CHAPTER TWENTY-EIGHT: LIMITATIONS, DEFECTS, AND PERVERSIONS OF CONSCIENCE

A. Introductory considerations

In chapter twenty-six, section D, I stated the conditions necessary for mortal sin. One of these is sufficient reflection; mortal sin only occurs if one acts in violation of conscience, which judges the proposal adopted to be seriously wrong. In the present chapter, I take for granted what has been said about sufficient reflection, and go on to explore some of the more important problems about moral knowledge, ignorance, and error which lurk behind the apparently plain surface of that requirement.

I already treated conscience itself in chapter fourteen. The initial formulation in section M of that chapter of the principles of genuine conscience subsequently was unfolded into the whole of part five. Also, the common responsibilities of all Christians with respect to the formation and work of conscience will be treated at length in volume two. In the present chapter, I am concerned with only a limited aspect of conscience, namely, how sin affects conscience and how conscience affects sin. But to discuss this subject, I must begin by making some distinctions among different modalities of conscience.

Very little in the present chapter depends directly on divine revelation. Those who are familiar with modern psychology and sociology will notice many respects in which what I say could be referred to various writers in these disciplines. However, I do not claim the authority of science for anything which follows, and I do not enter into the rich diversity of theories one would find if one studied the present subject in courses devoted to it in psychology and the social studies. Rather, I try to introduce here only propositions which I think anyone can verify from his or her own experience and reflection. I then combine these propositions with what already has been established (in the light of faith) concerning moral responsibility in Christian life; and I draw a number of conclusions which might be helpful in one's personal moral growth and in pastoral practice.

B. Does conscience develop?

Conscience does develop. The very meaning of "right," "wrong," and "permissible" changes as a child grows up. The stages of this development can be distinguished in various ways, but at least the three following stages seem obvious.

First, the physical environment conditions small children; for example, they learn quickly by experience not to touch hot radiators. The social environment, usually principally the parents, also teaches children, but does not simply condition them. Their relationship with other persons is interpersonal; the child feels the importance of the bond. To imitate and conform to others wins their reassuring approval. To behave in a way which brings a negative reaction from persons to whom the child is strongly bonded is to experience not-being-loved, insecurity, aloneness, being cut off, being evil.

In effect, the child experiences something of the reality of the evil which is disharmony in the existential domain. Even at the infantile level, interpersonal disharmony sets up inner conflict. The child quickly learns that misbehavior engenders this experience of inner conflict--an experience obviously much more repugnant to the child than many other negative experiences which it begins to accept in order to avoid this one. This initial level of conscience is called "superego," since the authority of good and bad is interiorized in the child as a personal authority overseeing the child's own desiring and scheming ego.

Second, growing boys and girls meet and mingle and begin to interact with one another. For each other they constitute a new type of social environment. Here the relationships are more on a par; the children need and want one another. They have certain common interests and begin to form a voluntary association to pursue them. In doing this they learn the necessity of a certain level of norms centered in fairness and the control of impulses which is necessary to attain desired ends. To behave in a way which the group disapproves both threatens participation and elicits criticism.

At a new and more articulate level, the child experiences disharmony in the existential domain. Interpersonal harmony and inner conflict again are linked, but since the relationships are shaped by discourse, the child experiences the stupidity of its own wrongdoing. To avoid this sort of stupidity, to maintain solidarity with the peer-group, the child once more must limit its impulses, accept certain objectives as its own, and affirm its identity as a member of society. This second level of conscience can be called "social convention," since the authority of good and evil is located in the group (and in those who speak and act for it). As identified with the group, the child carries its conventions within itself; to the extent of this identification the conventions are allied with the child's ego. As impinging and making demands, the conventions are alien and are experienced as imposed by the group.

Third, if all goes well, the young person in adolescence begins more and more to understand basic human goods and the modes of responsibility. These are not tied to existing interpersonal relationships, but they open up the possibility of new and deeper relationships. There arises a desire to share in commitment to a worthy cause; to love and be loved in ways which go deeper than the rather superficial relationships of most groups formed by accident (children in a neighborhood, in a school class, and so on). The model of persons who are (or were) dedicated to human goods and who lived heroic lives has vibrant appeal. To be less than what one recognizes as fine is to be ignoble.

Once more the young person experiences disharmony in the existential domain, but only now in its full depth and reality. One finds one's inner self upset, with feelings at odds with reason; one realizes that one's ideals are not expressed in one's life; one often is disappointed in love and disillusioned by the imperfection of one's heroes; one knows one must come to terms with reality and is reluctant to do so. To do what is evil now becomes either to refuse to make the commitments and enter into the community in which one might hope to be oneself and be fulfilled, or to betray and fall short in fulfilling such commitments once they have been made. This third level of conscience can

be called "moral truth," since here the authority of moral good and evil is located finally in the responsible person confronting the reality of the given world and of human possibility.

C. Comments on the three levels of conscience

Superego, social convention, and moral truth provide different meanings of "right" and "wrong." For superego, the wrong is what generates feelings of anxiety and guilt; for social convention, the wrong is what breaks the accepted rules of common life; for moral truth, the wrong is what is not consistent with integral human fulfillment (which, at first, will be understood only as reasonable action in respect to some intelligible good despite nonrational pressure to act otherwise).

Still, these three stages are not in watertight compartments. Even small children already have some understanding of basic human goods, and this understanding shapes their action, as I explained in chapter nine, section F. By the time they are six or eight years old, when they are definitely into the second stage, children have some understanding of various goods; fairness, for instance, is not merely a device, but something of an ideal. Conversely, the superego can and should continue to develop in all one's personal relationships; it provides an immediate sense of the cost of being offensive to those one cares about. Similarly, conventional morality, to the extent that it is grounded in moral truth, can be incorporated as the legal embodiment of norms, which I discussed in chapter twenty-three, sections C and G.

The development and integration would go smoothly enough, no doubt, were it not for sin and its effects.

Because of sin, parents often relate to their children in unreasonable ways--for instance, to use them for selfish gratification and to make inconsistent demands on them. Children, for their part, have the race's built-in bias of anxiety and a compensatory taste for pleasure (discussed in chapter ten, section J). These factors render superego rigid, nonrational, and sometimes oppressive.

Similarly, because of sin, groups of children have more or less irrational interests, are usually cruel to odd members, and often accept domination by their more powerful members. Individual children, at the same time, are selfish and manipulative; they try to use their position in the group to gain all the personal advantage they can. The different and conflicting levels of social convention--for example, the gang and the city--add to the difficulties of integration.

The initial interpersonal experiences of children which form the superego serve as a matrix for all subsequent relationships; hence, even if parents do not train children in anything specifically religious, the modalities of early formation condition the child's subsequent relationships to God the Father and Holy Mother Church. For a great many people whose maturity of conscience is limited, the Church's moral teaching is perceived on the legalistic level of social convention; it is a body of rules one has to accept if one wishes to enjoy the benefits of membership.

Many people with genuine faith--which is not without some basis in a grasp of the relevant goods and the reasonableness of commitment to them--nevertheless lack any general commitment to moral goodness. Hence, their appreciation for the ideal of a Christ-like life is very limited. However, Christian formation as a whole, beginning with the Gospel itself, can be seen as a way of leading one from infantile belonging to conscious membership, with the moral norms of Christian life as the supreme level of social convention; and then from membership in the Church as an existing, thisworldly community to the Church as communion of saints, with the modes of Christian response as the common style of life in unity with Jesus.

D. What are the most important differences among the three levels?

First, the superego is not really moral at all, in the sense that it offers no reason for acting as distinct from a natural feeling. Social convention is moral in the sense that there are reasons for acting as distinct from nonrational determinants of action; however, at this level, reasons for acting need only be grounded in one's actual desires, not in the goods as intelligible principles. Moral truth is based on reasons which are fully intelligible, not merely factual.

Second, the superego is concerned only with a certain area of behavior, namely, behavior subject to disapproval, which leads to guilt feelings. The remainder of the infant's behavior is free. Social convention also is limited to a restricted field, namely, that in which a reason for acting is backed by a social sanction. Apart from this, choices seem morally indifferent. Moral truth in its full development is not restricted to any area of behavior, although it comes to bear only when there is some possibility of free choice.

Third, the superego is most concerned with outward performances, which can cause trouble. Social convention is primarily concerned with good intentions; the individual must accept the authority. Moral truth is concerned with integral fulfillment, which primarily exists in existential goods.

Fourth, the superego generates a sense of compulsion; one has to abide by its dictates or suffer the pain of violating them. Social convention generates a sense of obligation; one either abides by the rules or is criticized and cut off from what one wants. Moral truth generates responsibility; fulfillment of others and of oneself depends on oneself, and consistency with one's own care for fulfillment requires one to act reasonably for it.

Fifth, the superego defines the self as being the person of others--for example, the child of these parents. The little child tries to be like and to fit in with the parents. Conventional morality defines the self in part negatively by efforts to be different from others and in part affirmatively by the set of goals it encourages one to pursue in the society--for example, the adolescent tries to accomplish certain things and to make something of himself or herself. Moral truth defines the self by commitments and communion.

In the context of the clarifications now given, the treatment in chapter fourteen, section F, of the reduction of conscience to mere feelings might be reread with profit. At that point, however, I had not yet introduced the intermediate level of conventional morality, which I discussed first in chapter seventeen, section F.

E. What is required for sufficient reflection?

The following always presupposes what already has been said about sufficient reflection in chapter twenty-six, section D. The precisions set down there cannot be set aside without oversimplification. Here I only clarify the notion of knowing something to be seriously wrong, which is essential to sufficient reflection, by means of the distinctions made in the preceding sections of the present chapter.

For sufficient reflection, one must be aware that the act is seriously wrong, taking "seriously wrong" in the sense determined by moral truth, not merely in a sense determined by superego or social convention. An individual who has been instructed in Catholic faith will recognize seriously wrong acts as mortal sins, either because they have been labeled as such, or because one knows that a serious moral evil might be a mortal sin and realizes that to do what might be a mortal sin is to commit mortal sin.

People who have not made the act of faith or some analogous commitment which is upright (for instance, the commitment of a good Buddhist or socratic) confront a serious moral issue the first time they are faced with the requirement of moral truth. In this sense, the position of St. Thomas--which I discussed in chapter twenty-seven, section D--on the impossibility of venial sin with original sin in someone without mortal sin is correct. It is one's act of living faith which shields one from the full moral impact of most of one's sins.

The requirement that one be aware that an act is seriously wrong ("seriously wrong" in the sense of moral truth) is met ideally if a person understands both the intelligible goods at stake in this particular possibility (which is being excluded by conscience) and the inherent value of being morally good, sees the reasonableness of conforming to conscience in this case and in general, and grasps the relevance of this particular good to divine goodness and the relevance of all human fulfillment to fulfillment in Christ.

Not only persons who have studied theology but ordinary, well-instructed Christians can have this ideal knowledge of the serious wrongness of many acts, even if they could not articulate it. For example, a married person who takes marriage seriously as a sacrament and who encounters the temptation to commit adultery can recognize at once that the act would violate faithful love and that it would betray one's own commitment to human fulfillment, that the act offers only a passing gratification in an apparent good and that one would be a fool to subject oneself to so limited a good, and that adultery violates the Body of Christ present in sacramental marriage as well as violates the Church's norm that such an act is a very grave sin.

Often, the requirement that one be aware that an act is seriously wrong ("seriously wrong" in the sense of moral truth) is not met ideally, but is met adequately, as follows. One sees the intelligible good, the rational requirement, and at least implicitly the religious implication of morality for accepting some principle of moral authority; and one sees that this act would be in serious violation of the norms proposed by this authority.

For example, a child (I think normally of six or seven years old) can grasp the moral truth that it is right to be obedient to parents and others set in authority by parents, and can believe that disobedience in a matter they propose as very serious is offensive to our heavenly Father and is the sort of thing which made Jesus die. Similarly, many adult Catholics see in much of the Church's moral teaching only the supreme level of social convention, but they do realize that the Church has the words of eternal life, that it is right to try to live a Catholic life, and that obedience to the Church is what God demands of them. When they know or suspect that the Church teaches something to be grave matter, they commit mortal sin if they deliberately choose to do it, even though they do not see why this particular act--for example, masturbation or perjury in a minor legal matter--should be taken so seriously.

When the requirement is ideally fulfilled, one must not suppose that the individual has to be a spiritual person (cf. 1 Cor 3.1), who already is formed by morally upright choices and integrated habits of virtue to such an extent that he or she would be instinctively repelled by the very thought of doing the wrong thing, such as adultery. A well-instructed person can have the rich moral insight of Christian faith long before he or she has the holiness by which Christian modes of response become second nature.

When the requirement is only adequately fulfilled, there is even less reason to expect that an individual will perceive with a sensus fidei the immorality of what the Church forbids. The individual should perceive the matter as one in which obedience is required by the Church and should have a conviction of moral truth that it is right to obey the Church's teaching. This conviction itself normally is gained by those brought up as Catholics only in the light of faith, but faith is quite sufficient here, provided that it is faith in the moral truth that it is right to be a faithful Catholic.

Someone might suppose that when the requirement is only adequately, not ideally, fulfilled, one's lack of insight into the wrongness of the particular act in each instance allows one to treat specific moral norms as if they were ecclesiastical laws. This supposition is mistaken. A person who accepts most of the Church's moral teaching as social convention will not distinguish clearly between ecclesiastical laws and moral norms, but can be aware and accept that some norms proposed by the Church are proposed as unexceptionable, and that any deliberate violation of such norms for whatever reason constitutes unfaithfulness to Christ and the Church.

The requirement for sufficient reflection that one be aware of an act as seriously wrong ("seriously wrong" in the sense of moral truth) will not be met if a person neither grasps the seriousness of the matter in itself nor the moral foundation of the authority which proposes it.

A four-year old child can be taught that it is a mortal sin to disobey by playing in the middle of the highway, but although the child realizes that it acts wrongly when

it disobeys and says it was a "mortal sin," its realization of wrongness cannot be at the level of moral truth, and hence it cannot have reflected sufficiently to commit a mortal sin. Mere feelings of guilt and awareness that one is breaking the Church's rules do not demonstrate the understanding of grave matter required for sufficient reflection unless these signs of lower levels of conscience are accompanied by some awareness that one ought to be faithful and is being unfaithful to the Church.

F. Mitigating factors in moral consciousness

The last point can be developed for a deeper insight into the problem of sufficient reflection and grades of responsibility. "Some awareness" which is required for a merely adequate fulfillment of the requirement for sufficient reflection can be absolutely minimal, or it can be full and rich. The fuller and richer the awareness, the greater the responsibility.

Awareness of moral truth demands understanding of relevant basic human goods. If one's moral basis for the act of faith itself is in an insight into human goods such as religion and truth, the depth with which one grasps these goods affects the extent of one's understanding of the moral truth that one ought to be faithful to the Church's teaching. One need only reflect upon his or her life from childhood to the present to realize that the meaning of religion as a good has unfolded gradually and probably will unfold much more in the future, and that for many people (even including those older and more intelligent) the comprehension of this good probably is far less. If so, their infidelity would not have as grave a significance as would one's own comparable infidelity.

Awareness of moral truth also demands some understanding of the inherent reasonableness of loving all human goods and of acting for integral human fulfillment. One can have a great deal of insight into this without having any of the sophistication required to articulate it reflexively; some people are much more clearheaded than others about moral truth, and some grasp very little in morality except at the levels of superego and social convention. Once more, one can reflect on one's own growth in insight, and can realize that other people experience similar growth, but some to a far less extent than anyone who can read and understand this book.

Awareness of moral truth does not exist in isolation in the intellect; it always is accompanied by a more or less completely integrated (or nonintegrated) cognitive and affective context. In other words, for some people, most of their thinking has little or no connection that they can see with their moral thinking; for others, insight into moral truth is closely knit by a multitude of threads of thought with the remainder of experience and knowledge. Similarly, some people have a working understanding of the moral weight only of some of the human goods and modes of responsibility, and so they are able to have many desires and interests, many goals and purposes in life which remain for them in a "free area," like the free area which is left by superego and social convention. The more totally integrated one is, the more one realizes that to violate conscience is to violate everything: reality, genuine community, reason and sense, and one's self. Thus, some people can know that something is gravely wrong yet feel that doing it is not very important, while other people who have the same intellectual awareness of grave wrong also will have a total personal awareness of the absolute importance of avoiding such a thing.

Besides the preceding variable conditions of awareness of moral truth, there are other mitigating factors in moral consciousness, which lessen the practical force of the judgment of conscience that something would be seriously wrong.

An extremely important factor is the live options of which one is aware. A person brought up in a slum area of a large city confronts many temptations to do what is morally evil. When the genuine conscience of moral truth begins to work, the individual realizes that doing evil is wrong. For example, few young people in such a situation, including those involved, think it right to take dope, and "right" here is not just superego or social convention. They realize that the practice is self-destructive and foolish, that it is socially damaging and a flight from reality. But the temptation is present and it has a great appeal, partly because there is so much discouragement about any possibility of living a good and fulfilling life. Moreover, merely being told of possibilities does not change matters. Young people in the slums find it hard to be interested in goods they have not adequately experienced; they find it very hard to believe that they themselves can share in goods other than those conspicuously enjoyed by immoral people.

Sometimes limitations on intelligence and emotional obstacles generated by lack of loving care in infancy make it very difficult for individuals to rise above the levels of superego and social convention to gain much of an insight into moral truth. Such individuals can accurately apply the moral categories of conventional morality, yet experience little moral force in these conventions, since they neither embody the compulsion of superego, nor the authority of community (for one alienated from that community), nor the appeal of moral truth (for one who is virtually blocked from understanding this truth).

Abnormal psychological conditions, which are manifold in type and degree, can limit or distort moral consciousness in all sorts of ways. If what a paranoid believes about the intentions of other people were true, then his or her actions would not be as unreasonable (and morally defective) as they seem. Yet even the most extreme abnormalities do not necessarily eliminate some grasp on moral truth and thus some responsibility to make right choices. Psychotics sometimes argue that their condition exempts them from moral responsibility for their actions; such a rationalization would be unnecessary if there were not, in fact, some awareness of responsibility, which can be awareness at the level of moral truth. Hence, one ought not to presume that abnormal conditions render people morally irresponsible. Of course, they might not be responsible for what an observer would suppose, and they might not be as responsible for anything as would be someone in a more nearly normal state of mind.

G. What are the practical implications of these mitigating factors?

All of these mitigating factors in moral consciousness introduce endless variations in the degree to which someone can understand and appreciate the moral truth that would be violated by a wrong choice in grave matter. In reality the evil of a mortal sin the same in kind can be present in various people--or, even, in the same person at different times--in endless degrees, which only God can judge.

It does not follow that a confessor or moral counselor ought to try to assess these degrees, to determine at some point that mitigating factors eliminate grave moral responsibility, and to inform the penitent or person counseled of this opinion.

People assess themselves and do so in their own terms; their ability to examine their consciences after the fact is not likely to differ much from their ability to apply their consciences when they are about to choose. Hence, the denial of grave responsibility will not be taken to mean the exclusion of what the confessor or counselor thinks of as grave responsibility, but of what the penitent or person counseled recognizes as such. To deny this reality, whatever precisely it is, is only likely to encourage an evasion of whatever responsibility there is. In this way, well-intended efforts to unburden a person of guilt can be damaging to purity of heart and to moral growth. One has to consider what one's statements are likely to be taken to mean by those to whom they are addressed.

However, an awareness of the endless degrees in which the reality of the "same" mortal sin is present helps one to avoid certain mistakes. First of all, one will be less tempted to judge, even when one knows what another has done and knows the other's own self-accusation of grave guilt. Second, one will not suppose that the same sort of advice and encouragement is appropriate for everyone; what is appropriate depends very much on where the sinner is in moral awareness. Third, one will not overestimate one's own obligations to work spiritual miracles. One can only do what one can and leave the rest to God. Fourth, although one will proceed with patience and gentleness, one always will propose moral truth as the standard, realizing that this standard does not need to be compromised, since the conscience of each penitent will accept it only according to the moral capacity he or she has.

In this last respect, all moral guidance is like its paradigmatic instance, the raising of children. A good parent does not present children with special moral standards, since to do so would be to guarantee that they would never come to be able to make morally mature commitments, since moral truth is one. However, one does not expect children to grasp and respond in an adult way to the existential world any more than one expects them to grasp and respond in an adult way to the natural environment. There is only one reality in either case, but children must be helped to grow up within it and gradually more adequately to cope with it.

One final point. To be in a position to recognize the ways in which responsibility is mitigated in others is to be in a position to appreciate more fully one's own moral responsibility. From those to whom much is given, much will be required (cf. Lk 12.48).

H. Some diverse states of conscience distinguished

In subsequent sections I will discuss mistakes and culpable errors of conscience, and also deal once more with the question of the doubtful conscience and probabilism. Before discussing these matters, I set out the following distinctions among various states of conscience in relation to choices. There are many ways in which one about to make a choice lacks an awareness of the moral truth about the possibilities proposed, and it is helpful to notice this variety.

I am not concerned here with instances of behavior which proceed without understanding, such as reflexes, sleep-walking, and so on. Nor am I concerned here with actions which proceed without deliberation and choice by spontaneous willing. Human acts of this sort are in themselves premoral, as I explained in chapter nine, section F. Here I am concerned with actions or omissions which execute or presuppose choices, and with the relationship of conscience to them.

In many cases, conscience is inoperative or quiescent. One deliberates about whether to do this or that, and no question of moral truth arises about the moral quality of the options. This happens for diverse reasons.

First, superego and social convention only extend to a selected part of one's behavior. At these stages, much of life remains in a "free area," in the sense that morality is not felt to apply to it, and one is at liberty to do as one pleases. Even when the third level of conscience begins to emerge, it does not develop all at once and extend to the whole range of one's choices. Thus, for some time (perhaps for most people for the whole of their lives) many choices are without moral significance for good or ill.

As I have said in section C, above, this situation is not changed at once by the fact that one has Christian faith. The boundaries of the area of liberty seem different for Christians, but many people with genuine faith sincerely assume that in many choices there is no moral or religious stake.

Curiously, since sensitivity to morality is so largely conditioned by superego and social convention, one often encounters upright people who make judgments of real conscience in terms of moral truth about certain matters, yet who think of these judgments as nonmoral. For example, the slum children who know that it is wrong to experiment with dope might consider this morally true judgment to be "common sense," not a moral judgment. They might recognize certain matters of sex and injustice to involve moral questions, since these matters are more closely tied to superego and social convention.

Second, conscience also will be quiescent when one operates within a framework of previous choices one is sufficiently satisfied with and integrated around. One makes fresh choices but they do not raise new issues, and so they do not elicit moral reflection. This type of situation arises both for morally good and bad people. For example, good parents might deliberate at length and finally make a choice with respect to their child's education, yet not confront any judgment of conscience, because all the possibilities considered are morally acceptable. Again, Ma Fia can make many choices to settle

the means to be used in pursuit of her objectives without ever confronting a judgment of conscience, because she is interested only in what effectively leads to her ends, and makes choices only because of the impossibility of settling rationally among options.

It is important to notice that the life of a morally immature person which involves a free area lacking moral significance and the life of a morally mature and good person which involves a morally predetermined area are very different. A sign of the difference is that the former will not see the moral significance in many new questions, whereas the latter becomes morally alert as soon as a new type of question arises.

If an individual reaches moral maturity shortly before or around the time he or she makes major vocational commitments, his or her conscience seems to be working a good part of the time. "What ought I to be and to do?" becomes an engrossing question. Once one has made one's commitments and settled into the style of life they require, conscience is much less busy.

In cases in which conscience is operative, it can be functioning well and delivering a judgment of moral truth, with ground sufficient that one is confident in its correctness. This state of affairs is by far the most common in morally instructed persons who strive to live their lives in the light of Catholic faith. Most of the time they know very well what is right and wrong; their problem is to conform to conscience when there is an appealing option to doing so.

Conscience also can be operative and delivering a moral judgment which subjectively seems certain, which might be true or false by the standard of moral truth, but which is invalid as conscience because it expresses only superego or social convention. For instance, a person who cannot reasonably get to Mass might feel guilty about failing to do so on Sunday. Conversely, the seeming universality with which some types of sexual sins (especially of thought) are now approved in our society easily leads unsophisticated persons to a confident assurance that there is nothing seriously wrong in such acts.

Conscience also can be operative but consciously uncertain. One is in a state of doubt about what is right and wrong. In this state of mind, one must try to discover the truth and resolve the doubt. To do something in a state of practical uncertitude about its moral character is to be willing to do evil, and to be willing to do evil is to do evil.

Conscience also can be operative and delivering a moral judgment which seems to be moral truth but is not. This situation can arise either because of innocent mistakes, or because of one's own past wrongdoing, or because of faulty instruction which one has accepted in good faith.

In the remainder of the chapter, I discuss the problems raised by the various states of conscience in which it is inappropriately quiescent, uncertain, or delivering an erroneous judgment.

I. Some sources of innocent mistakes

Sometimes people do things on the basis of mistakes of fact; they would have acted otherwise had they known better. One has a moral obligation to try to determine facts in important matters, and also to proceed on the safe side in guesses about factual matters when important moral obligations are to be fulfilled. However, one can and often does make mistakes of fact. In cases of this sort, the judgment of conscience based on false information is not itself in error.

For example, a woman takes what she thinks to be a perfectly safe sleeping pill prescribed by her doctor, because she is nervous and restless during the early weeks of pregnancy. The pill turns out to cause severe, congenital defects in the child whom she had wished only to protect by care for her own health. Had she only known, she would have done otherwise. However, her conscientious decision to go to a physician about her difficulties in early pregnancy and to follow the prescription she received was perfectly sound. The error was not at all in conscience.

The error in fact can be about a moral fact. For example, a child is sent by parents to what is recommended as an excellent Catholic school. The parents decide to do this at great sacrifice out of a sense of duty, because of the bad moral atmosphere of the local public school. At the school, some of the teachers who are depraved seduce the child both spiritually and physically. The parents are very upset by this development, and wrongly feel somehow at fault. But they made a serious effort to investigate the matter with due care; there was nothing faulty in their judgment of conscience or in their choice to act on it. As far as they are concerned, the damage to the child is a tragic accident.

It is easy for persons who are developing a genuine conscience to mistake the deliverances of superego or social convention for moral truths. For example, some good Germans who had developed but imperfectly integrated consciences rightly judged (as a matter of moral truth) that they had to resist certain Nazi decrees, yet they felt guilty and unpatriotic about it. In some particular matters, these lower levels of conscience probably confused their judgments, so that they did not see clearly how far they should go in resistance or how little responsibility they had toward that regime. Thus they were restrained from more bold action by blameless confusion of conscience.

Within the sphere of moral reasoning itself, blameless errors also are possible. For example, one can easily absolutize a prima facie norm, failing to notice that additional intelligible factors call for a reconsideration of the action. Again, one can notice that an action is consistent with several modes of responsibility and mistakenly conclude it is morally right, although further inquiry would have indicated otherwise. For instance, one who notices that killing in self-defense is not otherwise immoral might consider it justified in a case in which there is a Christian obligation to accept death rather than to kill in self-defense.

To the extent that one must supplement one's moral reasoning by appeal to a moral authority, one treats the norms proposed by that authority as if they were rules of law. In section E, above, I explained how most Catholics thus rely upon the Church's teaching for normative guidance in some matters in which the norm proposed would have no intrinsic weight as a moral truth. This situation is a necessary stage in the development of a

fully mature Christian conscience--a stage from which most of us never totally emerge. However, it has its own hazards, which create possibilities of innocent mistakes.

Specific norms which are proposed can be misunderstood. For example, people easily misunderstand the commandment to obey proper authority, not observing that the authority must operate within its due bounds; conversely, they easily misunderstand the duty to make exceptions in the fulfilling of laws, thinking this to be a right to exempt oneself whenever one honestly thinks the lawmaker, if informed of the facts, would consider an exception reasonable. Thus, people often are both too strict and too lax, too subservient and not sufficiently submissive, to laws.

Perhaps even more important, one who looks to a moral authority needs procedural rules for determining in doubtful cases when the authority is proposing a binding norm and what this norm is. This is the role fulfilled by probabilism and the other moral systems. One such procedural rule is: If there is a real doubt whether a binding norm has been proposed, then one is not morally obliged to assume that it has been ("A doubtful law does not oblige").

This procedural rule, as I shall explain in section L, below, presupposes that one has tried to resolve the doubt by investigation and that the doubt is within the framework of the Church's teaching. However, people informed of this maxim in the course of superficial moral guidance by insufficiently competent priests or teachers often misunderstand it to mean that moral matters debated by theologians automatically become open questions, so that the norms lose their force. It was for this reason that Paul VI several times pointed out from 1963-1968 that the investigation and debate then in progress about contraception did not make the norm proposed by the Church doubtful and not binding.

Even in the cases discussed in this section, "blameless" mistakes are not always in fact completely blameless. One perhaps failed somewhere to do something one could and should have done; one perhaps was in too much of a hurry to complete a certain matter and did not quite give it due care and attention. However, such faults would be venial sins. Perhaps there is little or no moral error without a basis somewhere at least in a venial sin.

J. What are the moral implications of failures of conscience which are one's fault?

Traditionally, the present topic was discussed under the heading: "the culpably erroneous conscience" or under "vincible ignorance"--a lack of knowledge one could overcome. By my analysis, there are three distinct situations: 1) a conscience which is quiescent or not operating on the level of moral truth when it could and should be; 2) a conscience which delivers an erroneous judgment which one could and should question but does not; 3) a conscience which delivers an erroneous judgment which one is psychologically incapable of questioning at present, but which is due to one's own prior, grave fault.

In the first case, one is responsible morally only for one's prior wrong acts or omissions which block the operation of mature conscience. Here and now there is no genuine judgment of conscience which is ignored or violated.

In the second case, one is in a state morally rather similar to that of a doubtful conscience, in the sense that one ought to investigate before acting. However, the duty to investigate is not as clear, because the unsatisfactory state of one's conscience is not directly before one's mind. For example, a businessman once heard that in many cases one is not morally obliged to pay all of the taxes which would be required by a strict interpretation of the law. He has cut corners for some time, but not investigated whether his corner-cutting falls within the boundaries of the moral teaching of the Church. Now and then it occurs to him that he ought to think this matter through, but when it comes time to prepare taxes he is always busy and inclined to assume the vague moral formation he once received is adequate to cover what he is doing.

Here is a typical case of vincible ignorance; to the extent that the judgments the businessman makes are false, he also is in culpable error. This state of mind can have two quite different moral backgrounds. In one, there earlier was a mortal sin--for example, a serious act of fraud--which was not repented. In such a case, the conveniently ignorant and probably erring conscience belongs to the sinful pattern of life. But in another moral background, there was no earlier, unrepented mortal sin, and the man never clearly faced and violated a judgment of conscience in grave matter. In this latter case, until he becomes aware that he has a grave obligation to resolve the moral issue of his tax evasion, the businessman has not committed mortal sin, even though his ignorance might be culpable and the evasion of taxes grave matter.

Someone might object that this conclusion is too lax, since St. Paul teaches about the eating of idol-meat:

> Use the faith you have as your rule of life in the sight of God. Happy the man whose conscience does not condemn what he has chosen to do! But if a man eats when his conscience has misgivings about eating, he is already condemned, because he is not acting in accordance with what he believes. Whatever does not accord with one's belief is sinful (Rom 14.22-23).

Would not the businessman have misgivings, and so be guilty of sin? My reply is that if the misgivings amount to acting against conscience or with a consciously doubtful conscience, then one is aware that one is or might well be choosing wrongly, and so is guilty of the evil one is willing to do. However, if the misgivings do not amount to doubt and if there never has been sufficient reflection upon the grave duty to clear the matter up, then there can be no mortal sin.

The third case--that of a person who is at present psychologically unable to uncover the error of conscience initiated by a prior act of his or her own--likewise divides into two morally different subtypes.

One of these is the bad faith of the person whose false conscience is generated by a persistent state of mortal sin. "'Everyone who practices evil hates the light; he does not come near it for fear his deed will be exposed'" (Jn 3.20). Truthful preaching and teaching arouses fury in such persons, because it forces them to encounter the truth they could not bring to the surface for themselves, and they will not consider submitting

to the truth when they are forced willy-nilly to face it (cf. Jn 12.37-43).

Quite different is the error of the simple person who tries to avoid and overcome grave sin, who perhaps is not too well instructed or very intelligent, but who by many venial sins of commission and omission has a conscience filled with unsuspected misinformation. Such a person might do things gravely evil in themselves without realizing their character. The error in conscience is culpable and subjectively uncorrectable, but there is no mortal sin.

Perhaps, also, one might class here the erroneous consciences of people who accept without question the moral errors of their times, although they should be sophisticated enough to see through them, and are generally upright persons. Those who burned heretics ought to have known better. Why didn't they? Perhaps because of many venial sins, some very serious, of prejudice, vindictiveness, anxiety about the faith (a sin against hope), arrogant overconfidence in the system of which they were functionaries, insufficient diligence to think matters through, and so on.

K. How does faulty instruction contribute to errors of conscience?

In the last example, faulty instruction--the prevalent moral judgment in the entire culture--no doubt contributed very heavily to the error. However, I am concerned now more with instances in which errors in conscience are generated by false teaching which deviates from an existing, normative teaching.

There are two basic types of cases. In one the false teaching is accidental; it is a product of the mistakes, incompetence, and mispresentation which are inevitable in any human system of teaching. The errors are not systematic; even if widespread, they concern particular matters rather than one's whole moral outlook. Such false teaching will mislead consciences which are dependent upon moral authorities to the extent that they are. If there is some feeling that the teaching could be false, it is likely to be set aside as a temptation to disobedience: Well, after all, Father knows best!

The other type of false teaching is systematic. It is a product of a movement of thought. The errors are systematic; they concern not only particular points of morality, but the whole conception of morality. This sort of false teaching, in my judgment, is being purveyed at present in the Catholic Church by the dissenting theologians I criticized in chapter sixteen. I carefully avoided there passing any judgment upon those who propose and defend what I think I have shown to be false doctrines. Here I am not even interested in the teachers, but rather in their disciples. How do these people stand?

The first distinction to make is between those who began by doing what they believed to be mortal sin and did not wish to repent, and those who did not begin in this way. If one looks for a justification for what one considered a mortal sin when one first began to do it, then even if one finds a correct defense of one's act, one remains guilty unless one repents.

For example, if Titus--a baptized Christian of a strict sect--thinks he has a grave moral obligation not to play cards and dance, but does these things anyway, then (fearing hell) begins to investigate the Christian denominations which are not as strict and becomes a Catholic, even though his conversion is in good faith and he comes to see the moral innocence of playing cards and dancing, he must repent his prior grave sins. Similarly, Catholics who used contraceptives thinking their choice to be mortal sin and who then sought the shelter of dissenting theological opinions, but never repented the sin committed before their conversion, remain in sin even if their present conviction is a sincere error. Indeed, they would remain in sin even if the dissenting opinions were moral truth.

Others, however, were not willing to commit a mortal sin. Still, they are in the predicament I described in chapter fourteen, section D: the conscience box. In some cases they may have somewhere along the line committed a mortal sin and then rationalized it with the help of the new moral opinions they were accepting; in other cases they may never have committed a mortal sin.

Even in the latter cases, their predicament is perilous, since they both suspend their assent to the Church's teaching and rely upon the authority of theologians who have no credibility except insofar as they articulate the faith of the Church. Moreover, just as there is a dynamic in dissenting opinions, so there is a dynamic in the lives of people who follow them. Contraception often creates the need to decide whether to have an abortion, and fewer people can make this choice without a glimpse of the intrinsic moral evil involved in what they are doing.

What I have said here has been couched in reference to a particular situation; the example can be generalized to any similar case.

L. A review of what is meant by "probabilism"

I have discussed probabilism briefly in chapter three, section B, and chapter sixteen, section M. In the present section I explain what "probabilism" means, as a preliminary to discussing the limitations and abuses of this system in section M, below.

Probabilism is one of several so-called "moral systems"; these are methods of resolving speculative doubts of conscience.[1] A person is not sure what is right; to act with one's conscience in this state certainly is a sin, for to do so is to be ready and willing to do what is wrong. One must find some way of reaching a confident judgment that what one proposes to do is legitimate.

Probabilism is proposed as a way of reaching this confidence. However, it is a way which only makes sense within a certain context, namely, the context in which the Church's moral belief and teaching is regarded as a body of law at the level of social convention, and this body of law becomes morally obligatory by way of one's responsible acceptance in faith of the Church as a moral authority.

In the Church after Trent there was a great tightening of discipline in general and of the practice of the Sacrament of Penance in particular. At the same time, because of the cultural transformation worked by the dawn of modern economics and social structures, new and often difficult moral questions rapidly proliferated. Rationalism,

an outgrowth of medieval nominalism, took hold in philosophy and theology, and legalism took hold in moral theology, as I explained in chapter three, section B.

In sections A through D, above, I have explained how the level of social convention is a necessary one in the development of conscience. Every normal child goes through this stage, especially during the period between about seven and fourteen; probably few decent persons ever wholly emerge from it. The mentality of conscience at this level is highly legalistic. Virtually the only real sin is disobedience. Moral norms are felt as limits on one's behavior imposed by parents, teachers, society at large, the Church, and ultimately God, who authorizes and backs up all the other authorities.

Where no moral norm is in force, one is free to do as one pleases, and no moral issue arises. If one is not sure whether something is morally acceptable or not, one simply asks someone in authority: "Is it all right if I . . .?" If the answer is affirmative, one proceeds with confidence; one is o.k.; the superego, still operative and more or less integrated, allows one to proceed without anxiety. Thus, this legalistic system of childhood limits one's moral responsibility. There is no moral responsibility about most matters--namely, about all those questions which authorities do not seem to care about one way or another. Where there is moral responsibility, one can fulfill it by obtaining a suitable approval: "Mommy said it was all right for me to . . .."

Classical modern moral theology organized the whole of the Church's moral belief and teaching into a body of law. The intrinsic relationship between right action and basic human goods, and the inherent reasonableness of acting morally tended more and more to be ignored. Moral theology extended only to moral issues, and these were thought to concern only some aspects of one's life. In effect, morality was limited to matters concerning which strict and more or less general precepts can be laid down. Most of these necessarily are negative, because it is much easier to determine what is morally wrong than what is morally right, as I explained in chapter twenty-two, section D. Where the moral law was silent, the faithful were free--free to do as they pleased, but also free to be caught up in the Christian life and to grow in holiness according to the guidance of systems of asceticism and spiritual guidance, which were quite separate from the legalistic moral theology.

In this context, the faithful looked to confessors for advice concerning doubts of conscience. Confessors looked to their bishops and/or teachers of moral theology. The latter looked to the "doctors"--the more eminent moral theologians who published works which gained recognition and respect in the Church. Eventually a certain number of more systematic works in moral became widely used and accepted for seminary training; these works were the "approved authors." The doctors and, later, the approved authors not only systematized and summarized received Christian moral teaching, which had been handed down from the middle ages; they also developed the Church's moral teaching. They refined it on innumerable questions which had been treated before and expanded it to settle innumerable questions--especially in the area of justice--which never had been treated, because they had not arisen prior to the development of modern business and politics and law.

The teaching authority of the Church considered as a body functioned, largely through the activity of the Holy See, as a supreme court overseeing this legal system. The various commended doctors and approved authors came to have the function of lower courts; they could settle cases within the boundaries of the body of moral law and the authority conceded to them by the magisterium. Moral theology and canon law came close together; sometimes they merged into one.

In this situation there were various difficulties. One of them was that the commended authors or approved doctors did not always agree with each other. The difficulty is one with which every child is familiar: What must one do when mother says one thing and teacher says the opposite? A method for resolving this type of question is essential. Hence the problem of moral systems, which emerged in the Church in the sixteenth century. Some thought one always was obliged to assume that the strictest view in favor of law and against doing as one pleases had to be accepted. This position is tutiorism; it is rigoristic, and the Church rejected it. Others thought one might always adopt the view most favorable to liberty. This position is laxism; it is like allowing a child to go from authority to authority until it finds one who absentmindedly gives approval. The Church also condemned this position.

In this way the problem which probabilism answers was framed. Probabilism is not a method of forming one's conscience independently of the Church's teaching authority. Far from it. One who knew for sure what is right and wrong did not have a doubtful conscience; one who had a doubtful conscience was expected to find an <u>authoritative</u> solution <u>to obey</u>. The only sources of authoritative solutions were moral theologians approved by the magisterium and working within the unquestioned body of her already definite moral tradition. The problem is: When these sources of authoritative solutions to doubts of conscience disagree among themselves, how can one settle the doubt?

Notice that doubts of fact never come up for resolution in this way. If one knows one has an obligation and is unsure how to fulfill it, one has a doubt of conscience not concerning what is right and wrong but only concerning what is adequate performance. Thus, for irremovable doubts of fact, which cannot be solved by reasonable presumptions, probabilists themselves insist one ought always to take the safe course. For instance, if one is unsure whether the stuff brought up in the offertory procession is bread which can be consecrated validly, one ought not to consecrate it, but instead use some regular hosts; if one is unsure whether the soup is poisoned, one ought not to feed it to the baby; if one is unsure whether one's dress will be an occasion of sin for others, one ought to err on the side of modesty. All such doubts are settled before one comes to the courts of moral theology; here the only questions are whether there is a relevant law and how stringent are its demands.

There were some who, without being rigorists, held that to settle doubts of conscience when sources of authoritative solutions disagree, one had to examine their views and select the most probable. This system is called "probabiliorism."[2] There were two difficulties with it. First, if experts disagree among themselves, how can someone seeking advice from them adjudicate their disagreement on the merits? Second, if "most probable" is taken to mean "more likely morally safe"--as it understandably usually was

in the context of this discussion--probabiliorism is quite restrictive; it verges toward rigorism. There were various other proposed systems; none of them as plausible as probabiliorism. Thus, within the context, the system of probabilism emerged as the method of choice. I do not doubt that within the terms of the issue, probabilism is the only reasonable solution.

What, exactly, is the solution? Very simply: Whenever one is in doubt about the obligation of moral law and authorities disagree, then a solidly probable opinion in favor of liberty (that is, that one is not obliged) may be adopted in practice to settle one's doubt of conscience.

Underlying this method is a simple legal principle: Laws only obligate people insofar as they are communicated to them; therefore, if one cannot find out by one's best efforts whether or not one is obligated by a law, one can consider oneself <u>not</u> to be obligated. (This point is often expressed in the oversimplified maxim: A doubtful law does not bind. When is a law to be called "doubtful?" This maxim is true only in the sense that people are not bound by a law when those authorized to interpret it disagree about the obligation.) When the approved authorities include a solidly probable opinion in favor of liberty, even if there are other and stronger arguments in favor of obligation, ordinary people cannot find out by their best efforts whether or not they are obligated by the law. Therefore: probabilism (as formulated in the preceding paragraph).

It is important to know that the thesis of probabilism as such is one freely held and disputed in Catholic theology. Neither Scripture, nor tradition, nor the documents of the magisterium either approve or reject it.[3] Probabilism is only tacitly approved by the magisterium, in that many approved authors defend it, probably including St. Alphonsus Ligouri, who is a doctor of the Church especially commended in moral theology.[4]

M. <u>What are the value, the limits, and the dangers of probabilism</u>?

The value of probabilism is that it is the only reasonable solution to the precise question to which it addresses itself. One who confronts a legal system and wishes to obey it must try to find out what it requires; one must submit when its requirements are clear, but one cannot submit when it sets out no clear and definite requirement. In practice, as long as the Church's moral teaching was generally regarded as if it were a system of law--and for those who continue to regard it as such to the extent that and as long as they do so--probabilism offers a lifesaving limit to moral obligation. If the Church had not allowed probabilism, the faithful either would have been paralyzed by irresolvable doubts of conscience whenever unsettled moral issues arose or they would have been more and more suffocated by restrictive norms excogitated by the theologians. For without probabilism, whenever there was a good reason for supposing oneself to be obligated, one would be obligated, and there is good reason for supposing oneself to be obligated whenever some expert thinks so. Probabilism allowed one to take the less restrictive alternative: Expert opinions do not of themselves generate obligations unless they are opposed by no solidly probable opinion in favor of liberty.

The limits of probabilism are in its underlying assumption that morality is simply a system of law. True laws are necessary, and there are moral grounds for obeying them, as I explained at length in chapter twenty-three. But morality itself can be identified with law only by being limited to the social convention level of the development of conscience.

In reality, the Church did not restrict morality to the legalistic system, as I explained in chapter three, section C. Although "moral" was restricted to the narrow boundaries of the minimal, common requirements of Christian life, the Church continued to propose the fullness of Christian morality without calling it "moral"; instead it was called "ascetical," "spiritual," and so on. The limitation of the legalistic moral system left room for souls who satisfied minimum requirements to proceed without a straightjacket of law toward Christian perfection.

As I explained in chapter sixteen, section M, the problem of resolving doubts of conscience takes on a different character when one begins to think about it outside a legalistic framework--in other words, on the level of moral truth rather than on the level of social convention. On the level of moral truth, one wants to live in the truth and toward fulfillment; the committed Christian wishes to live toward God and to share in the redemptive work of Christ. Hence, when one's conscience is unsettled, one asks which judgment is more likely <u>true</u>.

In saying this, I am not advocating a <u>stricter</u> alternative to probabilism. What is more likely true is determined by an honest appraisal of the available sources of moral knowledge; the more likely true judgment sometimes will seem more restrictive, but sometimes will seem less so.

I say "seem" more or less restrictive because for a conscience operating at the level of moral truth, the question is not: "Is it all right if I . . .?" The good person with a mature conscience is trying always to work toward integral human fulfillment. The primary obligation is not to avoid evil but to do good.

If the judgment of moral truth is the one a probabilist would say is in favor of liberty, the conscience operating at the level of moral truth considers the possibility that one really ought to do what otherwise would be excluded as morally wrong. For the mature, good person there is no free area; every act of one's life is morally significant. One's act of faith is a responsible commitment; personal vocational commitments are made to carry out one's faith in one's life; fresh questions of commitment are settled by how well a new commitment comports with one's already articulated personal vocation; and all particular questions are settled by reference to one's personal vocational commitments.

One still can have doubts of conscience. If one cannot think them through for oneself in the light of faith, one seeks counsel. But one looks to one's pastors for enlightenment about the way of Christ, not for legal norms at the level of social convention. Concretely, one is interested in finding the implications of divinely revealed truth and human wisdom for one's life; therefore, one would like <u>intrinsic</u> grounds for considering one's judgment correct. If one cannot understand the intrinsic grounds, one

nevertheless trusts the Church's teaching authority because it is endowed with an unfailing gift of truth, not as if it had decision-making authority of a legal sort in moral matters.

Whether anyone likes it or not, the old order in which probabilism made sense largely has collapsed in the Catholic Church since the beginning of Vatican Council II. The Council itself signalled this fact:

> Laymen should also know that it is generally the function of their well-informed Christian conscience to see that the divine law is inscribed in the life of the earthly city. From priests they may look for spiritual light and nourishment. Let the layman not imagine that his pastors are always such experts, that to every problem which arises, however complicated, they can readily give him a concrete solution, or even that such is their mission. Rather, enlightened by Christian wisdom and giving close attention to the teaching authority of the Church, let the layman take on his own distinctive role (GS 43).

This very important paragraph makes clear that the role of the Church is to help form conscience by communicating truth. Where one has formed one's conscience in conformity with what the Church teaches, one is then on one's own to discern moral truth in doubtful cases. The opinions of moral theologians are no longer to be taken as authoritative. Moralists can be useful only insofar as they help one to learn and understand what is moral truth.

Quite providentially, this collapse of legalism has occurred at the very same time as one party of professional moral theologians, including the majority of those who publish books and articles, has declared its own autonomy from the magisterium. This portion of the moral-theological community, by engaging in the dissent treated at length in chapter sixteen, has eliminated the apparatus required for the working of the legalistic system. By pursuing moral truth as each one sees it, often in the light of secular wisdom and apart from the light of revelation unfolded by the Church's teaching authority, dissenting theologians have made unmistakably clear that Christian morality must be considered a matter of truth, not of law, and that a good Christian life will be one lived in the light of Christ, not merely one lived in conformity with the essential rules of the Church as society.

It is ironic although not surprising that in the present new, and still transitional, situation many--among theologians, priests, teachers, and the ordinary faithful--both gladly reject legalism insofar as it is restrictive but cling to it insofar as it limits responsibility. Herein is the present great danger of probabilism, a danger not arising from the falsity of the system itself, properly understood and applied in its appropriate (but now largely past) context, but a danger arising from the abuse of the system. At the root of this abuse is weakness of the commitment of faith, a sinful desire both to have the advantages and to evade the responsibilities of Christian life.

Thus, as I explained in chapter sixteen, section M, some now appeal to probabilism in favor of dissenting theological opinions against the teaching of the Church. If one were a consistent legalist, one would recognize dissenting opinions as illicit; if one were consistently seeking moral truth, one would look at dissenting opinions only on their intellectual merits, just as one looks at the opinions of any moral commentator, whether nonbeliever or believer. However, the abuse is to reject legalism sufficiently to allow moral theology to proceed without regard for the supreme judgment of the magisterium, yet to cling to legalism sufficiently to allow the opinions of dissenting theologians some weight of authority which goes beyond the cogency of their arguments. (This last point is established by the practice of counting votes and opinions; if authority is not at issue, there is no point in obtaining six hundred signatures for a dissenting statement, since five hundred and ninety-nine additional subscribers do not convert a poor argument into a good one.)

More generally, the whole movement of dissent from Catholic moral teaching has the same ambiguous character.

Legalism is denied to lighten the burdens of Christian faith and life; to allow individuals room to choose whether and what to believe; to grant a general freedom of conscience either to follow Christian moral teaching, which marks out the true way of Christ, or to follow secular humanism, which allows one to live in conformity with the contemporary world.

But even as legalism is denied, it also is strongly affirmed, to argue that one is not bound by moral truth, because when the Church reaffirms this truth against rationalizations of its violation the reaffirmation is not in the legal form of a solemn and definitive pronouncement. "Pope John Paul II is such a fine man. I wish he would only be kind enough to allow . . .." As if truth were at anyone's disposal!

Although classical moral theology theoretically admitted that each Christian is endowed with the law of God--the natural law and the law of the Spirit--written in his or her heart, it practically assumed that individuals had to be ruled by social convention and were incapable of living in the direct light of moral truth. Contemporary moral theology theoretically admits that the whole Christian body--by the dialogue of a community of scholars and the emergence of the sense of the faithful--must articulate, develop, and defend moral truth; however, it practically assumes that the magisterium of the Church must conform its judgments to the consensus of a small group of scholarly experts and that the sacramental office by which the pope and bishops make Christ personally present among us counts for nothing. Both classical and contemporary moral theology miss the full, personal and interpersonal reality of moral truth; if the former became enslaved by the model of law, the latter is enslaved by the model of technology and economics.

N. What are some pastoral implications of the preceding considerations?

First, priests and Catholic teachers generally ought not to regard theologians as moral experts, as authorities to be believed. What God has revealed and its implications for our lives, unfolded and defended in the Church's teaching, ought to be believed; what one clearly understands for oneself cannot be denied. What theologians say might help

one to discern the one or to attend to the other, but insofar as theology does neither, it must not be trusted in any matter of importance, such as the settling of doubts of conscience.

Second, morality and law ought not to be confused, and morality always should be proposed as truth, not as law, as I explained in chapter twenty-five, section I. The maxim, "A doubtful law does not oblige," ought to be applied only when one is dealing with law; in moral questions, one's responsibility is to seek the truth and to follow it when found. When one is not sure what is true, one ought to do what one thinks is most likely right, whether that is to adhere to social convention or to violate it. Of course, in trying to determine what is right, one takes social conventions themselves into account at their full, but still limited, value.

Third, since the task of the Catholic moral teacher is to help others to understand truth, he or she has no power--not only no authority but no capability--to adapt, accomodate, qualify, or modify the Church's moral teaching. Bishops and confessors cannot give people permissions in hard cases--for example, to obtain a sterilization when another pregnancy would be disastrous to health. (Of course, in legal matters, those with appropriate authority can grant dispensations where authorized; law, unlike moral teaching, is fact--a set of choices--not truth.)

Therefore, there is no room whatsoever for that so-called "pastoral approach," which in public proposes the Church's moral teaching and in private encourages the faithful to violate it. Such an approach is irrational and it betrays the pastoral office, whose function it is to propose the truth, to help and by example to lead the faithful to live in its light, and gently to encourage and support them in repentance when they fail to do so.

Fourth, within the same legalistic framework with probabilism, sound moralists, such as St. Alphonsus, encouraged the practice of leaving people in good faith. The idea was that if a person is violating the law without knowing it, and if this violation is not causing harm (for example, by invalidating a sacrament or causing an injustice to someone else), and if one believes the person will continue violating the law if informed of it, then one might be prudent to leave such a person in ignorance of his or her material sin, lest this become a formal, willing violation of the law. The practice makes sense within a legalistic framework, and it still might have some legitimate applications if one were dealing with a person whose understanding of morality is hardly above the level of social convention. However, no pastor can leave anyone in good faith who is not truly in good faith. Thus, one must be sure that the person is in error blamelessly and does not suspect it; one also must be sure that harm will not come of allowing the error of conscience to continue.

These conditions very seldom will be fulfilled with normal persons beyond childhood in the United States, for people hear about the Church's teaching and read about it, and so are likely to suspect their errors. Sins of one sort, although only material sins, are likely to have repercussions in other areas; for example, to ignore sins of thought is to encourage pharisaism, as I explained in chapter twenty-six, section J. Furthermore, the reality of living out the truth of Christ is important not only for the salvation of individuals' souls, but also for the redemptive work of the Church as a whole; hence, even apparently harmless material sins do harm in one or another way to the common good of the Church.

Fifth, today probably many of the faithful sincerely believe that they are not bound to form their consciences in accord with the Church's moral teaching. Such people are likely to think of morality as a body of law and to use the opinions of dissenting theologians as authorities which negate the obligatoriness of the law. "I wish the Church would change . . .." One must propose the moral truth to such people, firmly but without harshness, and try to help them to understand their own mentality.

However, in some cases, such understanding will not come at once or easily; in some cases, it never will come. If such persons confess acts which they do with the support of dissenting opinions, it should be pointed out that they are inconsistent in so doing. This inconsistency ought not to be supported or encouraged by giving absolution to them in such a case.[5] At the same time, every pastor must continue to treat such persons as members of the Church in good standing; no one who is not excommunicated according to the Church's law should be treated as excommunicated by the decision of a particular pastor.

Finally, in days gone by a competent pastor and confessor had to be a good moral lawyer; he had to know the substantive and procedural norms of moral theology and canon law, and he had to apply these norms conscientiously. It helped, but was not so essential, if the pastor or confessor exemplified the Christian life, and if he had a wealth of learning--both from study and prayer--by which to articulate its intrinsic meaning.

Today, and increasingly in the future, competent pastors and confessors will have to be much more than lawyers. They will have to understand moral truth in its richness and depth, grasping it in the light of faith and in the experience of their own efforts to share in realizing it. For principles they will need to recur to the mysteries of the Trinity, the redemptive act of Christ, and our adoption through the gift of the Spirit; they will have to be able to explain the intrinsic connections between these principles and the particular moral truths which must inform conscience here and now.

Such competence will not be achieved without hard study and a continuous life of intense prayer. Yet if competence is lacking, the hunger of men and women for the bread of truth will remain unsatisfied. To those who ought and failed to satisfy it, the king will say on the last day: "'"I was hungry and you gave me no food"'" (Mt. 25.42).

Notes will be found on page 28-13.

Notes to chapter twenty-eight

1. The classic treatise on probabilism is: Thomas Deman, O.P., "Probabilism," in Dictionnaire de Théologie Catholique, vol. 13, cols. 417-619; this treatise consists in a complete historical analysis and conclusions soundly drawn from the perspective of the moral theology of St. Thomas Aquinas.

2. Someone interested in the various systems will find them described with considerable care, and the arguments for and against each one laid out with precision, in John A. McHugh, O.P., and Charles J. Callan, O.P., Moral Theology: A Complete Course, vol. 1 (New York: Wagner; London: Herder, 1958), pp. 245-278.

3. See Marcellino Zalba, S.J., Theologiae Moralis Compendium, vol 1 (Matriti: B.A.C., 1958), pp. 393-397, #685-689.

4. On St. Alphonsus, see Deman, op. cit., cols. 580-592. Alphonsus is commended by the magisterium mainly because he steers a safe middle course between laxism and rigorism; this commendation by no means implies that the common conception of moral theology then taken for granted was sound.

5. Louis Monden, S.J., Sin, Liberty and Law (New York: Sheed and Ward, 1965), pp. 136-144, takes the same position, and develops suggestive related ideas, which, however, I cannot always accept. In general, this entire book of Monden's is both quite helpful for the problems of the present chapter and radically unsatisfactory.