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## **DECISIONS OF CONSCIENCE AS A CATHOLIC**

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### **Abstract**

This article concentrates on one aspect of the broad theology of conscience: the dignity of the act-decision in conscience. The problem is introduced, and then set within the theological parameters suggested by the author's understanding of *Lumen Gentium* (1) and *Gaudium et Spes* (2). Application to moral theology follows each section. The implications for the methodology of moral theology are presented in section (3) with a brief conclusion in (4).

**Keywords:** Conscience, *Lumen Gentium*, Call to Holiness, *Gaudium et Spes*, Pastoral Theology, *Amoris Laetitia*, Methodology, Decision-Making

Conscience is a complex idea to define.<sup>1</sup> One consequence is that there are differing understandings at the level of magisterial teaching. For this article, I am taking the generally understood theology of conscience in the catholic tradition<sup>2</sup> but focussing on one aspect: the act of conscience as a decision. There is no controversy about the

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<sup>1</sup>Confer Paul Strohm, *Conscience: A very Short Introduction*, Oxford: Oxford University Press, 2011.

<sup>2</sup>James F. Keenan, *A History of Catholic Moral Theology in the Twentieth Century: From Confessing Sins to Liberating Consciences*, London and New York: Continuum, 2010 is an authoritative account of the most recent contours of this tradition.

dignity accorded to conscience in this tradition, but there are two challenges in explaining how a decision in conscience coheres with answers of the Magisterium to what seems to be the same question.

Firstly: can one uphold the inherent dignity of conscience and at the same time give due respect to the Magisterium? The solution offered by the manual tradition of moral theology analyses this challenge in terms of distinctions between objective norms, subjective intentions and proportionate assessment of circumstances. This works well within the parameters of the sacrament of confession: the objective norm is not publicly questioned, and the personal conscience of a penitent is respected by the use of what is called the pastoral solution. The presumption is that these clashes would be rare.

The well-documented decline of celebrating the sacrament of confession is an indicator of the second challenge. When there is a divergence between the norms offered by the Magisterium and the conviction of an individual, many seem to be walking away from church practice, choosing their 'conscience' over the 'church'. An impression can be created that it is not possible to be faithful to conscience and loyal to magisterial teaching.

Excluding *a priori* that it is unacceptable to present moral truth as if it were relative — one version for public consumption, one for private application — it is urgent that we revisit the theology of the decision of conscience in the catholic tradition. The recent call by Pope Francis should encourage us: "Recognising the influence of such concrete factors, we can add that individual conscience needs to be better incorporated into the Church's praxis in certain situations which do not objectively embody our understanding..."<sup>3</sup>

The weight of the distinctions we currently use (objective and subjective, moral and pastoral) could be re-assessed in the light of some teachings of the 2<sup>nd</sup> Vatican Council.

## 1. The Call to Holiness

In the lively discussions during the reception of *Lumen Gentium*, there has been little attention given by moral theologians to the implications of Chapter 5 on the universal call to holiness. Other chapters — on the mystery of the church, the people of God, the hierarchical church — elicited much comment. The primary mission

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<sup>3</sup>Pope Francis, *Amoris Laetitia. Apostolic Exhortation on Love in the Family*, Dublin: Veritas, 2016, par. 303.

of the church, which is to form disciples in holiness, is neglected in moral theology. There have been, admittedly, some splendid contributions on morality and spirituality but I have an impression that in public exchanges 'spirituality' is a sort of addendum to 'morality': the church is commonly presented as a moral authority instead of being a spiritual lodestar in our search for Jesus as the model of life. The result is that the rejection of the church as a credible moral authority by some, however unjustified we may judge it, has the unfortunate consequence that the religious meaning of the church is also excluded. 'I am not very religious, but I feel I am very spiritual' is a phrase in common use that reflects the challenge.

The major change implied in Chapter 5 of *Lumen Gentium* is to move from the consideration of holiness as moral perfection to holiness as participation in the holiness of God.<sup>4</sup> Excluded in the conciliar document is the idea that holiness is primarily, much less exclusively, moral perfection, heroic human virtue or discipline. Holiness is, in the first place, the glory (*doxa*) and the love (*agape*) of God given to us without any merit on our part. This glory and love is given through the church. It is God alone who is holy. Moral decisions flow from discipleship, not the other way around.

This may seem unproblematic, theologically, but the experience of many people is of the church as a moral authority rather than a religious community. The church is appraised as a powerful institution, essentially juridical, with claims that are quasi-universal based on being a society that is independent of all earthly powers. Readers of this journal will probably not share this assessment of the church. However, why has much public reaction to the sexual scandals within the church been precisely the reaction to the church seen as a source of moral power, claiming its own juridical independence with a universal range?

This comes to the core of the matter. The church is an institution, and must be. The Kingdom is more important, obviously, and while we may not accept Loissy's sharp remark that 'Jesus preached the Kingdom but it was the church that came' some will have empathy with the sentiment. The dream of a wholly spiritual church, a community of pure love and spotless life, remains just that: a dream.

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<sup>4</sup>Written fifty years ago, Wulf's short contribution remains an authoritative source for the textual history of this chapter of *Lumen Gentium*: Friedrich Wulf, "The Call of the Whole Church to Holiness," in Herbert Vorgrimler, ed., *Commentary on the Documents of Vatican II*, New York: Herder and Herder, 1967, Volume One, 261-272.

The church is an institution, but how will it be recognised? By its claim to moral power, by its juridical scope and clerical structures? The church should be recognised as a community (institution) where all are called to holiness. The moral decisions of conscience are a consequence of this, not a replacement for it. Paradoxically, the moral authority of the church is strengthened by an acceptance that the church is both holy and in some way sinful, as acknowledged earlier in *Lumen Gentium*: "The church, however, clasping sinners to her bosom, at once holy and always in need of purification, follows constantly the path of penance and renewal."<sup>5</sup>

Confusion about moral decisions as the criteria of holiness should be eliminated: 'You alone are indeed holy, o Lord, the fount of all holiness.'<sup>6</sup>

### 1.1. Implications for Moral Theology

Bernard Häring is correctly recognised as a key figure in the renewal of moral theology with the publication of *The Law of Christ* in 1954. Interpreting the significance of his contribution includes an assessment of his earlier work based on his doctoral thesis that holiness is a prior consideration if we are to understand goodness.<sup>7</sup> What is revolutionary in Häring's position is the introduction of holiness as a central characteristic of the moral life of the Christian. In the debate that followed the publication of *The Law of Christ* this point got scant attention.

In the divisive debates on moral theology of the intervening sixty years labels are superficially used to describe the opposing sides: 'liberal' / 'conservative', 'pro-Magisterium' / 'anti-Magisterium', 'traditional' / 'progressive'. There is no one obligatory method imposed on moral theologians, as acknowledged in *Veritatis Splendor*.<sup>8</sup> There will be legitimate differences, and these should be evaluated in terms of their relationship to building up the daily life of disciples. For this article, concentrating on conscience as a decision, I opt for a method that gives priority to a consideration of the Holiness of God as the starting point of that process. Morality is concerned with the good and evil of the actions of the person who performs

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<sup>5</sup>*Lumen Gentium*, 9. Translation as in Austin Flannery, General ed., *Vatican Council II: The Conciliar and Post Conciliar Documents*, New York: Costello Publishing Company, 1987, 358.

<sup>6</sup>Second Eucharistic Prayer.

<sup>7</sup>Bernard Häring, *Das Heilige und das Gute: Religion und Sittlichkeit in ihrem gegenseitigen Bezug*, Munich: Erich Wewel, 1950.

<sup>8</sup>John Paul II, Encyclical Letter *Veritatis Splendor*, Rome, 1993, paragraph 29.

them: theology is concerned with the origin and purpose of moral action as found in the presence of the One who alone is Holy: this is a summary of the view presented in *Veritatis Splendor*.<sup>9</sup> Theologically, I have difficulty in agreeing with the implicit preference of that encyclical of moving, in the decision-making process, from morality to theology. In the light of the call to holiness advocated by *Lumen Gentium*, conscience decisions should begin in the presence of God. This has decisive consequences for moral theology as a scientific discipline.

## 2. The Call to Act in the World

If *Lumen Gentium* clarifies the call to holiness as the defining characteristic of the process of decision-making for a Christian, *Gaudium et Spes* complements the conciliar teaching on how this process continues by acting in the world. The qualification of *Gaudium et spes* as a *Pastoral* Constitution has implications for conscience understood as a decision. 'Pastoral' is not a secondary application of a prior norm or law: it is a statement about the essence of the church. There are a number of confused understandings of 'pastoral' that are making the challenges noted at the beginning of this article more difficult to solve.

Some propose that pastoral moral theology is the application, benign or rigid, of an already established moral norm. This presumes that morality precedes holiness in the order of importance, an assessment that seems problematic in view of what I have said about *Lumen Gentium*. When moral law is given primacy, as in the manual tradition, it became necessary to develop a way of applying the norms. This was covered by 'pastoral theology.' Moral theology was a normative science of the good: pastoral theology became an adjunct discipline for applying this science in the daily struggle for holiness in Christian life. It is this way of conceptualizing the nature of theology that has led to the challenges alluded to: on the one hand setting up, almost inevitably, a clash between personal conscience-decisions and magisterial propositions on the same question, and on the other hand unintentionally encouraging a privatized notion of conscience-decisions.

Pastoral theology, conceived in this way, is intermittently judged to be a Trojan horse introduced by moral theologians who are considered to have prejudices against the Magisterium. I note some of

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<sup>9</sup>John Paul II, Encyclical Letter *Veritatis Splendor*, paragraph 29.

these attitudes in the present stage of the debate concerning the implications of *Amoris Laetitia*.<sup>10</sup>

If a re-interpretation of Chapter 5 of *Lumen Gentium* is decisive for the first stage of Christian decisions in conscience, the meaning of 'pastoral' in *Gaudium et Spes* is the second indication from conciliar teaching. Being unclear to the Council Fathers themselves, it was necessary to give a footnote to the title of the Constitution in order to gain a maximum consensus for approving the Constitution in the final days of the Council.<sup>11</sup> I quote it at length because of the significance I attach to it:

The Constitution is called 'pastoral' because, while resting on doctrinal principles, it seeks to set forth the relation of the Church to the world and to the men of today... In Part 1 the Church develops her teaching on man, the world he inhabits, and her relationship to him. Part 2 treats at length various aspects of life today and human society and in particular deals with those questions and problems which seem to have a greater urgency in our day. The result is that in Part 2 the subject matter which is viewed in the light of doctrinal principles consists of elements, some of which are permanent and some of which are contingent. The Constitution is to be interpreted according to the general norms of theological interpretation, while taking into account, especially in part 2, the changing circumstances which the subject matter, by its very nature, involves.<sup>12</sup>

Excluded in this explanation of 'pastoral' is the idea that 'being pastoral' is a second-order discourse, inferior to first-order dogmatic discourse. Included in this explanation is the necessity of embracing contingent circumstances within the pastoral mission of the Church. The doctrine of the Church (as outlined by *Lumen Gentium*) is complemented by the pastoral mission of the Church (as understood by *Gaudium et Spes*). One does not exclude the other.

The theologian must, however, be careful. It is God who is the object of our faith, and it is his holiness which shapes the journey of

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<sup>10</sup>In these debates, which are ongoing, it would be invidious to name names, It should never be a question of 'who wins' or 'who loses' in terms of loyalty tests within the church. The focus should be on God's holy will for his people. In discerning this will, this article is suggesting that the conciliar documents *Lumen Gentium* and *Gaudium et Spes* are the parameters for documents such as *Amoris Laetitia*.

<sup>11</sup>I offer an overview of this in Raphael Gallagher, "The Significance of a Note: The Implications of *Gaudium et Spes* for Fundamental Moral Theology," *Studia Moralia* 42, 2 (2004) 451-463.

<sup>12</sup>Translation from Austin Flannery, General ed., *Vatican Council II: The Conciliar and Post-Conciliar Documents*, 903.

discipleship. We believe in a Church that communicates the revelation of God: it is here that we return to the question of ‘what church?’ and the need to see the pastoral-doctrinal Church as a unity. I am writing from a European perspective, though this experience may be applicable elsewhere. There are at least two forms of the Catholic Church operative in our culture: one struggling to maintain the essentials of a previous institutional form, one grappling with the possibility that there may be new ways of being Church in different times. The moral theologian works within both forms of Church but, as in life generally, it is the future that is a greater concern than the past. Being pastoral, by its natural requirement, the Church will not (indeed, cannot) neglect its doctrinal component. However, the contingent elements will be an obligatory part of the doctrinal development of the Church. This approach may go some way to solving the challenges which the decision-act of conscience poses, as I noted at the start of this article. Our loyalty is to God’s will and to the world we live in, and this loyalty has to be continuous and unified. We do not have to abandon our conscience once we begin the path of discipleship. We do not have to abandon our discipleship when we are confronted with a decision that has not been given a pre-packaged answer.<sup>13</sup>

## 2.1. Implications for Moral Theology

Thomas Merton was not a moral theologian by training, but he had the mystic’s eye for the challenge faced by those who consider themselves such:

The devil has a whole system of theology and philosophy... The Law must triumph. There must be no mercy. This the chief mark of the theology of hell, for in hell there is everything but mercy. That is why God himself is absent from hell. Mercy is the manifestation of his presence.<sup>14</sup>

The juxtaposition of a ‘doctrinal’ church with a ‘pastoral’ church is too stark. I take one aspect, much emphasised by Pope Francis:

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<sup>13</sup>I suggest that the historic resignation statement of Pope Benedict XVI is emblematic for this argument. “Having explored my conscience again and again before God, I came to the certain knowledge that my powers, on account of advancing age, were no longer adequate to impartially administer the Petrine Office.” The translation is mine, from the Latin original of the *Declaratio* in [http://www.vatican.va/holy\\_father/benedict\\_xvi/speeches/2013/february](http://www.vatican.va/holy_father/benedict_xvi/speeches/2013/february). Consulted 16<sup>th</sup> November 2016.

<sup>14</sup>Thomas Merton, *New Seeds of Contemplation*, New York: New Directions Books, 1972, 90-91.

mercy. Does the moral theologian begin the process of taking a conscience-decision with a consideration of idealised norms which are then applied, without further emendation, to a judgment in a particular situation? Alternatively, does one begin with a person's subjective capacities, often limited by inner constraints or outer pressures, in the effort to discern the will of God? The suggestion of this article is that the final decision in conscience, which has to be practical and applicable, is best shaped by moving from holiness to goodness, rather than the reverse.

### 3. Choosing a Method for Moral Theology

What is implied in this article is the need to evaluate the methodology of moral theology. I am using that term, though others use nomenclatures such as 'catholic theological ethics.'<sup>15</sup> The differences are partly semantic, but I am using the more traditional term in order to explain the possibility of continuity for pastoral ministers, many of whom were trained in a manual system of thinking.

Whatever the expression used, moral theology should cohere with the requirements of theological method as outlined by *Dei Verbum*<sup>16</sup> and be developmentally consistent with the broad tradition of the discipline. On the first point, the central text is:

Sacred theology relies on the written Word of God, taken together with sacred tradition, as on a permanent foundation. By this Word it is most firmly strengthened and constantly rejuvenated, as it searches out, under the light of faith, the full truth stored up in the mystery of Christ. The Sacred Scriptures contain the Word of God, and because they are inspired, they are truly the Word of God.<sup>17</sup>

The core argument of this article is a call for moral theology to return to a more biblically based methodology. The decision of conscience is the result of a discernment that begins with the Word of God calling us to holiness (discipleship).<sup>18</sup> Coherence with *Dei*

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<sup>15</sup>Joseph A. Selling, *Reframing Catholic Theological Ethics*, Oxford: Oxford University Press, 2016 is an example. This recently published work gives the background why he has chosen to use the term 'catholic theological ethics' as appropriate for the 'the need for renewal in catholic moral theology' (106-119).

<sup>16</sup>Vatican II, *Dei Verbum. Dogmatic Constitution on Divine Revelation*, November 18<sup>th</sup> 1965.

<sup>17</sup>Vatican II, *Dei Verbum*, paragraph 24.

<sup>18</sup>The possibility of this is well outlined in Marie Laetitia Calmeyn, "Amoris Laetitia: discernir à la lumière de la Parole de Dieu," *Nouvelle Revue Théologique* 138 (2016) 385-387.



*Verbum* is entirely consistent with what I propose. On the question of consistency with the catholic moral tradition, I suggest that my proposals, focussed on the coherence of the decision-act of conscience, is a development of the position of Saint Alphonsus Liguori. His definition of the act of conscience, taken from Jean Gerson, remains a standard reference point: "Conscience... is formed when finally, that is, after thorough examination and deliberation, from the definitive judgment of reason, it is judged and agreed that something is to be done... or avoided. To do something against such a formed conscience... is a sin."<sup>19</sup>

Alphonsus was unquestionably writing for confessors within the parameters of the Council of Trent (1545-1563). *Mutatis mutandis* the same view can be held within the parameters of the 2<sup>nd</sup> Vatican Council (1962-1965)

#### 4. Conclusion

There are many other aspects to conscience that should be considered within catholic theology. The focus in this article, on the decision-act of conscience, does not prejudge other important concerns.<sup>20</sup> Placing this decision act within the call to holy discipleship in the church, and insisting that it be a decision to act in the world, is an affirmation that will need the necessary contextualization in cultures different to that of the author.<sup>21</sup>

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<sup>19</sup>Alphonsus de Liguori, *Theologia Moralis*, ed. L. Gaudé, Rome: Vatican Press, 1905, Tomus Primus, Liber Primus, Tractatus Primus, 19. The translation is mine.

<sup>20</sup>Confer David E. de Cosse and Kristin E. Heyer, ed., *Conscience and Catholicism: Rights, Responsibilities and Institutional Responses*, New York: Orbis Books, 2015.

<sup>21</sup>Confer Mark Hunyadi, "L'approche contextualiste en morale," *Revue d'Ethique et de Théologie Morale* 284 (June 2015) 39-52.