those moral ideals: "Conscience in this function is supposed to be in constant contact with the ideal, always seeking ways of getting closer to the ideal as the proper end."⁶⁵

And it is precisely this new understanding of the role of the moral ideal vis-à-vis conscience which gives rise, in Kelly's opinion, to his reconceptualization of the function of moral theology. Namely, this new conception would make way for individuals "who are capable of carrying out their own

according to which the moral conscience is in no way obliged, in every case, by a particular negative precept."

⁶² Conor Kelly, "The Role of the Moral Theologian in the Church," *Theological Studies* 77, no. 4 (2016): 923.

⁶³ Kelly, "Role of the Moral Theologian," 927.

⁶⁴ Kelly, "Role of the Moral Theologian," 928.

⁶⁵ Kelly, "Role of the Moral Theologian," 928.

discernment in complex situations" (*AL* §37). And it would also envision "a different relationship to rules in moral theology."⁶⁶ It means, in a word, making lots of room for uncertainty in moral theology, and for many more shades of gray. "Indeed, the possibility of doubt and uncertainty, of a process of discernment that leads to a conclusion that does not fit in the standard box, is a logical conclusion of all that *AL* outlines for the moral life."⁶⁷

Hence, the task of the moral theologian becomes essentially that of a moral coach "[to] offer the tools to help the church community distinguish genuine moral discernment from its corruption in self-deception, rationalization, and groupthink. Presuming the reality of uncertainty in the moral life, moral theologians should strive to help the faithful navigate the possibility of doubt so that they can still make moral choices with confidence and not just humility."⁶⁸ And it is in these spaces of "communal discernment" that not only would individual conscience judgments be hewn, but moral norms—the Church's moral teaching—would be vetted.

In this way, Kelly believes, the proclamation of absolute norms—whose number Kelly insists should be kept to a minimum—would embody the "pastorality of doctrine" and would usher in a new era in the Church, a movement away from "rules" to a broad culture of moral discernment. "Indeed," he observes, not resisting the temptation to hyperbole, "the shift from rules and authoritative decisions to conscience and discernment amounts to a wholesale indictment of the standard operating procedures of moral theology in the Roman Catholic tradition."⁶⁹

One can only note, however, that Kelly, Keenan, and other members of the primacy-of-conscience school, even as they level their criticisms of manualism, seem to share a similar blind spot: they fail to recognize their own casuistic authoritarianism in matters moral. Kelly, like other contemporary revisionists, laments a time in the Church when, as the caricature goes, the laity "operated under the assumption that the only opinion that mattered was the calculated determination of the moral theologian."⁷⁰ Notwithstanding Kelly's call for a new modified role for moral theologians—as deans and directors of "communal discernment," undoubtedly a development of Häring's "reciprocity of consciences"—it is entirely unclear how his new conception of the moral theologian escapes that very same caricature.

⁶⁶ Kelly, "Role of the Moral Theologian," 930.

⁶⁷ Kelly, "Role of the Moral Theologian," 931.

⁶⁸ Kelly, "Role of the Moral Theologian," 931.

⁶⁹ Kelly, "Role of the Moral Theologian," 934.

⁷⁰ Kelly, "Role of the Moral Theologian," 937.

As for the vision of the moral life which Kelly presupposes, it affords little to make a meaningful distinction between a morally discerning conscience and the bold and autonomous assertion of moral opinion. What Kelly describes throughout the essay seems to collapse into the latter. And in a key passage, Kelly observes:

What the Church needs is a set of resources that will help individuals adjudicate the ethical decisions they have to face in their pilgrim lives on the earth, a sort of common language that will allow people *to explain the processes behind their decisions* so that their moral choices do not have to be made alone, but can instead occur in a spirit of communal discernment. This is the task that ought to define the role of the moral theologian in the Church.⁷¹

What Kelly seems to be describing here sounds less like discernment and more like a process of self-excuse in a support-group setting: I explain why I made the moral “decision” I made, and others listen to me with compassion and nod approvingly. This can hardly be what Kelly wants, but it is what he seems to be describing. This presumes a vision of the moral life as one in which we find ourselves—autonomous moral self-determiners that we are—lost in a moral wilderness where we have to bravely forge our own path.

Toward a Recovery of Conscience and Prudence

Conscience in the revisionist model is a self-validating source of moral decisions. Although revisionist moral theologians call it “conscience,” with a modicum of reflection, intellectual honesty should compel anyone to recognize that there is a qualitative difference between two very different interior experiences: the subjective awareness of my assertive moral *decision*, on the one hand (conscience according to the revisionist account), and the compelling and convicting interior judgment giving witness—independently of any decision on my part—to what ought or ought not to be done (conscience according to the Thomistic account), on the other. The former, to be sure, as Hütter puts it most appropriately, is “a pervasive counterfeit of conscience, the presumptuous ‘authenticity’ of self-will.”⁷² For a robust and phenomenologically genuine description of the deeper reality of conscience, we must return to the Thomistic account.

⁷¹ Kelly, “Role of the Moral Theologian,” 944 (emphasis added).

⁷² Hütter, *Bound for Beatitude*, 162.

Space does not allow here for a comprehensive exploration of Aquinas's account of conscience. But as anyone familiar with Aquinas would observe, conscience per se, especially by the time he is writing the *Summa theologiae*, garners little more than a passing mention. And that is because, in Thomas's account of the moral life, the judgment of conscience, although significant, cannot be understood to play a leading role; that role is played rather by the guiding virtue of prudence. And for Aquinas, conscience and prudence must be thought of and understood together. In this remaining section, I will limit myself to a brief exploration of Aquinas's understanding of their interplay in moral choice and action.⁷³

To be sure, from the thirteenth century, *conscientia* is distinguished from *synderesis*. The latter, as broadly understood within the Scholasticism of the time, was the *habitus* (habitual knowledge) of the first common practical principles of the natural law. *Conscientia* named the judgment applying those principles, and the precepts derived from them, to specific choices and behaviors. Yet much confusion remained due to multiple meanings and different usages of both terms, "conscience" and "synderesis."⁷⁴ Conscience itself is not, in fact, an Aristotelian concept. It arose, rather, in the common language of the day, and was slowly introduced into moral theology. Nonetheless, by the time of writing the *ST*, Thomas had already largely abandoned use of conscience as an element of particular import to moral doctrine. Indeed, as Reginald Doherty observes, "it seems legitimate to conclude . . . that Thomas found the concept of conscience inadequate to express the reality involved in the judgment necessary to insure virtuous action."⁷⁵

That conscience is an interior judgment emerging from practical reasoning Aquinas makes clear in *ST*, I, q. 79, a. 13, where he highlights its qualitative nature, namely, that of witnessing, inciting, binding, excusing, accusing—or even tormenting. Yet he also holds that the very nature of prudence is to give shape, within practical reasoning, to a judgment about action as well.

Aquinas develops his understanding of the judgment of prudence in *ST* II-II, q. 51, where he explores, following Aristotle, three exercises of

⁷³ For this final section, I rely heavily on the analysis of the question in Reginald Doherty, O.P., *The Judgments of Conscience and Judgment of Prudence in the Doctrine of St. Thomas Aquinas* (River Forest, IL: Aquinas Library, 1961).

⁷⁴ For a helpful brief history of synderesis and conscience, see Kevin Flannery, S.J., "Synderesis, Conscientia, and Human Rights," in *The Handbook on Natural Law and Human Rights*, ed. Thomas Angier, Iain Benson, and Mark Retter (Cambridge: Cambridge University Press, 2022), 61–73.

⁷⁵ Doherty, *Judgments of Conscience*, 93.

prudence, referring to them as “virtues” that are, as it were, conjoined to prudence, or those dispositions that inhere in prudence as its special aptitudes or powers.⁷⁶ He notes first that, technically speaking, *eubulia* (good deliberation) is a virtue in its own right, since it perfects a specific dimension of acting, namely, deliberation. Yet, were *eubulia* not ordered to prudence as to a principal virtue, it would not be a virtue at all, just as the moral virtues would not be moral virtues without prudence, and the other virtues would not be virtues at all without charity.⁷⁷

He then moves on to a consideration of *synesis*. To the objection that *synesis* is not a virtue, Aquinas notes that, once again, the distinction of virtues follows the distinction of action or function. Just as there is a perfection of deliberation (*eubulia*), so too we can acknowledge a perfection of judgment (*synesis*). So *synesis* too can be understood as a virtue in its own right, but, like *eubulia*, must be understood in its relation to prudence. Within this context, it can be understood as the *judgment* of prudence, or more specifically, the right judgment about what is to be done in light of our ultimate end, and with regard to the particulars and circumstances which bear on a determination about how to act here and now. Aquinas explains in *ST* II-II, q. 51, a. 4, that the term *synesis* refers to one’s ordinary ability to judge according to broad, common and natural principles (*regulae communes*). *Gnome*, for its part, corresponds to the ability—sometimes translated as perspicacity—to judge correctly in those situations which call upon prudence to rise above and beyond the grasp of common principles of judgment to apply “higher principles” (*altiora principia*).⁷⁸

⁷⁶ At *Nicomachean Ethics* 6.9.1142a32–b36), Aristotle discusses *eubulia* or good deliberation. According to Aristotle, this is the quality whereby the prudent individual, the *phronimos*, engages in deliberation which (1) is about the attainment of genuinely good ends, (2) by right and morally acceptable means, (3) in the right amount of time, and (4) with a view toward the ultimate end. At 6.10.1142b37–1143a9, he discusses the other two closely related virtues of *synesis* and *gnome*. *Synesis* (sometimes translated as “understanding” [e.g., W. D. Ross] or “comprehension” [e.g., Terence Irwin]) is a practical kind of knowledge, according to Aristotle, of the same objects with which prudence (*phronesis*) concerns itself. The difference is that, while prudence issues in a particular act called “command” (*imperium*) with regard to those things that ought to be done, *synesis* issues forth as a *judgment* about what ought to be done. *Synesis* then, is right judgment about those things known with prudence. *Gnome* is a particular sort of judgment with regard to situations where equity is at stake. The possession of *gnome* renders its subject a “sympathetic” person, explains Aristotle, a man of “good sense.”

⁷⁷ See *ST* II-II, q. 51, a. 2.

⁷⁸ Here Aquinas distinguishes the two based on the principles each virtue relies on in its exercise: “common principles” and “higher principles,” the latter having the characteristic of being harder to grasp. Earlier, at *ST* I-II, q. 57, a. 6, ad 3, he had similarly

How then, according to Aquinas, does the judgment of prudence (*synesis/gnome*) relate to the judgment of conscience in their shared roles of informing choice and action? We have to begin by clarifying, not without some frustration, that Aquinas does not directly address that question anywhere in his writing. Certainly, Thomas is clear that conscience can err, a significant feature distinguishing it from prudence, which by definition—as right reason in practical matters—does not err.⁷⁹ We can observe, however, that he holds the two judgments to be, in principle, distinct in some manner. And both can be distinguished from a third interior determination, namely, the judgment of choice.

The judgment of conscience takes the form of “I ought to do X” or “I ought not to do X.” It is distinguishable from the self-determination constituted by choice (*election*), which takes the form “I will do X” or “I will not do X.” Aquinas certainly distinguished between the two—and here, as Doherty suggests, we can note a first indication of a distinction between the judgment of conscience and the judgment of prudence.⁸⁰ As Doherty notes, for Aquinas the judgment of conscience is only cognitive, while the judgment of election is affective.⁸¹ He observes:

St. Thomas everywhere insists that conscience is a dictate of reason which results from the actual application of knowledge to an act. Conscience proceeds by speculating (*speculando*) and by way of examination. It is an analysis of a proposed or of a completed act, an analysis which remains in the order of knowledge. It is a cognitive conclusion, not an affective conclusion.⁸²

distinguished the two according to the principles by which they judge: *synesis* judges actions according to the *common law*, while *gnome* judges according to the principles of *natural law* in matters where the common law fails to apply.

⁷⁹ See esp. *ST* I-II, q. 19, aa. 5–6.

⁸⁰ See Aquinas, *De veritate*, q. 17, a. 1, ad 4: “The judgments of conscience and of free choice differ to some extent and correspond to some extent. For they correspond in this, that both refer to this particular act. However, the judgment of conscience applies to it in so far as conscience examines it. On this point the judgment of both conscience and free choice differ from the judgment of synderesis. They differ from each other, since the judgment of conscience consists simply in knowledge, whereas the judgment of free choice consists in the application of knowledge to the inclination of the will. This is the judgment of choice. Thus, it sometimes happens that the judgment of free choice goes astray, but not the judgment of conscience.”

⁸¹ Doherty, *Judgments of Conscience*, 39.

⁸² Doherty, *Judgments of Conscience*, 57. And in this light, Doherty adduces his own definition of conscience as he believes Aquinas understood it: “We may draw the following quasi-definition of conscience. Conscience is a dictate of the practical intellect by

And because the judgment of conscience can (and in the virtuous person normally does) precede choice, or is at least nearly concomitant with choice, it is easy to see why these two judgments—the judgment of conscience and the judgment of choice—are related.

This distinction between the judgment of conscience and the judgment of choice opens a logical space for the judgment of prudence. Whether considered as *synesis* or *gnome*, the judgment of prudence is an operative determination leading to choice (*electio*) and directed action (*imperium*), yet distinct from the judgment of choice (“I will / will not do this”). We can certainly gather how closely related the two judgments are—those of conscience and prudence—if we consider that both are about a *faciendum*: a thing to be done, a behavior to be chosen and engaged in that stands before me as a possibility (or which perhaps I have already brought about by choice). And both judgments can be expressed as *faciendum est*: both “this is to be done” and “this ought to be done.” It is the opinion of Doherty that, in the virtuous act, the two judgments are numerically the same (*faciendum est*) while formally distinct.⁸³ He concludes:

Thus, the one same judgment (*faciendum est*) seen as examining the act, as it were speculating by the principles of synderesis, wisdom and science, and judging the morality of the act to determine whether it must be done or must be avoided, is the judgment of conscience. There is, however, more than this to the judgment (*faciendum est*) in the virtuous act. This same judgment insofar as it is conformed to the inclination of right appetite and thus ordained to the production of the singular, contingent operable, is the judgment of election, the proper act of the virtue of [prudence]. . . . In this sense, it may perhaps be said that the judgment of conscience is formed within the judgment of prudence.⁸⁴

The normative judgment of conscience takes the form of “I ought to do X” or “I ought not to do X.” In the virtuous individual, this normative judgment, however, is *formed within and presupposes the prudent judgment of practical reasoning* that “X is to be done” or “X is not to be done.” The judgment of prudence in essence expresses that “X is to be done because it

which a person judges, in a manner of speculation and examination according to the knowledge which he possesses, whether a particular act is good and to be performed, or evil and to be avoided” (58).

⁸³ Doherty, *Judgments of Conscience*, 92.

⁸⁴ Doherty, *Judgments of Conscience*, 102.

is reasonable, because it is the proper mean to the reasonable end at which it is aimed, in light of all of the circumstances and the relevant norms that come to bear on this situation” (or, negatively, “X is not to be done”). In the person endowed with prudence, this judgment gives shape to the particular and normative judgment of conscience.

The intimate relationship between these two judgments also suggests the intricate relationship that prudence plays throughout the entire process of moral reasoning that culminates in choice and execution of an action. And if prudence is well developed, it is hard to see where—in the virtuous individual—there could be room for such divergences between the two judgments. On the contrary, where prudence is sound and well developed, we would expect the judgments of conscience generally to be correct. Indeed, there would be no sound judgment of conscience whatsoever lacking the guidance of prudence; the former presupposes and is given final shape within the latter. Both judgments draw their “spark,” as Servais Pinckaers puts it nicely, from the light of the first practical principles—*synderesis*. And together, they “share the same source of light and join in the same work, the elaboration of moral judgment.”⁸⁵

Conclusion

It is no secret that, ever since the Council, Catholic moral theology has suffered sharp internal divisions. Once upon a time, there was little to disagree with in the Council’s call for a renewed moral theology, “nourished more on the teaching of the Bible,” anchored in the transformative experience of Christic discipleship, that would “shed light on the loftiness of the calling of the faithful in Christ,” a project of assisting all the baptized to order their lives in harmony with attaining our true *telos*, communion with the Trinity, through a life of “bearing fruit in charity for the life of the world.” Early revisionist moral theologians had so much of this right. “Amen” to rejecting a notion of moral normativity as merely the a priori external imposition of norms restricting freedom. From Aquinas to Ratzinger to Pope Francis and James Keenan, we all agree on that.

The revisionists’ problem is that they allow for no further understanding of moral normativity. Beholden to a conception of the moral universe as a relentless battle between law and freedom, their answer time and time again has been, and is today no less, that moral normativity itself is the enemy. Moral norms must give way to the autonomy of personal moral decisions

⁸⁵ Servais Pinckaers, “Conscience, Truth and Prudence,” in Haas, *Crisis of Conscience*, 89.

emerging from a conscience conceived of as an unerring center of valid moral discernment and decision.

This of course is all quite at odds with enduring themes of the Catholic moral tradition broadly speaking, especially prior to the manualist tradition: conscience as *synderesis* (or *anamnesis*, as Benedict XVI preferred to call it), an understanding of normativity based on a metaphysics of participation, and the connaturality of virtue and the good, and the centripetal role of the virtue of prudence.

But the divisions which emerged shortly after the Council and with the publication of *Humanae Vitae* have arguably today reached a tipping point, to not say a breaking point—and not merely for Catholic moral theology, but for the Church and for the integrity of true teaching. Will the magisterium of the next pontificate be informed by the conception of the person as primarily an autonomous conscience, source of self-validating moral claims, or can we yet hope that it could be informed by the classical vision of disciples as the man and woman in Christ endowed with and governed by the central virtue of prudence, human and infused, perfected by the Holy Spirit's gift of counsel, perfected by *agape* love? The Church's shepherds must opt for the account they find most in accord with the truth of the human person, with truly life-giving and merciful pastoral accompaniment, with the word of God, with reason and revelation, and with the ordinary and universal magisterium of the Church. The integrity of the faith, the very convincing power of the Gospel, lies in the balance. N.V.