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A Peek at Renewal in Contemporary Moral Theology: The Pinckaers Symposium

William C. Mattison III and Matthew Levering

In May of 2018, roughly two dozen moral theologians gathered for the first “Pinckaers Symposium” at Moreau Seminary at the University of Notre Dame. The essays in this volume of the Journal of Moral Theology are article versions of presentations given at that symposium. In this Introduction, we editors narrate the genesis of the symposium to explain what unifies these essays and how they contribute to a project in contemporary moral theology.

The symposium was the brainchild of Matthew Levering and William Mattison. Levering had just completed a book on moral theology in 2017, and observed to Mattison how important the work of Fr. Servais Pinckaers, O.P., is and how we should bring together moral theologians who are continuing his work. That idea might have remained only an idea had we not been contacted by Fr. Anton ten Klooster from the Netherlands. He was in the midst of completing a dissertation on Aquinas’s Commentary on Matthew and offered to come to Notre Dame to give a talk on his way to the annual Medieval Congress in Kalamazoo, MI. Ten Klooster’s work fits squarely within what can be called a “Pinckaers approach” to moral theology, and his offer led Mattison to circle back to Levering about the initial idea to gather a group of moral theologians. Funding was secured from the DeNicola Center for Ethics and Culture at Notre Dame directed by Carter Snead, invitations were extended to a group of moral theologians doing this type of work, and the Pinckaers Symposium was born. In this introduction we would like to offer some reflections about what was sought in this gathering, and then use the essays in this volume to sketch a bit further the sort of “project” that is the Pinckaers Symposium.

In order to invite people, we needed to describe what we were doing. We came up with the following invitation:

The purpose of this symposium is to support and promote the work of moral theologians who have been influenced by Fr. Servais Pinckaers,

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1 The Pinckaers Symposium would not have been possible without the financial support of the DeNicola Center for Ethics and Culture at the University of Notre Dame, under the leadership of Carter Snead. We are immensely grateful to the Center and to Carter Snead for this support.
William C. Mattison III and Matthew Levering

O.P., and who are committed to carrying on his legacy. We hasten to note that although the symposium is convened to honor and continue the style and the fundamental substance of Fr. Pinckaers’s Biblical-Thomistic-ecclesial-spiritual way of understanding the Christian moral life, his own work need not be the point of conference presentations, and indeed scholars may expand upon or critique that work, or simply treat topics that relate to it. Our expectation is that conference presentations will, like Fr. Pinckaers, do ressourcement moral theology in a manner firmly rooted in our Scriptural/ecclesial faith-commitments and joyfully engaged with the world.

One immediate observation about this project is that the work of Fr. Pinckaers would not itself be the primary focus of the gathering. Though we expected he would feature prominently given his influence on the theologians gathered, Fr. Pinckaers would serve mainly as a marker for the type of moral theology supported and furthered by the gathering. How to describe that sort of theology?

The invitation contains some description of that sort of theology, and we expand upon that description here. First, this project is primarily about moral theology. Yet, in accord with one of Fr. Pinckaers’s most consistent themes, it is moral theology integrated with spiritual and Biblical theology. Pinckaers frequently lamented the division of moral theology from spiritual, Biblical, systematic, and mystical theology. Hence, this project endeavors to do moral theology in a manner integrated with other aspects of theology. Second, and deeply related to the first, it is ecclesial moral theology. As is necessary for a scripturally and sacramentally informed morality, moral theology in the spirit of Pinckaers is done by and at the service of the lived faith community that is the Church. Third, while firmly rooted in ecclesial faith, such moral theology is also “joyfully engaged with the world.” A Pinckaers-inspired moral theology is neither wary nor dismissive of “the world”; yet it does not uncritically embrace all the world offers or stands for, since the distortive presence of sin (in the world and, sadly, in the Church as well) is all too evident. Rather, the moral theology we seek to foster exhibits a joyful and hopeful engagement with people and resources outside the Church. That engagement stems partially from the theological commitment to grace perfecting nature, meaning there will always be continuities, rooted in creation and particularly in human nature, between the graced life of discipleship and the (purposely here left vague) “world.” Fourth, a Pinckaers-inspired moral theology is ressourcement Thomism, drawing amply on the

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thought of the Angelic Doctor with heavy reliance on his sources (especially Scripture and Patristic thought), not in a nostalgic manner but as a way to sustain continuity with the Catholic intellectual tradition and employ pre-modern resources to help check contemporary blind spots. These features of the current project can be gleaned from the invitation to the first Pinckaers Symposium.

This introductory essay provides us the occasion to state clearly that we think Fr. Servais Pinckaers, O.P., is the most important Catholic moral theologian after the Second Vatican Council and is the key figure in setting the trajectory for the ongoing task of renewal that leapt forward with *Veritatis Splendor* (1993) a quarter century after the Council and that continues today. There is recent scholarship on Pinckaers that makes this case on the basis of his work in moral theology. Given the context of an introduction to this set of essays, we would like to corroborate that case on the basis of the essays included in this volume. We do this mainly through a review of the essays themselves, but we first offer some overall observations that help group the essays.

The first section of this volume contains two essays that assess the current state of renewal in moral theology through a look at Pope Francis, deploying the resources of Fr. Pinckaers’s thought to do so. Today is an important moment in Catholic moral theology, roughly a half century after Vatican II and *Humanae Vitae* and a quarter century after *Veritatis Splendor*. What is authentic renewal in Catholic moral theology, and how is it narrated and enacted in light of these and other resources? These questions are particularly important at this time, given that there exist multiple candidates for the authentic renewal of moral theology – and of the Christian moral life – called for at Vatican II. The two authors of essays in this first section make particular cases with regard to Pope Francis but do so in a manner that demonstrates the relevance, indeed need, for the work of Fr. Pinckaers in Catholic moral theology today. They see harmony between Pinckaers and Pope Francis, mainly through Pinckaers’s concept of a morality of happiness, according to which moral norms are crucial for moral theology and activity according to such norms is even constitutive of the goal of morality. Nonetheless in a morality of happiness such norms are not ends in themselves. One of Pinckaers’s signature moves, namely defending the role of moral norms (including the existence of absolute

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norms) in a manner that serves the further goal of (natural and supernatural) human flourishing, is used by these authors to help us better understand Pope Francis and indeed authentic renewal in Catholic moral theology.

Another crucial contribution of Fr. Pinckaers is his emphasis on the “supernatural organism,” including traditional features of the Christian spiritual life that had been neglected in the modern period of moral manuals. Facets of this organism include the infused virtues, gifts of the Holy Spirit, beatitudes, and fruits of the Holy Spirit. Given how much scholarship on these facets of Christian discipleship has been produced in the past couple decades, it is important to recall why Pinckaers’s redirection was so important. We offer two reasons; there may be more. First, this is a classic example of ressourcement Thomism. All of these features of the Christian life are prominent in Thomas’s work and have very significant precedents in the tradition. Whatever its strengths, the manualist approach to moral theology had deviated from the importance of these realities in the Christian moral life.

Second, Pinckaers wrote at a time immediately after the Second Vatican Council where there was great openness to (moral as well as other) resources outside the Church. This aggiornamento understandably recognized important commonality between Christian ethics and ethics more broadly understood. Beyond simple recognition of commonality, the debate in the two decades after Vatican II was indeed whether or not there is any distinctively Christian ethic. After all, the Catholic tradition has always affirmed the reality of natural law, and thus, for many Catholic moral theologians after the Council, Christian ethics was in reality simply “human ethics,” with (admittedly distinctively Christian) religious observances in support. Fr. Pinckaers’s own Sources of Christian Ethics has an early chapter on exactly this issue.

The claim that Christian ethics is basically equivalent to a “human ethic” may strike people today as odd. However, that was the state of debate at the time, and, in that context, we can see how important, even radical, was Pinckaers’s ressourcement of topics in the life of discipleship such as the graced virtues, gifts, beatitudes, and fruits, all of which are clearly “distinctively Christian.” For Pinckaers, grace

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4 Students of Pinckaers likely call to mind that blessedly simple yet nonetheless penetrating diagram of the grace of the Holy Spirit animating human activity toward the beatific vision, through the virtues and gifts of the Holy Spirit. See Sources of Christian Ethics, 179.

5 As evidence of this, see the second volume of Charles Curran and Richard McCormick’s Readings in Moral Theology, Vol. 2: The Distinctiveness of Christian Ethics (1980). Interestingly enough, given the previous point about norms made in this introduction, volume one of that series is subtitled Moral Norms and the Catholic Tradition (1979).

6 See Pinckaers, Sources of Christian Ethics, 95-103.
transforms the entirety of the Christian life of discipleship. Thus, in our second group of essays, the authors all address features of the Christian moral life that no one would label simply “human ethics.” In particular, James Stroud and Fr. Anton ten Klooster survey recent scholarship on the gifts and fruits of the Holy Spirit, respectively.

Pinckaers’s emphasis on the distinctiveness of Christian morality may be attractive to many of us today. Yet, it also raises questions about that previously mentioned commonality with non-Christian morality. What can we say about how certain “natural” features of the moral life operate both outside and within the context of Christian discipleship? Pinckaers was quite aware of this issue, notwithstanding his resounding affirmation of the distinctiveness of Christian ethics. Significant portions of his Sources of Christian Ethics address just such topics, including human freedom and natural inclinations.

Our third group of essays in this volume addresses a variety of topics, each of which concerns some facet of the moral life that is applicable both within and outside Christian parameters. William Mattison, Elisabeth Kincaid, and Matthew Levering address the last end, epikeia and justice, and conscience, respectively. Each essay stands on its own, engaging scholarship on the topic it addresses. Yet, in the context of the important contributions of Fr. Pinckaers to the renewal of moral theology, the three essays share a common theme. They each treat a feature of the moral life that can (and presumably does in cases) stand alone without reference to the graced life of discipleship. These features also persist in the Christian life. In a manner evocative of Fr. Pinckaers, each author here makes a case for how the feature they address is genuinely distinct, transformed, in the life of Christian discipleship, even while remaining continuous with its non-Christian instantiation so as to continue to be called by the same names (e.g., last end, epikeia, conscience).

The following essays therefore serve as significant testimonies to the importance of Fr. Pinckaers’s work in the ongoing authentic renewal of Catholic moral theology. They each carry on – and indeed advance – features of his work that remain important today. The first two essays deploy Fr. Pinckaers’s work to help identify authentic renewal of moral theology in the Church. The next two essays each exemplify ressourcement Thomism to examine some distinctively Christian feature of the moral life. The next three essays each examine some “natural” facet of the moral life, albeit with attention to how it is transformed in the life of discipleship, without denying that the graced life

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7 In support of the claim that Pinckaers’s work is trajectory-setting in ways evidenced by the essays in this volume, for each essay in this collection we cite an important source text on that topic from Pinckaers. Each essay also cites influential texts on the subject at hand from Pinckaers.
perfects nature. There is one final essay from the Pinckaers Symposium that does not play a testimonial role to Fr. Pinckaers’s importance in the ongoing renewal of moral theology. Tom Angier offers a sharp critique of Pinckaers, and his essay concludes the group published here that grew out of the conference. Angier’s essay demonstrates that although our project finds its orientation in Fr. Pinckaers’s work, our project does not involve silencing concerns about potential weaknesses or limitations of Fr. Pinckaers’s approach. Although we consider that ample response can be given to Angier’s concerns, they are important and valuable as indications of areas that, today, need constructive attention from moral theologians taking up Fr. Pinckaers’s mantle.

Let us now turn to each of the essays in more detail. David Cloutier’s essay is an excellent opening to our set of articles on the influence of Fr. Pinckaers on the ongoing renewal of moral theology, since he places the work of Fr. Pinckaers in conversation with Pope Francis. Cloutier identifies clear commonality in their work in that both men transcend what Pinckaers describes as a “morality of obligation” fixation on law as the centerpiece of morality. Rather than such a focus on law, Cloutier argues that “the driving concern of both men involves convictions about God’s action in people’s lives as the core of the Christian moral life. This ‘spirituality’ or spiritual relationship is the vital center.” In both thinkers, there are found critiques of the legalism or distortion of law whereby it is severed from this spiritual relationship. Thus, Cloutier sees in both men not a dismissal of law, but rather a re-centering of moral theology on God’s action in people’s lives, with law serving that central vitality. Cloutier also explores differences between Pope Francis and Pinckaers. He remarks that Pinckaers’ work rests on a kind of ressourcement, which relies especially on developing a very Christocentric spirituality out of the biblical and patristic sources, whereas Francis’ work tends toward a more Ignatian approach, in which spirituality involves a careful ongoing discernment of one’s own experience and of possible missions beckoning from the world.

These different approaches prompt Cloutier to “harmonize” their thought (a metaphor that relies on commonality yet also difference), and also to allow both thinkers to supplement each other. Cloutier claims to “offer an understanding of [Pope Francis’] sense of God’s

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8 For perhaps the most helpful, brief, and accessible text on key themes in Pinckaers’s thought – including morality of happiness, freedom for excellence, and joy – see Morality: The Catholic View, 65-81. Both Cloutier’s essay and the next essay by Elliot rely heavily on Pinckaers’s foundational claim about the relationship between morality and happiness.
activity that complements and expands Pinckaers but is also helped by Pinckaers’s more specific claims.” He goes on to say

We need both Pinckaers’s careful delineation of the Spirit’s work in the Gospel and in us, as well as Bergoglio’s/Francis’s penetrating interrogations of the dynamics of becoming ‘self-sufficient’ and ‘closed off’ to God, both in ourselves and in others…. [S]uch a synthesizing … provides an alternative to a rigorist/laxist framing of debate which seems far from the real aim of both men: growth in holiness.

This transcending of laxist / rigorist readings endemic of a morality of obligation perfectly prepares the reader for the next essay.

David Elliot deploys the thought of Fr. Pinckaers to assess authentic renewal in contemporary moral theology. His assessment is in line with Cloutier’s, though he arrives at it not through a review of their overarching methods but through their methods as applied to a very particular issue. His immediate task is an analysis of *Amoris Laetitia*, Chapter Eight. Elliot contextualizes Pope Francis’s well known call to accompany those in “irregular unions” within the Pope’s descriptions of such unions as importantly lacking. Therefore, Elliot claims that the Pope’s call for accompaniment should not be understood as a support of — or even resignation to the indefinite persistence of — such “para marriages.” Rather, Pope Francis’s emphasis on the “ideal” of sacramental marriage is best understood in light of a morality of happiness approach as championed by Fr. Pinckaers, rather than within a morality of obligation approach (in the Pope’s case one of the “lax or permissive variety”) focused on commandments as ends in themselves. To support this argument, he first appeals to the authoritative Latin text of *Amoris Laetitia* to offer a critique of how people commonly misunderstand “ideal” as suggesting some sort of non-binding possibility. He then offers a constructive account of how the pope understands growth toward this “ideal” fullness of marriage to be possible, namely, though a “new language of parables” that include images, attractive testimonies, and “symbols, actions and stories.” These are in fact better able to move people and “win them over by their sheer beauty.” Elliot, reminiscent of Fr. Pinckaers, offers an approach to moral theology that includes a crucial place for commandments and absolute norms while at the same time focusing on the beautiful life in Christ that is served by those norms.

The first two essays argue that both Fr. Pinckaers and Pope Francis articulate a life of Christian discipleship utterly transformed as life in Christ suffused in the Holy Spirit. This points to the theme for the next group of essays, each of which examines in depth some facet of the “supernatural organism.” James Stroud opens this focus on the graced life by an examination of Thomas’s development in the use of the term *instinctus* concerning the gifts of the Holy Spirit. His charting of the
development of Thomas’s use of *instinctus* (including its connection to Thomas’s citation of Aristotle’s *Liber de bona fortuna*) is a worthy contribution to Thomistic scholarship in its own right and an extension of Pinckaers’s own scholarship. Stroud makes two further arguments that have impact on the understanding of the graced life as articulated by Aquinas. First, he parallels this growth in the use of *instinctus* to the well-known development in Thomas’s corpus of his treatments of grace and justification in response to his new awareness of semi-Pelagianism. Second, Stroud argues for a significant development in Thomas’s understanding of the gifts of the Holy Spirit from his early writings such as the *Commentary on the Sentences*, to his mature thought on the topic in the *Summa theologicae*. Stroud demonstrates that both developments are clearly signaled by Thomas’s increased use of *instinctus*.

Fr. Anton ten Klooster’s essay describes the growth in attention to graced aspects of Thomistic moral theology in recent decades – no doubt in part due to Fr. Pinckaers – noting increased attention to infused moral virtues, the gifts of the Holy Spirit, and the beatitudes. Yet, he rightly notes the near complete absence of attention to the fruits of the Holy Spirit in post-conciliar Catholic moral theology. Ten Klooster’s essay not only depicts that lack (or in certain few cases, inadequate treatment) but offers the most complete account in contemporary moral theology of the distinct role of the fruits of Holy Spirit in the graced life. Ten Klooster’s account of the fruits draws on moral resources as diverse as Augustine’s thought on *frui* to Aristotle’s depiction of the role of pleasure in happiness. He presents the fruits as activities (not passions) of supervenient delight that accompany the beatitudes. Akin to how Thomas’s treatment of the beatitudes in ST I-II q. 69 completes (from a graced perspective) his initial treatment of happiness in ST I-II q. 1-5 (a case first made by Fr. Pinckaers), Ten Klooster suggests that the treatment of the fruits in ST I-II q. 70 completes Thomas’s treatment of fruition or enjoyment at ST I-II q. 11. Ten Klooster’s groundbreaking essay will surely prompt further scholarship on the fruits and aid their heretofore neglected integration into the supernatural organism of the graced life of discipleship.

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11 As Fr. Anton ten Klooster notes in his essay, even Fr. Pinckaers is susceptible to the charge of inadequate treatment of the fruits of the Holy Spirit. No work of his treats the fruits to any significant degree, and they do not appear on his “supernatural organism” sketch in *Sources of Christian Ethics*. He does in one paragraph mention
Though Fr. Pinckaers was emphatic that Christian ethics is thoroughly transformed by God’s grace into a supernatural life, he was firmly committed to the Scholastic dictum that grace perfects (rather than obliterates or leaves untouched) nature. Therefore, we find in Pinckaers’s *corpus* extensive attention to topics such as natural inclinations and natural law, conscience, *synderesis*, and moral norms. These are all features of natural human morality and therefore *not* unique to Christian ethics. Nevertheless, one of Pinckaers’s important contributions to post-conciliar moral theology is his depiction of these facets of morality in a manner that is both truly natural (and therefore applicable outside of the life of grace) and also amenable to transformation in the context of the graced life of discipleship. Each of the essays in this final section of the volume carries well the mantle of Pinckaers in this dimension as they examine morally important features of human nature with attention to how they operate differently in the context of grace.

William Mattison addresses a topic central to any virtue-centered approach to morality, namely, the last end. Mattison notes how Aquinas (based on Aristotle) claims that each person has a last end, the last end is one, and (perhaps most stunningly) a person does all she does for the sake of her last end. This latter claim is frequently misunderstood, and Mattison offers an account of the last end — including a constructive account of it as an activity — that is meant to address challenges to this fundamental feature of virtue-centered approaches to morality. Though the article stands on its own as an analysis of the last end, it is fitting for this volume for three reasons. First, though the topic may seem an arcane exercise in intra-Thomistic academic dispute, in line with Fr. Pinckaers Mattison shows how it is closely related to spiritual theology. Central to living the gospel is not only the possession of faith and love, whereby one believes in God and loves God above all else and all else in God, but also growth in faith and love. This is simply to have, and grow further into, God as one’s last end. This topic has direct importance for spiritual theology (as well as for sacramental theology). Second, this essay is an example of continuing a trajectory named and begun by Pinckaers but left to his successors to pursue in more depth. This is true of each of the essays in the previous section, as well as those that follow in this section. For each of these topics one can find in Pinckaers’s work some seminal treatment of the topic in a direction-setting manner that invites further exploration. Third, as with the ensuing two essays, we have here a topic

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the fruits as fittingly discussed in the context of beatitude; see “Beatitude and the Beatitudes in Aquinas’s *Summa Theologiae*,” 129.

12 Pinckaers has an oft-neglected treatment of the importance of the first-person perspective for virtue ethics, as well as the last end, in his *Sources of Christian Ethics*, 47-74.
that is a staple feature of morality broadly understood outside the life of graced discipleship and yet also present in and transformed within the supernatural life.

Elizabeth Kincaid’s essay on epikeia might at first glance seem focused on a technical topic of interest only to Thomists, but she perfectly exemplifies Pinckaers’s combined return to sources with joyful engagement with the contemporary issues in the world. She depicts the striking neglect of this traditional aspect of justice, a topic originating not with Aquinas but with Aristotle. She uses recent issues of social justice (relying on Oscar Romero) to make her case for the importance of epikeia as a feature of justice. Two further observations on her essay buttress its importance in this volume. First, Kincaid endorses a view of epikeia that, while remaining a feature of morality broadly understood in the “natural” sense as evidenced by its treatment in Aristotle, is nonetheless transformed in the context of Christian discipleship. This claim is commonly made by students of Pinckaers, but Kincaid does the field a service by depicting what this actually looks like, no small feat given the particular challenges of describing how justice (which depends on the “real mean” as distinct from a “rational mean”) is transformed in the context of grace. Second, she narrates distinct approaches to epikeia offered by Fuchs and Häring on the one hand and Pinckaers on the other. Their differences concern whether or not epikeia’s setting aside of law applies to human law on the basis of natural law or to the natural law itself. She supports the former position in line with Pinckaers. Once again, we find different available candidates for authentic renewal in contemporary moral theology, a topic also treated by the final essay in this third section.

Matthew Levering’s essay is a fitting finale to this third section of essays as it continues their consistent theme and also harks back to the opening essays by Cloutier and Elliot. Levering examines a topic in moral theology that has been variously understood after Vatican II, namely, conscience. He compares the work of both Häring and Pinckaers and begins his essay by noting their common criticisms of certain inadequacies of pre-conciliar manualist moral theology. Levering then proceeds to explicate the different visions of conscience that each thinker offers in the years after the Council. Although the essay is primarily descriptive of their differences, Levering makes it clear that Pinckaers’s account of conscience is far more attentive to how the believer’s conscience is nourished and elevated by the graced life of Christian discipleship. While the essay makes an important contribution to contemporary moral theology even simply at the level of comparing distinct visions of conscience, Levering’s work continues a

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13 For Pinckaers’s thought on conscience, see two articles from *The Pinckaers Reader*, “Conscience and Christian Tradition” (321-341) and “Conscience and the Virtue of Prudence” (342-355), both of which are surveyed by Levering.
theme of this volume in depicting the contemporary candidates for authentic renewal in moral theology. Is Pinckaers’s *ressourcement* and support of *Veritatis Splendor* simply a dressed-up return to the restrictive morality of the manuals, as Häring (and certain contemporaries) suggest? Or is it Häring’s creative and faithful freedom rooted in conscience that deviates from authentic renewal, because Häring has over-accentuated conscience (though from a different angle) in precisely the way the manuals did, as Pinckaers suggests? Levering’s article reminds us of the stakes of accurately identifying authentic renewal in contemporary moral theology as debates over conscience have begun anew during the pontificate of Pope Francis.

The final article in the group of essays originating from the Pinckaers Symposium is Tom Angier’s critique of several facets of Pinckaers’s thought. Angier has two main criticisms of Pinckaers’s thought. First is what he calls “virtue foundationalism.” This first battle he wages on two fronts. He accuses Pinckaers of inadequate attention to law and commandments, especially his neglect of the Jewish roots of Christianity and of gospel morality. He also leverages the familiar egoism critique of virtue ethics against Pinckaers’s work. His second critique is that Pinckaers inadequately attends to sin and vice. Angier does readers of the volume a great service by articulating precisely certain lines of criticism to which any supporter of Pinckaers’s project should be able to offer response, with a defense of, extension of, or perhaps correction of Pinckaers’s thought.14

Our immediate task in this introduction has been to use the essays in this case to argue why Fr. Pinckaers’s work is particularly relevant today in the ongoing renewal of moral theology after Vatican II. We’d like to close by explaining that, while we are contending that Fr. Pinckaers’s work is relevant in the contemporary period, our fundamental contention is that Fr. Pinckaers’s work is perennially relevant because it is grounded in the realities of Christian faith and life. Not only is it firmly rooted in Scriptural teaching on morality (e.g., the Sermon on the Mount, the teachings of Paul, love as the fulfillment rather than the negation of the law, the Old Testament’s focus on the Creator God who makes covenant with his people and leads them toward holiness), but it also incorporates the tradition of virtue ethics flowing out of the pre-Christian philosophers and classically set forth by Augustine and Aquinas in ways that have continued to shape moral reflection in the Christian West. Furthermore, Fr. Pinckaers’s work will remain relevant because he is closely attentive to the active sources of real, transformational Christian living, namely, the Holy

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Spirit, the life of prayer, and Jesus Christ, both as Savior and as the model of martyrdom. Fr. Pinckaers’s approach to morality is neither accommodationist (to the contemporary culture) nor reactionary (against the contemporary culture). It is simply, without ignoring the weakness and sinfulness that still plague Christians, a rich portrait of the living reality of Christian moral life.
Moral Theology in Service of the Work of the Spirit: Synthesizing Pinckaers and Pope Francis Against Moralities of Obligation

David Cloutier

THERE ARE ALL SORTS OF REASONS to put the work of Servais Pinckaers into conversation with the work of Pope Francis. For example, they both talk about joy a lot! Pinckaers, concluding a lengthy section on understanding joy as the true experience of happiness, calls “the reconciliation of morality and happiness by means of joy” an “essential condition for the renewal of moral theology.”¹ And of course Francis has placed the idea of “joy” in the title of three major documents.

But probably the most important reason for this conversation is that, very much like Pope Francis, Pinckaers mounted a serious critique of a “morality of obligation” infecting pre-Vatican II moral theology.² Yet Pinckaers did not see some of the typical claims of post-conciliar moral theology (e.g. conscience, totality, proportionate reason) — claims that are re-emerging in moral theology in the Francis era — as the alternative to legalistic morality. Indeed, to dive back into those tired debates about act analysis is to abandon the spirit of both men. Their whole point is that the Christian moral life is simply not about having the better lawyer-like arguments about act objects. That work may have its place, but both men see the need to locate any such debates about obligation within a more expansive whole, which both think is lost. Getting to this expansive whole means examining the underlying spiritual/theological claims which anchor the vision of each man. Each wants to make an argument about the big picture. Many of Pinckaers’s most characteristic historical arguments are about the ways different elements of the whole became detached and separated; similarly, Francis critiques contemporary evangelization for “a disjointed presentation of a multitude of doctrines,” and suggests that

² For the most compact version of this critique, see Pinckaers, *Morality*, 32-41.
“fitting proportion has to be maintained” among all the elements (Evangelii Gaudium, no. 35, 38).3

Ideally, their two big picture understandings are complementary, each filling in aspects of the other in ways that help the ongoing reconstruction of moral theology called for by the Council to be “nourished more on the teaching of the Bible” so as to “shed light on the loftiness of the calling of the faithful in Christ and the obligation that is theirs of bearing fruit in charity for the life of the world” (Optatam Totius, no. 16). In this essay, I argue that the big-picture driving concern for both men involves convictions about God’s real action in people’s lives as the proper core of the Christian moral life. This “spirituality” or spiritual relationship of the person with God is the vital center; their critiques of law emerge when law does not serve this relationship but when it appears as something free-standing. However, the way each speaks about such action of God in people’s lives is not the same. Perhaps most noticeably, Pinckaers’s work rests on a kind of ressourcement, relying especially on developing a very Christocentric spirituality out of the biblical and patristic sources, whereas Francis’s work tends toward a more Ignatian approach, in which spirituality involves a careful ongoing discernment of one’s own experience and of possible missions beckoning from the world.

I think it is false to set these against one another; that would imply, for example, that Ignatian spirituality (and Francis’s texts!) are not Christological, which is obviously false. But some work needs to be done to read the two authors in harmonizing ways. In particular, we need to examine the ways in which we can talk generously yet coherently about God’s activity in the world, both within and beyond explicit Christian faith. This essay charts the convictions about God’s spiritual activity that are presumed in each man’s work, especially with an eye toward showing how elements of Pinckaers’s theology can be seen as fostering a proper reading of Francis’s whole project as a one of lived holiness, rather than as a “laxist” one, as is often assumed by many of both Francis’s supporters and critics.

I will proceed in four steps. One, I start with key claims from the documents of Vatican II about God’s action in each person’s life that connect the Council’s Christocentric anthropology (so prominent in John Paul II and Benedict) with Francis’s broader commitments to discerning and accompanying God’s activity in the world, in less-overtly-Christological places. Second, in order to elaborate the Vatican II account with more precision, I will turn to Pinckaers’s work, which offers two key ways of understanding God’s activity in the

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3 Francis goes on to insist that unless the basic invitation to respond to God’s love is visible in our own lives and offered to others in need of it, if this “does not radiate forcefully and attractively, the edifice of the Church’s moral teaching risks becoming a house of cards” (no. 39).
moral life: his focus on the promises of the beatitudes and the necessity of understanding humans as having an inherently spiritual nature. Thirdly, I turn to Francis’s work and suggest that there are two competing hermeneutics for understanding his critique of an excessive focus on the law, one of which explains him as a laxist, the other as promoting a distinctive account of lived holiness; I argue for the latter interpretation. In the final section, I suggest that this interpretation of Francis offers an understanding of his sense of God’s activity that complements and expands Pinckaers but is also helped by Pinckaers’s more specific claims — especially by making explicit the anthropological and theological assumptions about God’s work in persons.

**GOD’S ACTIVITY IN THE DOCUMENTS OF VATICAN II**

*Gaudium et Spes*, no. 22, was one of John Paul II’s favorite passages from Vatican II, a point made eminently clear in his programmatic first encyclical, *Redemptor Hominis*. The passage explains how Christ “fully reveals man to man himself and makes his supreme calling clear.” The passage eloquently describes how Christ “has united himself in some fashion with every man” because of his shared experience of all aspects of human life (except sin, which is not fully human). It also describes the various benefits of the work of Christ, including the pouring out of “the first fruits of the Spirit” such that man is “renewed from within” and “becomes capable of discharging the new law of love.”

None of this is in the least unusual, but the passage goes on to state: “All this [work of Christ] holds true not only for Christians, but for all men of good will in whose hearts grace works in an unseen way.” If Christ as the “redeemer of man” was John Paul II’s banner, this subsequent passage might as well be Francis’s. Every aspect of his papacy is accented by his insistence on a “missionary option” that is “capable of transforming everything” such that the Church can evangelize rather than work “for her self-preservation” (*Evangelii Gaudium*, no. 27). When Francis is critical (a lot of the time!), his criticism always seems traceable back to the concern that whatever is being critiqued is problematic because it is in the way of this missionary option, the sine qua non of the Church because it is where the Church meets God working in others’ lives.

I will return in more detail to Francis’s own claims about God’s work in people’s lives, but here I want to ask: how does the Council explain this “unseen” work of Christ and the Spirit? The Vatican II passage says little about “how”; rather, it gives two reasons “why” this must be the case: the fact that Christ truly died for all, and that “the ultimate vocation of man is in fact one and divine,” such that the Holy Spirit “offers to every man the possibility of being associated with this paschal mystery.” But the passage also footnotes *Lumen Gentium*, no. 16, which explains how various non-Christian groups are “related in
various ways to the People of God.” The passage quite optimistically suggests that God is, salvifically, at work in the lives of all those who (one might crudely summarize) are at least sincerely trying to aim in the right direction. The “mechanism” of such work is evidenced in two ways: a certain conviction about or at least desire for “God” and/or a certain moral sincerity or earnestness in trying to live a good life and do God’s will “as it is known to them through the dictates of conscience” (*Lumen Gentium*, no. 16).

The importance of conscience in this passage suggests a further connection to *Gaudium et Spes*, no. 16, the famous discussion of conscience as “voice” of God “that echoes in his depths,” and “in a wonderful manner … reveals that law which is fulfilled by love of God and neighbor.” This understanding of conscience occurs in a particular context in the document, which should guide its interpretation. It is part of a series of paragraphs (nos. 14-17) on various “humanistic” values—freedom, the body, etc. — that might serve as bridges between the Church and “modern man.” As the paragraph on conscience goes on to say, “In fidelity to conscience, Christians are joined with the rest of men in the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals from social relationships.” Thus, this understanding of conscience is not offered as a piece of technical Catholic moral theology, but instead as a common ground on which Christians can co-operate with non-Christians to achieve social progress. It should be read in concert with *Lumen Gentium*’s appeal to the following of “conscience” among those outside the visible churches.

Yet here is where we begin to run into challenges. The role of conscience in these passages can easily dump moral theology back into a law-versus-conscience impasse — this despite the fact that *Gaudium et Spes*’s discussion makes no reference at all to the relation of conscience and “law” or conscience and “authority”! Thus, *Gaudium et Spes*, no. 16, appears an unlikely tool to prosecute such a case against law.

Moreover, if we become preoccupied with conscience as the “site” of God’s activity in persons outside the Church, the discussion of *Lumen Gentium*, no. 16’s other “mechanism” of the Spirit’s action — the unthematized yearning for God — ends up neglected. In the conciliar documents, the best we receive on this issue is the discussion in *Nostra Aetate*, referring to the human search for answers to “the unsolved riddles of the human condition” and to “a certain perception of that hidden power which hovers over the course of things” (nos. 1-2).

Can we achieve a clearer account of the Spirit’s unseen but real activity in people’s lives — a “spirituality” in the sense of a clearer interior account of how to recognize and respond to the dynamics of God at work in the world? It is here where Pinckaers comes to our aid
for he offers a detailed understanding of these spiritual interior dynamics, one which can nicely serve to illuminate and specify further God’s activity in all persons.

**PINCKAERS ON THE ACTIVITY OF THE SPIRIT**

In this section, I want to focus on and specify two ways Pinckaers describes the work of the Spirit. I would suggest that each way can helpfully illuminate one of the ways in which the Vatican II documents discuss the activity of God beyond the Christian community. First, Pinckaers’s explication of faith, understood as trust in God’s work to fulfill his promises, as identified in the Beatitudes, gives some content to what one might mean by talking of the spiritual yearnings of people who search for answers to the human condition and direction to human history. And second, his insistence on the importance of an anthropology rooted in natural inclinations to fulfillment gives needed specification to how we might understand the Council’s claim that conscience is “the voice of God” at work in the depths of each person, drawing them toward the good. I will explicate these points in sequence.

As noted earlier, Pinckaers’s work is rooted in a recovery of the joy of the Gospel, a sense of “spiritual joy.” But, as best expressed in his book on the Beatitudes, this sense of joy is ultimately rooted in faith. Pinckaers begins his study by noting all the interpretive strategies used to read the Sermon on the Mount and instead recommends a “realistic exegesis” that sees it as “a word of faith addressed to faith.”

What “faith” means is trust in God’s promises. The beatitudes, Pinckaers suggests, are the anthropological outline of what the people who trust in God’s promises look like. He explains that the beatitudes are not about things we can achieve, but “reveals to us what the Holy Spirit wants to accomplish in our lives,” if we are willing to be converted to “the joyful humility of faith, which renders us docile to the movement of the Holy Spirit and which is always accompanied by an awareness of our weakness."

This humility of faith which allows the full action of the Spirit is given greater specification when Pinckaers notes that God’s promises “come first in God’s Word and designs”; they “precede” the giving of laws and commandments. Thus, even though in the chronology of Scripture, one might be tempted to place law first, as a stepping stone to a deeper vibrant faith, he reminds us that even in Scripture, trusting God’s promises precedes following God’s law. This pattern is played

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5 Pinckaers, *Pursuit*, 16.


out in Israel’s story, especially in the Exodus (and in the covenant with Abraham that precedes the giving of law). And it is seen in the structure of the Sermon on the Mount, for the Beatitudes are in fact paradoxical promises — ones that precede Jesus’s work in developing the law in subsequent verses. “Faith” simply means “trust in these promises” which should bring us great joy.

At first glance, this “trusting in God’s promises” does not seem to help with the missionary option. Lumen Gentium, no. 16, in characterizing the deep yearning for God present in many outside the Church, does not saying anything about trusting biblical promises. Yet, one might legitimately look at the anthropology generated by the promises of the beatitudes and ask: for what are (non-Christian) people yearning? Do they in fact manifest pure hearts, work to make peace, show mercy, weep with others, etc.? No doubt this anthropology is hard for anyone at any time, so it is plausible to suggest that God is at work in those who still do this in the world today. One might suggest that people who however partially manifest the Beatitudes’ way of life implicitly yearn for — and thus to some extent trust in — the promises Jesus makes in the beatitudes. Thus, Pinckaers can bring some better specificity to the very generic claims of Lumen Gentium, no. 16, while Lumen Gentium, no. 16, can deter a reading of Pinckaers that would make docility to the Spirit somehow entirely a matter of explicit faith.

Besides his discussion of docility to the Holy Spirit as a trust in God’s promises, a second key to understanding the Spirit’s activity at the core of human life is Pinckaers’s discussion about the harmonious relation of this activity of the Spirit to our “spiritual nature.” Of course, Pinckaers’s great historical narrative of moral theology involves a decline into a morality of obligation, but crucial to that decline are various separations, most notable the separation of “spirituality” from moral theology. Of interest here is his account of why this happens.

The key move, according to Pinckaers, is the loss of a sense of the true “spiritual nature” of the human person, whose “natural inclinations” are already an interior directionality constitutive of human freedom. For Pinckaers, it is the consequent exteriorization of the law that is the great mistake, an exteriorization rooted in his claims about Ockham, but more broadly the tendency of freedom to precede — rather proceed from — a human nature with spiritual inclinations, most notably an inclination to know truth and to desire the good. In The Sources of Christian Ethics, the section “the break with natural inclinations” is key and notes that, for Thomas, “freedom was rooted in the soul’s spontaneous inclinations to the true and the good,”8 but, for

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Ockham, they were “subject to choice and to the will’s free determination” and “no longer a part of the essence of freedom.” This separation then leads to two distorting views of the human person, often enough held incoherently together in the modern age: a titanism where freedom meant a complete and total autonomy and an understanding of “impulses of a lower order” as mere biologic instinct. The ultimate problem, then, is the disruption of the harmony of humanity with “nature” and the concomitant “spiritual spontaneity” that is at the root of “the desire for happiness.” Once human freedom precedes human nature, the law appears as an exterior imposition which one either accepts or rejects, and the supernatural life is a mere addition “as a supplement,” which can easily become either superfluous, or even be understood as potentially antagonistic to the true flourishing of the person.

In another essay, Pinckaers notes that Aquinas’s familiar usage of the word instinctus in relation to the work of the Holy Spirit makes us nervous for the very same reason: because of our split between freedom and nature. Aquinas is comfortable with the notion of a spiritual instinctus because for him, “Freedom grafts itself onto a spiritual nature.” Pinckaers argues that the difficulty modern thinkers have of relating the gifts of the Holy Spirit and the infused virtues is because they can no longer conceptualize “this unique conjunction between God’s actions and ours,” in which a genuine “interior impulse” nevertheless originates in something “exterior, or rather superior.” One may worry that Pinckaers is talking nonsense here, but his argument is that it will seem like nonsense because of the (mistaken) preconceptions we have about freedom and nature, and ultimately about God’s activity and our own. If these are seen as inherently rivalrous then instinct and the Spirit will be incompatible, but if they are seen as (potentially) harmonious (because we have the proper concept of human nature) then we can understand how the concept of a spiritual instinctus in fact captures human/divine cooperation in the best possible way.

Pinckaers’ anthropological claims about nature here are in fact still not well understood in Catholic moral theology. The key role of

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9 Pinckaers, Sources, 333.
10 This incoherence is pointed out in detail by John Paul II in Veritatis Splendor, where he notes the simultaneous tendencies to “exalt freedom” as an “absolute” (no. 32) and to “radically question” such freedom under the scrutiny of the “behavioral sciences” (no. 33).
11 Pinckaers, Sources, 333.
an account of natural inclinations receives too little attention, from either side of many moral theology debates. One might wonder why, and my sense is that (unfortunately) the framing of “freedom and truth” favored by John Paul II was sometimes understood (by both advocates and detractors) as some kind of a way in which human subjectivity had to be harnessed to the “objective” truth of the law. The truth about the human person was understood to be secured by objective (external!) statements, rather than first and foremost in convictions about the inclinations of human nature itself. The relation between freedom and truth, in short, often remained too externalized. I don’t think Veritatis Splendor – especially the first chapter – needs to be read in this way, but even the recent dubia posed to Francis by four cardinals15 reflect a sense that the core teaching of John Paul’s encyclical is “really about” the absoluteness of certain moral rules – rather than seeing this as a teaching rooted more deeply in light of our deepest desires for the good. I’m not even saying the dubia cardinals don’t agree to this. I’m saying it is insufficiently appreciated when it appears that the “crisis” in the Church ends up coming down to rule-defending. It is a temptation, in short, to read chapter 2 of the encyclical in isolation from, especially, chapter 1. (It should be noted that a key exception to this is the International Theological Commission’s document on natural law, which pays significant attention to an account of natural inclinations, as well as “leaning into” an account of natural law that is open to a pluralism of traditions.16)

This sense of spiritual nature rooted in the inclinations gives further specification to the discussion of “the voice of God” that Gaudium et Spes notes as echoing in the depths of the moral reflection of all. That is, some account of the natural inclinations must serve as a necessary complement to the discussion of conscience. What the human person experiences in their deep seeking of the good is, however inchoately, the yearnings of their spiritual nature for a human flourishing that is ultimately open to transcendence, yearnings that can be obscured but never blotted out. Pinckaers himself picks up on this connection in a wonderful article on conscience, in which he distinguishes conscience


16 For the text of the 2009 International Theological Commission document and many essays of commentary, see John Berkman and William Mattison, eds., Searching for a Universal Ethic: Multidisciplinary, Ecumenical, and Interfaith Responses to the Catholic Natural Law Tradition (Grand Rapids: Eerdmans, 2014). The role of these “natural dynamisms” is particularly described in paragraphs 46 to 51 of the document.
considered “from above” and “from below.” Conscience “from below” is essentially a facet of the virtue of prudence; but conscience “from above” is “the spiritual instinct for the true and the good within us.” Servais Pinckaers narrates this in terms of the imago Dei as this “warming ray within us rendering us capable of imitating God in knowing and loving him freely and personally.” It is “this light and this attraction” that “are like the voice of God in the depths of the human heart.”

Indeed, this resolves a key impasse in the reading of the *Gaudium et Spes* passage on conscience: while maintaining that it is God’s voice, the passage also repeated standard Catholic teaching that conscience can err or “grow practically sightless on account of habitual sin” (no. 16). Without some account of *some other term* in relation to which conscience must be shaped, it is hard to know how something that is defined as the voice of God can err! But if it is recognized that the capacity of conscience to discern good and evil requires the context of the natural inclinations, then it is much more possible to make this distinction effectively. Thus, the genuine work of God in the world is seen when (as is obviously the case) non-Christians strive for what is right in accordance with the yearnings for family, community, knowledge, and the like that are constitutively part of the person.

In highlighting and making more explicit these two ways the Spirit is at work — making promises to persons yearning for specific ways of living and animating our very basic natural desires from the inside — Pinckaers helps Francis considerably in explaining what he is really pointing to when he is talking about discernment, accompaniment, and the like, all as necessary precisely because we are supposed to be servants of God’s work in the world.

**READING FRANCIS ON MORALITY: LAXISM OR HOLINESS AGAINST SELF-ENCLOSED ELITISM?**

To make the connection with Francis’s work, I first distinguish between two competing ways of interpreting the Francis papacy that have emerged in relation to morality: an interpretation of Francis as offering a laxist morality of obligation and an interpretation of Francis as offering a morality of holiness that accentuates compassion and social justice. I want to make the case that the second interpretation is far more plausible in light of Francis’s life and thought as a whole and that this second interpretation involves understanding Francis’s critique of an excessive focus on law in terms of how it blocks the recognition and accompaniment of the spiritual activity of God in others.

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For both Francis and Pinckaers, the greatest problem of our world is a loss of a sense of the spiritual, and particularly an intensely personal sense of vital relationship with God. If this is so, then Pinckaers should be read as perhaps the scholar who can help articulate Francis’s approach in a more precise way.

However, to do so requires first the rejection of a certain way of reading Francis that I call the “laxist morality of obligation” interpretation. It suggests that Francis wants to relax Christian practice, be more generally pluralistic, open, and (one might say) “libertarian” in accepting human diversity. On this account, Francis is criticizing figures, most often other Catholic clerics, for being too devoted to “certain rules” when in fact they ought to show much more leniency and flexibility. This interpretation certainly accounts for Francis’s popularity in some circles — and it is especially foregrounded in debates about chapter 8 of Amoris Laetitia — whether pro or anti — as if the crucial “missionary” question facing the Church in the world today is the technical question of indissolubility. In doing so, it invariably returns us to the debates over authority, framed in terms of individual freedom versus church law. As Pinckaers notes in a different essay on conscience and prudence, the whole style of theology becomes like a territorial dispute: over what does the Church have authority, and over what does the individual have authority? It thus “can easily fluctuate between a zeal for the law, capable of turning into rigorism, and excessive concern for the subject, which can lead to laxity.”

While this territorial construal of moral debates serves obvious purposes for those who have particularly political agendas for the Church or the world, it is frankly a terrible account of what Francis is doing. The reason for its plausibility is that it takes seriously Francis’s constant criticism of legalistic self-righteousness, or what he outlines at some length in both Evangelium Gaudium and even more extensively in Gaudete et Exsultate as a “self-absorbed promethean neopelagianism” that “feels superior to others” due to “observ[ing] certain rules” or “remain[ing] intransigently faithful to a particular Catholic style from the past” (no. 94).

But even his further description of his target should lead us to see that Francis is doing much more than going after a few rigorists. He describes this neo-pelgaianism as a “self-centered and elitist complacency, bereft of true love” which “finds expression in a variety of apparently unconnected ways of thinking and acting: an obsession with the law, an absorption with social and political advantages, a punctilious concern for the Church’s liturgy, doctrine and prestige, a vanity about the ability to manage practical matters, and an excessive concern

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with programmes of self-help and personal fulfilment. Some Christians spend their time and energy on these things, rather than letting themselves be led by the Spirit in the way of love…” (Gaudete et Exsultate, no. 57). It is notable here that this description, while it surely targets some who might be called “conservative,” also takes on those who would excessively politicize the faith or make it into something merely therapeutic.

Moreover, interpreting Francis as a laxist ignores the ways his papacy is insisting on firm commitments in other areas of practice. It comports poorly, for instance, with the constant clarion calls for direct practice in relation to the poor and the environment. These do not appear laxist. It appears contrary to his explicit revision of the Catechism to “tighten” the Church’s opposition to the act of capital punishment. Certainly not laxist. Instead, it appears that people are making Francis laxist whenever it suits their own views and practices. They are not offering a consistent interpretation of Francis; they instead appear to be manifesting exactly the sort of complacent self-righteousness (whether liberal or conservative) that he is in fact targeting.

A further reason to think that Francis is not promoting laxism is the frequently-repeated claim that Francis has made about many different aspects of contested (particularly sexual) morality: norms do not and cannot change. For example, in Amoris Laetitia, he goes out of his way to point out that “in no way must the Church desist from proposing the full ideal of marriage, God’s plan in all its grandeur” (no. 307). This “plan” is identical to that proposed by the Catechism and by John Paul II in Familiaris Consortio. Unless this is to be taken as a sly, almost-deceptive smokescreen for an actual shifting of norms, it seems that Francis is not preparing to suggest that (for example) remarriage (or any other contested act) can be understood as morally licit when it was not so before. There are many interpreters – again, both pro-Francis and anti-Francis – who seem to think that this kind of deception is how Francis’s magisterium is operating. Such a reading is uncharitable and clearly undermines trust in the Church’s teaching on anything; if a more plausible reading can be offered (as I will do below), it seems one would be better accepting that reading.

However, the most important problem for the laxist reading of Francis is that laxism typically involves the attempt (however well-

20 There is some work to do in understanding the language of “ideal” here, but in support of my interpretation, I would point out that a laxist view would involve no language about “falling short.”

21 See Amoris Laetitia, no. 292: “Christian marriage, as a reflection of the union between Christ and his Church, is fully realized in the union between a man and a woman who give themselves to each other in a free, faithful, and exclusive love, who belong to each other until death and are open to the transmission of life, and are consecrated by the sacrament, which grants them the grace to become a domestic church and a leaven of new life for society.”
intentioned) to avoid a recognition of sinfulness, to “get people off the hook.” Francis has from the first emphasized not only the need for everyone to recognize that they are sinners, but also has repeatedly had recourse to an important distinction between sin and corruption. The former should evoke compassion in us, as it does in God, since it involves a recognition of one’s failure; the latter, however, is to be criticized, precisely because it lacks that recognition of failure. Writing prior to his papacy, Francis notes that it is “beautiful” to be able to say “Yes, I’m a sinner” because “by doing so” we “plunge into the mercy of the Father, who loves us and is waiting for us at every moment.”

However, the state of “corruption” is deplorable, precisely because it starts with a “comfortable” self-justification for one’s behavior. The corrupt “can never allow themselves to be called into question” and so “have recourse to sophistries and semantic equivocations, belittle others and hurl insults at anyone who thinks differently from them.” This avoidance then leads to further behaviors of avoidance, cover-up, comparisons, and the ensnaring of others to perpetuate the sanctioning of sin. In order to avoid the recognition of sin, they believe their own lies and try to get others to believe them, too, such that “they could be awarded honorary doctorates in social cosmetics.” Ultimately, this corruption is the sign of the person who has “a weariness with the transcendent” and so becomes content with (and defensive of) the self, because “he has tired of asking for forgiveness.”

We should be cautious in interpreting this self-sufficiency and self-righteousness along typically partisan lines. The concern here is not whether the sins being evaded are sexual ones or economic ones; the concern is the evasion itself, which simultaneously cuts one off from God’s mercy and from being a merciful presence to others who are struggling. Understood in this way, a moral laxism — in which “the law” was hemmed and trimmed to fit acceptable bourgeois norms, so that one need not have recourse to God’s forgiveness — would appear to be a significant barrier to Francis’s project, not a realization of it.

Instead, it is far more plausible to interpret Francis as offering a compassionate form of the universal call to holiness (Lumen Gentium, nos. 48-52), which disentangles it from a self-justifying focus on having right “ideas” and right ritual practices, getting it out of the sacristry and into the streets. As I noted before, his selected targets, throughout his career, are not chiefly marked off by the ideologies of one or the

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other side but by mistakes made by Christians — frequently clerics — who develop an understanding best characterized in terms of “spiritual worldliness.” As one observer noted of his pre-pontifical work, he often offered “dressings downs” to those (usually clerics) whose “faith” was in intellectual theories, law enforcement, wealthy patrons, their own comfort — he criticized what he called “airport bishops,” for example — but “he responded to fragility with a sensitivity I don’t think I’ve ever seen in anyone else…. Human fragility brings out the best in him.”27 It is the closing off of the self to others and thus to God’s activity in others’ lives, that is the grave problem.

A series of observations from the conclusion of Evangelii Gaudium illustrates this. Astutely introduced by a quote from John Paul II’s Redemptoris Missio about how the Holy Spirit precedes our evangelizing work, Francis insists that “we must develop a spiritual taste for being close to people’s lives” (no. 268), going “fully into the fabric of society, sharing the lives of all, listening to their concerns, helping them materially and spiritually with their needs…arm in arm with others, we are committed to building a new world” (no. 269). Such an encounter is especially important when we “touch human misery” and from that, our lives become “wonderfully complicated” (no. 270). Key to all this is not a sense of some perfect saints reaching “down” to “help.” Instead, a “spirituality of drawing near,” Francis says, puts us in a position where “we learn something new about God” (no. 272). Specifically, we learn not only that “every person is worthy of our giving” but that “every human being is the object of God’s infinite tenderness, and he himself is present in their lives” (no. 274). That is to say, this is a way of being that allows us to understand God’s action in the world in people’s lives, rather than too eagerly imagining that we have to “bring God” to them from the outside. His emphasis on “missionary discipleship” is not just a catch-phrase, but rather suggests that the danger is not first that those outside the Church will fall into evil if we do not “defend truth,” but that those inside the Church will hinder or even kill God’s activity through our own “Lent without Easter” (Evangelii Gaudium, no. 6) ultimately rooted in “narrowness and self-absorption” (no. 8), rather than a continual opening to God’s possibilities.

None of this involves a law-versus-conscience debate about the rightness or wrongness of specific norms. Instead, at the heart of this is Francis’s deep conviction that the key contrast is between those who rely on and ultimately focus on aspects of the self — whatever they are — and those who wake up each day alive to the presence and activity of God in their own lives and in the lives of others. It is significant to note that those who instrumentalize the Church merely as a tool

for changing political structures are also subject to Francis’s frequent criticisms, as they have been back to his days in the Argentinian Jesuits where he resisted the anti-pietistic politics of many Jesuit intellectuals of the time. This is a different form of the same error: prioritizing our activity, rather than prioritizing God’s activity. Today, he notes “the error of those Christians who separate these Gospel demands from their personal relationship with the Lord, from their interior union with him, from openness to his grace. Christianity thus becomes a sort of NGO stripped of the luminous mysticism so evident in the lives of Saint Francis of Assisi, Saint Vincent de Paul, Saint Teresa of Calcutta, and many others. For these great saints, mental prayer, the love of God and the reading of the Gospel in no way detracted from their passionate and effective commitment to their neighbors; quite the opposite” (Gaudete et Exsultate, no. 100).

Moreover, Francis’s contrasts are not meant to support “warring among ourselves” or encourage “inspecting and verifying” to see who is a corrupt Pharisee and who is a genuine disciple. He says these things explicitly (Evangelii Gaudium, nos. 94-100), so when his contrasts become weaponized in ecclesial battles, we should be certain that we are missing his point. Instead, Francis is offering an examination of conscience for each Christian, where we constantly question ourselves (and yes, recognize our own sinfulness), so that we might receive God’s mercy and accompany others. This is a description of serious holiness, not laxism.

What he opposes is much better characterized as elitism. His biographer describes Francis’s ecclesiology as about “God’s-holy-faithful-people” — a description that is consistently arrayed against elites of any sort, whether some of his Jesuits peers who express criticism of his virtual conversion of the Jesuit formation house into an extremely active parish filled with popular piety or some of his fellow bishops who had cozy relationships with political elites. One commenter noted that Bergoglio is “very far from the susceptibility to the corridors of power,” and that his very appointment as archbishop of Buenos Aires had to be secured personally from Pope John Paul II because he was viewed with such suspicion by the politically powerful and connected.28 On the other hand, Ivereigh portrayed Bergoglio’s time as auxiliary bishop as garnering great popularity among the clergy for his staggering availability, collegiality, and approach to ministry. As for the availability, Bergoglio himself “who never took vacations” would constantly supply for other priests, visit and care for ones who were sick, and gave seemingly unlimited time to “priests struggling with vows or addictions or simply pastoral challenges.”29 His approach to ministry, one priest notes, was “not about pointing out to people what

28 Ivereigh, Great Reformer, 231-232.
29 Ivereigh, Great Reformer, 224.
they’re doing wrong but bringing them in, enabling their encounter with God.” His own life, “sinner” that he is, is marked by a remarkably consistent discipline that often earned him scorn and rejection.

This tendency to oppose smug elitism has a deep theoretical basis. Bergoglio’s confidence in God is predicated on a confidence about God acting in the lives of what Ivereigh calls “God’s holy faithful people.” This vision stems from “a specifically Argentinian post-conciliar strain of liberation theology” rooted in a concept of “the people” that was not Marxist or democratic but rather “historic and cultural” mainly in terms of an opposition to the ideological hubris of elites. Bergoglio’s nascent understanding of the important role of this “people” in reforming the Church came from blending in Yves Congar’s earlier contrast of true and false reform. For Congar, true reform hinged on “pastoral concern for ordinary faithful people,” valued traditions of “the ordinary faithful, rather than the avant-garde elites,” and bore fruit in “greater zeal and fidelity, as well as unity,” rather than in terms of alignment with “contemporary secular movements.”

Subsequent to the Council, the emergence of the teologia del pueblo emerges as a differently-reforming alternative to Marxist-driven liberation theologies. The point of true reform was not to drag the people along to serve some elite vision but to reshape and discipline elites to facilitate “renewed holiness and unity” for the whole Church.

As Borghesi’s recent study of Francis notes, the teologia del pueblo ultimately means that “the Christian faith of the people is a theological source, a hermeneutical locus of lived, enculturated faith.” It is this source that Bergoglio has always defended against church elites of both Left and Right. For example, Ivereigh quotes Bergoglio operationalizing this contrast: “This believing people neither separates its religious faith from its historical aspirations nor does it confuse the two in a revolutionary messianism. This people believes in the resurrection and the life: salvation, work, bread, everyday understanding in their families.” One need not look back decades in the pope’s writing for this; it is also evident on the very first pages of his exhortation on holiness, where he calls our attention to the examples of “saints next door” in “God’s holy and faithful people … the holiness present in the patience of God’s people: in those parents who raise their children with immense love, in those men and women who work hard to support their families, in the sick, in elderly religious who never lose their

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32 Ivereigh, *Great Reformer*, 93.
33 Ivereigh, *Great Reformer*, 93.
smile. In their daily perseverance I see the holiness of the Church militant. Very often it is a holiness found in our next-door neighbours, those who, living in our midst, reflect God’s presence” (Gaudete et Exsultate, nos. 6-7).

**HOW PINCKAERS HELPS US UNDERSTAND THE THEOLOGICAL AND ANTHROPOLOGICAL ASSUMPTIONS OF FRANCIS**

What has any of this to do with Pinckaers’s claims about God’s activity? This anti-elite understanding, especially combined with his deep appreciation for traditional piety, means that Francis’s passionate and compassionate insistence on listening, accompaniment, and the like are all aimed at people who possess baseline anthropological and theological understandings along the lines of Pinckaers’s sense of spiritual nature and of a God of promises, a larger or higher power. What is meant by “holy, faithful people” is not perfect people but rather people who in all their flaws genuinely live out of a faith in God’s promises and a true sense of the spiritual nature of the person. Put another way, Pinckaers’s relating of morality to spirituality brings to light and specifies whom Bergoglio is talking about when he is talking about “the sheep” whom leaders ought to “smell.” This then allows us to read the Vatican II comments about God’s work in the world generously, though also with a discernment that avoids some kind of equation of the movement of “history” as a whole with the movement of the Spirit. The presence of God’s work in the lives of the “holy, faithful people” indicates the places where compassion and mercy, rather than noisy imposition of law, is needed. To sum up, Pinckaers helps us specifically because his work allows for a better understanding of the anthropological assumptions that are necessary as a backdrop for discerning the Spirit’s activity in people’s lives and that Francis himself assumes in his “missionary option” and his compassion for those struggling with difficulties with the “holy, faithful people.”

It is perhaps noteworthy that the laxist morality of obligation interpretation of Francis seems to have significant popularity among elites and specifically elites formed by advanced Western capitalist cultures and educational institutions. This is not because such elites do not have real and humbling struggles in their lives. (As with all of Francis’s insightful contrasts, when they are pushed to absolutism rather than to personal examination, they run into the danger of caricature.) Bergoglio’s own example suggests that he is far less interested in invitations to “accompany” people he perceives as already comfortable and powerful in the world’s eyes and crucially for whom a certain kind of relationship with the Church is a way to gain status or sanction for their own personal lives and political projects.

Pinckaers’s specifications of “spiritual nature” and implicit trust in God’s promises provides a real help here because one of the ways to move from caricatures to serious engagement is to ask hard questions.
about the extent to which some Francis admirers have, *unlike* Francis’s “holy, faithful people,” abandoned natural inclinations and/or the idea of a trust in divine action to fulfill promises. Instead, perhaps they are, to use the language of *Lumen Gentium*, no. 16, more “caught up in futile reasoning.” For example, on certain vexed questions in sexual ethics, the point should be pressed: *is* there truth about the good in their ideas? What are they yearning for? At the end of the day, are some people simply looking for the Church to stop being a barrier to a freedom that is ultimately aimed solely at themselves? This sort of elite reform driven by the priorities of secular social movements would be, on Francis’s own terms, just as much of a “spiritual worldliness” as would be displayed by the autocratic, self-satisfied, neo-Pelagian doctor of the law whose law-observance was ultimately directed to the self.\(^{36}\)

The upshot of my attempted harmonization is that those worried about Francis’s papacy (or some aspects of it) ought not to be trapped into acting like the stereotypical doctor of the law. Rather, they should appropriate Pinckaers’s insight about the crucial role of the natural inclinations in establishing our spiritual nature. This insight generates an understanding of the moral law that is not susceptible to the stereotype, or at least not susceptible to the spiritual dynamic of self-serving-ness against which Francis is constantly battling. In other words, those who resist Francis from a perspective that is ultimately legalistic end up strengthening precisely the people they oppose. This battle obscures the real work of the Spirit in Francis’s papacy.

Thus, the essay begins and ends with the basic recognition, so present in both Francis and Pinckaers, that an excessive emphasis on law in moral theology is harmful precisely because it moves the focus away from a hopeful (and true!) perspective about God’s interior activity in the lives of all persons. Yes, such a claim about God’s interior activity always threatens to become a sanction of anything. This is why we need both Pinckaers’s careful delineation of the Spirit’s work in us, as well as Bergoglio’s/ Francis’s penetrating interrogations of the dynamics of become “self-sufficient” and “closed off” to God, both in ourselves and in others. *Rightly understood*, such a synthesizing supports both Pinckaers’s rich project in moral theology — to combat a morality of obligation with a rich spirituality-based understanding of morality — and Francis’s major emphasis as pope — to develop the

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\(^{36}\) It is in the context of this missionary option that he suggests that the Church must concentrate on “the essentials” in the faith, rather than offering “a disjointed transmission of a multitude of doctrines” (*Evangelii Gaudium*, no. 35). While he does not reject any doctrines, doctrines must be understood in the context of the faith more broadly conceived — and that they often will not be understood otherwise. He insists, with his characteristic exclamation mark, “Under no circumstance can this invitation be obscured!” (*Evangelii Gaudium*, no. 39). It is true that there are legitimate questions here about what constitute “the essentials.”
properly-compassionate form of the universal call to holiness. Moreover, it provides an alternative to a rigorist/laxist framing of debate which seems far from the real aim of both men: growth in holiness which is, according to Francis, a “constant battle” to “withstand the temptations of the devil” because “God asks everything of us, yet he also gives everything to us. He does not want to enter our lives to cripple or diminish them, but to bring them to fulfilment” (Gaudete et Exsultate, no. 158, no. 175). Fr. Pinckaers would surely agree.\textsuperscript{37}
Irregular Unions and Moral Growth in *Amoris Laetitia*

David Elliot

Following two synods on the family, in 2016 Pope Francis issued his apostolic exhortation *Amoris Laetitia*. Its reflections on the role of love in marriage, the education of children, challenges to the family, marriage preparation, and the tasks of accompaniment have won plentiful admirers, including many non-Catholics. Official papal documents on marriage, sexuality, and the family are rarely popular, but *Amoris Laetitia* defied public perceptions of Church teaching, and its stress on mercy reached many people who felt alienated. At the same time, the more innovative parts of the document gave rise to a very public and ill-tempered debate at all levels of the Church. Central to it is the question of whether civilly divorced and remarried Catholics in “irregular unions” may in some cases be readmitted to the Eucharist without having their situation regularized (no. 78). This struck many as a petty debate over an obscure taboo, but since the Church teaches that marriage is indissoluble, the presumption is that such couples are married to someone else, putting a further sexual relationship in conflict with well-known precepts. Moreover, the sheer level of disagreement suggests that this is also proxy debate for wider divisions in the Church over sexuality, marriage, and the family which run very deep.

The overall goal of *Amoris Laetitia*, chapter 8, is to integrate Catholics in irregular unions into the life of the Church. To use convenient scholastic terms, integration is “the end,” the final cause, or the *telos*, of the chapter. *Amoris Laetitia* suggests two aspects to this. The first is outreach aiming at “mercy and reinstatement” (no. 296) in which people are welcomed, accompanied, and integrated. The second is a path of “gradualism” pointing to a “more perfect response” (no. 300) to the marriage ideal from which irregular unions derogate. *Amoris Laetitia* puts the matter delicately, but in light of the sixth commandment and indissolubility, this ultimately points to the commitment to abstain from sexual intimacy outside valid sacramental marriage. Very

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1 I am grateful to David Lantigua, Tim O’Malley, John Grabowski, and Tom Angier for helpful comments and suggestions they made to me when discussing this topic.
roughly, we might call the first aspect of the end the “proximate,” and the second, the “ultimate” end of accompaniment and integration. By contrast, the Eucharist question is literally a footnote in a broader discussion about “the means” or resources of accompaniment. It remains a vitally important question, but that does not require us to put discussion of the end into cold storage.

This paper brackets the Eucharist controversy and focuses on the end of accompaniment and integration, in particular, on its neglected final or “ultimate” form. If we think of accompaniment as going along or in company with someone, the obvious question is: where are we going? Without a sense of direction, we will just be discussing the best route to nowhere in particular, which is precisely where many critics believe *Amoris Laetitia*, chapter 8, ends up. I dispute this view and show that Pope Francis makes a positive case for gradual but full conformity with the marriage “ideal” (no. 303), and then consider his innovative way of trying to encourage this choice.

To address this topic, I examine *Amoris Laetitia*, chapter 8, and connect it to passages concerning moral growth in *Amoris Laetitia*, ch. 4, and more broadly in the work of Pope Francis. Although I will make a number of comments and observations, this paper is primarily descriptive rather than evaluative. At relevant points, I will draw upon St. Thomas Aquinas, encouraged by the pope’s claim that *Amoris Laetitia* is a “Thomistic” document. I will also draw on the work of Servais Pinckaers, O.P., suggesting that his distinction between “morali- ties of obligation” and “moralties of happiness” helps to shed light on what the pope is doing in *Amoris Laetitia* and why his position has been misunderstood.

The first section discusses the pope’s proposals in detail. Chapter 8 affirms that “any breach of the marriage bond” is contrary to God’s will but adds that mitigating factors may impede voluntariness and diminish culpability. Rather than giving up on “the weakest of her children,” the Church should accompany them through parish integration and pastoral outreach. At the same time, Pope Francis speaks of irregular unions themselves—even for those being accompanied—in unbelievably gloomy terms: as “against the will of God” (no. 291), “weakness” (no. 296), the “midst of a storm,” “troubled love,” “having lost their way” (no. 291), “darkness” (no. 294), and so forth. This hardly implies that irregular unions are meant to persist indefinitely, and I suggest that the contrary view would cast doubt on the universal call to holiness, itself a defining legacy of Vatican II. Pope Francis makes that legacy a priority, and this animates his call for a “fuller response”

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(no. 291) in which individuals “advance gradually” (no. 295) toward “the full reality of marriage… in conformity with the Gospel” (no. 295).

The second section addresses critics who say that the pope gives no reason for why anyone would choose to do this. They point to his shift from a “commandment” against adultery that one should obey to an “ideal” of marital fidelity toward which one should be “open” (no. 303). They urge that this ideal is an ersatz concept with no obligatory force and little power to attract. Moreover, since the commandments share the same source and authority, this could be taken to set a dangerous precedent, with invested parties treating as “merely an ideal” whichever Church teachings they find disobliging, from a just wage to care for the environment.

I suggest that the pope’s commandment/ideal shift has a completely different purpose. The critics’ mistake is captured in Servais Pinckaers’s phrase “moralities of obligation”: roughly, the view that law and obligation are the basic currency of moral life, making everything else an optional form of moral weight-lifting. Against this model, Pinckaers proposes a “morality of happiness,” itself the majority view of the Greeks, Romans, and high medievals, which made the virtues and happiness central. It has ample room for obligations, but no less important are what we might call “aspirational” parts of the moral repertoire, for instance, the beatitudes and the Sermon on the Mount, paraclesis or apostolic exhortation, the role of narratives, examples, mimesis, spirituality, and so forth. I suggest that Pope Francis’s model of growth and shift to a marriage “ideal” is best understood in this aspirational way, within a morality of happiness approach, whereas critics have misplaced him within a morality of obligation (of the “laxist” variety).

The final section examines how Pope Francis thinks we should encourage the commitment to growth. He suggests that many in “irregular situations” may “know full well the rule yet have great difficulty in understanding ‘its inherent values’” (no. 301). Instead of sternly reiterating the norm to those who do not yet grasp its point, whose culpability is mitigated and whose agency is shaky, he proposes conveying the good or ideal behind the norm in attractive terms that foster appreciation and encourage a response.


4 This might appear to reverse the Thomistic model of growth, in which we observe the commandments before appreciating them. But I suggest that the pope has in mind anomalous cases that can be made to fit the Thomistic model.
Evoking Christ’s own example, he calls for a “new language of parables” and suggests a major role for communicating the moral ideal indirectly: not through bare assertions or imperatives, but through “images,” “examples” (no. 267), “attractive testimonies,” “symbols, actions and stories,” which may “win them over by their sheer beauty” (no. 288). By these, someone may be “moved and drawn” to the ideal “in a personal way from within” (Amoris Laetitia, no. 267). Reason and the will are not submerged in this process, but augmented by imaginative and affective means. Rather than being frivolous, I suggest that examination reveals the moral seriousness of this approach, which has important antecedents in Plato, Aristotle, and the Gospels themselves.

Particularly for those lacking formation, Pope Francis incentivizes moral growth through hortatory, narrative, dramatic, mimetic, and aesthetic means, and he suggests that our existing modes of teaching, catechesis, homilies, and persuasion should be deeply shaped by them. Amoris Laetitia itself tries to do this. More broadly, Christian marriage, chastity, sexual penitence, and holiness find potent representations in Scripture, the lives of the saints, the liturgy, sacred music, literature, and the visual arts. Such resources depict the norm or ideal “from the inside,” drawing the skeptical or reluctant person into a fuller vision of the good it represents and fostering commitment to it. Though novel in how he thinks “the weak” should be encouraged toward the marriage ideal, Pope Francis does not see adherence to this ideal as an optional form of moral heroics, but as a necessity for their vocation to beatitude and holiness.

**Culpability and Gradualism**

The topic of irregular unions and moral growth comes to a focus in Amoris Laetitia, chapter 8. As the phrase suggests, “irregular union” refers to unions of a sexual or conjugal type which are “not according to the rule” (regula)—the rule in question being the sixth commandment against adultery as understood by the Church. Amoris Laetitia is not addressing what we would normally call “affairs” but remarriages, specifically cases where the parties are not canonically free to marry since at least one of them has a living spouse. As is well-known, the origins of this prohibition lie in the New Testament. In contrast to the Pharisees, who did allow some divorce and remarriage, Christ famously shocked his disciples by totally prohibiting this practice, which he equated with adultery (Matt 5:32). On this basis, Pope John

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5 I address related points about moral formation in my Hope and Christian Ethics (Cambridge, UK: Cambridge University Press, 2017), 86-103.

6 For instance, in the Sermon on the Mount we read: “If your right eye causes you to sin, pluck it out and throw it away; it is better that you lose one of your members than that your whole body be thrown into hell” (Matt 5:29-30). Divorce and remarriage
Paul II’s *Familiaris Consortio* taught that if a second civil marriage cannot be “regularized” through annulment and sacramental marriage, then the couple should either “satisfy the obligation to separate,” or, if children’s welfare is at stake, resolve “to live in complete continence… by abstinence from the acts proper to married couples” (no. 84). Pope Francis wished to revisit the issue, not just because of his focus on mercy—which Pope John Paul II also stressed—but due to his belief that secular inroads over the past decades have hollowed out the formation of Catholics on an unprecedented scale. His phrase for the Church, that it is a “field hospital,” is well-known. Fewer note what it suggests: that we inhabit a battlefield strewn with casualties.7

_Amoris Laetitia_, chapter 8 opens by affirming that “any breach of the marriage bond is against the will of God” but insists that “the Church must accompany” (no. 255) those whose lives do not “correspond to [Catholic] teaching on marriage” (no. 292). They show signs of “a wounded and troubled love,” and the Church’s task as a “field hospital” (no. 291) is to tend to rather than to abandon them. While the pope affirms that it is important to avoid scandal and makes clear that irregular unions are “not the ideal,” he insists that the accent mark fall on mercy. Such persons need to feel “not as excommunicated members of the Church, but instead as living members, able to live and grow” (no. 299). They are baptized; they are brothers and sisters; they should therefore “realize that they belong to the Church as the body of Christ” (no. 299), and their gifts should be incorporated into various forms of ministry.

Para-marriages?

What remains unclear is how the persisting breach with indissolubility and the sixth commandment—which, after all, does not simply go away—is to be addressed within the context of accompaniment.

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The question is not whether a delicate sense of discretion requires addressing an uncomfortable topic at the right time and in the right way. So much, one hopes, is obvious. The question is about what, exactly, is to be addressed when the proper time arrives. Is irregularity to be regarded essentially as a “past tense problem,” spoken of in terms of gentle regret and mild reproof, perhaps, but with no serious need eventually to overcome it? Or does it remain a “present tense problem” in some yet to be defined way? (Below I explain why this is not a question of “discernment,” whose importance lies elsewhere.)

The first approach would likely treat the tension between doctrine and practice in many cases as largely “technical.” Presumably after a period of discernment, pastoral counsel, and heartfelt remorse for past mistakes, many irregular unions would be treated as second marriages in all but name: as what we might call “para-marriages.” Motivated by obvious compassion, such an approach would help to integrate countless couples back into the Church without requiring a painful disruption of new family arrangements.

Much could be said in support of this solution which so many people would understandably embrace with relief. At the same time, it avoids the real question posed by indissolubility. If marriage is indissoluble and it comes with an obligation to sexual fidelity, then the duty of fidelity to one’s presumed-if-estranged spouse is present and operative even amid a second civil union. The moral tension does not just lie with a past divorce which may now be mercifully forgiven. As Amoris Laetitia notes (see, for instance, nos. 214 and 242), indissolubility means that any further sexual relationship outside of one’s marriage is an ongoing breach of a duty of fidelity to someone else. The only way seriously to doubt this is either to suggest that marriage does not require sexual fidelity or that it is not indissoluble. Both, with their subtext of “evolving beyond Jesus,” are firmly rejected by Pope Francis.

Mitigating Factors

At the same time, Pope Francis insists that those in irregular unions not be treated as morally abhorrent, and he denies that they are necessarily in mortal sin. He writes: “One thing must always be taken into account, lest anyone think that the demands of the Gospel are in any way being compromised. The Church possesses a solid body of reflection concerning mitigating factors and situations” (no. 301). He cites with approval Pope John Paul II’s critique of fundamental option theory (footnote 344), and adverts to the Catechism of the Catholic Church (nos. 301-302), which summarizes Church teaching on mitigating factors to the effect that mortal sin is only possible if grave

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matter, full knowledge, and deliberate consent are all present in an action (Catechism, nos. 1854-1864).

Although irregular unions involve “grave matter” if they involve sexual intimacy, the pope notes that full knowledge or deliberate consent may be lacking. A couple may not have known that their second civil marriage was “irregular” when they got married, perhaps due to ignorance of Church teaching. Such knowledge can readily be supplied, but the issue of deliberate consent is more complex. Voluntariness may be diminished, as the Catechism notes, by “duress, fear, habit” and “other psychological or social factors” (no. 1735; cited at Amoris Laetitia, no. 302).9 Such factors are commonplace to some extent, but they modify culpability if they are severe enough to impede voluntariness. (This point is analogously recognized in criminal law in the limits placed around the so-called “insanity defense”).10

Such considerations might excuse one for errors in the past, but could they permit the intention to indulge what is, strictly speaking, extramarital intimacy in the future? The latter view has raised considerable alarm, since the Church has always taught that a “purpose of amendment” is necessary for forgiveness (Vademecum for Confessors, no. 4), a fact which the possibility of future relapse does not preclude (Vademecum, no. 11). The same point is found in everyday conventions of apology and forgiveness. If I do not wish I had done otherwise than I did, and I do not intend to do otherwise in future, then I am not taking responsibility for my actions at all. (Claudius in Hamlet had the honesty to admit that this is what he was doing.) This suggests the need for forming the intention, at least, of avoiding grave acts, and therefore the effort to abstain from sexual intimacy in irregular unions going forward (see, for instance, Amoris Laetitia, footnote 364).

Accepting this general point, some argue that a legitimate purpose of amendment might take the form of a sincere desire to change, coupled with the impossibility of actually trying to do so.11 There has been

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9 This passage represents the Church’s 20th century shift from the “age of reason” as a 100% on/off imputability switch to a more nuanced sense of the concept as moral “maturity,” which can be lacking enough to diminish voluntariness. See John S. Grabowski, Sex and Virtue: An Introduction to Sexual Ethics (Washington, DC: The Catholic University of America Press, 2003), 89-93.

10 Pope Francis insisted very strongly on this qualification in making a related point elsewhere: “A lack of formation in the faith and error with respect to the unity, indissolubility, and sacramental dignity of marriage invalidate marital consent only if they influence the person’s will (cf. CIC c. 1099). It is for this reason that errors regarding the sacramentality of marriage must be evaluated very attentively.” See “Address of His Holiness Pope Francis to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year,” January 22, 2016, w2.vatican.va/content/francesco/en/speeches/2016/january/documents/papa-francesco_20160122_anno-giudiziario-rolta-romana.html.

11 In terms of action theory, this point is confused. The “purpose” in “purpose of amendment” implies the intention to amend, not just the wish that one might amend
a lively debate over what might make for these conditions, with representative scenarios put forth by philosopher Rocco Buttiglione, a confidant of Pope John Paul II, and Cardinal Coccopalmerio, president of the Pontifical Council for Legislative Texts. The first case is a situation of duress, such as when a woman has a spiritual awakening and wishes to live as “brother and sister” with her civil spouse, but he is so uncooperative as to hold her hostage in some way, perhaps by taking out his frustration through abusing the children or threatening to leave the family destitute. This might constitute duress and extenuate culpability; but as an appalling situation of exploitation, abuse, and mental instability, it is less a long-term pastoral solution than a tragedy of victims in need of rescue.

The second case regards malformation of agency, such as when someone wishes on some level to follow the norm but judges that they cannot manage it or that their civil partner cannot. It is further suggested that the children for whom they are staying together are harmed by the resulting domestic tensions, pushing their distress to the breaking point and diminishing voluntariness. The Catechism passage appealed to here for support refers to “affective immaturity, force of acquired habit, conditions of anxiety or other psychological or social factors that lessen or even extenuate moral culpability” (Amoris Laetitia, no. 302). In the Catechism, this passage is used to extenuate culpability for adolescent masturbation while pointing out the need for moral growth so as to progressively overcome this behavior. In Amoris Laetitia, it likewise stresses the need to accompany people through without the intention of actually doing so. See Vademecum, no. 7; Reconciliatio et Paenitentia, no. 31. The relevant question is whether one might be excused for lacking a purpose of amendment due to impeded voluntariness.


13 Pentin, “Cardinal Coccopalmerio Explains His Positions.”

14 Buttiglione, “The Correctio?”

15 This claim raises questions about grace and the commandments which it notably fails to answer, in particular, the Church’s consistent teaching that “what God commands he makes possible by his grace” (Catechism, no. 2082). I return to this question below, when addressing Aquinas’s model of moral growth.

16 Although the scenario evokes sorrow and compassion, it is important to note that the situation as such does not exculpate (this would suggest that commandments cease to apply in difficult circumstances). Rather, what might exculpate is duress in response to the situation. Yet, that duress (not to be confused with stress or grief as such) is due to what the pope calls moral “weakness” or significant malformation, which is itself in need of healing.
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initial “mercy and reinstatement” followed by a gradual process of moral growth beyond an “objective situation of sin” (no. 305).

“Stages of Growth”
The fact that Pope Francis describes irregular unions in terms of sickness and waywardness hardly suggests that they are meant to persist indefinitely. His rhetoric pushes in the opposite direction: of a spiritual illness which the church as “field hospital” (no. 291) slowly seeks to mend. Irregular unions are, he says, “against the will of God” (no. 291). The moral state of “the weak” within them is described as “darkness” (no. 294), “frailty” (no. 325), “imperfection” (no. 296), “weakness” (no. 308), the “midst of a storm,” “troubled love” (no. 291), a “situation of sin” (no. 305), and so forth. The sheer number of such melancholy ascriptions is striking.

In keeping with this outlook, Pope Francis consistently says that while the Church must “treat the weak with compassion, avoiding aggravation or unduly harsh or hasty judgments” (no. 308), she “constantly holds up the call to perfection and asks for a fuller response to God” (no. 291) that accords with the Gospel “ideal.” This is not very astonishing. If culpability is mitigated due to the misfortune that one’s agency is impaired, presumably the long-term solution is to repair one’s agency, rather than avoid moral growth so as to retain mitigated status. The pope adds that the Church has “the duty to accompany [the divorced and remarried] in helping them to understand their situation according to the Church” (no. 300), and that “every effort should be made to encourage the development of an enlightened conscience” (no. 303). Those in irregular unions, for their part, require “love for the Church and her teaching” and a “sincere search for God’s will and a desire to make a more perfect response to it” (no. 300). This ultimately requires that one’s situation in life correspond to “the full reality” of Church teaching “in conformity with the Gospel” (no. 294).

The final end charted for irregular unions in Amoris Laetitia, chapter 8 is identical to that of Familiaris Consortio. Plainly, the pope does not see this growth occurring in the context of abrupt moral pushiness (“throwing stones at people’s lives,” no. 305), but rather via compassionate accompaniment (“advancing gradually,” no. 295). Indeed, “mitigating factors” may impair agency such that “without detracting from the Gospel ideal, there is a need to accompany with mercy and patience the eventual stages of personal growth” (no. 308). Amoris Laetitia refers to the path of “gradualism” as presented in Pope John Paul II’s Familiaris Consortio. This, he
David Elliot says, is not a “gradualness of the law” but the process by which someone comes to “fully carry out the objective demands of the law” after successive “stages of growth” (no. 295).

Many worry that talk of “gradualism” signals temporary permission to break the sixth commandment and therefore to perform what Veritatis Splendor called “intrinsically evil” acts (Veritatis Splendor, no. 56). This would jeopardize the category of exceptionless moral norms, without which Pope John Paul II powerfully argued that the nature of witness, the meaning of martyrdom, and the logic of the cross would themselves be “voided” (no. 84–94). Fortunately, this is not what Amoris Laetitia is doing. Mitigating factors may diminish responsibility, but this does not imply permission to break a norm, only provisional exculpation for failing to keep it.

Assessing mitigating factors with anything like rough accuracy is very complicated. The disturbed or unstable easily become scrupulous. Equally familiar is the temptation to rationalize, to conflate the difficult with the impossible. (“Humankind,” as T.S. Eliot remarked, “cannot bear very much reality.”) This is partly why Pope Francis stresses the need for discernment with an experienced pastor (no. 300). Though discernment is important in terms of culpability and ways forward (no. 305), there is no suggestion in Amoris Laetitia of needing to discern whether one should undertake this path of reform. The pope teaches that gradualness of growth is not just for a select few but incumbent upon all: “For the law is itself a gift of God which points out the way, a gift for everyone without exception; it can be followed with the help of grace, even though each human being advances gradually” (no. 295). To suggest “discerning” otherwise would cast doubt on

18 To illustrate the distinction with examples, we might say that all of the following are intrinsically wrong and prohibited by an exceptionless norm: (1) frightening fellow students during a final exam with loud shouts; (2) revealing to a genocidal regime the whereabouts of intended victims; (3) failing to pay a just wage as an employer, or subjecting workers to subhuman working conditions. But in case (1), suppose the student has a tic syndrome or other cognitive disability, liable to involuntary vocalizations; and in cases (2) and (3), suppose the agent is severely immature or under duress severe enough to diminish voluntariness. In such cases, the agent would be excused wholly or partly for derogating from the relevant norm, but this would not at all imply permission to violate that norm. Exculpation as distinct from permission implies that derogation from the norm remains wrong in itself, though impaired agency may exculpate a particular agent for such derogation to the extent, and for as long as, that incapacity obtains. See Aquinas on acts which are not deliberatus in ST I-II 88.6, and 88.2; as well as Reconciliatio et Paenitentia, no. 17; Catechism, no. 2352; and Augustine’s related discussion of suicide in The City of God, Book 1, Ch. 17.
19 See, for instance, Aquinas’ important discussion of “affected ignorance” (ignorantia affectata) in De Malo, q. 3, a. 8; ST I-II q. 11, a. 6.
whether one were called to the “stages of growth” (no. 303) required by one’s specific diagnosis of spiritual “weakness,” making it an open question whether one should grow in holiness at all, or at least in the way one specifically needs to. But this hardly sounds like a successful piece of deliberation.21

The Universal Call to Holiness

Those who judge that they should avoid necessary moral growth raise one set of questions. A very different set of questions would arise if a given model of moral theology endorsed that judgment. This would signal backsliding from Vatican II through discarding one of its defining features, the “universal call to holiness.”22 That consideration raises the stakes of the question considerably.

Robert Imbelli has described the universal call to holiness as the “golden thread” binding together the documents of Vatican II.23 As Lumen Gentium states:

The Lord Jesus, the divine Teacher and Model (magister et exemplar) of all perfection, preached holiness of life to each and every one of His disciples of every condition. He Himself stands as the author and consummator of this holiness of life: “Be you therefore perfect, even as your heavenly Father is perfect” (no. 40).

The faithful, we read, “must hold on to and complete (perficere) in their lives this holiness.” The document concludes: “Thus it is evident to everyone, that all the faithful of Christ of whatever rank or status, are called to the fullness of the Christian life and to the perfection of charity” (no. 40). Vatican II proposed that the call to holiness is universal in scope and extent—in that everyone, both clergy and laity, is called to full and perfect holiness. Noting the great difficulties and sacrifices this may involve, Pope Francis has repeatedly underscored these points, writing: “Let us listen once more to Jesus…. Let us allow his words to unsettle us, to challenge us and to demand a real change in the way we live. Otherwise, holiness will remain no more than an empty word” (Gaudete et Exsultate, no. 66; see also for more forceful articulation, nos. 174-175). Whatever else such holiness means, it

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21 The view that one might grow morally and spiritually in other areas of one’s life while avoiding growth in this area is true so far as it goes, but it is largely irrelevant to the present point. It would be rather like ignoring a diagnosis which urged a blood transfusion or kidney transplant as essential to one’s health by saying you would prefer to improve your health through dieting and exercise instead. See Pope Francis’s related comments in Gaudete et Exsultate, nos. 174-175.


23 Robert Imbelli, presentation to the Theology and Religious Studies Faculty at The Catholic University of America, August 2018.
surely cannot mean that some might be “called” to an enduring condition of spiritual and moral disrepair, to what Pope Francis in describing irregular unions calls a state of “weakness” and “darkness.”

Vatican II construed the call to holiness as universal not by defining holiness down, but by raising everyone up. A “two-tiered” Christian spirituality is therefore firmly ruled out. This is an important point in general, but it also has stakes in this particular controversy. It pushes against the view that full conformity to the marriage ideal might be for the extremely devout, perhaps, as those called to full holiness; but that the majority of “ordinary” believers cannot be expected to live out Gospel teaching, as though they were called to something less. Moreover, if certain pastors unwittingly implied this two-tiered model, the optics would be distinctly awful. It would recall the oldest forms of “clericalism” in which the laity were treated by the clergy as an inferior spiritual specimen, and even sorted by the clergy into a spiritual caste system of sorts. Pope Francis has specifically ruled out this view, and anything like it would be ruinous, undoing a signature legacy of Vatican II by effectively negating the universal call to holiness.

AN “ASPIRATIONAL” APPROACH TO THE MORAL LIFE

My argument that Amoris Laetitia, like Pope John Paul II’s Familiaris Consortio before it, urges the need for growth beyond irregular status does not mean that the exhortation just recapitulates Familiaris Consortio while placing greater stress on mercy. One major difference concerns the way that Pope Francis and Pope John Paul II characterize the moral norm which irregular unions contravene. Pope John Paul II follows Scripture and tradition in speaking of a “commandment” against adultery which God calls those in irregular unions to “observe” (Familiaris Consortio, nos. 20, 34). By contrast, Pope Francis consistently avoids this language, and instead speaks of an “ideal” of marriage toward which couples should be “open” (Amoris Laetitia, no. 303).

Merely an Ideal?

Why the apparent shift from a biblical commandment in which God addresses one personally to an abstract ideal which beckons like a Platonic form? Seen against the background of Christian tradition, the shift is so striking that some critics see it as a rupture. Commandments, they argue, yield clear obligations; the same cannot be said of ideals. These may be optimal, but equally, they are optional. E. Christian Bruegger argues that by turning “the command of Christ” into “merely an ideal,” pastors are being “called upon to propose the ideal;
but we mustn’t give the impression that the ideal is a concrete command of God for everyone.” “An ideal is only an ideal,” he remarks, and certainly phrases such as “ideally you should keep to the speed limit,” “ideally I will arrive on time,” or “in an ideal world” are usually deflationary: they identify a desired outcome while casting doubt on its likelihood. Such deliberations typically correspond to what Aquinas called the simplex voluntas, which falls short of actual intention; or to what Anscombe called the “idle wish.”

The broader problem then regards consistency and precedent in the moral life. The question becomes: if one commandment may be viewed as an optional “ideal,” what, in principle, is to prevent other commandments from being viewed the same way? Since the commandments derive from the same authority and share the same source, any partiality between them is arbitrary (James 2:10). The risk is that invested parties will treat as “merely an ideal” whichever commandments or Church teachings badly inconvenience them. Those who represent big business could say that a Church mandate of just wage and environmental responsibility are beautiful “ideals,” but that they cannot be “rigidly imposed” when they would make a business model uncompetitive, threatening the livelihoods of many. Lawyers and judges may soon be found who likewise see the Church’s teaching on the death penalty as “merely an ideal” that is not binding in “certain cases.” The danger is a moral race to the bottom across the ideological spectrum in an already divided Church, blunting our Christian witness and giving the general air of hypocrisy.

The Ideal as Priority

It would be hasty and misguided to view Pope Francis’s commandment/ideal shift in these deflationary terms. In the last section, I noted ways in which Amoris Laetitia resists being pulled in this direction. Chief among them is the pope’s stress on the need for growth as well as the universal call to holiness (in some ways the latter serves as a firewall against his tête noire of clericalism). The underlying assumption of the pope’s critics is that his commandment/ideal shift is


done precisely to relax the norm or to limit its scope. This assumption is manifestly false.

The official Latin text (which parallels the Italian here) of Amoris Laetitia employs the term exemplar, and the English version translates this as “ideal” (see nos. 303 and 308). But exemplar, unlike English “ideal,” is not a morally flaccid word. Exemplar indicates a model or plan that really is meant to be carried out and has serious action-guiding force. The point does not just hinge on matters of translation. The seriousness of “ideal” (exemplar) for Pope Francis is obvious when we consider how he actually uses the term. Far from limiting it to sexuality or other areas where he is supposedly lax, the pope frames many of his most urgent priorities as ideals. Amoris Laetitia itself speaks of “concern for migrants” and “the vulnerable” as an “ideal” (exemplar, Amoris Laetitia, no. 47), and presumably few would accuse Pope Francis of laxity on these subjects. He also describes Christ as the “ideal” (exemplar) for showing “the true meaning of mercy” (no. 64) as the Church should show it. Does any reader of Pope Francis think he frames mercy in terms of an “ideal” so as to weaken our commitment to it or somehow suggest that mercy is optional? Far from being deflationary, he uses “ideal” and related terms to frame major concerns of his pontificate.

Servais Pinckaers, O.P., and the “Morality of Happiness”

Critics of Pope Francis make a mistake captured by Servais Pinckaers’s phrase “morailties of obligation.” Pinckaers’s idea of this is complex, and since he ascribes it to figures ranging from Ockham to Kant, it admits of wide variation. But all such moralities share the view that “law” in some form is the essential token of moral life and assume that a moral consideration must take the form of an obligation if it is to carry much deliberative weight. Anything short of a commandment or obligation, it is thought, will merely have advisory force and look like an optional form of heroic virtue that most will simply ignore. This is more or less what critics think Pope Francis is up to in Amoris Laetitia, chapter 8.

If Pinckaers is right that “morailties of obligation” are the dominant ethical style of modern thought, it is no surprise that many uncritically read Amoris Laetitia, chapter 8 in this way. Pinckaers ascribes the
prevalence of such moralities partly to a late medieval model of the will that he calls the “freedom of indifference,” according to which the will is indifferent to the good, and happiness is extrinsic to morality.Granted this assumption, commandments and obligations will look like the only serious way to wrestle misguided agency in the right direction and therefore will have to do all the ethical heavy lifting. From this perspective, a mere “ideal” is morally trifling.

Against this model, Pinckaers proposes the “morality of happiness” approach which he retrieves from the classical, patristic, and high medieval periods, particularly figures from Aristotle to Cicero and Augustine to Aquinas. The shared assumption here is that the “starting point” for the moral life is happiness itself and that the virtues conduce to it, making happiness intrinsic to morality. Pinckaers says this accords with a “freedom for excellence” model which ascribes to humanity a natural inclination to the good and happy life that morality realizes and perfects.

As Pinckaers notes, a strict separation of moral theology from spirituality is on this view a mistake, since it excludes salient aspects of ethical life in favor of obligations alone. But no less important are what we might call “aspirational” categories of the moral life, such as the beatitudes and the Sermon on the Mount, paraclesis or apostolic exhortation, the role of narratives, spirituality, beauty, mimesis, and so forth. The term “aspirational” should not be taken as weak or vague, but as identifying a characteristic way that ethical tasks look when a structural inclination to the good and the desire for happiness are presupposed. And while commandments or precepts remain active and crucial in this model, they need not do all the moral work.


Commandments, law, and obligations powerfully induce us to virtue and happiness (see, for instance, ST I-II q. 92, a. 1). What I call “aspirational” and “obligatory” moral aspects may supervene in practice, while differing in ratio (see below my discussion of the commandment “love thy neighbor” and the aspirational approach to the same in the Good Samaritan parable). I would emphasize this obligatory/aspirational connection more strongly than Pinckaers appears to, but that is a separate discussion. See Craig Steven Titus, “Servais Pinckaers and the Renewal of Catholic Moral Theology,” *Journal of Moral Theology* 1, no. 1 (2012): 59-67.

Something may be urgently necessary to an agent without this strictly requiring that they be directed to it by means of a command or obligation, and this may be true even when agents in general are well-directed to that necessity by means of a command or obligation as well as by aspirational means. The difference is that a particular agent
goods which are not characterized as obligations may still be entirely necessary, and it would be ridiculous to toss these into one large dust-bin marked “optional.”

My claim at this point is that Pope Francis is best read as representing what Pinckaers called a “morality of happiness.” Critics, by contrast, have misplaced him within a “morality of obligation”—but without the obligation—and this may help to explain their moral panic. Of course, the direct influence of Pinckaers on Pope Francis may be slight or even non-existent, but that is of little relevance; what matters is that the pope has fastened onto neglected themes which Pinckaers urged Christian ethics to take up. I particularly want to stress the key role which Pinckaers assigned to concepts like paraclesis, exemplars, beauty, narratives, affect, and our attraction to the good, and suggest that Pope Francis’s model of growth and the marriage “ideal” should be understood in this aspirational way.

Motivating Moral Growth

This account obviously needs to be filled in. A good place to begin is Pope Francis’s statement, concerning those in irregular unions, that they may experience a degree of anxiety or duress that alters our approach: for instance, a paramedic or firefighter may want to direct people to something urgent or life-saving while realizing that they are gripped by such weakness or fear that simply commanding them might make them freeze up. In that case, a very gentle, soothing, encouraging approach is perfectly compatible with the belief that it is vitally important for them to follow instructions. This is broadly Pope Francis’ approach to irregular unions and moral growth with respect to “the weak.”

38 As R.G. Collingwood said, making a related point about category errors: “In ethics, a Greek word like dei cannot be legitimately translated by using the word ‘ought,’ if that word carries with it the notion of what is sometimes called ‘moral obligation.’ Was there any Greek word or phrase to express that notion?... How did they (the realists) know that the Greek and Kantian theories were about the same thing? Oh, because dei... is the Greek for ‘ought.’ It was like having a nightmare about a man who had got it into his head that trieres was the Greek for ‘steamer.’” See R. G. Collingwood, An Autobiography (Read Books Ltd., 2014), 63, and Peter Geach, “Good and Evil,” Analysis 17, no. 2 (1956): 33–42.

39 See, for example, Amoris Laetitia, nos. 265-267 and below.

40 Besides what I have already noted, the pope in common with Pinckaers views happiness as central to ethics, places an unusual degree of stress on “joy” in the Christian life, and sees moral growth as enhancing rather than limiting freedom (Amoris Laetitia, no. 267). And whereas “moralties of obligation” notoriously ignore or downplay the beatitudes and Sermon on the Mount, the pope shares with Pinckaers the uncommon belief that they are “the beating heart of the Gospel” (Gaudate et Exsultate, no. 81). On the Sermon generally, see the deeply important work of William C. Mattison III, The Sermon on the Mount and Moral Theology: A Virtue Perspective (New York: Cambridge University Press, 2017).

41 Throughout Amoris Laetitia the pope describes the marriage “ideal” (exemplar) in aspirational terms, as “God’s plan in all its grandeur” (no. 307), a “gift” rather than an imposition (no. 295), a “fountain of objective inspiration” (fons inspirationis, 305), and so forth.
“More is involved here than mere ignorance of the norm. A subject may know full well the norm yet have great difficulty in understanding ‘its inherent values’” (Amoris Laetitia, no. 301). As noted earlier, the pope has in mind those whose culpability is mitigated owing to a breakdown of agency and lack of full voluntariness, and this makes their situation precarious. He believes that in such circumstances, “imposing straightaway a set of rules” may “only lead people to feel judged and abandoned by the very Mother called to show them God’s mercy” (Amoris Laetitia, no. 49). As he says elsewhere, people need to “learn for themselves the importance of certain values, principles and norms” (no. 264) so that they:

Arrive at the point where the good that the intellect grasps can take root in us as a profound affective inclination, as a thirst for the good that outweighs other attractions and helps us to realize that what we consider objectively good is also good “for us here and now” (no. 265).

But this leaves unexplained how agents might come to appreciate the “intrinsic values” of a norm or “objective ideal” they currently find alienating. Since a “fuller response” to that ideal may involve painful disruption, this raises the question of what could conceivably motivate that response.

Historically, identifying sources for such motivation has not been a mysterious venture. Even when people did not view the commandments with “profound affective inclination” (or anything like it), the Church taught that the commandments were nevertheless mandatory. In the New Testament and Christian tradition, believers are admonished to keep the commandments full stop, both because they safeguard essential goods, and out of awed reverence for divine authority set against a backdrop of eschatological judgment.42

42 The Gospels are laced with eschatological admonitions, many of which are forceful, and indeed, terrifying: from “fear not him who can destroy the body; rather, fear him who can destroy both soul and body in hell” (Matt 10:28) to “if your right eye causes you to sin, pluck it out and throw it away; it is better that you lose one of your members than that your whole body be thrown into hell” (Matt 5:29). See Daniel Castelo, “The Fear of the Lord as Theological Method,” in Journal of Theological Interpretation 2, no. 1 (2008): 146-160. Of course, admonitions may easily be abused to torment uneasy consciences, and from his almost daily warnings against rigidity, legalism, and “throwing stones,” Pope Francis plainly believes that such abuse is widespread. Some might reply that his treatment of law and eschatological judgment takes a tendentious or caricatured view of commandment and the moral law themselves, and that Christians should do a better job of banishing the shade of Marcion. The pope’s critiques, however, are not directed at the law itself, which he calls “a gift of God… for everyone without exception” (Amoris Laetitia, no. 295), and a “fountain of objective inspiration” (no. 305). Rather, they concern those who appropriate the law to personally condemn others.
This fits well with a Thomistic model of moral growth according to which “beginners” in the Christian life should trust in grace and try to keep the commandments from the outset rather than waiting until they feel so inclined. To vary St. Anselm’s phrase: I obey in order to understand. By increasingly doing the right thing, likely at first with gritted teeth and fevered brow, beginners may incrementally grind down the residue of past vice and grow in virtue. In the language of Amoris Laetitia, this would make the “intrinsic values” of the norm connatural with their own habits, and precisely this would allow them to “appreciate” the values of a norm which earlier they kept somewhat grudgingly. By worrying about whether those who do not “appreciate” the norm should observe it nonetheless, it may seem that Pope Francis turns this model on its head, or even threatens the belief that God gives sufficient grace to keep the commandments. But the truth is more nuanced.

The pope says those in irregular unions should be “open” (no. 303) to making a “fuller response” to the ideal, but then, there has to be some explanation for why anyone would want to respond to it. It is not enough to say that some may find the ideal action-guiding; there has to be some explanation of that fact itself. Otherwise any response to

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43 As Charles Taylor notes, people can “be told what not to do… before they can understand just what is wrong. We can get a sufficient grasp of the commandment: ‘thou shalt not kill’; or can obey the order ‘don’t talk like that to Grandad!’; before we can grasp articulations about the sanctity of life, or what it means to respect age.” Of course, understanding can, and should, duly follow. See Taylor, “A most peculiar institution,” in World, Mind, and Ethics: Essays on the Ethical Philosophy of Bernard Williams (Cambridge: Cambridge University Press, 1995), 141. See footnotes 36 and 45 for a qualification of this general point.


45 Pope Francis does not offer a rival model of moral growth to Aquinas’s; he implicitly accepts it (Amoris Laetitia, no. 267) while positing the case of persons who at present fall short of where that model begins. As noted earlier, those whom Pope Francis calls “the weak” are assumed to have mitigated culpability amid grave matter due to persistent moral, psychological, or other factors which compromise the possibility of “deliberate consent.” The closest thing to this in Aquinas’ taxonomy is not the category of “beginners,” but the seriously immature (ST I-II q. 89, a. 6) who are not yet “capable of discretion” (capax discretionis). This incapacity “hinders the use of reason” (prohibens usum rationis) and, at least during this phase of incapacity, “excuses someone from mortal sin” (excusat eum a peccato mortali) for failing to properly observe the commandments. Aquinas is talking about children, but see Grabowski, Sex and Virtue, 89-93, on how subsequent Church teaching applied this to the morally immature generally. This development tracks what Pope Francis means by “the weak,” “affective immaturity,” and so forth (Amoris Laetitia, no. 302). Such terms may seem deeply patronizing, yet it is precisely the pope’s diagnosis of spiritual malformation which accounts for his epistemic lenience in assessing mitigated culpability.
Irregular Unions and Moral Growth in Amoris Laetitia

the ideal will be inexplicable. Partly due to assumptions about weakened agency, Pope Francis refuses to exhort “the weak” in irregular unions toward moral growth through appeals to sheer divine authority, fear of divine judgment, and the like. Instead, he wants the Church to communicate the norm in aspirational rather than obligatory terms, stressing not the right but the good. The consequence is that the norm will only move the agent in terms which the pope accepts if the agent finds the norm appealing somehow. How might that be done, especially given the likely personal and familial costs of “regularizing” one’s situation?

THE VIA PULCHRITUDINIS

Pope Francis lays out his model of moral growth in Amoris Laetitia, chapter 4, and elsewhere in his corpus. Since Amoris Laetitia, chapter 8, does not emerge from mid-air, it is necessary to examine these sources, or we will have a truncated picture. Summarizing his overall model, the pope writes, “Moral education has to do with cultivating freedom through ideas, incentives, practical applications, stimuli, rewards, examples, models, symbols, reflections, encouragement,” and so forth. He lays particular stress on the power of “examples,” “images,” “beauty,” “testimonies,” “symbols, actions and stories” (Amoris Laetitia, no. 288) by which someone may be “moved and drawn in a personal way from within” (no. 267). This is, in fact, a very traditional Baroque Catholic and Jesuit approach to moral growth.

46 See, for instance, Amoris Laetitia, no. 267, and Gaudete et Exsultate, no. 174. Questions with this choice remain, particularly given Scriptural and liturgical precedent, as well as historical Christian usage. Perhaps what can be said about Pope Francis’s choice is that if there is a severe agency breakdown of the kind he has in mind (see above, and Amoris Laetitia, no. 302), presumably a very forceful approach would not motivate people at all, but startle them into a kind of agency paralysis or shell shock (see no. 49 on “dead stones… hurled at others”). However, when not addressing “the weak,” the pope sternly warns against complacency. “Those,” he writes, “who think they commit no grievous sins against God’s law, can fall into a state of dull lethargy. Since they see nothing serious to reproach themselves with, they fail to realize that their spiritual life has gradually turned lukewarm. They end up weakened and corrupted” (Gaudete et Exsultate, no. 164; see also no. 159). I provide a good word for “the gift of fear,” appropriately understood, in my Hope and Christian Ethics (Cambridge: Cambridge University Press, 2017), 131-138.

47 The text of the Acta Apostolicae Sedis reads: “Moralis institutio in libertate colenda insidet per proposita, rationes, definitos actus, incitamenta, praemia, exempla, exemplaria, signa, cogitationes, cohortationes.” Amoris Laetitia, no. 267 reads like a very succinct summary of what Pinckaers meant by “freedom for excellence” and “morality of happiness.”

48 Compare to Evangelii Gaudium, no. 157, which adds “images,” “sentiments,” and so forth.

49 See the perceptive study of Jennifer Herdt, Putting on Virtue: The Legacy of the Splendid Vices (Chicago: University of Chicago Press, 2012), 221-247. For centuries,
“Far from dealing with abstract truths or cold syllogisms” (Evangelii Gaudium, no. 142), he writes, which “appeal only to the mind” (no. 157), such means “help people better to appreciate and accept the message…. An attractive image makes the message seem familiar, close to home” (no. 157). This tracks his point about needing to appreciate the “inherent values” (Amoris Laetitia, no. 301) of a norm and suggests a way to foster this. He believes we must sidestep presumed “issues with authority and rules” that alienate people, and instead provide them “with attractive testimonies” and such that may “win them over by their sheer beauty” (Amoris Laetitia, no. 288, italics mine).

These remarks are not brisk, hand-wavy gestures but central to his whole approach. As past writers spoke of a via negativa or via positiva as basic paths to God, Pope Francis speaks of a via pulchritudinis (“way of beauty,” Evangelii Gaudium, no. 167). Having the power to break through religious indifference and dazed consumerism, he proposes the via pulchritudinis as the Church’s trump card for evangelization and formation in what he calls a “culture of the ephemeral” (Amoris Laetitia, no. 38). This approach, as he sees it, does not stop at passive contemplation but should “encourage the practice of good” (Evangelii Gaudium, no. 142), so that it becomes action-guiding and morally salient.

Is this at all plausible? It is far from clear that being captivated by beautiful or moving imagery tends to motivate some corresponding action. Lovers of Hamlet, for instance, show no observable tendency to feign madness, traffic with ghosts, or develop an avenging streak. Appreciation of the play is perfectly compatible with doing nothing about the experience. At the same time, Pinckaers has rightly stressed that aesthetic judgments are far more closely related to moral values than generally thought (an insight which, he says, moralities of obligation have helped to occlude). Many of our deepest priorities are fueled by evaluative judgments in which moral and aesthetic aspects

through forms of narrative, recitation, and theater, she notes that “Jesuit education aimed not simply at presenting the student with moral imperatives but at fostering in students an active emulation of moral ideals” (132). This might involve a certain “messiness” at first, but rather than extenuating vice, the goal was to encourage virtue through a “gradual process” of “engaging the affections” and “actively luring” (163) someone toward divine goodness. As with the admonitions of Scripture and the Thomistic model of growth, the end is to adhere to what the Gospel requires, but the means tend toward “a glide and not a leap” (135). The resemblance to Pope Francis’s way of addressing irregular unions is striking.

are entangled, and this is what the pope has in mind. “A successful image,” he writes, may not only “make people savor the message,” but “awaken a desire and move the will towards the Gospel” (Evangelii Gaudium, no. 157), making it an occasion of grace that invites real change. Before looking at particular ways this relates to irregular unions, the pope’s underlying assumption about the power of moral imagination requires a closer look to see how far his account can take us.

Moral Imagination

It is a commonplace that attitudes and values are powerfully shaped by the kind of stories, music, novels, poetry, art, dancing, television, advertisements, films, and online images which people consume. (The seductiveness of marketers, predation of pornographers, and protectiveness of parents, equally witness to this fact.) Following Plato, Aristotle notes that music, dancing, theater, and the arts “inspire enthusiasm” and that “when men hear imitations... their feelings move in sympathy” with what is represented. Generally, these representations involve states of “character” which engage our sympathy and invite our approval, making it important to our moral formation to “move with” or sympathize with the right things.

Aquinas fully approves of Aristotle’s account and borrows from it the point that “it is natural to man to be pleased with representations” (repraesentatio enim naturaliter homini delectabilis est), and that the less advanced someone is, the more they need to “attain intellectual truths through sensible objects,” such as stories, examples, and so forth (ST I q. 9). The existence of the poet, in fact, is morally important, since “his task is to lead us to something virtuous by some excellent representation.” Aquinas adds the crucial claim that a repraesentatio has the power to change our minds by getting past our habitual filters. We may “incline to one side” of a contested perspective “because of some (imaginative) representation.”

Echoing Aristotle’s point about “moving in sympathy,” Aquinas says that imagination may move the passions, and ultimately, the will itself (ST I-II q. 9, a. 1-2).

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51 Aristotle, Politics 8.1340a-b. For a discussion, see Roger Scruton, Music as an Art (London: Bloomsbury Continuum, 2018), 58-69.
52 “Et ad hoc ordinatur poetica; nam poetae est inducere ad aliquod virtuosum per aliquam decentem repraesentationem” (Commentary on the Posterior Analytics of Aristotle, Bk 1, Lecture 1). Dante is so taken with this point that the patients of his Purgatorio are rehabilitated primarily by rehearsing various stories and exempla of the virtues in tones of praise and aspiration. (They vary this treatment by reciting examples of the opposed vices in tones of disdain and contrition.) See Dante, Purgatorio, trans. Jean Hollander and Robert Hollander (New York: Anchor, 2004), xviii–xx.
53 Aquinas, Commentary on the Posterior Analytics, Bk 1, Lecture 1. A famous Biblical example is when the prophet Nathan, through his parable of the ewe lamb, indirectly got David to see and acknowledge the guilt of his adultery and murder (2 Samuel 12:1-9).
The point is not just the fairly obvious one that imaginative and aesthetic consumption impacts habituation, so that media, culture, and the arts have tremendous ethical force. It is rather that imagination through the passions may get around the existing bias of habits and attitudes so that we temporarily feel differently about a subject from how we are accustomed. Imagination may arouse feelings of joy, sadness, anger, hope, or love, creating a temporary dispositio which may differ in quality from the agent’s existing habits, and making something “seem good to a man” which “does not seem good” to him ordinarily (ST I-II q. 9, a. 2). This dispositio affects our perspective in a way that may incline the will itself in a new direction. This suggests a way that moral imagination might allow one to glimpse the “intrinsic values” of a norm in the absence of connaturality.

The result is not just emotional contagion or a psychological gimmick. Our reasoning is not put to sleep, and the will may resist these motions. Aquinas has, in fact, a complex account of how theoretical and practical reasoning engage imagination and affect. For my purposes, what matters is his view that “the beautiful is the same as the good” (pulchrum est idem bono): specifically, the beautiful is the good perceived as pleasing (ST I-II q. 27, a. 1). According to Aquinas, the moral good (honestas) may be perceived, not just as moral good, but also as “spiritual beauty” (pulchritudo spiritualis, ST II-II q. 145, a. 2): precisely what the good poet or artist, he says, should help us to do. If perceived in this way, the good/beautiful will appear to us as “an object of desire” and this may arouse a “wondrous love” (mirabiles amores) for goods toward which we had previously been unresponsive (ST II-II q. 145, a. 2). This is to “appreciate the inherent values” of a norm, or the good which the norm safeguards, and it may foster thoughts of commitment to what it represents, encouraging what Pope Francis calls a “fuller response” to the ideal.

We need only consider, for instance, the vast difference in power between being told that a merciful God forgives the contrite, and being shown the idea with supreme artistry and moral imagination in the Parable of the Prodigal Son. Or the difference between being commanded to “love your neighbor” and seeing the same point dramatically articulated in the Parable of the Good Samaritan. The latter episode is particularly helpful since Christ addresses someone who “knows full well” the commandment but lacks insight into its “intrinsic values.”

54 However, the will’s relation to the passions is not one of control but persuasion. The passions themselves are reasons-responsive, and so the will exercises a “monarchical” rather than “despotic” sovereignty over them. Yet the passions may inform the will and, so to speak, “answer back” to it (ST I q. 81, a. 3; I-II q. 9, a. 2, ad. 3; see also ST I-II q. 59, a. 2, ad. 3).
56 Aquinas, Commentary on the Posterior Analytics, Bk 1, Lecture 1.
It is not just that the image or story tricks our sympathies by presenting an oppressive commandment through a haze of false loveliness, as though it were a *melle gladium* (“honeyed sword”), to borrow St. Jerome’s phrase.\(^{57}\) Rather, the story explores the good which the commandment mandates but whose full appeal it fails to capture,\(^{58}\) throwing the admirable qualities of that good into bold relief in dramatically compelling ways, aiding self-knowledge by considering familiar obstacles and rationalizations, showing that what looked implausible can in fact be pulled off, and extending moral knowledge by probing aspects of the moral good we may not have considered, and yet may now find inspiring. If one is “open” to the ideal, to use the pope’s phrase, one may gradually or suddenly come to a dramatic recognition—what Aristotle calls *anagnorisis*—of seeing a truth that was right there all the time, but somehow hidden or disguised.\(^{59}\) As in T.S. Eliot’s line, “The end of all our exploring/ Will be to arrive where we started/ And know the place for the first time.”\(^{60}\) At its height (in a parable of Jesus, or the life of a great saint like Francis of Assisi, for instance), such representations invite us to enter into imaginative sympathy with states of mind connatural to the great moral exemplars, temporarily lifting our moral outlook beyond its habitual level, and allowing us to consider what it would be like to identify with such values and commitments in our lives rather evade them.\(^{61}\)

**The Marriage Ideal as Aspirational**

Pope Francis adopts this approach to foster moral insights in all areas of Christian life, using sources from the poetry of Jorge Luis Borges to films such as *Babette’s Feast*. These sources are eclectic, but it is clear that, for Pope Francis, Scripture and the lives of the saints occupy pride of place (see *Gaudete et Exsultate*, nos. 3-35, *Evangelii Gaudium*, nos. 149-153). *Amoris Laetitia* itself reflects on the marriage “ideal” in terms of the pope’s *via pulchritudinis*. Throughout the document, and particularly in chapters 3 and 4, he probes the full meaning and beauty of Christian marriage, meditating on the unbreakable union between Christ and the Church, his bride, and holding it up to the readers gaze as the transcendent source of indissolubility. The

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58 In other words, it fails to capture considered purely as an order or imperative. The richer sense of commandment as an expression of divine wisdom is not the sense of it that Pope Francis sees as ambivalent (see *Amoris Laetitia*, no. 305, and *Gaudete et Exsultate*, nos. 142, 161).  
61 For related points, see Walter Brueggemann, *The Prophetic Imagination* (Minneapolis: Fortress Press, 2001), 140-145.
cumulative effect is to present indissolubility not as an alienating norm (Amoris Laetitia, no. 134) but as the necessary safeguard which alone makes unconditional love possible, thereby freeing us for precisely what we were created (no. 123; see also 86). The stakes could hardly be higher, but he tries to show and not just tell these points, inviting readers to enter mentally and emotionally into this moral space through a wealth of examples, symbols, imagery, and stories. In effect, he is wooing readers into a deeper perception of the marriage “ideal” (exemplar) toward which they must grow—almost as with a meditation in St. Ignatius’s Spiritual Exercises, where one is guided into a scriptural “scene” so as to apply it personally to one’s life.62 Such approaches are of great value to all Christians. More to the present point, they may help “the weak” to see the “inherent values” (Amoris Laetitia, no. 301) of the marital norm, making a “fuller response” to it thinkable.

The historical resources of Catholic Christianity for fostering such recognitions are vast. The intermingled value of Christian marriage, chastity, sexual penitence, and holiness all find powerful representations in Scripture, the lives of the saints, the liturgy, visual arts, sacred music, literature, and so forth. A few examples would include Psalm 51, Ephesians 5, Matthew 19, St. Augustine’s Confessions, the lives of saints Lucy, Agnes, and Cecilia, the marriage liturgy, Fra Angelico’s Virgin Mary Annunciata, Rembrandt’s Bathsheba, Allegri’s Miserere, Wagner’s Parsifal, Mozart’s Don Giovanni, Shakespeare’s Measure for Measure, Milton’s Comus, Jane Austen’s Mansfield Park, Evelyn Waugh’s Brideshead Revisited, Graham Greene’s The End of the Affair, and so forth. There is here an embarrassment of riches which makes almost any particular example seem random, and the internet has made access to versions of these widespread. To the extent such aspirational resources are available to us but disregarded, we have buried a major talent in the napkin,63 one which the Church has historically used as a central resource, and which Pope Francis directs us to retrieve.64

At the same time, this overall approach cannot be limited to self-consciously elevated or artistic sources, important as these are. There must be more everyday means of getting the marriage ideal across in aspirational form, and the pope suggests doing so through spiritual reading, education, catechesis, homilies, personal encouragement, and

62 I am grateful to Tim O’Malley for first suggesting this point to me.
63 See the rewarding classic by the British art historian Kenneth Clark, Civilization (Harper and Row, 1970), 61-88.
so forth.\footnote{In addition to the above citations, see Evangelii Gaudium, nos. 132-167, which presents these everyday means as foundational concerns of his pontificate.} In effect, he proposes not new means, but a new way of going about existing means, so that catechesis, homilies, and the like are not just drily prosaic, but given hortatory, mimetic, and aesthetic power.\footnote{A very promising approach is to use Scripture, narratives, and the vast repertoire of the arts themselves within education, catechesis, homilies, and so forth. Bishop Robert Barron stands out for this approach, and tellingly cites Kenneth Clark as his “model and inspiration” for it: https://www.wordonfire.org/resources/article/kenneth-clark-and-the-danger-of-heroic-materialism/386/.} What this should look like is to an important extent a question for pastors, catechists, and others more directly involved in ministry.

\textit{The Ideal in the Context of Beatitude}

At the same time, it is important to see the norm with its values as a constituent within the good and happy life as a whole, centered around God and of supreme value. A generally shared insight of “moralties of happiness” is that while moral goods and virtuous acts are desirable for their own sake (\textit{kalon, honestas}), they are further and ultimately desirable for the sake of happiness or beatitude.\footnote{See, for example, Annas, \textit{The Morality of Happiness}, 123-124; J.L. Ackrill, “Aristotle on \textit{Eudaimonía},” in \textit{Essays on Aristotle’s “Ethics},” ed. Amelie Oksenberg Rorty (Berkeley: University of California Press, 1992); and Jean Porter, \textit{Nature as Reason: A Thomistic Theory of the Natural Law} (Grand Rapids: Wm. B. Eerdmans, 2005), 163-177.} It is therefore important to see the marriage ideal or norm in this overall context. The figure of Augustine is a helpful test case for illustrating this relationship, for several reasons. First, his own life as a saint is a lived exegesis, or canonical commentary, on what the call to holiness means. Second, he is the particular saint whom the pope relies upon to articulate his \textit{via pulchritudinis}, so that he is already worked into the pope’s approach. Lastly, he is Christianity’s great paradigm for a “fuller response” that goes beyond irregular sexual unions of one kind or another.

As is well-known, many factors over years of searching brought Augustine to the brink of conversion. But even when his intellectual doubts were resolved, “the chain of the desire of the flesh” held him back (\textit{Conf.} 8.6.13).\footnote{All translations from F.J. Sheed, \textit{The Confessions of Saint Augustine} (Indianapolis: Hackett: 1992). My narration substantially follows Herdt, \textit{Putting on Virtue}, 61-71.} He long knew of the sixth commandment but lacked the motivation to embrace continence. Unlike “the weak” of \textit{Amoris Laetitia}, chapter 8 in so many other ways, he was like them in feeling unable to act otherwise. Augustine was prayerfully “accompanied” by his mother St. Monica and others but, plainly, was not led to repent by being told to obey the sixth commandment in ever more
pushy tones. What leads him over the threshold, finally, is precisely what Pope Francis proposes: “examples,” “stories,” “testimonies,” and “beauty,” as occasions of grace.

At a certain point he hears the story of Victorinus, an important figure in Roman society who went from being a secret believer to boldly proclaiming Christ. Augustine was “on fire to imitate him” (Conf. 8.5.10, 134), yet still holds back. Still more impactful was the conversion story related by Ponticianus of an imperial official who, chancing across St. Athanasius’s Life of Anthony, “began to read it, marveled at it, was inflamed by it” (Conf. 8.6.15, 137). He imagines what it would be to live like St. Anthony, “imitating that beauty,” and in doing so falls in love with the ideal of holiness which the father of monks embodies. “If I should choose to become a friend of God,” he reflects, “I can become one now” (Conf. 8.6.15, 138).

In the famous garden scene, Augustine reproaches himself, wonders if he can become free, prays “let it be now, Lord, let it be now,” and then perceives the “austere beauty of Continence” personified as a celestial lady, disciplined, joyous, and serene. She “stretches forth loving hands to receive and embrace” him, pointing to the multitude of saints who having followed her, inviting Augustine to join their company: “Cast yourself upon Him and be not afraid… Cast yourself without fear, He will receive and heal you” (Conf. 8.11.27, 145). There follows the well-known tolle lege, tolle lege scene where Augustine imitates Anthony by hearing Scripture as a form of personal address, and, trusting to grace, fully commits himself to God and his commandments, giving rise to his own dramatic recognition: “Late have I loved You, O beauty ever-ancient, ever-new!” (Conf. 10.27.38).

It is not simply that Augustine imitated various saints and exemplars. As Jennifer Herdt notes, the conversion stories with their panoply of moving images served as “sources of inspiration, as occasions for God to reveal God’s supremely attractive beauty.” They are not just templates for imitation, but forms of encouragement to a new life, and “the site of the creation of desire for God.”

While Augustine’s hang-ups with the sixth commandment figure crucially in the story, it would be absurd to think that he embraced the new life just because someone managed “to make chastity look beautiful” to him. A serene and liberating aspect do show chastity to be positive in itself for Augustine. Despite expected struggles, chastity appears not just a drab negation but as something of moral and even

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69 He would doubtless grant that he should have obeyed the commandment all along, but he lacked the commitment to the overall good and holy life which would have led him to do so.

70 Herdt, Putting on Virtue, 67, 69.
sacred value. In Pope Francis’s terms, he has come to “appreciate the intrinsic values” of the norm, and this does not involve the self-deceived thought that the norm will be easy to follow. At the same time, chastity becomes action-guiding for Augustine not just because it looks beautiful, freeing, and pure in itself; rather, he sees these qualities as internal to the overall good and holy life toward which divine love and beauty draw him. The intrinsic values of the norm are situated in their larger context of a new life devoted to God, a life seen not as renouncing happiness, but as the key to finding it.

In that context, though the cost of sacrifice may still be high, the need for it is at least intelligible. In a fine synecdoche of what Pinckaers meant by “morality of happiness,” the pope articulates this very point, saying that:

Discernment is not about discovering what more we can get out of this life, but about recognizing how we can better accomplish the mission entrusted to us at our baptism. This entails a readiness to make sacrifices, even to sacrificing everything. For happiness is a paradox. We experience it most when we accept the mysterious logic that is not of this world: “This is our logic,” says Saint Bonaventure, pointing to the cross. Once we enter into this dynamic, we will not let our consciences be numbed and we will open ourselves generously to discernment.

When, in God’s presence, we examine our life’s journey, no areas can be off limits. In all aspects of life, we can continue to grow and offer something greater to God, even in those areas we find most difficult. We need, though, to ask the Holy Spirit to liberate us and to expel the fear that makes us ban him from certain parts of our lives. God asks everything of us, yet he also gives everything to us. He does not want to enter our lives to cripple or diminish them, but to bring them to fulfillment (Gaudete et Exsultate, nos. 174-175).

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71 In sharp contrast to theological kitsch of the Christopher West variety, this important point is also illustrated with considerable genius in Bernini’s The Ecstasy of St. Teresa and the inimitable faces of Fra Angelico’s female saints, to take just two examples.

72 Herdt, Putting on Virtue, 66-71. The example of Julia Flyte in Brideshead Revisited is also intriguing, because she is a recognizably modern person struggling with grace, who resolves with great pain to depart an “irregular union,” giving up “this one thing I want so much” in the refusal to “set up a rival good to God’s” (308). Because she is deeply in love, this could seem like the pointless sacrifice of her own happiness. But the success of the novel is to help the incredulous slowly see what she is gaining in a life of service to God, captured in the symbol of spiritual depth and peace with which the novel closes: “a small red flame – a beaten-copper lamp… relit before the beaten-copper doors of a tabernacle… burning anew.” See Evelyn Waugh, Brideshead Revisited (New York: Back Bay Books, 2012), 310-315.

73 Aquinas quotes Augustine (ST I-II q. 107, a. 4) to the effect that just as difficult tasks are less burdensome if done out of love for the beloved, so too the difficulty of keeping the commandments is lightened somewhat when done out of committed love for God.
As the phrases “once we accept the mysterious logic” and “once we enter this dynamic” suggest, we will only really see these points through internalizing and appreciating the “allure and savor” (*Amoris Laetitia*, no. 307) of the Gospel with its “demanding ideal” (no. 38), connecting the idea of sacrifice *with* the pursuit of happiness. While we may arrive at such knowledge by more abstract and formal means, this is easier for many to grasp initially in the form of “stories, examples, beauty,” and so forth.\(^7^4\)

**CONCLUSION**

Pope Francis worries that those in “irregular situations” may “know full well the norm, but not appreciate its inherent values” (*Amoris Laetitia*, no. 301) and to that extent be alienated from the Church. He particularly has in mind “the weak” whose culpability is mitigated owing to a breakdown of agency and lack of full voluntariness.\(^7^5\) Their situation is thus precarious: their links to the Church may be fragile, their moral and spiritual formation badly mauled. Moral pushiness, the pope says, may just come across to them as “throwing stones at [their] lives” (no. 305), possibly driving them from the Church, or plunging them into despair. He therefore insists upon a path of “mercy and reinstatement” (no. 296) by which they will be welcomed, accompanied, and integrated into the life of the Church. But the fact that he frames irregular unions as “darkness,” “troubled love,” “the midst of a storm” and so forth, proclaims the need for a deeper remedy, and this is borne out by his frequent appeal to the need for a “gradualism” which leads to eventual “conformity with the Gospel” (no. 294). In light of the sixth commandment and Christ’s teaching on indissolubility, he urges couples to seriously be “open” to new stages of growth (no. 303), and this ultimately points to a “regularized” situation. I have suggested that he regards this as an important necessity rather than just optional heroics.

But this raises the question of what might encourage someone to accept a hard saying they find vague, offensive, or even threatening. To get the message across, the pope says the Church should avoid cold didacticism, sheer commands, or implied threats, instead making a positive appeal through hortatory, narrative, mimetic, and aesthetic means (which Pinckaers also stressed the need for ethics to recover).

\(^{74}\) Aquinas himself makes a related point (about the “simple” or *rudes*) in ST I q. 9.

\(^{75}\) This qualification needs to be stressed, given the repeated warnings in the pope’s corpus about complacency and lack of vigilance. Concerning those whose agency is not compromised, and who simply wish to disregard Church teaching on marriage and indissolubility, he writes: “Such a person needs to listen once more to the Gospel message and its call to conversion” (*Amoris Laetitia*, no. 297). Yet he believes that a great many Catholics do suffer malformation severe enough to have their agency compromised, though this is an estimate of fact, not a statement of principle.
He lays particular emphasis on the power of examples, stories, symbols, images, and beauty to help “the weak… be moved and drawn in a personal way from within” (no. 267). As Christ did in the parables, the pope tries to reach the will through the back door, as it were; treading lightly around the suspicious intellect and appealing initially through imagination and the passions so that we are more apt to consider truths we may have a motive to deny.

*Amoris Laetitia* itself practices this approach, seeking to captivate or woo readers into the ideal through meditations on sexuality and indissolubility. More generally, Catholic Christianity possesses vast resources, from Scripture and the lives of the saints to the fine arts, for illustrating the “intrinsic values” of marriage, sexual penitence, chastity, and holiness. Such resources do not simply replace the usual means for encouraging moral growth, such as catechesis, homilies, pastoral counsel, and so forth. Part of Pope Francis’s point is that *these practices* themselves need to take on a more aspirational approach, and so at the beginning of his pontificate he called upon pastors and the Church to develop “a new language of parables” (*Evangelii Gaudium*, no. 167)

While *Amoris Laetitia*, chapter 8, raises many questions whose answer is not always obvious, its overall shift in approach, from obligation to aspiration, from commandment to ideal, is not done to deflate the norm, but to provide what the pope thinks a better way to help “the weak” get to where the norm would have taken them in any case. Pope Francis does this in ways that barely register in what Pinckaers calls moralities of obligation but which are central to a morality of happiness and what I have called its “aspirational” sources. That approach seeks to evoke the good which the norm requires but whose full appeal it fails to capture, so that the law may be appreciated as a “fountain of inspiration” (*Amoris Laetitia*, no. 305) calling forth a “fuller response” to the path of holiness which is also, and crucially, the path of happiness.

James W. Stroud

SERVAIS PINCKAERS MAKES THE CLAIM that “it seems that in his study of the gifts of the Holy Spirit, St. Thomas reaches the apex of his theological reflection and of his effort to account for the best of Christian experience in the light of scripture and tradition.”1 One of the central features of St. Thomas’s doctrine of the gifts in the Summa theologiae is his use of the term *instinctus* when speaking of the gifts of the Holy Spirit, and this is a significant development in St. Thomas’s doctrine of the gifts. This development shows St. Thomas’s awareness of the tradition concerning the divine initiative in human action as well as a reconnection to the scriptural roots of the gifts since he describes, in the Summa theologiae, the gifts as “spirits” in reference to Isaiah 11:2-3.

In order to underscore the significance of *instinctus* in St. Thomas’s mature doctrine of the gifts, I examine his usage of *instinctus* in relation to the gifts of the Holy Spirit by comparing the role of *instinctus* in his doctrine of the gifts in his earlier Scriptum super Sententias to his doctrine of the gifts in his later Summa theologiae. This aforementioned examination of his usage of *instinctus* reveals a noteworthy development of his doctrine of the gifts. Then, I treat his use of *instinctus* in other works that concern the issue of Semi-Pelagianism in conjunction with the issues of the preparation for justification. This treatment reveals St. Thomas’s development on the preparation for justification involving the motion of God. Finally, I connect this development to his mature teaching in the Summa theologiae on the gifts of the Spirit. This will confirm the finding that the increased use of the term *instinctus* in the Summa indicates that St. Thomas significantly developed his teaching on the gifts of the Holy Spirit during the course of his life.

Instinctus and the Gifts of the Holy Spirit

In this section, I observe St. Thomas’s handling of instinctus in relation to the gifts of the Holy Spirit in two works, the Scriptum super Sententiis and the Summa theologiae. I argue that St. Thomas changes his doctrine of the gifts with specific reference to instinctus and the motion of God as central to his later doctrine of the gifts in the Summa. To unfold this argument, I first look at the use of instinctus in the Scriptum super Sententiis along with a brief summary of St. Thomas’s doctrine of the gifts in this earlier treatment. This is to show how instinctus does not play a significant role in his doctrine of the gifts. Next, I briefly develop St. Thomas’s account of the gifts in the Summa theologiae with a detailed examination of his usage of instinctus in relation to the gifts. This second part shows that St. Thomas significantly alters his doctrine of the gifts of the Holy Spirit through the use of instinctus.

According to the Index Thomisticus, St. Thomas refers to the instinctus of the Holy Spirit five times in articles in his Scriptum super Sententiis. Three of these instances are pertinent for this survey.2 The first instance occurs in the article asking whether counsel is a gift. In his reply, St. Thomas contrasts human counsel with the counsel from God. Since human counsel does not give certitude, the human person needs divine counsel to arrive at certitude of the things to be done (or not done) for a certain end. Toward the end of the article, he writes, “And therefore it is necessary that for this certainty the mind is to be elevated above the human mode by the instinct of the Holy Spirit: for those who are led by the Spirit of God are the sons of God (Rom. 8, 14)” (III Sent. D. 35, q. 2, a. 4, qc. 1, co.).3 Notable in this instance is St. Thomas’s reference to “above the human mode” in conjunction with the instinctus of the Holy Spirit because this is the way St. Thomas has characterized the work of the gifts in his earlier work prior to the Summa theologiae.

The second and third instances concern the counsel and instinct of the Holy Spirit in the article asking whether lies are sins (III Sent. d. 38 q. 1, a. 3, obj. 1 and ad. 1).4 In the first argument of article three, St. Thomas raises the objection that not all lies are sins since “[f]or no sin is done by the prompting [instinctu] of the Holy Spirit” (III Sent.

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2 For the two other references concerning the Eucharist and the priest celebrating the Eucharist, see IV Sent. d. 11, q. 2, a. 2, qc. 3, co. and d. 13, q. 1, a. 2, qc. 1, co.
3 All of the Scriptum super Sententiis III translations are my own unless otherwise noted. “Et ideo oportet quod ad hanc certitudinem mens elevetur supra humanum modum instinctu spiritus sancti: qui enim spiritu Dei aguntur, hi filii Dei sunt, Rom. 8, 14....”
4 I should add that instinctus in other forms such as divine instinct or interior instinct do not make any appearances in St. Thomas’s treatment of the gifts in any works prior to the Summa theologiae.
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d. 38 q. 1, a. 3, obj. 1). Then he refers to the example of Genesis 27 in which Jacob, at the urging of his mother, lies to his father Isaac to obtain the firstborn blessing instead of his older brother Esau. The objection characterizes the lie of Jacob as being done due to the counsel of the Holy Spirit. In his reply to this first argument, St. Thomas notes that the example of Jacob is not a case of lying since God ordained this for Jacob, and accordingly the Holy Spirit guided Jacob “by understanding and instinct” (III Sent. d. 38 q. 1, a. 3, ad. 1). All three instances of the language of the instinctus of the Holy Spirit in the Scriptum super Sententiis coalesce around the theme of counsel. It does not apply more broadly to any of the other gifts of the Holy Spirit. Thus, St. Thomas’s use of the term instinctus in conjunction with the gifts has a very limited scope in the Scriptum super Sententiis since these instances all refer to instances of counsel and the role of the Holy Spirit.

With insignificant usage of instinctus in St. Thomas’s doctrine of the gifts of the Holy Spirit, one should note a few other features concerning his account of the gifts in the Scriptum super Sententiis. To understand the role of the gifts, one must understand the role of the virtues first. St. Thomas expounds his teaching on a human mode of action concerning the human virtues, acquired and infused. He then explains the categories of human action and shows how the human mode concerns those acts elicited by human reason or by a power under the guidance of reason and those acts that have for their object the human passions or actions. Having explained the human mode, St. Thomas explains the above/beyond the human mode concerning the gifts of the Holy Spirit, which concerns a higher perfection than human virtue.

Additionally, St. Thomas clarifies the rules/measures regarding the human mode of action and the above/beyond the human mode of action. Human virtue, in the human mode, is under the rule of reason; the gifts, in the above/beyond the human mode, are under the rule of God. And as was stated earlier, the term instinctus does not contribute significantly to St. Thomas’s doctrine of the gifts of the Holy Spirit in the Scriptum super Sententiis. St. Thomas’s usage of instinctus in relation to the gifts changes when one studies his mature work, the Summa theologiae.

In using the Index Thomisticus to search the terminology of the Summa theologiae, one finds that St. Thomas uses several different

6 See III Sent. d. 34, q. 1, a. 1-4.
expressions with the term *instinctus* in relation to the gifts. In the specific articles concerning the gifts of the Holy Spirit in the *Prima secundae*, question sixty-eight, St. Thomas uses the expression the *instinctus* of the Holy Spirit six times (ST I-II, q. 68, a. 2 [twice]; q. 68, a. 2, ad. 2; q. 68, a. 3; q. 68, a. 4; q. 68, a. 5), the divine *instinctus* four times (ST I-II, q. 68, a. 1; q. 68, a. 1, ad. 2; q. 68, a. 1, ad. 4; q. 68, a. 2), the *instinctus* of God twice (ST I-II, q. 68, a. 1, ad. 3; q. 68, a. 4), interior *instinctus* once (ST I-II, q. 68, a. 1), special *instinctus* once (ST I-II, q. 68, a. 2), *instinctus* of reason once (ST I-II, q. 68, a. 2), and *instinctus* (in a general way) once (ST I-II, q. 68, a. 2, ad. 3), for a total of sixteen times. In the *Summa theologiae*, the number of references to *instinctus* in connection with the gifts has increased significantly compared to his limited usage of *instinctus* in the *Scriptum super Sententias*. Thus, the term *instinctus* becomes a recurring concept in explaining St. Thomas’s treatment of the gifts in the *Summa theologiae*. Having reviewed the many uses of the term *instinctus*, I now explain the innovation of St. Thomas’s teaching on the gifts with the term *instinctus* and its relation to God’s motion.

In the *Summa theologiae*, St. Thomas uses the term *instinctus* to make the argument for God’s motion in the human person in the form of the gifts of the Holy Spirit as *habitus* that work in conjunction with the infused virtues towards one’s supernatural beatitude. Before he begins his use of *instinctus*, St. Thomas uses the more common term “inspiration” to develop his argument about motion and the Holy Spirit. Taking a cue from the Book of the Prophet Isaiah 11:2-3 concerning the sevenfold spirit, St. Thomas writes:

> From which words we are clearly given to understand that these seven are there set down as being in us by Divine inspiration. Now inspiration denotes motion from without. For it must be noted that in man there is a twofold principle of movement, one within him, viz. the reason; the other extrinsic to him, viz. God, as stated above (Q. 9, AA, 4, 6): moreover the Philosopher says this in the chapter On Good Fortune (Ethic. Eudem. vii. 8). (ST I-II, q. 68, a. 1)

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7 In my review of the *Index Thomisticus*, I searched all the known works of St. Thomas for the term *instinctus* in its four Latin forms and reviewed 271 instances. Of these 271 instances, forty-nine concern the *instinctus* of the Holy Spirit, of which eight are found in the *Summa theologiae* concerning the gifts of the Holy Spirit.

8 Walgrave notes that *instinctus* becomes the keyword in his definition of the gifts in the *Summa theologiae*. See Walgrave, “*Instinctus Spiritus Sancti,*” 136. It serves as “an important technical theological term meaning the highest and most intimate ways in which God moves the soul in the supernatural order” (Walgrave, “*Instinctus Spiritus Sancti,*” 140).

9 “Ex quibus verbis manifeste datur intelligi quod ista septem enumerantur ibi, secundum quod sunt in nobis ab inspiratione divina. Inspiratio autem significat quandam motionem ab exteriori. Est enim considerandum quod in homine est duplex principium movens, unum quidem interius, quod est ratio; aliud autem exterius, quod
According to St. Thomas, the seven gifts are in us by divine inspiration (*ab inspiratione divina*). But there is a paradox here since these gifts are in the human person yet “inspiration” signifies a certain motion (*motionem*) coming from outside the human person. St. Thomas explains this “inspiration” in the human person by focusing on the two principles of movement for the human person. The first is the intrinsic movement, which is reason, and the second is the extrinsic movement, which is God. This is a fundamental passage in St. Thomas’s account of the gifts because it sets up the next claim concerning how God moves the human person to perfection.

St. Thomas then gives an account of motion and the proportionality involved in the mover and that which is moved:

Now it is evident that whatever is moved must be proportionate to its mover: and the perfection of the mobile as such, consists in a disposition whereby it is disposed to be moved well by its mover. Hence the more exalted the mover, the more perfect must be the disposition whereby the mobile is made proportionate to its mover: thus we see that a disciple needs a more perfect disposition in order to receive a higher teaching from his master. (ST I-II, q. 68, a. 1)\(^{10}\)

St. Thomas describes three things: 1) the nature of the relationship between the mobile and the mover; 2) the nature of the mover’s motion in relation to the mobile; and 3) the nature of the perfection of the mover in relation to the perfection of the disposition in the mobile. St. Thomas’s example of the disciple and teacher helps illuminate these three things. First, the disciple, who is searching for knowledge, has a teacher who is imparting such knowledge. Second, the disciple needs to have a certain disposition in order to receive such knowledge from the teacher. And third, because of the profound nature of the teaching, the disciple needs to be more perfectly disposed to be able to receive it. After explaining these three facets in the example between the

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mover, the mobile, and the appropriate dispositions, St. Thomas applies these things to two sets of dispositions: human virtues and the gifts.

St. Thomas states:

Now it is manifest that human virtues perfect man according as it is natural for him to be moved by his reason in his interior and exterior actions. Consequently man needs yet higher perfections, whereby to be disposed to be moved by God. These perfections are called gifts, not only because they are infused by God, but also because by them man is disposed to become amendable to Divine inspiration, according to Isa. 1. 5: The Lord … hath opened my ear, and I do not resist; I have not gone back. (ST I-II, q. 68, a. 1)

11 St. Thomas posits two sets of dispositions. The human virtues help perfect the human person insofar as it is his nature to be moved by reason. In this case, the mover is human reason, the mobile is the human person, and the dispositions in question are the human virtues. The gifts of the Holy Spirit help perfect the human person insofar as he is disposed to be moved by God. In this case, the mover is God, the mobile is the human person, and the perfective dispositions are the gifts. In the first set of dispositions, human reason is sufficient to move the human person as it is his nature to be moved by reason. In the second set of dispositions, if God is the mover then the human person needs more perfect dispositions to make the human person open to being moved by God. These more perfect dispositions are the gifts of the Holy Spirit.

St. Thomas finds support for his view with both a passage from scripture (Isaiah 11:2-3) and a passage from Aristotle. It is in using this Aristotelian passage in which St. Thomas makes his transition from using “inspiration” to instinctus. He writes:

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11 “Manifestum est autem quod virtutes humanae perficiunt hominem secundum quod homo natus est moveri per rationem in his quae interius vel exterius agit. Oportet igitur inesse homini altiores perfectiones, secundum quas sit dispositus ad hoc quod divinitus moveatur. Et istae perfectiones vocantur dona, non solum quia infunduntur a Deo; sed quia secundum ea homo disponitur ut efficiatur prompte mobilis ab inspiratione divina, sicut dicitur Isaiae 1, dominus aperuit mihi aurem; ego autem non contradico, retrorsum non abi.”

12 Following St. Thomas’s use of human virtues in connection with reason, I am concluding that human virtues in this instance refers to the acquired virtues. I do so based upon two references: 1) the reference to the rule of reason, which is connected to the acquired virtues; and 2) the reference to the two ends of the human person. See also William C. Mattison, III, “Thomas’ Categorization of Virtue: Historical Background and Contemporary Significance,” The Thomist 74 (2010): 217-221, esp. 221 when Mattison says St. Thomas “more commonly uses the terms ‘human’ and ‘natural’ to refer to virtues directed to natural human happiness—which is, in principle, accessible to unaided human capacities—as ultimate end.”
Even the Philosopher says in the chapter On Good Fortune (Ethic. Ethic. Eur.-

stinctum), there is no need to take counsel according to human reason, 

but only to follow their inner promptings [instinctum], since they are 

moved by a principle higher than human reason. This then is what some say, viz. that the gifts perfect man for acts which are higher than 

acts of virtue. (ST I-II, q. 68, a. 1)13

Upon the authority of Aristotle, St. Thomas gives additional weight to 

his argument concerning the gifts being associated with divine instinct 

(instinctum divinum). The human person with the gifts is able to fol-

low the inner prompting (interiorem instinctum) as opposed to counsel 

according to human reason. Consequently, the person with the gifts is 

able to perform higher acts than the acts of acquired virtue.

Additionally, there are three notable points in this articulation of 

the gifts as principles of a divine instinct that move the human person. 

First, St. Thomas speaks of an instinctus, which becomes, in my view, 

the key term in his doctrine of the gifts in the Summa theologiae. Sec-

ond, he makes an argument about the motion of the instinctus. Third, 

he quotes Liber de bona fortuna. These three features help identify the 

some of the differences between St. Thomas’s account of the gifts in 

the Summa theologiae and his previous work on the gifts in the Scrip-

tum super Sententiis. As Max Seckler notes in his groundbreaking 

study of the term instinctus in St. Thomas, “[T]he instinct of the Holy 

Spirit denotes mainly the internal dwelling force [to move the human 

person] to external actions” and this gives Thomas “a new formulation 

of the doctrine of the gifts of the Holy Spirit.”14

It is my contention that St. Thomas’s teaching on the gifts changes 

from his earlier work the Scriptum super Sententiis to his later work 

the Summa theologiae. In his earlier work, St. Thomas posits two 

modes of human action: a human mode of virtue (both acquired and 

infused) governed by human reason and a superhuman mode governed 

by the movement of the Holy Spirit in the gifts. This relegates 

the gifts 

of the Holy Spirit to occasional and fleeting activity in the human per-

son. In his later work, St. Thomas reconfigures the two modes (if one 

can say he keeps this language of modes): a life of acquired virtue 

under the rule of human reason toward the human person’s connatural 

end and a life of infused virtue with the gifts of the Holy Spirit under 

the rule of divine reason toward the human person’s supernatural end. 

This change means that the activity of the gifts is not sporadic but

13 St. Thomas is quoting what he knew as Aristotle’s Liber de bona fortuna, which is a selection from Aristotle’s Eudemian Ethics VIII, 2, 1248a24-38.

constant throughout each and every moral act the human person makes in the life of grace.\(^{15}\) This constancy of the activity of the gifts is found in the understanding of divine motion moving the human person.

This reiteration of the human person following the divine instinct (\textit{divinus instinctus}) in the gifts continues in three of the four replies to the objections of the same article (ST I-II, q. 68, a. 1, ro. 2, 3, 4.).\(^{16}\) Having made the connection between the term \textit{instinctus} and motion as St. Thomas does in the \textit{Summa theologiae}, one sees the development of the gifts in light of this concept of \textit{instinctus}. As Jan Walgrave notes, “More precisely, the gift is a disposition to receive the action of the Holy Spirit, which penetrates to the very heart of our spirit, our freedom, and our virtues, in order to give us a superior impulse in the form of inspiration [\textit{instinctus}].”\(^{17}\) In other words, the Spirit of God becomes a part of the human spirit, in the habitus of the gifts, so as to enable the human person to be prompted and moved accordingly to his supernatural end. Walgrave furthers this point by writing that “[t]he more perfect the work of the Holy Spirit [namely the inspiration (\textit{instinctus})], the more it is interiorized and the more our will and the Holy Spirit work together [with our virtues], as if they formed a common principle.”\(^{18}\)

In this section, I have detailed the usage of \textit{instinctus} and given a brief account of the role of the gifts in St. Thomas’s earlier work the \textit{Scriptum super Sententiis} and in his later mature work the \textit{Summa theologiae}. In the \textit{Sententiis}, St. Thomas does not rely upon \textit{instinctus} in developing an account of gifts of the Holy Spirit. Additionally, St. Thomas’s doctrine of the gifts has them operating in a superhuman mode under the rule of the Holy Spirit; this is in contrast to human mode of the virtues, both acquired and infused, under the rule of human reason. In his mature work the \textit{Summa theologiae}, St. Thomas provides a different account of the gifts of the Holy Spirit, and this includes a significant role for \textit{instinctus} underscoring the motion of God in moving the human person toward virtuous action and toward his supernatural end. Having examined this development of the usage of \textit{instinctus} in the gifts of the Holy Spirit, I now consider how St. Thomas uses \textit{instinctus} in other areas of his more mature writings and what prompted this usage of \textit{instinctus} in relation to the gifts.


\(^{16}\) One finds “\textit{divinum instinctum},” “\textit{suos instinctus},” and “\textit{instinctu divino}” respectively.


SEMI-PELAGIANISM AND THE LIBER DE BONA FORTUNA

The usage of *instinctus* and the emphasis on the interiority and motion of the Holy Spirit in the gifts coincides well with the documented development of St. Thomas’s teaching on the preparation for justification and the will that is occurring along similar lines using the term *instinctus*. While examining the full development of St. Thomas’s doctrines on the preparation of justification goes beyond the scope of this article, I provide some major points that help illuminate the connection to the development of Aquinas’s use of *instinctus* in general and its use concerning the gifts of the Holy Spirit. These developments in St. Thomas’s teaching on grace, faith, and justification are due to his “increasing knowledge of the later works of Augustine, his more intensive study of the Bible and his discovery of Aristotle’s *Eudemian Ethics*” as well as his encounter with the Church’s condemnation of Semi-Pelagianism. In the following section, I include two of these threads in the examination of St. Thomas’s writings: Semi-Pelagianism and the *Liber de bona fortuna*.

Semi-Pelagianism, a term coined in 17th century, is defined as a “doctrine concerning divine grace that while repudiating Pelagianism, nevertheless assigns a greater role to man’s will than to God’s grace in an individual’s conversion to a religious way of life leading to salvation.” For example, in the works of John Cassian, one finds that the beginning of faith or the impulse to do good sometimes comes from man’s will, unaided by grace; for, in spite of original sin, the will is still capable of performing good and salutary acts. Super-natural grace is necessary for salvation, but no special help from God is needed to persevere to the end; a fixed number of the elect is contrary to the universal salvific will of God; infants who died without Baptism

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were punished because God foresaw what sins they would have com-
mited if they had lived longer.22

For Cassian and thus for Semi-Pelagianism, one emphasizes the hu-
man person’s ability to will the good unaided by God’s grace since even a will tainted with original sin is capable of doing good acts to-
ward one’s salvation. Having given a basic understanding of Semi-
Pelagianism, I now consider St. Thomas’s understanding of the pro-
cess of justification in three sets of works: from his earlier period
(Scriptum super Sententiiis), his middle period (Summa contra Gen-
tiles), and his later period (Summa theologiae). This examination of
these key texts focuses on the human will and the divine grace in
brining the human person to justification.

In the Scriptum super Sententiiis, scholars have noted how St.
Thomas develops an account of justification that allows for the human
person to prepare to receive grace.23 For example, in an article inves-
tigating the prerequisites for justification, St. Thomas writes: “And
therefore it remains that in the will itself it [the will] may draw near to
God by affection and desire, and be ordered to grace by the removal
of any impediment, which impediment, of course, is sin. And so, by
displeasure with sin and affection for God someone prepares himself
for grace; and when he does these two things efficaciously, he is said
to do what is in him; and he receives grace” (IV Sent. d. 17, q. 1, a. 2,
qc. 2).24 Additionally, in an article investigating whether a human per-
son can prepare for grace without some kind of grace, St. Thomas re-
sponds by “distinguishing two understandings of grace, either as the
arousal of the human will through divine providence, or as a habitual
gift in the soul. In both cases, a preparation for grace is necessary in
that justification, being a motus, requires premotion on the basis of the
Aristotelian theory of generation.”25

22 McKenna, “Semi-Pelagianism,” 899. For more detailed historical considerations of
23 See Bouillard, Conversion et grace, 102, and Lawler, “Grace and Free Will in Justification,” 604, for two examples.
24 All translations from IV Sent. are taken from Aquinas Institute, volume 8. “Unde
relinquitur quod in ipsa voluntate sit appropinquare Deo per affectum et desiderium,
et ordinari ad gratiam per remotionem impedimenti, quod quidem impedimentum est
peccatum; et ideo per displiantiam peccati et affectum ad Deum se aliquis ad gratiam
praeparat; et quando haec duo efficaciter facit, dicitur facere quod in se est; et gratiam
recipit.”
Of these two kinds of grace, St. Thomas will dismiss the habitual gift through an argument concerning infinite regression of habitual gifts of grace in the soul and focus on the arousal of the human will through divine providence. How does St. Thomas envision divine providence working in these occasions? He gives two examples in the *Scriptum super Sententiae*. “And so it can happen that while someone has the plan and intention of sinning, suddenly his will is converted to God, either taking the occasion from something outside it, as was the case with Paul; or even by some interior impulse, in which the heart of a person is moved by God” (IV Sent. d. 17, q. 1, a. 2, qc. 1 ad 1). Thus, St. Thomas provides a way in which the human will prepares itself to receive grace and admittedly in a way that allows room for divine providence specifically to help prepare the way. In summarizing these texts from the early phase of St. Thomas’s writing, Bouillard notes:

Man can, by free will alone, prepare himself for grace. If it were not so, the adage “facienti quod in se est Deus dat gratiam” would no longer make sense. It is not necessary that the acts by which man prepares for grace exceed human nature. Once one knows by preaching or by an inner revelation of the truths to believe “it is in the power of the free will to reach to the act of faith.”

One should note as well that St. Thomas in his discussion of justification and free will does not seem to have any knowledge of Semi-Pelagianism in these early writings. Bouillard states, “St. Thomas, too, at the time when he wrote the *Commentary on the Sentences* and *De Veritate* ignores Semi-Pelagianism.” So far in this first section of Thomas’s early period, St. Thomas emphasizes: 1) the will can prepare the human person for justification and 2) divine providence acts as a vehicle for the preparation to receive grace.

In what I label his middle period, which focuses on the *Summa contra Gentiles*, St. Thomas shows development in his understanding.

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26 In *De veritate* 24, 15, St. Thomas writes, “Thus, when a man begins to prepare himself for grace by turning his will to God for the first time, he must be brought to this by some external occasions, such as an external admonition or a bodily sickness or something of the sort, or else by some interior instinct, as God works in the hearts of men, or even in both ways together. All of this, however, is taken care of for man by divine providence.”

27 Bouillard, *Conversion et grace*, 102. “L’homme peut, par la seul libre arbitre, se préparer à la grâce. S’il n’en était pas ainsi, l’adage ‘facienti quod in se est Deus dat gratiam’ n’aurait plus de sens. Il n’est pas nécessaire que les actes par lesquels l’homme se prépare a la grâce dépassent la nature humaine. Une fois qu’on connaît par la prédication ou par une révélation intérieure les verités à croire ‘il est au pouvoir du libre arbitre de passer à l’acte de foi.’”

28 Bouillard, *Conversion et grace*, 102. “Saint Thomas, lui aussi, au temps où il écrit le Commentaire des Sentences et le De Veritate, ignore le semi-pélagianism.”
of the preparation for justification and free will. In the chapter enti-
tled “[t]hat man cannot merit divine help in advance,” St. Thomas
writes:

From what has been said it is quite manifest that man cannot merit
divine help in advance. For everything is related as matter to what is
above it. Now, matter does not move itself to its own perfection; ra-
ther, it must be moved by something else. So, man does not move
himself so as to obtain divine help which is above him; rather he is
moved by God to help obtain it. Now the movement of the mover pre-
cedes the movement of the movable thing in reason and causally.
Therefore, divine help is not given to us by virtue of the fact that we
initially move ourselves toward it by good works; instead, we make
such progress by good works because we are preceded by divine help
(SCG III, Ch. 149, 1).

St. Thomas argues that the human person needs divine assistance (aux-
ilium divinum) in order to do good works, and, even more importantly,
the human person needs to be moved by God in order to attain the
divine assistance so as to be able to do good works. Whereas in the
Scriptum super Sententiis, one finds St. Thomas leaving some room
for the work of the human will in preparing oneself to achieve justifi-
cation, this does not seem possible in the Summa contra Gentiles.

St. Thomas concludes chapter one hundred forty-nine with a refer-
ence to the Pelagians. “Now, by this we set aside the error of the Pe-

29 McGrath writes: “The Summa contra Gentiles (1258-1264) is generally regarded as
marking a turning point in Thomas’s teaching on the nature of the preparation for
justification. It appears that the pseudo-Aristotelian Liber de bona fortuna first came
to Thomas’s attention during this period, as it is cited for the first time at III, 89, and
frequently thereafter” (106). See also Jean-Pierre Torrell, O.P., Saint Thomas Aqui-
nas: The Person and His Work, vol. 1, revised ed., trans. Robert Royal (Washington,
DC: The Catholic University of America Press, 2005), 102. According to Torrell, fol-
lowing the work of Gauthier, the Summa Contra Gentiles, Book III chapter 85 (and
the following chapters in Book III) dates to the years 1263-64 since these involve the
introduction of previously unknown works of Aristotle, such as the Liber de bona
fortuna among others. Additionally, see Edward D. O’Connor, C.S.C., “Appendix 6:
St. Thomas’ use of the ‘De Bona Fortuna,’” in Summa theologiae, vol. 24, by Thomas

30 All quotations from the Summa Contra Gentiles are from Thomas Aquinas, Summa
contra Gentiles III, Part 2, trans. Vernon J. Bourke (Notre Dame: Notre Dame Uni-
versity Press, 2009). “Ex dictis autem manifeste ostenditur quod auxilium divinum
homo promereri non potest. Quaelibet enim res ad id quod supra ipsam est, mate-
rialiter se habet. Materia autem non movet seipsam ad suam perfectionem sed oportet
quod ab alio moveatur. Homo igitur non movet seipsum ad hoc quod adipsicatur divi-
num auxilium, quod supra ipsum est, sed potius ad hoc adipsicendum a Deo movetur.
Motio autem moventis praeecessit motum mobilis ratione et causa. Non igitur propter
hoc nobis datur auxilium divinum quia nos ad illud per bona opera promovemus, sed
potius ideo nos per bona opera proficimus, quia divino auxilio praevenimur.”
lagians, who said that this kind of help is given us because of our merits, and that the beginning of our justification is from ourselves, though the completion of it is from God” (SCG III ch. 149, 8). 31 St. Thomas in this text references Pelagians. He would not have known the term Semi-Pelagian, but he shows his familiarity with the doctrine of the so-called Semi-Pelagians in the way he has framed the rejection of Pelagian doctrine. 32 In particular, St. Thomas rejects the doctrine that the human person can will the beginning of one’s justification. As Michael Lawler notes, St. Thomas uses his Knowledge of Semi-Pelagianism which produced in him a change of attitude towards preparation for grace. Now he emphasizes the divine initiative: to prepare himself for grace man must first have the help of grace. When it is a question of doing good, divine grace precedes rather than follows as merit, the movement of the free will. Our conversion to God is preceded by divine help which converts us. The initium fidei is from God, not man. 33

St. Thomas, beginning in the Summa contra Gentiles Book III, argues for the need for the divine initiative of grace to help prepare the human person to be justified in grace. Additionally, he argues that once justified, the human person needs God’s grace to do good acts as well. This second point is further evidenced in St. Thomas’s later works with specific attention to the arguments concerning God moving the human person through grace. As Lawler notes:

In his Commentarium in II Epistolam ad Corinthios, after opposing the Semipelagian error to the doctrine of St. Paul, St. Thomas adds a

31 “Per hoc autem excluditur error Pelagianorum, qui dicebant huiusmodi auxilium propter merita nobis dari; et quod justificationis nostrae initium ex nobis sit, consummatio autem a Deo.”

32 Bouillard, Conversion et grace, 103: “Au contraire, à partir du Contra Gentiles, l’erreur semipélagienne et la doctrine chrétienne relative à l’initium fidei sont constamment rappelées. Il est vrai que saint Thomas attribue l’erreur aux Pélagiens. Peu importe: ce n’est qu’aux environs de 1600 qu’on a créé le terme de semi-pélagianisme pour la nommer. L’essentiel est que la doctrine soit bien définie.”

33 Lawler, “Grace and Free Will in Justification,” 627. Bouillard, Conversion et grace, 104, also makes the point that St. Thomas’s rejection of Semi-Pelagianism echoes Augustine’s writings combating the Marseillan monks. “Ainsi apparait pour la premiere fois, chez saint Thomas, le terme d’initium fidei ou initium justificationis, caractéristique de la querelle semi-pélagienne. Nous reconnaissons dans ces phrases l’écho des écrits où saint Augustin combatait les moines de Marseille. Ce n’est seulement la perfection de la foi qui est un don de Dieu, mais déjà le commencement de la foi.” One rightly can ask: Did St. Thomas find his earlier work on justification as “Pelagian” and thus make the necessitated changes beginning in the Summa contra Gentiles? One certainly can characterize his earlier position as Semi-Pelagian to a certain degree. Seckler finds Thomas’s treatment in the Scriptum super Sententias and De Veritate as standing out from Semi-Pelagianism even if it bears resemblances to it. See Seckler, Instinkt und Glaubenswille, 174-175.
ratio accedens which he attributes to the Liber de Bona Fortuna….

Man does good because he has so decided; this decision is from a principle superior to him moving him to act; this principle is God. The same argument is repeated in the Quodlibetum I with greater precision. It is not enough that Providence provide for man exterior occasions of salvation, preaching, good example, illness, and the like; God must interiorly move him to accomplish good.  

Already in his Commentary on Paul’s Second Letter to the Corinthians and again in his Quodlibetum I, St. Thomas speaks of the superior principle, God, moving the human person and cites Aristotle’s Liber de Bona Fortuna as a source for this insight.

One additional insight drawn from the Liber de bona fortuna is significant for this study. The text of Liber that St. Thomas is familiar with contains the term “divine instinct.”

Quod autem queriter hoc est: quid motus principium in anima. Palam quemadmodum in toto deus, et omne illud: movet enim aliquo modo omnia quod in nobis divinum. Rationis autem principium non ratio, sed aliquid melius; quid igitur utique erit melius et scientia et intellectu nisi deus? Virtus enim intellectus organum. Et propter hoc, quod olim dicebatur, bene fortunati vocantur qui si impetum facient dirigunt sine ratione existentis. Et consiliari non expedit ipsis: habent enim principium tale quod melius intellectu et consilio. Qui autem rationem, hoc autem non habent neque divinos instinctus, hoc non possunt; sine ratione enim existentes adipiscuntur. Et horum prudentium et sapientium velocem esse divinativam et solorum non eam que a ratione oportet suscipere, alii quidem propter experientiam, hii autem propter consuetudinem in considerando uti.


35 Seckler, Instinkt und Glaubenswille, 106: “Dazu kommt, daß die dem Aquinaten vorliegende Übersetzung das Wort instinctus divinus verwendet, was dem Ganzen noch stärkeres Geswicht gibt.”

This part of the text centers around the question about the beginning of movement in the soul. And it is god (deus) who moves everything. Indeed, the beginning of reason is not reason but something better — god. And those who have good fortune do not need reason since they have the divine instinct, which is better. Schillebeeckx writes that:

It is a remarkable fact that the term *instinctus* played a part both in the Church’s documents condemning Semi-Pelagianism and in the Latin translation of the *Eudeman Ethics*. The word *instinctus* is the only connection that can be established in Thomas’ thought between anti-Semi-Pelagianism and these Ethics of Aristotle. Just as the danger of Semi-Pelagianism was averted in the writings of the Church Fathers by an appeal to the *instinctus divinus*, so too did this same term play a similar part centuries later in the works of Aquinas.

The text of the *Liber de bona fortuna* provides the textual evidence needed to advance the case of this text’s impact on St. Thomas’s teaching on justification as well as his teaching on the gifts since both of these doctrines rely upon the motion and activity of God.

In this section, I examined the discovery of what is now called Semi-Pelagianism and the discovery of Aristotle’s *Liber de bona fortuna* as two noteworthy developments that shaped St. Thomas’s doctrines concerning grace, faith, and justification. In the *Summa contra
Gentiles, St. Thomas relies upon a notion of *instinctus* to develop his understanding of the motion of God necessary to move the human person towards justification and faith. This latter understanding of justification is at odds with his earlier understanding of justification found in the *Scriptum super Sententiiis* where St. Thomas’s provides a role for the human will alone to prepare oneself for the reception of grace. The next task is to examine how this development of St. Thomas’s doctrines on grace, faith, and justification affects his more mature work, the *Summa theologiae*.

**THE EFFECTS OF LIBER DE BONA FORTUNA ON ST. THOMAS’S MA- TURE WRITINGS**

Having examined the development of St. Thomas teaching on the preparation for justification and human free will in the *Scriptum super Sententiiis* and *Summa contra Gentiles*, I consider St. Thomas’s teaching in the *Summa theologiae* and in his *Super Romanos* in order to show how St. Thomas has changed from his earlier articulation on the preparation for justification in the *Scriptum super Sententiiis* and how this parallels the development of St. Thomas’s teaching on the gifts.

In the *Summa theologiae*, St. Thomas asks “Whether any preparation and disposition for grace is required on man’s part?” His reply is very telling of the development that has occurred in his thought. He writes:

I answer that, as stated above (Q111, A2), grace is taken in two ways: first, as a habitual gift of God. Second, as a help from God, Who moves the soul to good. Now taking grace in the first sense, a certain preparation of grace is required for it, since a form can only be in disposed matter. But if we speak of grace as it signifies a help from God to move us to good, no preparation is required on man’s part, that, as it were, anticipates the Divine help, but rather, every preparation in man must be by the help of God moving the soul to good. And thus even the good movement of the free-will, whereby anyone is prepared for receiving the gift of grace is an act of the free-will moved by God. And thus man is said to prepare himself, according to Prov. 16:1: *It is the part of man to prepare the soul*; yet it is principally from God, Who moves the free-will. Hence it is said that man’s will is prepared by God, and that man’s steps are guided by God (ST I-II, q. 112, a. 2).

St. Thomas explicitly affirms that no preparation is required on the human person’s part to receive grace and instead “every preparation in man must be by the help of God moving the soul to good” and indeed “even the good movement of the free-will…is an act of the free-

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40 Emphasis in the original.
This is a rejection of his earlier view in the *Scriptum super Sententiis* on the will being capable of turning away from sin as preparation for God’s grace. Admittedly this Thomistic passage does not cite *Liber de bona fortuna*. Nevertheless, it contains influences from the *Liber* in its emphasis on God’s assistance in moving the human person and his will to the good. This understanding of divine motion *qua* initiative becomes the focal point for St. Thomas’s teaching on the gifts. Considering divine activity in the *Summa theologiae*, one finds St. Thomas making references to God’s motion and the *instinctus* in conjunction with the gifts of the Holy Spirit with reference to *Liber de bona fortuna*.

Thus one finds a parallel development in St. Thomas’s doctrine of the gifts of the Holy Spirit in the use of the *motio* and *instinctus* of the Holy Spirit in conjunction with the text from *Liber de bona fortuna* that comes directly from his initial observations about Semi-Pelagianism and how God, through grace, moves the human person to receive the *habitus* of faith and that God, through grace, moves the human person to do the good. As St. Thomas notes in his commentary on Romans:

> First, how some are led by the Spirit of God. This can be understood in the following way: *for whosoever are led by the Spirit of God*, i.e. ruled as by a leader and director, which the Spirit does in us, inasmuch as he enlightens us inwardly about what we ought to do: *let your good spirit lead me* (Ps 143:10). But because one who is led does not act on his own, whereas the spiritual man is not only instructed by the Holy Spirit regarding what he ought to do, but his heart is also moved by the Holy Spirit, it is necessary to get a better understanding of what is meant by *whosoever are led by the Spirit of God*. For those are led who are moved by a higher instinct [*superiori instinctu*]. Hence we say that animals do not act but are led, because they are moved to perform their actions by nature and not from their own impulse. Similarly, the spiritual man is inclined to do something not as though by a movement of his own will chiefly, but by the prompting of the Holy

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41 The replies to objection 2 and 3 further specify the human person cannot prepare to receive grace. ST I-II, q. 112, a. 2, ad 2: “Since a man cannot prepare himself for grace unless God prevent and move him to good, it is of no account whether anyone arrive at perfect preparation instantaneously, or step by step.” And similarly, ST I-II, q. 112, a. 2, ad 3: “So likewise, when God infuses grace into a soul, no preparation is required which He Himself does not bring about.” See ST I-II, q. 109, a. 6. See also Lawler, “Grace and Free Will in Justification,” 621-24.

42 After a review of the *Index Thomisticus*, in the *Summa theologiae*, I note that St. Thomas uses variations of the terms *motio*, *moveo*, and *motus* seventy-seven times in the articles concerning the gifts of the Holy Spirit in the *Prima secundae* and the *Secunda secundae* alone. Yet, when one reviews the *Scriptum super Sententiis*, the variations of terms *moveo* and *motus* comprise eleven instances in articles concerning the gifts of the Holy Spirit. Even in these eleven cases, nine of them concern the passion of fear properly speaking and not the gift of fear.
Spirit, as it says in Isaiah: *he will come like a rushing stream, which the wind of the Lord drives* (Isa 59:19); and in Luke: *Jesus was led by the spirit into the wilderness* (Luke 4:1). However, this does not mean that spiritual men do not act through will and free choice, because the Holy Spirit causes the very movement of the will and of free choice in them, as it says in Philippians: *God is at work in you both to will and to work* (Phil 2:3).

While this commentary text on Romans does not specifically address the gifts of the Holy Spirit, it does contain notable features that pervade St. Thomas’s mature doctrine of the gifts. First, the Holy Spirit moves the human person as a guide or director, and second this is done through the higher prompting (*instinctus*) of the Holy Spirit. Additionally, the text provides a connection to the previous consideration on the moving of the will by God. For St. Thomas writes that it is the Holy Spirit that causes the “very movement of the will and of free choice” in the human person.

All three points in the *Super Romanos* text directly connect to St. Thomas’s discussion of the gifts of the Holy Spirit in article one of question sixty-eight in the *Prima secundae* of the *Summa theologiae*. As Sherwin notes, St. Thomas “explains that in order for the Spirit to move us as a teacher and guide — in order for him to move us in a way that respects our liberum arbitrium — the Spirit instills within us certain dispositions that render us receptive to the Spirit’s action. These infused dispositions (*habitus*) are the gifts of the Holy Spirit.”

In the same way that St. Thomas’s doctrines concerning the preparation for justification and the human will changed with the introduction of condemnations of Semi-Pelagianism as well as the introduction of *Liber de bona fortuna* in other works, these same changes appear in St. Thomas’s later work regarding the way in which God moves the human person to do the good. God moves the human person, by a superior prompting (*instinctus*) of the Holy Spirit to do the good by way of the habitus that are the gifts of the Holy Spirit. As St. Thomas notes in his reply to the third objection in *Summa theologiae* I-II, q. 68, “Likewise the gifts, as distinct from infused virtue, may be defined as something given by God in relation to His motion; something, to wit, that makes man to follow well the promptings [*instinctus*] of God” (ST I-II, q. 68, a. 1, ro. 3).

This same theme of the motion of God in the *instinctus* of the Holy Spirit in the gifts that move the human person to his supernatural end continues in the second article of question 68 of the *Prima secundae* of the *Summa theologiae*. As St. Thomas states:

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44 Sherwin, *By Knowledge and By Love*, 166.
But in matters directed to the supernatural end, to which man’s reason moves him, according as it is, in a manner, and imperfectly, informed by the theological virtues, the motion of reason does not suffice, unless it receive in addition the prompting [instinctus] or motion [motio] of the Holy Ghost, according to Rm. 8:14,17: “Whosoever are led by the Spirit of God, they are sons of God . . . and if sons, heirs also”: and Ps. 142:10: “Thy good Spirit shall lead me into the right land,” because, to wit, none can receive the inheritance of that land of the Blessed, except he be moved and led thither by the Holy Ghost. (ST I-II, q. 68, a. 2)

St. Thomas adds then in his reply to the second objection of the same article that the human person always stands in need of being moved by the higher promptings (instinctus) of the Holy Spirit. The motion and prompting of the Holy Spirit are necessary because the motion of reason, while sufficient to direct the human person to his connatural end with the human virtues, is insufficient to direct the human person to his supernatural end. Thus, the human person needs higher perfections that help perfect reason sufficiently so that he may be moved accordingly to his supernatural end. In this manner, the “spiritual instinct formed in us by the gifts does not act in a sporadic way, through sudden inspirations, but in a constant way, supporting the enduring patience required by the practice and progress of the virtues…. The spiritual instinct guides our choices, suggests initiatives, guards us from dangers, and helps us to surmount errors.”

In this section, I examined the effects of Liber de bona fortuna on St. Thomas’s doctrine of the preparation for justification in the Summa theologiae as well as St. Thomas’s understanding of the Holy Spirit in Super Romanos to underscore how the usage of instinctus has permeated St. Thomas’s mature writings, especially concerning the motion of God in guiding and directing the human person towards his supernatural end. That St. Thomas likewise integrates instinctus in his doctrine of the gifts in the Summa theologiae only confirms the development of his teaching on the gifts away from the earlier articulation of the gifts in the Scriptum super Sententiiis.

CONCLUSION

I contend that the term instinctus plays a significant role in the development of St. Thomas’s account of the gifts of the Holy Spirit. I base this contention upon the documented development of St. Thomas’s thought on the preparation for justification when dealing with the Semi-Pelagian errors that only appears in his later work. When he does take up Semi-Pelagianism, he does so invoking the term

instinctus to explain the role of God’s motion in aiding the human person in justification and in doing good works once justified in God’s grace. Additionally, as an authority for this use of instinctus, St. Thomas relies upon the Liber de bona fortuna.

That these same features of St. Thomas’s dealings with Semi-Pelagianism in his other works now appear in his Summa theologiae account of the gifts of the Holy Spirit that concern the role of God’s motion in helping the human person to carry out the good strengthens the contention that St. Thomas’s significantly develops his account of the gifts of the Holy Spirit in the Summa theologiae. It is also my contention that this development of instinctus in the Summa theologiae is responsible for the modification of St. Thomas’s doctrine of the gifts in the Summa theologiae. Lastly it is my contention that St. Thomas emphasizes God’s activity in the motion of the Holy Spirit in the permanent dispositions of the gifts that the human person always needs as a way to further his work against the discovered Semi-Pelagianism. This development of St. Thomas’s teaching on the gifts is to resolve the concern that in his previous doctrine of the gifts, the human person could by use of the measure of human reason elevated by grace do human acts directed toward his supernatural end without the gifts of the Holy Spirit. St. Thomas rectifies this concern by describing the gifts as permanent habitus that make the human person amenable to God’s motion and prompting, which he constantly needs, so that, together with the infused virtues, the human person may do the good that is directed to his supernatural end with God’s assistance and direction. These are the same concerns that St. Thomas has about God’s activity in the human person concerning the issues surrounding the preparation for justification that now are extended to the gifts of the Holy Spirit.
Aquinas on the Fruits of the Holy Spirit as the Delight of the Christian Life

Anton M. ten Klooster

In the wake of the resurgence in attention to virtue in Catholic moral theology, there is a renewed attention to the gifts of the Holy Spirit and the beatitudes. However, this has not yet included significant attention to the fruits of the Holy Spirit. This is surprising since many virtue ethicists draw from the work of Thomas Aquinas and his treatise on virtue culminates in questions on the gifts, beatitudes, and finally the fruits. Scholars such as Eleonore Stump and Andrew Pinsent acknowledge the importance of the fruits but offer no comprehensive treatment. Servais Pinckaers noted that the fruits are the culmination of the treatise on happiness but is relatively silent on their nature. Yet, Thomas Aquinas agrees with Aristotle on the position that delight is the proper accompaniment of perfect human operations (Sent. Eth. X 1. 6, lines 101-116). He also speaks of the fruits of the Holy Spirit as “delightful.” How are we then to appreciate Aquinas’s theology of the fruits?

In this essay, I begin to formulate an answer to this question by addressing a number of issues. First, I establish that the fruits are not discussed in isolation but in relation to other theological notions. This raises questions such as: What relations exist between the different elements of Aquinas theology? How are the virtues perfected by the gifts? What actions are designated by the beatitudes? How are the actus of the beatitudes and the fruits distinct from each other? After establishing a basic understanding of how Aquinas sees these relations, it will be somewhat easier to understand his further definition of the fruits, as this takes place in the larger framework of the prima secundae. Then, I discuss the fruits in greater detail by moving to the second point, which is to address some of the inadequacies of previous treatments of the fruits. Some scholars mistakenly conflate them with the passions whereas others, such as Servais Pinckaers, avoid this mistake but do not incorporate material from the Biblical commentaries of Aquinas. My third point is to present and reflect on Aquinas’s discussion of the fruits of the Holy Spirit in his commentary on Galatians and how this commentary relates to those on Isaiah and Matthew as well as to question 70 of the prima secundae. I then broaden this study
by turning to Aquinas’s discussion of *fruitio*, which provides the proper framework to speak of the fruits. Fourth and finally, I offer a preliminary conclusion and suggest avenues for further research, since the present article is intended as a conversation starter on a topic that is rarely taken up.

At stake is the very coherence of the discussion of human perfection through the grace of the Holy Spirit. Each of the virtues is a gift of grace, and it is perfected by the gifts and actualized in the beatitudes and the fruits of the Holy Spirit. Among these four elements of the structure of moral perfection, the fruits are the most seriously misunderstood. The gifts are usually acknowledged as the higher *habitus* they are, and the beatitudes are properly identified as *actus* by all scholars. It is only in the discussion of the fruits that we see ambiguous descriptions which suggest things about them that contradict what Aquinas affirms. There are four related problems: the fruits are often glossed over in discussions of the structure of the *Summa*; their relation to the beatitudes is unclear; they are not always properly acknowledged as *actus*; and they are confused with passions.¹ Thus, in the course of this essay, I argue why it is incorrect to relate the fruits to the passions, since Aquinas’s description of them excludes the notion of passivity. He explicitly claims that the fruits are *actus*, and, in this article, I understand the fruits as delightful *actus*, springing forth from the infusion of grace in the soul of the human person.

**Inadequacies in Treatments of the Fruits of the Holy Spirit**

In Aquinas’s works, the fruits are almost always discussed in relation to the infused virtues, the gifts of the Holy Spirit and the beatitudes. Although I address these connections, the primary object of this article is to provide conceptual clarity with regard to the fruits. To do this, I begin first of all, although this is perhaps stating the obvious, by establishing that the *secunda secundae* cannot be read without the *prima secundae*. The first book speaks of ends, passions, virtues and gifts of the Holy Spirit as the principles of moral action, and the second book builds on this by speaking of concrete actions as they are formed by virtue and impeded by vice. Second, some argue that the *secunda secundae* is about the theological virtues and the cardinal virtues. But not everyone acknowledges that the latter are in fact infused cardinal virtues, and not their acquired counterparts. Each of the virtues in the *secunda secundae* is related to a gift of the Holy Spirit. Since the gifts only perfect the infused virtues, we can assume therefore that each of the virtues discussed in the *secunda secundae* is infused. What we are

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dealing with then is a discussion of the moral life of the Christian believer who is aided by grace. For this reason, in what follows in this article, when I will speak of “virtues,” I will therefore, by default, refer to infused virtues. Third, the neo-Thomist interpretation seems to be that the perfection brought about by the virtues, gifts, beatitudes and fruits is an exceptional form of Christian life. This makes moral perfection a feature of exceptional Christians rather than the vocation of all, and it is this notion that Pinckaers passionately lamented in many of his writings. The structure of the Summa theologiae offers no support for the exceptionalist interpretation. The exceptional charisms, forms of religious life and ecclesiastical offices are discussed in questions 171-189 of the secunda secundae, but discussions the virtues, gifts, beatitudes and fruits all occur in questions 1-170, the section which discusses the moral life of all Christians (ST II-II prol.). Scholars generally acknowledge that there is an intimate connection of the fruits with the beatitudes in the prima secundae but find it difficult to understand the gifts, beatitudes, and fruits in relation to the virtues in the secunda secundae. Although these connections are made consistently, they seem to appear out of nowhere. This leads to a number of problematic interpretations, which I now address.

As noted, the fruits are often confused with the passions even though Aquinas explicitly calls them actus. Their names do suggest a certain likeness to other theological groups. Joy (delectatio) is a passion, but there is also a fruit with a similar name (gaudium). Sometimes a discussion of the gift of fear is taken as a discussion of the homonymous passion. The similarities can indeed be confusing. On the other hand, the fact that there are fruits named “charity” and “faith” has led no one to hold that they are virtues, in spite of them having the same names. This is because everyone knows the definition of a virtue and instantaneously decides that this does not apply to the fruits of the Holy Spirit. This is the way forward. Rather than beginning to imagine what fruits are by looking at their names, we should consider the basic definitions. What is a passion? Reworking a phrase of John Damascene, Aquinas defines a passion as “a movement of the sense appetite

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3 For an extended discussion and corroboration of these three arguments, see: Anton ten Klooster, Thomas Aquinas on the Beatitudes: Reading Matthew, Disputing Grace and Virtue, Preaching Happiness (Leuven: Peeters, 2018), 142-154, 181-182, 192-194.
4 Rebecca Konyndyk DeYoung, “Power Made Perfect in Weakness: Aquinas’s Transformation of the Virtue of Courage,” Medieval Philosophy and Theology 11 (2003): 155. Konyndyk DeYoung speaks of the “passion” of fear, although the article she discusses is introduced as a discussion on the gift of fear, cf. ST II-II q. 123.
caused by imagining good or evil” (ST I-II q. 22, a. 3). The very term “passion” denotes passivity: the person experiencing passions is being acted upon by an exterior object, which triggers a response (cf. ST I-II q. 22, a. 1 resp.). It is in the response, by moving away or toward the object, that the person acts, but this action does not belong to the passion itself. It is also important to note that passions are either positive or negative: desire or aversion, pleasure or pain. Fruits on the other hand are only phrased in positive terms, as Aquinas notes that in nature a fruit is delightful and applies this to the fruits of the Holy Spirit (ST I-II q. 70, a. 1 resp.). Furthermore, the fruits are actus and can therefore not be defined in terms of passivity. So, in order to give a proper definition of the fruits we need to abandon the notion that they are passions and delve deeper into Aquinas’s works.

Now, if the fruits of the Holy Spirit are actus, what sort of acts are they? Because the question on the fruits immediately follows that on the beatitudes, Andrew Pinsent claimed that the fruits “are also consequent upon the Beatitudes … implying some intermediate step between Gift-based actus in general and the special actus that are Fruits.” Later, he suggests the metaphor of resonance. The fruits are delightful in the same way the harmony of musicians is pleasant to the human ear. In a similar way, the human person’s resonance with God is delightful. Pinsent’s intuition of harmony is very helpful. Indeed, in the succession of the beatitudes a “tranquility of order” is established thus restoring the harmony of the human person with God, in himself and with creation (Sup. Mt. cap. 5 l. 2). His description of the beatitudes as an “intermediate step” implies a temporal sequence, but sequences in the discussion of the virtues, gifts, beatitudes, and fruits tend to be logical. The gifts of the Holy Spirit are the higher habitus that perfect the virtues. In that sense the gifts follow on the virtues. However, Aquinas claims that they are all infused at the same time. Similarly, the fruits do not follow on the beatitudes in the sense of “coming after” them. Instead they “come along” with the beatitudes. Here, the commentary on Matthew may be helpful, because it explores the relation between delight and happiness (Sup. Mt. cap. 5 l. 2). The reason Aquinas speaks of the fruits following the beatitudes is “because the idea of beatitude includes delight, as Aristotle says” (ST II-II q. 139, a. 2, arg. 3). Rather than coming after the beatitudes, the fruits are their supervenient delight.

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8 Cf. Ten Klooster, Thomas Aquinas on the Beatitudes, 192-194.
Of the post-Vatican II interpreters of Aquinas, Servais Pinckaers offers the most convincing argument for the place of the fruits in the moral theology of Aquinas. In his article “Beatitude and the Beatitudes,” he claims that questions 1 to 70 of the prima secundae should be read as one large treatise on the nature of happiness and its attainment. He states that “in order to recount all the riches of life lived according to the Spirit, St. Thomas thought it appropriate to add to the Beatitudes the fruits of the Holy Spirit as enumerated by St. Paul in his Letter to Galatians …. Is not “fruit” the best image of beatitude — a fruit that has acquired its full perfection and beauty? It is the image of a life’s work which has reached its maturity.” The statement is brief and does not provide a further elaboration of this idea. What it does contribute is the insight that “beatitude” and “fruit” are intimately related notions.

A second intuition he shared was that a Christian view of moral action that can be considered properly human must include a form of pleasure or delight. In an article from 1990, later translated as “Reappropriating Aquinas’s Account of the Passions,” Pinckaers discussed the relation between virtues and passions. As he did so often, he pitted his argument against the so-called morality of obligation. He argued that only in a morality based upon beatitude there can be a place for the emotions and that, therefore, only such a morality is truly human. Pinckaers agreed with Aristotle that “beatitude consists in the highest human activity that achieves the best kind of pleasure.” He goes on to speak of this pleasure in terms of delectatio and joy (gaudium), basing himself on Aquinas’s commentary on the Sentences of Peter Lombard and the Summa theologiae. He observes that delectatio can pertain to the tangible, whereas joy “only relates to reason and spirit.” The latter can therefore not be attributed to animals but only to humans, angels, and God. Spiritual joy is a participation in God’s happiness, and it is the experience proper to the exercise of virtue under the New Law.

Although the objective of this article is not to question Pinckaers’s premise that there is a place for emotions such as joy in a proper discussion of the moral life, it seems that he missed a distinction and as a consequence presented a less refined discussion of Aquinas. He speaks of delight and joy but does not bring up fruitio as the enjoyment

12 Pinckaers, “Reappropriating Aquinas’s Account of the Passions,” 275.
Aquinas identified three kinds of pleasure in his writings. Aside from *delectatio* and *gaudium*, he includes *fruitio* as a form of pleasure. DeHaan claims, pertaining to respectively the external and internal senses and the terms describe the concupiscible power resting in good. These two forms of pleasure belong to the domain of the passions. The term *fruitio* pertains to what is intellectually apprehended and describes the will resting in the good. This is not a passion but *actus*. This new distinction is important because *fruitio* provides us with a description of enjoyment that is closely related to the *fructus* of the Holy Spirit and that takes this discussion out of the domain of the passions and into that of human action. Perhaps it is because Pinckaers seems to have missed this particular distinction that he always struggled to account for the place of the fruits in moral theology and, at times, even glossed over them. For example, in his otherwise fine contribution to *The Ethics of Aquinas*, he notes in the commentary on the *Sentences* the beatitudes are discussed with an eye to “the relationship among the virtues, gifts, and beatitudes” but does not mention that Aquinas also relates these to the fruits.

**THOMAS AQUINAS ON THE FRUITS IN SCRIPTURAL COMMENTARY AND THE SUMMA**

These misinterpretations of the fruits and their conflation with the passions raise questions that need to be explored further. In what follows, I track the development of Aquinas’s thought on the fruits in his commentaries and then reconsider the *Summa* in light of this. Before writing the *Summa theologiae*, Aquinas discussed the fruits on a number of occasions. The commentary on the fruits proper is that on the letter to the Galatians. This letter is the *locus* where the fruits of the Holy Spirit are found. Earlier, Aquinas also discussed the fruits in his commentary on the *Sentences* and on the book of Isaiah. Remarkably, in all of these works, he relates the fruits to the virtues, gifts, and beatitudes.

The commentaries on the *Sentences* and Isaiah are among the earliest works of Aquinas, written during his first stay in Paris, between 1251 and 1255. In these works, Aquinas followed his master Albert the Great who made the unusual choice of connecting the virtues, gifts,
beautitudes, and fruits. Albert spoke in his commentary on the Sentences of virtues, gifts, beatitudes and fruits as perfecting the soul in regard to four types of acts. As I noted on another occasion,

When Albert seeks to answer how the gifts perfect the human soul, his solution is to present them in a hierarchical order. The virtue of faith allows one to know the first truth. The gifts are given as an aid to virtue, in this case they allow the subject to taste the truth that is known. Even higher is the beatitude of the clean of heart, which gives a maximum certitude of the truth. The fruits are the highest point in Albert’s categorization, presented here as the subject’s being refreshed in the taste of this certitude. This fourfold distinction is presented as respectively first, second, third, and fourth act.

Although Aquinas follows Albert’s innovative inclusion of the fruits in this discussion, in the commentary on Isaiah he begins to go his own way by abandoning Albert’s hierarchical ordering of the four connected theological elements. Instead, he begins to develop his own theory of human action, considering the virtues and gifts as habitus and the beatitudes and fruits as actus. He describes the beatitudes as actions of virtue perfected by the gifts (Sup. Is. 11, lines 142-143). “Such operation,” Aquinas continues, “is necessarily accompanied by delight (delectatio), because delight is the operation proper to unimpeded habit, as the Philosopher says” (Sup. Is. 11, lines 142-143). In the context of the commentary, it is clear that Aquinas refers to the fruits when speaking of delight.

The commentary on Galatians provides us with further noteworthy insights into how Aquinas understands the fruits. It has proven difficult to determine when Aquinas lectured on this Pauline letter, but it seems that the text of his lectures was taken down between 1261 and 1265. The commentary would then predate the second Parisian stay, during which the prima secundae was composed. Many of the insights from the commentary will later find their way into the discussion of the fruits in the Summa. Rather than offering a line-by-line reading of the commentary, I note five key features of the characterization of the fruits in the commentary. First, fruits of the Holy Spirit are “fruits”

18 In this article I do not consider the commentary on the Sentences because this teaching is significantly different from Aquinas’s mature theology, which builds on the Biblical commentaries. See ten Klooster, Thomas Aquinas on the Beatitudes, 125-128.
20 Ten Klooster, Thomas Aquinas on the Beatitudes, 129-130.
because they are to be understood “not as something earned or acquired, but as produced.” They are produced in us by the Spirit, who is the source of the moral life of the Christian. It is by the power of the Holy Spirit that “we acquire the habit of the virtues; these in turn make us capable of working according to virtue” (Sup. Ad Gal. 5 l. 6). The fruits as acts springing forth from these virtues have the same root: “[Paul] says therefore, the fruit of the Spirit, which arises in the soul from the sowing of spiritual grace” (Sup. Ad Gal. 5 l. 6). It is in this light that we can understand the later discussion in the Summa where the fruits are described “as if arising from a kind of divine seed” (ST I-II q. 70, a. 1 resp.). The second notable feature of the fruits in the commentary is that they are characterized by the fact that they are “a source of delight.” Here it is noted in passing but we will see it is essential to understanding the distinctive character of the fruits. Third, the delight of the fruits is not pursued for its own sake. They are actus, and one could argue that we should therefore not delight in them since we should delight in God alone. Aquinas responds to this objection by comparing the fruits to a medicine. A bitter-tasting medicine is desired only for the sake of its end, namely good health, but one can find a sweet medicine pleasing and formally seek it out for this reason, even though it is still taken with an eye to the end of health (ST I-II q. 70, a. 1, ad 2; cf. q. 11, a. 3 resp.). We will see that this description of the origin and delightfulness of the fruits will find its way into the Summa, along with the analogy of medicine. Fourth, the commentary notes that the fruits “perfect one either inwardly or outwardly.” Charity, joy, peace, patience, and longanimity are the fruits that perfect a person inwardly with regard to both good and evil things. The other fruits direct one with regard to exterior things, but the inward perfection of the fruits comes first. Fifth, as he did in the commentary on Isaiah and as he would do in the Summa, Aquinas establishes the relation of the fruits to the virtues, gifts, and beatitudes. When he rounds up the discussion on the fruits, he notes that all works of virtue “are called fruits of the Spirit, both because they have a sweetness and delight in themselves and because they are last and congruous products of the gifts.” Aquinas takes care also to note the distinct features of the fruits: “A virtue can be considered the habit and the act. Now the habit of a virtue qualifies a person to act well. If it enables him to act well in a human mode, it is called a virtue. But if it qualifies one for acting well above the human mode, it is called a gift….But as to the act of a virtue, it is either perfective, and in this way is a beatitude; or it is a source of delight, and in this way it is a fruit” (Sup. Ad Gal. 5 l. 6). Note that Aquinas relates the fruits to the virtues and explicitly calls them acts.

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This fifth notion will also be developed further in the *Summa*. To the remarks on delight, Aquinas adds that they are the blossoms of future happiness (ST I-II q. 70, a. 1, ad 1). The most striking difference between the *Summa* and the commentary will be the absence of the distinction between “human mode” and “above the human mode.” This shift in language is most likely the result of Aquinas’s desire to give an even more explicit grounding of human perfection in divine grace. As we saw, the commentary already reflects this effort by speaking of the fruits as arising “from the sowing of spiritual grace.”

The commentary on Galatians already contains the key notions of Aquinas’s theology of the fruits. This theology is in fact developed throughout the Biblical commentaries. Both the commentaries on Isaiah and Galatians contain miniature treatises on the distinction between virtues, gifts, beatitudes, and fruits. The latest of Aquinas’s commentaries that is relevant to our inquiry is on the gospel of Matthew. In this work Aquinas also precedes his commentary on the letter of the text with a miniature treatise. Here, he does not address the fruits explicitly, which makes it the exception in those works of Aquinas that discuss the Scriptural passages relevant to the gifts, beatitudes, or fruits. One aspect of it will prove important though. Commenting on the beatitude of the clean of heart, Aquinas speaks of the contemplative act and the happiness it brings. He notes two things, with reference to Aristotle. First, in order for contemplation to make a person happy, it has to have God as its object. Second, he notes that “delight perfects happiness just as beauty perfects youth” (*Sup. Mt*. c. 5 l. 2; *Sent. Eth.* X c. VI, lines 107-108, 111-112). When we explore the analogy with beauty’s perfection of youth, we learn that delight itself does not constitute the essence of youth but is a supervenient end. In the commentary on Galatians and the *Summa*, Aquinas addresses similar concerns with regard to the fruits, making sure that delight is not sought for the sake of itself but is the effect of the attainment of something that can properly be called an end of human action. These remarks also indicate that he presupposes a relation between happiness and delight. In what follows, I argue that, in the *prima secundae*, the delight that originates in actions of the virtues and the gifts of the Holy Spirit is properly called *fruitio* and described by the fruits of the Holy Spirit.

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23 The terminology of virtue “in a human mode” or “above the human mode” features in Aquinas’s earlier works but disappears in the *Summa*. For a discussion see Ten Klooster, *Thomas Aquinas on the Beatitudes*, 136-140.


However, if Aquinas believed *fruitio* was the proper form of pleasure or delight proper to the Christian life, why does he speak of *delectatio* in the commentaries on Isaiah, Galatians, and Matthew? In part, it is because theological precision is not a feature of this type of texts. Aquinas wrote down his remarks on Isaiah, but the text of the commentaries on Galatians and Matthew are *reportationes*, reports of a class done by a secretary. In class, Aquinas did provide conceptual frameworks before further engaging his subject. In the commentary on Matthew, he speaks of delight not in order to give a full-blown account of pleasure and virtue but to help his audience understand the words “blessed are the clean of heart.” Still, Aquinas continues to use the term “delight” in the *Summa*. In question 70 of the *prima secundae*, he states that the fruits are delightful and that one delights in them, but we can observe similar discussions in question 11 on *fruitio* because *fruitio* is further specified in the article as its own type of delight.

In the *Summa theologiae*, Aquinas presents his mature theology of the fruits of the Holy Spirit. The *Summa* presents us with the *disputatio*, the discussion of questions that arise from the *lectio* of Scripture. The *disputatio* is built on the foundation of *lectio*, and it is therefore helpful to read the two together. This provides us with the most comprehensive understanding of a given author’s views on a subject, including Aquinas’s theology of the fruits of the Holy Spirit. Reading question 70 of the *prima secundae* together with the commentary will direct us to a question on *fruitio* in the *Summa*. At stake is not whether or not Aquinas believes a successful Christian moral life involves some kind of enjoyment. It does. The question is whether or not he believes this enjoyment should be described in terms of the passions. If the answer is no, how should we then speak of the fruits?

Recent studies have convincingly argued that the structure of virtues, gifts, beatitudes, and fruits is key to understanding the moral section of the *Summa theologiae*. The infused virtues and the gifts are the governing *habitus* of the Christian life.26 The actions springing forth from this are properly described in the beatitudes. After discussing all of these, Aquinas moves on to the fruits in question 70 of the *prima secundae*. Here, he poses four questions. For our investigation, the first two are particularly relevant: are the fruits of the Holy Spirit *actus*, and do they differ from the beatitudes? The first article affirms some of the things we already saw in the commentary on Galatians: the term fruit designates something ultimate and delightful. Aquinas again takes up the example of medicine to clarify that we should delight in God only as the ultimate end, and in virtuous deeds “not as if

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they were the end, but by reason of their intrinsic nobility, which delights the virtuous man” (ST I-II q. 70, a. 1, ad 2). He takes up the notion from the commentary on Galatians that the gifts are actus. Aquinas does not dwell on this point but rather goes on to explain how they are in fact fruits of the Holy Spirit rather than of reason. It is in the second article that Aquinas further refines his position by clarifying how he distinguishes the fruits from the beatitudes.

The beatitudes and the fruits both are “fruit” of the action of the Holy Spirit since both spring forth from the virtues and the gifts of the Spirit, the habitus infused in the soul by God. Furthermore, “It belongs to the very concept of fruit that the thing be ultimate and delightful,” and this can also be said of the beatitudes as Aquinas had argued in the previous article (ST I-II q. 70, a. 2, arg. 3). Yet, the difference in their enumeration, Aquinas argues in the sed contra, indicates the difference in species. In the response, he addresses the objection that the beatitudes are also called “fruits.” This is true, but the opposite is not true: one cannot call the fruits “beatitudes” because “the concept of beatitude entails more than the concept of fruit. For the concept of fruit it is sufficient that there be something ultimate and delightful; but for the concept of beatitude it is required in addition that the thing be perfect and outstanding.” He reaffirms that any virtuous action is in a sense a fruit but that “only perfect works are called beatitudes” (ST I-II q. 70, a. 2 resp.). In brief and in Aquinas’s own words, “the beatitudes are fruits but not... all fruits are beatitudes” (ST I-II q. 70, a. 2, ad 1). Delving deeper into the question as to what the fruits are, he considers them “in the light of the various ways in which the Holy Spirit proceeds within us. In this process, man’s spirit (mens hominis) is put in order first of all within itself; secondly, in regard to that which is near to it; thirdly, in regard to that which is beneath it” (ST I-II q. 70, a. 3 resp.).

From the discussion in question 70 of the prima secundae, we can take away a number of things with regard to the fruits. First and foremost, they are actus rather than passions. Second, just as the beatitudes, they are a fruit produced by the action of the Holy Spirit. Third, it is proper to them that they are delightful, and we can understand this as a supervenient delight. Fourth, they order the mens of the human person, first of all within itself. It is this latter observation that gives us another important insight into the fruits. The infused virtues and the gifts of the Holy Spirit are the infused habitus that allow the believer to act toward the final end of eternal happiness. Beatitudes and fruits are the actus that spring forth from them. But whereas Aquinas’s discussions of the beatitudes speak of concrete ways of acting such as selling one’s possessions, performing works of mercy and establishing peace, the fruits are characterized by a far greater interiority. As I noted elsewhere,
The fruits order the human mind, and pertain largely to interior actions such as peace in the light of turmoil, patience in suffering, a kind attitude toward neighbors, and a healthy restraint with regard to concupiscence. The beatitudes on the other hand call not only for inner peace but also to the establishment of peace in one’s life . . . . This difference in orientation, inward rather than outward, is a proper way of distinguishing the fruits from the beatitudes.  

It is true that the fruits also perfect one outwardly, but both in the commentary on Galatians and in the Summa the ordering of the human person “inwardly” or “within itself” comes in the first place. Even of those things that concern outward stimuli, the fruits can be interpreted in terms of the inner ordering of the person. The fruits of continence and chastity, for example, order a person with regard to outward things but concern the interior appetite (Sup. Ad Gal. c. 5 l. 6; ST I-II q. 70, a. 3 resp.).

Given that the fruits are delightful and actus, we need to find a way of speaking about them that acknowledges both these things. It is clear that the passions do not qualify for the task. At the same time, we are looking for terminology that does justice to the interiority of the fruits. When we search the Summa for questions that bring together the notions of fruit or fruition, delight and an interior form of action, two come up: question 70 on the fruits and question 11 on enjoyment (fruitio). In both these articles, Augustine’s discussion of frui serves as the point of reference to discuss the notion of delight. Both articles address the objection that the will should not rest in something that is not the ultimate end, which is what is denoted by the notion of fruition or delight (ST I-II q. 11, a. 3; q. 70, a. 1). Both articles flesh out what it means to reap a fruit: “Fruition seems to be nothing else than to receive a fruit,” Aquinas states in question 11 (ST I-II q. 11, a. 1, arg. 1). This is the same terminology we saw in question 70 (ST I-II q. 70, a. 1 resp.). Most importantly, both fruitio and the fruits of the Holy Spirit are considered actus. Because the two articles are so similar in the language they use, it seems that Aquinas considers fruitio and the fructus of the Holy Spirit as similar concepts. The major difference between the two articles is that question 11 deals with fruition as an act of the will whereas in question 70 Aquinas explains that the type of action he is speaking of is a fruit of the Holy Spirit. Enjoying God “as being a good and ultimate . . . is the object of will. Such also is it as an enjoying. The mind indeed is the power laying hold of this end; yet the will it is which sets us in motion towards it and enjoys it when attained,” Aquinas says of fruitio in general (ST I-II q. 11, a. 1, ad. 1).

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In his discussion of the fruits, his interest is to distinguish its origin: “If activity proceeds from a man in virtue of his rational faculty, it is said to be the fruit of reason. But if it proceeds in virtue of a higher power, namely that of the Holy Spirit, it is called a fruit of the Holy Spirit, as if arising from a kind of divine seed” (ST I-II q. 70, a. 1 resp.).

The third article of question 11 discusses another notion that is important to fruitio and the fruits: its relation to the ultimate end. Strictly speaking, fruitio is said only of the ultimate end. Yet, Aquinas does allow for forms of enjoyment in this life. “That which in itself holds a certain delightfulfulness,” he writes in the response, “and to which other things lead up, can indeed be called a fruit in a sense, but not as though it peculiarly and quite completely fulfilled the notion of a fruit to be enjoyed” (ST I-II q. 11, a. 3 resp.). The will rests completely only in the ultimate end, and any enjoyment in this life is had in anticipation of ultimate fruitio. If there is any doubt that all of this can be said of the fruits, Aquinas takes it away in his response to the second objection. Since fruits as joy, charity and peace do not have the character of being the ultimate end, one cannot say that fruitio pertains exclusively to that end, the objector argues. In the response Aquinas makes a distinction he also makes in question 70, namely between what produces the fruit and the person enjoying the fruit (ST I-II q. 11, a. 3, ad 2; q. 70, a. 1 resp.). The fruits of the Holy Spirit, Aquinas answers, “are the effects in us of the Holy Spirit, not as though they are to be enjoyed as our ultimate end” (ST I-II q. 11, a. 3, ad 2; q. 70, a. 3 resp.). The key distinction here is that between the end itself and our gaining of it, Aquinas explains in what follows. God is the ultimate end as “the objective reality ultimately sought for,” fruitio belongs to the process of attaining this end. Applied to the fruits of the Holy Spirit, we can say that charity, joy, peace, and the other fruits are those things we enjoy as we tend toward our ultimate end. This theory can be corroborated with Aquinas’s discussion of the beatitudes in both his commentary on Matthew and in the Summa. In these works, he suggests happiness is gradually attained in this life: a person can have an inchoate participation in the happiness that is to be had fully in patria. For example, the mercy of God is had fully in heaven, but it is had in an inchoate form in the forgiveness of sins, by the removal of temporal defects (cf. Sup. Mt. c. 5 l. 2; ST I-II q. 69, a. 2 resp.; a. 3 resp.; II-II q. 9, a. 2, ad 1). If we understand the beatitudes as the actus by which the human person tends toward happiness and begins to participate in it, then we can consider the fruits as the interior actus by which this happiness is enjoyed. Defined as such we are able to speak of the fruits as actions, and in a way that takes them out of the discourse on the passions but

instead links them closely to the actus of the beatitudes. This approach takes the fruits out of their relative isolation and considers them as an integral part of Aquinas’s discussion of human flourishing.

Does the connection of fruitio and the fruits mean that there are twelve distinctive pleasures in the Christian life since there are twelve fruits?30 This concern perhaps stretches the concept of alignments further than Aquinas does. Traditionally, there are not twelve works of the flesh, but to him this doesn’t mean that the fruits cannot be considered in opposition to them (Sup. Ad Gal. c. 5 l. 6). Another way to address this issue is by pointing out Aquinas’s use of tradition and faithfulness to Scripture. Drawing from Augustine, he adopts the term fruitio to describe the purest form of pleasure. He cannot simply reduce all forms of pleasure in the Christian life to this single term because of the twelve fructus of the Holy Spirit he encounters in Saint Paul’s letter to the Galatians. The purpose of relating them to the notion of fruitio is to provide a conceptual framework in which we can understand the fruits. We should realize that Aquinas’s starting point is not an effort to clearly define the fruits. In his Biblical commentaries, he proposed an alignment between the virtues, gifts, beatitudes and fruits, clarifying some aspects of it with reference to Aristotle.

CONCLUSION: THE FRUITS, EMOTIONS, AND FURTHER WAYS TO EXPLORE THEM

The objective of this article has been to provide some conceptual clarification with regard to the fruits. Any form of virtuous action is delightful, and, in the Christian life, the fruits describe the delight that comes from actions springing forth from the habitus of the infused virtues and the gifts of the Holy Spirit. One could say that in the life of grace “the fruits are to Aquinas as pleasure is to Aristotle.”31 The fruits of the Holy Spirit are the delights that come with actions that have as their goal union with God, whereas pleasure in the Aristotelian sense comes with actions that are directed toward natural happiness.

I have engaged the work of Andrew Pinsent and Servais Pinckaers, in the hope of building on their insights. I also touched upon the conflation of the fruits with the passions, as it is implicated, for example, in the work of Stump. In response to Pinsent, I provided arguments against the suggested temporal sequence from beatitudes to fruits, while agreeing on the usefulness of the metaphor of resonance as a description for a successful moral life. Pinckaers offered some reflections on the fruits and spoke of the importance of enjoyment in Chris-

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30 A question raised by William C. Mattison in response to a paper presentation on the fruits.
31 This is the summary of Matthew Levering, given in response to the aforementioned paper; the subsequent development of this notion is my own.
tian morality. I returned to the sources by studying Aquinas’s expositions on the fruits in the Biblical commentaries and in the *Summa theologiae*. This led to further precisions and a first exploration of how Aquinas understands enjoyment in terms of *fruitio*. Key to my interpretation is the notion that the fruits are characterized by their interiority, something that can be recognized both in their general definition and in the description of individual fruits.

At the outset, I noted that the fruits are rarely taken up in discussions of Aquinas’s moral theology. The present contribution is an effort to begin to fill the lacuna but is in no way a comprehensive study. Many questions remain and need to be explored further. Future research on the fruits could ask what precisions we can add to our understanding of *fruitio* as the will resting in the good. One thing I have not done in this article is to study the description of each of the fruits in detail. Both the commentary on Galatians and the *Summa* contain enough material for such a follow-up investigation. This would help us to better understand how the fruits are *actus* and what the relation is between the inward and outward perfection of the subject. In further exploring the relation between passions, human action, grace, and happiness, the leading intuition should be this: Aquinas’s approach is a positive one. He seeks to understand how the Spirit guides the believer on the path toward eternal happiness. If we pursue the question in this way, we follow in the footsteps of Servais Pinckaers, whose insights provide us with a solid basis for further reflection on the morality of happiness.32

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32 I wish to thank the organizers of the First Pinckaers Symposium held in May 2018 at Notre Dame University for providing me with an opportunity to present my first reflections on the fruits in an environment that was both academically challenging and encouraging. I am also grateful to William C. Mattison for his constructive feedback on earlier drafts of this article.
A New Look at the Last End: Noun and Verb, Determinate Yet Capable of Growth

William C. Mattison III

DESPITE THE EXPLOSION IN ATTENTION to virtue in post-conciliar Catholic moral theology, a topic that has received surprisingly little attention is the last end. Thomas Aquinas begins the Secunda Pars of his Summa theologiae with some foundational claims about human intentional action and the last end.¹ In line with classical ethics, Aquinas claims that each person has a last end, that the last end is one, and (perhaps most stunningly) that a person does all she does for the sake of her last end. It is this last claim that is the focus of the present essay.

The paucity of scholarly attention to the claim that a person does all she does for the sake of the last end is strikingly disproportionate to the explosion of attention to virtue in the past several decades.² There are scholarly treatments of the last end in the Catholic moral tradition.³ Helpful explanations of the last end can be found in the

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¹ See Thomas Aquinas, Summa theologiae (hereafter ST), I-II q. 1, aa. 4-6. The Latin term for Thomas is ultimus finis, variously translated “last end,” “ultimate end,” and “final end.” “Last end” is used here.

² Other aspects of the last end have indeed received extensive scholarly attention. Most obvious perhaps is the perennial debate, especially evident in the twentieth century, over the relationship between the natural and supernatural ends of humanity. For the most recent essential contribution to that debate, see Lawrence Feingold, The Natural Desire to See God According to St. Thomas Aquinas and His Interpreters, 2nd ed. (Washington, DC: The Catholic University of America Press, 2004).

work of two important contemporary scholars of ancient and Thomistic ethics, and more recently two Thomistic moralists have written more focused treatments of the last end.\(^4\) Finally, an article on the topic by Peter Ryan, S.J., in 2001 prompted several responses over the ensuing decade.\(^5\) Nonetheless even this amount of scholarship is relatively sparse given how fundamental the concept is for Aquinas (and indeed all classical virtue ethics). The problem with lack of attention to Thomas’s claims about the last end is that, if understood simplistically, these claims seem clearly wrong.

In that 2001 article, Peter Ryan, S.J., identifies several cases that he believes expose the inaccuracy of Thomas’s claim that a person does all he does for the sake of the last end. First, how could Thomas think that a child, even beyond the age of reason, acts in such an integrated manner that all he does, even playing baseball, is done for the sake of the last end? Second, doesn’t Thomas recognize that even those in a state of grace (i.e., in friendship with God) can sin venially, thus doing acts that are evidently not for the sake of God? And third, isn’t it true that people whose last end is not God but something idolatrous (e.g., money, pleasure) can do acts that are genuinely good? How could any of these be possible if all one’s acts are oriented toward one’s last end? Ryan posits these cases as situations where people seem evidently to act in manners that are not directed toward their last end.

Thus, in his article entitled “Must the Acting Person Have a Single Ultimate End?” Ryan replies a resounding “no” to what he refers to as “Aquinas’s Position.” He supports his rejection not only by positing the cases mentioned above but also by claiming that Thomas’s view of the last end precludes the possibility of ongoing growth in the spiritual life.

Aquinas’s Position leads him to suppose that having God as ultimate end will integrate all one’s actions toward that end. The logic is sound: if it is true that a single ultimate end necessarily organizes one’s entire

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life, and that end is God, then one’s life is already organized completely around him. In that case, however, there would be no point in the Church’s urging those with living faith to shape their entire lives by that faith.  

Ryan assumes that Thomas’s claim about the last end means that a person’s life is always fully integrated and therefore no more growth in faith is needed or possible. He rightly intuits that this is no “mere theological exercise”:

Assuming it is necessary to offer a more adequate account of why one should put God first, and an explanation of how to organize one’s life around him, providing these will be no mere theological exercise. The reasonableness of making the act of faith depends on the former, and the shaping of Christian life in accord with that faith depends on the latter. Therefore, the truth or falsity of Aquinas’s Position has profound implications for both evangelization and catechesis.

Though Ryan is exactly right as to the profound ramifications of Thomas’s thought on the last end for the lived reality of Christian life, I will argue here that the apparent cracks in Thomas’s foundational claims about the last end are perceived by opponents like Ryan only from the stress of their not being properly explicated.

Therefore, this paper is about more than defending Thomas on some technical points or engaging in intra-Thomistic academic disputes. In fact, relevant to this volume commemorating Pinckaers, ten years after his passing, this essay is squarely in line with one of the most important themes of Pinckaers’s life work: his insistence that moral theology not be divorced from spiritual (as well as Biblical, systematic, and sacramental) theology. Ultimately, this paper is about the spiritual life. On the one hand, there is something binary about Thomas’s thought on the last end. One either has, in faith, the living God as one’s last end or not. And if one does love the Lord our God with all one’s heart, mind, and soul then one does all one does for the sake of God. One is either in this state of friendship with God or not, and this is of course related to the sacramental life, particularly Baptism and Reconciliation.

On the other hand, it seems our lives are constant progressions, or regressions, in our friendship with God. Not just in more dramatic moments such as Baptism, or conversion, or an act of mortal sin where

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6 Peter Ryan, S.J., “Must the Acting Person Have a Single Ultimate End?” 326.
7 Peter Ryan, S.J., “Must the Acting Person Have a Single Ultimate End?” 327.
8 See one example of this claim, see Servais Pinckaers, O.P., Sources of Christian Ethics (Washington, DC: The Catholic University of America Press, 1995), xix.
9 Although this is a “binary” question in that one can have the living God as one’s last end or not, it is of course noted that if one does not, there are a wide variety of ways this can occur.
our final end can be said to change from one to another but also in the daily ways we grow closer to or further from God. There is growth toward or away from God even “within,” so to speak, a consistent final end. Jesus far more commonly challenges those of “little faith” than those of no faith or pagans.10 Who can forget the haunting cry from the gospel, “Lord, I believe; help my unbelief!” (Mark 9:24)? Though there is a binary sense in which we either have faith or not, there is also a continuum whereby we grow closer to or further from God, whether we possess faith or not. Thomas’s moral theology must be able to accommodate both of these dynamics. Yet his thought on the last end, especially the claim that we do all we do for the sake of our last end, seems far better suited to explain the binary aspect of our faith lives than the frequent growth and regression in our faith lives.

The goal of this article is to offer a Thomistic account of the last end that is better able to address (even if not completely dissolve) this tension and the challenges posed by Ryan’s examples noted above. My primary task is not a response to Ryan, a task that has been already ably undertaken.11 My task is to offer an explication of the last end, including a more constructive reading of Thomas’s thought on the last end that is more compelling and thus better able to accommodate the legitimate concerns of scholars like Ryan. I proceed in three sections. In the first, I offer an explanation of the final end rooted in classical ethics, and review Thomas’s arguments for it (ST I-II q. 1, aa. 4-6), noting their connection to Thomas’s immediately preceding arguments on acting for an end in general (ST I-II q. 1, aa. 1-3). In the second section, I offer a more constructive argument based on two articles in Thomas’s Summa theologiae (ST I-II q. 1, aa. 7-8), an argument that connects a staple distinction (from ST I-II q. 1, a. 8 & q. 3, a. 1) in Thomas’s thought on happiness to Thomas’s thought on the last end (in ST I-II q. 1, a. 7). In short, I argue that like happiness, the last end is both something “out there” we seek, and also an activity on the part of the person. It thus should be thought of not only as a noun but also as a verb. The human person is one who “last ends.” In the final section, I briefly suggest how this understanding of the last end enables Thomas’s account of the last end to address the seemingly challenging cases adduced above.

10 For a perfect example of the relative attention to each audience, see Jesus’s words in the Sermon on the Mount, particularly Matthew 6:25-34, where he does differentiate faith in a God of provident gratuity from the “pagans” (6:32), and yet addresses the rest of that passage to those of “little faith” (6:30) who need to live in a manner that more clearly reflects their belief in who God is. For more on this, see William C. Mattison III, The Sermon on the Mount and Moral Theology: A Virtue Perspective (Cambridge: Cambridge University Press, 2016), 176-183. This book is essentially a further reflection on Pinckaers’s renowned chapter on the Sermon on the Mount in his Sources of Christian Ethics.

11 See Jensen, Sin, 15-40.
A Basic Account of the Last End

Why affirm that there is one last end of a person’s life and that one does all one does for the sake of it? Before turning to Aquinas’s more metaphysical arguments, I rely on the work of Pinckaers, complemented by two contemporary moralists: philosopher of ancient ethics Julia Annas and Thomistic moral theologian Jean Porter. They all explain the concept quite accessibly, and I draw from them three main points. First, this affirmation of a last end of a person’s life, Annas says, is seeing one’s life “as a whole.” It is an affirmation of unity in the myriad activities of a person’s life.

All schools in the ancient world agreed that even before we can reason about our lives we have an instinctive tendency to think of our lives as wholes…. [W]e do not typically find arguments to show that it is rational to think of one’s life as a whole, to see one’s activity as given shape by a single final end. This is taken to be what we do anyway; at least we all do it instinctively, and the more reflective do it in a reflective way. We do not all do it well, of course….12

Porter consistently uses the phrase “the overall point and shape of one’s life” as well as “one’s life as a whole.”13 Pinckaers claims that it is due to one’s last end that “our actions are no longer isolated; finality draws them into a dynamic whole.”14 As these thinkers describe it, the claim that each person has a last end is thus an affirmation of the coherence of a person’s life.

Second, the affirmation of a last end is not a claim about the unity of a life from an observer’s perspective; it is a claim about the agent’s perspective, or what Veritatis Splendor calls “the perspective of the acting person” (no. 78). It is one thing to claim that a person’s life can be regarded as a unified whole from an observer’s perspective, and, certainly, that perspective can inform, even correct, the acting person’s point of view. But, as Annas puts it, “essential to virtue [is] the global grasp of the agent’s good unified from the agent’s perspective.”15 Pinckaers captures this point when he observes, “Within the context of this concept of morality, finality, like the desire for happiness, is an

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12 Annas, Morality of Happiness, 39, emphasis added.
13 Porter, Nature as Reason, 201. See also her recent The Perfection of Desire (Milwaukee: Marquette University Press, 2018), where she speaks of how an “individual desires and pursues her overall perfection as a creature of a certain kind,” as well the “full development and expression of the agent’s capacities, integrated into one satisfying and praiseworthy life” (52).
14 Pinckaers, Sources of Christian Ethics, 12.
15 Annas, Morality of Happiness, 83.
essential dimension of our actions. It is not extrinsic to them, but rather penetrates to their core, which is willed intention.”

Pinckaers explores the differences between the agent perspective and observer perspective in his oft-neglected (possibly because poorly named) chapter “The Human Aspect of Christian Ethics.” Virtue-centered approaches to morality always attend to the agent’s own immediate and more remote goals for action, in order to understand these actions themselves, to ascertain what qualities or habits such activities form in a person, and to determine how they fit together in a person’s life as a whole. The claim that each person has a last end is not simply a claim about the observable coherence of their actions but also a claim about how the agent regards all of her actions as part of a coherent life.

Third and finally, as stated in the above block quote from Annas, the final end is related to one’s various activities, even “giving shape” to them. Annas notes that a standard definition of the last end in ancient ethics is the “ultimate object of desire.” It is ultimate, or last, not as the final part of a sequence. Rather, Annas says the “final good unifies and organizes all my other aims and goods.” “It puts a stop to our desires by including and organizing into a whole the ends of smaller-scale desires.” As Pinckaers says, “Our final end need not be viewed as a kind of finish line, bringing our action to a full stop. It is more like an outcome, perfecting our actions and bringing our capacities to full performance.” It does so through being the “goal toward

16 Pinckaers, Sources of Christian Ethics, 12.
17 These three “levels,” if you will, correspond to particular actions, habits, and a person’s final end. In the resurgence of attention to virtue in recent decades in Catholic moral theology, extensive attention has been given to particular actions from the perspective of the acting person, as well as to characteristics of virtues. Less attention has been given to the final end, excepting moral theological discussions about the differences and relations between acquired and infused virtues. For examples of such scholarship from different “sides,” see William C. Mattison III, “Can Christians Possess the Acquired Cardinal Virtues?” Theological Studies 72 (2011): 558-585, and David Decosimo, “More to Love: Ends, Ordering and the Compatibility of Acquired and Infused Virtues,” in The Virtuous Life: Thomas Aquinas on the Theological Nature of the Moral Virtues, ed. Harm Goris and Henk Schoot (Utrecht: Thomistic Instituut, 2017), 47-72. In moral philosophy the lack of attention to the final end is striking. For instance, in On Virtue Ethics, Rosalind Hursthouse, a giant in contemporary virtue ethics, has no significant treatment of the last end. Nor even does Julia Annas in her more recent Intelligent Virtue (Oxford: Oxford University Press, 2011), giving it only brief mention at 123. Annas’s inattention is particularly striking given her work in The Morality of Happiness.
18 For another example of how one develops virtue from the agent-perspective, see Jean Porter, Nature as Reason, 197-198.
19 Annas, Morality of Happiness, 35.
20 Annas, Morality of Happiness, 38.
21 Annas, Morality of Happiness, 40.
which our whole life and all our actions are oriented.”

Porter reafirms this in saying that part of “reflecting on the overall shape of a human life” is “to try and place the satisfaction of these basic desires and needs into the context of one’s overall sense of a desirable or ideal human life.” To summarize these three foundational features, the last end is an affirmation of the unity of a human person’s life, from her perspective as an acting person, in a manner that informs all of her activities.

Turning to Aquinas’s arguments in support of the human person’s last end, we find they are mainly metaphysical. He first claims that a human person must have a last end because in any order of causes there must be a first mover. Since human action is a movement, it must have a first mover. There is a twofold order of human action and in both orders the last end serves as the origin of activity. In the order of intention, the last end serves as first mover since without it human action would proceed to infinity and never find completion (ST I-II q. 1, a. 4). In the order of execution, it is the last end that prompts activity in the first place. Thomas thus claims that without a last end, properly human action would never begin nor find completion.

Aquinas explains the nature of the last end further in the ensuing article, where he argues that the last end is one. He says that “everything desires its own perfection,” and thus a person “desires for his last end that which is his complete and perfect good” (ST I-II q. 1, a. 5). Therefore, it is necessary that the last end so fill a person’s appetite that nothing besides it is left for the person to desire. If this is the case, a person cannot tend to more than one thing as her last ends, otherwise, with each one, something else would be required for her perfection.

Thomas concludes his mini-treatise on the last end by claiming not only that every person has a last end and only one but also that a person does all she does for the sake of the last end. This claim is the focus of the present essay. Whatever a person desires, she desires it as good. If something not be a person’s complete good, it must be ordained toward that complete good, which simply is the last end (ST I-II q. 1, a. 6). Therefore, a person does all she does for the sake of the last end. Though seemingly radical, this concluding claim is really entailed by the initial claim that the last end is the first mover of all properly human action and the next article’s claim that a last end constitutes the person’s complete fulfillment.

These metaphysical arguments about the importance of a last end to generate human activity may seem wholly existentially unconnected to an acting person. They sound rather mechanistic. Yet in the context of Thomas’s immediately preceding articles on human action

22 Pinckaers, Sources of Christian Ethics, 12.
for an end, these arguments are not only more intelligible but also follow necessarily. In the prologue to the *Prima secundae*, Thomas famously begins with the claim that God created the human person in the *imago Dei*, having free will and power over his actions (ST I-II Prologue). While it is the case that all creatures act for ends, human persons, endowed with reason and will, have dominion over their actions through free will. Human persons with reason move themselves toward their ends. Thus, the source or principle of human acts, insofar as they are truly human, is the end (ST I-II q. 1, aa. 1 & 3).

These first three articles therefore establish that human action is for an end and freely so, due to the possession of reason. How does this relate to the *last* end? Well, what it means to choose particular actions *rationally* is simply to do so in the context of a grasp of the universal. In other words, practical reasoning simply *is* making choices with regard to particulars in the context of the whole, or universal. In describing practical reasoning as akin to a skill, Annas notes that “for Aristotle what is important about a skill is that it is the point at which the agent has risen to intellectual grasp of the universal, of what particular cases share.” The truly skilled person does not just do one thing after another well but has a level of “understanding what it is that [one is] doing when in exercising [one’s] skill.”

The level of understanding achieved in a skill is not simply a matter of grasping what one is doing. It is grasping what one is doing in the context of the whole. Annas notes there is debate among the ancients (as well as today) over whether virtue is properly thought of as a skill. Regardless of one’s position on that question, what both have in common is acting reasonably, or choosing particulars with an understanding of their place in a larger context, ultimately “the whole.” In discussing bravery, Annas claims, “the properly brave person grasps how acting bravely, while done for its own sake, also forms part of her overall good in her life as a whole; indeed understanding this is part of what it is to grasp what bravery is.”

Central to human practical reasoning is not only acting for an end but doing so in the context of how that particular end fits into further ends.

Porter addresses this coherence in discussing how children grow in practical reasoning, “The virtue of practical wisdom … is nothing other than a developed capacity to judge in accordance with one’s

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25 Much of Annas’s more recent *Intelligent Virtue* is an argument in support of the (classically Stoic) claim that virtue is a skill (1). See also her “Virtue as a Skill,” *International Journal of Philosophical Studies* 3, no. 2 (1995): 227-243. For an example of someone critical of Annas’s account as too intellectualist, even while he is willing to discuss virtue as a skill, see Matt Stichter, *The Skillfulness of Virtue: Improving our Moral and Epistemic Loves* (Cambridge: Cambridge University Press, 2018), 53-58.
overall aims and to choose a particular action accordingly.”

Further, “Practical reason … functions in such a way to bring order to diverse aims and considerations.” It entails “consideration of one’s life as a whole, [and] the proper place for discrete goods within such a life.”

There is something inherently holistic about action according to reason. This understanding of human action has enormous ramifications (e.g., concerning the connectivity of the virtues), due to the fact that for the ancients, virtues “all reflect his considered conception of his overall good.” Therefore the Thomistic argument based on causality that all one’s acts are for the sake of one’s final end is actually a corollary of the claim that human action is for an end as grasped by one’s practical intellect. Porter summarizes it thus:

The claim that every person necessarily directs all of her actions toward a final end may seem implausible at first, but on Aquinas’ view this claim is a necessary implication of the view that a human person acts voluntarily, that is to say, in pursuit of some end. If the agent did not have a final end in view, her pursuit of intermediate ends would have no rationale or point – which is tantamount to saying that her behavior would not be sufficiently rational to count as [truly human] action at all.

As Annas puts it starkly, “My life is not just a series of, so to say, one damned end after another.”

Annas, Porter, and Pinckaers further illuminate the initially perplexing claim that one directs all of one’s acts toward a final end and clarify how this is a necessary corollary to claiming human action is intentional, or toward an end as grasped by practical reason. This demonstrates how closely connected Thomas’s articles on the last end (ST I-II q. 1, aa. 4-6) are to those immediately preceding them on acting for an end (ST I-II q. 1, aa. 1-3). Before returning to the above-mentioned challenging cases that seem to disprove Thomas’s claims about the last end, the following section examines the two articles immediately following those on the last end, namely, ST I-II q. 1, aa. 7-8, and shows how they also further illuminate Thomas’s conception of the last end.

The Human Activity of “Last End-ing”

Immediately after the three articles explicating the final end and its relation to one’s actions, Thomas asks “whether all people have the

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same last end” (ST I-II q. 1, aa. 7). He offers a distinction upon which he bases his answer. The purpose of this section is to explicate that distinction and relate it to another one he makes in the ensuing article. My argument is that understanding the I-II q. 1, a. 7 distinction in light of the one in I-II q. 1, a. 8 sheds further light on how persons act toward a last end and will enable us to address more adequately the challenging cases noted in the introduction.

In response to the question of “whether all human persons have the same last end,” Thomas unsurprisingly answers yes and no. He says we can consider the last end in two ways: the conception of the last end (ratio ultimi finis) and the thing in which the conception of the last end is found (id in quo ratio ultimi finis invenitur). Thomas claims all agree in seeking the last end in the first sense, since all desire their own perfection and completion. As described in the previous section, using practical reasoning in acting toward ends entails making choices that are connected to “one’s overall aim,” to use Porter’s terms. However, as to that in which the last end is sought, or what one’s “overall aim” exactly is, not all agree since some seek riches, some seek pleasure, etc.

In this article, Thomas is able to explain the sense in which the last end does indeed apply to all and also the obvious fact that people differ as to the “content,” if you will, of their last ends. In secondary scholarship on this article, the distinction is commonly regarded as one’s final end “in general” or “formally” as distinct from “what constitutes one’s final end” or “materially.” In his excellent book *Sin: A Thomistic Psychology*, Steven Jensen labels these two senses of the last end the “overall good” and the “concrete realization.” In each of these translations, both senses refer to features of the last end, one more general and one more specific. Though this is accurate, and Thomas does indeed say that he is describing two meanings of the last end, I argue here that there is a more complete way to understand the “conception of the last end” (Jensen’s “overall good”). Connecting the distinction in ST I-II q. 1, a. 7 to the one in the ensuing article, this latter of which governs the rest of the “treatise” on happiness, elucidates this fuller understanding.


In ST I-II q. 1, a. 8, Thomas asks, “whether or not all creatures share the same last end as human beings.” Whereas the previous article addressed the commonality yet difference between the last ends sought by different human persons, this one addresses the last end of humanity as distinct from other creatures. His answer, of course, is yes and no. If we speak of the last end as “that thing which is the end,” \( \textit{res in qua ratio boni invenitur} \) then all creatures share the same last end, which is God. Yet, if we speak of last end as the “use or acquisition” of that last end \( \textit{usus sive adeptio illius rei} \) then other creatures do not share in the last end as humanity does, for humanity attains the last end by “knowing and loving God,” which is not possible for other (non-rational) creatures. Once again, we have a distinction between two senses of the term last end. In this case, there is a clear distinction between that in which the last end is found and the activity or a manner of attainment on the part of the one seeking that last end.\(^{35}\) I suggest that the previous distinction in ST I-II q. 1, a. 7 is better understood in light of this one in ST I-II q. 1, a. 8, but first a few words on the governing importance of this latter distinction.

The ST I-II q. 1, a. 8 distinction between the last end as that which is sought and the manner of seeking it is unavoidable for understanding Thomas’s ensuing questions on happiness. Question Two contains eight articles that explore that in which happiness consists. Thomas reviews the classic candidates for happiness (e.g., wealth, pleasure) before concluding what he had stated in ST I-II q. 1, a. 8, namely, that the “thing” in which happiness consists is the universal good, the uncreated God.

In Question Three, Thomas accentuates his shift to the activity by which happiness is attained by asking in ST I-II q. 3, a. 1 whether happiness is created. Given the prior article where Thomas concluded happiness is uncreated, one might wonder why Thomas appears to repeat the same question, but his opposite answer, namely, that happiness is created, provides an opportunity to repeat the distinction from ST I-II q. 1, a. 8. Since Question Three examines the attainment or possession \( \textit{adeptio sive possessio} \) of that thing and since for humanity such attainment is an activity \( \textit{operatio}, \) ST I-II q. 3, a. 2), happiness is (also) something created. He goes on in Question Three to explain the exact human activity that constitutes happiness. It is through revisiting the ST I-II q. 1, a. 8 distinction that Thomas explains how human happiness is both uncreated and created, namely, it is the created person’s active participation in the uncreated Divine Essence.

\[^{35}\text{Thomas takes this distinction from Aristotle. Aristotle is not only cited in ST I-II q. 1, a. 8, but also in the crucial ST I-II q. 3, a. 2 on happiness as an activity.}\]
This latter distinction is well recognized throughout Thomistic scholarship. The argument offered here is that, while not exactly the same, the two distinctions are very closely related and regarding them as such helps us to understand better the meaning of the ST I-II q. 1, a. 7 distinction. In one sense, this may be unsurprising. After all, Thomas repeatedly equates the last end and happiness, including in the *sed contra* of each of these two articles (ST I-II q. 1, aa. 7 & 8). If happiness is both something sought and our activity in attaining it, our last end should also be something sought as well as an activity of attaining it. Yet scholarship on the ST I-II q. 1, a. 7 distinction as the “conception of the last end” and “that in which the last end is found” tends to regard both of these as aspects of “that thing which is the end,” to use one half of the ST I-II q. 1, a. 8 distinction. In other words, the ST I-II q. 1, a. 7 distinction is regarded as two manners of understanding one side of the ST I-II q. 1, a. 8 distinction, namely, either a more formal or more concrete designation of “the thing which is the last end.” But what about happiness as attainment or possession of the last end, i.e., the second half of the ST I-II q. 1, a. 8 distinction?

As Questions Two and Three make clear, human happiness is not only something out there that we seek to attain (ST I-II 2) but also something we do as in our manner of attainment (ST I-II 3). Happiness is also an activity. It is not only a noun but a verb. The same is true of the last end. We might even use “last end” as a verb and say the human person is one who “last ends.” Importing the classic Thomistic insight on happiness in ST I-II q. 1, a. 8 (and ST I-II q. 3, a. 1) into his immediately preceding distinction as to the last end in ST I-II q. 1, a. 7 is legitimate for the following reasons. First, Thomas clearly equates happiness and the last end. Second, there is evident parallelism of one side (the noun side) of the ST I-II q. 1, aa. 7 & 8 distinctions: “the thing in which the conception of the last end is found” (*id in quo ratio ultimi finis inventur*; ST I-II q. 1, a. 7) and “that thing which is the end” (*res in qua ratio boni inventur*; ST I-II q. 1, a. 8). Thomas even uses the same examples in each article for this side of the distinction (riches, pleasure).

What about the other half of those two distinctions? It is true that the other half of the distinction in ST I-II q. 1, a. 7 refers to the conception of the last end (*ratio boni ultimi*) whereas that half of the ST I-II q. 1, a. 8 distinction refers more explicitly to activity on the part of the person, the “attainment or use” of that end (*adeptio, consecutio*).

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37 Thomas also equates the last end and happiness twice in the Prologue to Summa theologiae ST I-II q. 1.
usus). Thus, scholars like Jensen who understand the ST I-II q. 1, a. 7 distinction as referring to more formal and more concrete senses of the last end “out there” are not wrong. But that interpretation neglects to emphasize the way the ratio of the last end engenders distinct responses in creatures. All creatures seek that their perfection be completed (appetunt suam perfectionem adimpleri; ST I-II q. 1, a. 7), but human persons (who are the topic of this Secunda pars as imaginis Dei) seek that perfection through the use of reason. Therefore, this half of the ST I-II q. 1, a. 7 distinction is not simply about a more formal sense of the last end as something all seek but an indication of how creatures, especially human persons, seek the last end. In the same way that the nouns adeptio, consecutio, and usus refer obviously to verbal activity, so too the noun ratio. Ratio is a notoriously difficult term to translate. Jensen’s “conception” is perhaps the best English candidate, but, as “conceptions” are “conceived” or “conceptualized” by rational human persons, it is legitimate to understood ratio boni ultimi as referencing the human activity of (practical) reasoning, as “conceptualizing the last end.” After all, every single other article in Question One is about human practical reasoning: as directed toward an end (aa. 1-3); as directed toward the last end in all it does (aa. 4-6); and, as the way of attaining the last end (a. 8). It hardly seems an occasion of eisegesis to read a. 7 as addressing not only features of the last end, but also the active manner in which the human person attains it.

Why have I descended to this level of detail in arguing for continuity between the ST I-II q. 1, a. 7 and ST I-II q. 1, a. 8 distinctions? It is standard in Thomistic scholarship to note that when Thomas claims “happiness is the attainment of the last end,”

38 happiness means both the last end attained and the activity of its attainment. My argument is that any treatment of the last end in a person’s life should equally emphasize both the last end as something sought and “last-ending” as the human activity of seeking / attaining that last end. Regarding the last end not only as “out there” but also as an activity is directly germane to addressing apparent challenges posed to Thomas’s claims about the last end. Once last-end-ing is regarded also as an activity whereby a person seeks to attain the last end and do all she does for the sake of that last end, it is easier to understand how the last end is not only a matter of (binary) identification (what is your last end? God or not God?) but also a matter of an ongoing process or activity in which one may advance or regress.

“Last Ending” and Growth (or Regress) in the Spiritual Life

The purpose of the previous section’s focus on the active sense of the last end is to help explain Thomas’s claims about the last end –

38 This exact phrasing appears in the prologue to ST I-II q. 2, a. 1, right after the two articles under examination here: “nam beatitudo nominat adeptionem ultimi finis.”
which are fundamental not only to Thomas’s moral thought but also to all classical virtue ethics – in a manner that is able to address apparent counterexamples to the claim that we do all we do for the sake of the last end. Given the concern of Pinckaers to connect moral theology and spirituality, I would like to address how it can be the case both that one has a determinate last end and that one can continue to grow toward (or regress away from) that last end. In particular, how can the living God be one’s last end through the virtues of faith and charity and yet there be a possibility of further growth in faith and charity even as the last end remains fixed? My basic argument is that understanding a person’s last end as a verb as well as a noun, in the manner articulated in the previous section, enables one not only to understand better what it means to have a last end but also how one can grow toward (or regress away from) it.  

Since the three examples posited originally in the Ryan article have served as occasions to gauge the adequacy of Thomas’s thought, I briefly review them here, armed with an understanding of “last ending” as an activity. The first is the child after the age of reason who engages in certain activities (the example used is baseball) in a manner seemingly unconnected to the child’s final end. Ryan (and Germain Grisez) posit this as counter-evidence to Thomas’s position that one chooses all one chooses for the sake of the last end. Presumably this child is being raised in the Christian faith, past the age of reason (and thus possessive of a final end), and choosing many actions in service to that final end of God. Yet, the suggestion is that certain of his acts, such as the simple joy of playing baseball, are not done for the sake of his final end.  

In their responses to Grisez and Ryan, scholars like Marshner and DeBlasi focus on the formal sense of acting for the last end, as they read the ST I-II q. 1, a. 7 distinction. They grant this child does not choose baseball for the sake of his final end considered as “that in which the final end consists,” namely, God. Yet, they claim the child does choose baseball for the sake of his last end considered in the formal conception of happiness. As DeBlasi says, “it is the formality of happiness, not its content, that is necessarily involved in the choice to play baseball, and that same formality eventually pushes the agent to go beyond baseball.”

Grisez replies that this is too formal a conception of the final end because it affirms that anything chosen is for the sake of the final end.

39 The common understanding of Thomas’s ST I-II q. 1, a. 7 distinction as more or less specified can indeed help explain how human persons who all operate in the same manner with regard to having a final end might nonetheless have different final ends as to that which they seek. But this distinction between the final end understood “formally” vs. “materially” is less helpful in explaining growth (or regression) within a common final end in the material sense.

40 DeBlasi, “Ultimate End, Human Freedom, and Beatitude,” 120.
If that is the only sense of Thomas’s (or the classical virtue ethics) claim, it may be true but is completely uninteresting. This is a fair criticism by Grisez. An understanding of the last end in a verbal sense helps address it. Thomas’s claim is not that anything anyone does is done for the sake of the last end simply because one does it but because it is a properly human choice, for an end, and an end considered in relation to the variety of ends in one’s life. For the child playing baseball this may not be a full-blown integrated view of how baseball fits in to the variety of life’s activities all done for the sake of God. For the choice to play baseball to be a properly human choice (and not, say, the activity of a five year old whose parents sign him up for tee ball), it must be done from the perspective of the acting person, as a particular choice in relation to one’s overall aims, and done in a manner shaped by more important goals. These are the exact features of a last end and last end-ing as depicted in the first two sections above.

Surely in the case of a ten year old, this last end-ing is done with a far from fully integrated account of the particular decision with relation to all others in light of the last end. However, as any parent has witnessed, that child will weigh whether they want to play or not and why. (If they do not, and they do it out of rote habit because Mom and Dad signed him up, it is not a properly human act.) For example, do they enjoy activity with friends? Do they have a competitive spirit? Do they want to please Mom and Dad? Is it a way to secure trips to the snack bar? Furthermore, the place of the activity in relation to other aims will indeed shape how the child does it. How attentively will he concentrate on the game? How will he treat teammates and opponents? How important are snack bar trips and post-game treats to playing baseball? Even as the child is likely unable to explicitly depict the place of baseball in his overall life plan, its prioritization (or not) in relation to other goals, and the manner in which it is undertaken, do indeed reflect such placement.41 The active process whereby a child does this, including coming to an increasing recognition of that overall coherence, is “last end-ing.” Even before there is complete conscious coherence – something not fully present in anyone in this life42 – the child may rightly be said to have a last end of God and yet progress (or regress) in the extent to which all is done in a manner informed by that last end. In other words, there is a (binary) determinate (even if

41 This is a reason that complex social activities like baseball, which have (to use MacIntyre’s terms) “internal goods,” are so important for child development (and character formation for people of all ages). They can be done in a myriad of ways, and thus provide opportunities to do them well and build one’s character (or, sadly, do them poorly and deform one’s character).

42 Aquinas claims that it is impossible in this life to do all one does truly for the sake of God and be aware of how each act is fully integrated with all others and for the sake of God. That level of perfect cohesion he claims is only present for the blessed in heaven. See ST II-II q. 24, a. 8.
not fully integrated) last end, from the perspective of the acting person, even as there is (a great deal of) room for further growth in how all activities are done for the sake of that last end.

The baseball example addresses the question of how Thomas can maintain a determinate last end even as there is, at times, less coherent integration of certain activities toward the final end. In other words, how can one possess a last end and do all for the sake of it, even when one chooses some activity (here baseball) that, while integratable to that last end, is not consciously related from the perspective of the acting person. There are other apparent counter-examples. What of times when one willingly chooses in a manner that is not integratable with the last end and yet such an act does not dislodge one’s determinate last end? Note that no one in this debate denies such a situation is possible. This is the reality of venial sin. Venial sins are chosen acts that “offend and wound” our friendship with God in charity, yet nonetheless do not sever that friendship, i.e., alter the last end. How can Aquinas recognize the reality of venial sin, and yet still claim that all one does (including venial sin) is for the sake of one’s last end?

The task here is not to adjudicate the extensive scholarly literature on this question. The task is to explain how an understanding of “last end-ing” as depicted in the first two sections of this article can aid our understanding of what happens in venial sin. One who sins venially does not in fact act for the sake of God as one’s last end in that particular action. Nonetheless, when a person chooses that act, they do it (not in reality, but from the perspective of the acting person) for the sake of God, even if they are culpably wrong in doing so. As Thomas puts it, “he who sins venially does not enjoy a created thing as an end but uses it as a means, for he refers it to God….44 This active process of choosing an act (that is in fact venially sinful) and doing it for the sake of God is “last end-ing,” albeit poorly in this case. But it is indeed “doing all one does for the sake of God” – as Thomas affirms in ST I-II q. 1, a. 6 – from the perspective of the acting person. Since Thomas knows that venial sins are not in fact for the sake of God, this can only be what he means.

The verbal sense of last end-ing is not some trick to get Thomas off the hook regarding an otherwise indefensible claim. It is an important facet of the psychology of human sin. Anyone who has rationalized taking an extra piece of cake or extra drink, or justified not standing fast at a difficult moment, or rationalized (“conceptualized”!) why they could take something not theirs, has “last end-ed” in this manner. They have endeavored to make something fit the last end of God, even while it is not in fact integrated with that last end. Hence

43 For an outstanding recent treatment of venial sin, see Jensen, Sin, 66-83.
44 Thomas Aquinas, De malo q. 7, a. 1, ad 4, emphasis added. See also ST I-II q. 88, a. 1, ad. 3 and ST II-II q. 24, a. 10, ad 2.
venial sin strains and wounds, but it does not dislodge that last end. If it did, it would be mortal sin.\(^45\)

This of course raises the issue of when sinful activity “crosses the line” and does indeed dislodge one from having God as last end. Surely the requirement for such cannot be that one consciously renounces God in a direct way. Therefore, people may indeed be “last end-ing” in a manner where they think they are acting toward God but in fact are acting toward some other last end. If this does not give believers pause, they have not read the gospels, where Christ’s most frequent target is clearly not explicit unbelievers but “hypocrites” who purport to live lives of faith and yet ultimately serve themselves.\(^46\) The question of differentiating mortal and venial sin is situated here conceptually (whether or not one in fact has God as one’s last end) but obviously not delineated as to individual cases.

One more question to be addressed regarding venial sin is how one can choose a venial sin culpably and yet be doing it (from the perspective of the acting person) for the sake of God. Thomas claims that there are a variety of (internal) causes of human sin: the passions, the intellect, and the will. Yet, no matter what the internal cause, in each case one chooses what one deems (inaccurately) to be good. For a rigorous account of how sins from each of these causes occur, the recent *Sin: A Thomistic Psychology* is invaluable. Jensen explains how in each case a person chooses what they deem to be good, even though in fact their culpable passions, misjudgments, or commitments to lesser goods engender this erroneous assessment. Jensen’s account is as strong a response as anyone’s to the classic question of how Thomas can account for sin when he claims that a person always chooses what they deem to be good. What the first two sections of this article add to that body of scholarship is an account of the verbal process of last end-ing, whereby a person not only deems an immediate (venially sinful) choice to be good but does so in a way that narrates it (inaccurately) as part of one’s journey toward God.

The ramifications for the Ryan and Grisez criticism of Thomas’s position should be clear. In one sense they are correct: those who are

\(^{45}\) In *Ethics as a Work of Charity*, in his treatment of the final end, Decosimo inexplicably claims that “mortal sin involves a believer in temporarily turning away from [sic – toward?] and pursuing as final that which is not his true, stable final end. For the believer, mortal sin and its final end are accidental in the sense of being out of accord with and betraying her true final end. It is aberrant and (unless he remains impenitent) nondecisive” (204). It is unclear how a mortal sin can be nondecisive when it by definition is a change in one’s final end. It can be temporary but need not be. And the final end is most properly ascribed to a person not an act. A verbal sense of final end aids in understanding these last points.

\(^{46}\) For more on hypocrisy, and in particular whether hypocrites are knowingly deceptive or may be self-deceived, see William C. Mattison III, *The Sermon on the Mount and Moral Theology*, 141-144.
indeed in friendship with God in charity and faith and yet who sin venially do not in fact do those venial sins for the sake of God. However, this does not disprove Thomas’s claim that one does all one does for the sake of one’s last end. From the perspective of the acting person, the venial sinner does indeed narrate, or last end, her acts as for the sake of God. Scholarship defending Thomas on this matter has generally relied on ST I-II q. 1, a. 7 to say that the venial sinner pursues a formal conception of the last end (i.e., happiness) even while sinning venially. While not inaccurate, the verbal sense of last end-ing depicted in section two explains how that happens in a very active and specified (albeit inaccurate) manner in the person with faith and charity who nonetheless chooses to sin venially as a properly human action.

The last example proposed by Ryan concerns the person who does not have a last end of God and yet nonetheless performs a genuinely good action. Ryan raises the question not to enter the fray of the broader debate on so-called “pagan virtue” in general but as a counterexample to Thomas’s claim that one does all one does for one’s final end.47 In fact, the assumption in Ryan’s example is that the person has a last end that is idolatrous, not simply the inchoate “natural good.” How to explain seemingly good acts when this person does all he does for the sake of his idolatrous last end? One explanation is that such acts are akin to the venial sins of the believer. Though not in fact coherent with one’s last end, they are narrated as such (wrongly) from the perspective of the acting person, and thus “last end-ed.” In such cases, the apparently good acts (such as the prayer, fasting and almsgiving of the hypocrites of Matthew 6) would in fact be vicious as “last end-ed” for an idolatrous end (in the case of Matthew 6 “to be seen by others”).

Another possibility is that, as in the case of the baseball player, the act is not coherently (albeit wrongly) last end-ed but rather chosen in a non-fully integrated manner. If it is a properly human choice, it will still reflect the priorities of one’s last end and even be done in a manner shaped by one’s other commitments including one’s last end. As such, it would be “last end-ed” and fit within one’s last end even if not fully coherently. Of course, if it defied one’s last end, it would be back to the venial sin type case, or, if the act were such that it actually re-oriented one’s last end, it would be akin to (though opposite to) the mortal sin case, a sort of act of conversion. Yet, no matter how this

47 For a superb foray into pagan virtue, see David Decosimo’s *Ethics as a Work of Charity*. He is very concerned about the good acts of non-believers and examines that issue in depth. Though it is outside the scope of this essay to address, I am concerned his inquiry results in an account of the final end that does not end up serving the classic functions of the last end as depicted in section one.
third example is understood, it can be explained by the account of “last end-ing” depicted in the first two cases.\textsuperscript{48}

\textit{Conclusion}

The main purpose of this essay has been to offer a persuasive account of the last end as explicated in Thomas’s moral thought. The first section relied on the work of scholars Annas, Porter, and Pinckaers to complement Thomas’s arguments for the last end. The seemingly radical claim about a human person doing all he does for the sake of the last end turns out to be a corollary of the fact that that the human person is a practical reasoner. The second section buttressed the Thomistic account of the last end with a reading of \textit{ST} I-II q. 1, a. 7 as depicting the last end as both noun and verb. Akin to the manner that happiness is something both sought and performed by the human person, so too the last end. The third and final section deployed this more robust account of the last end to address three cases posited in recent scholarship as counterevidence to Thomas’s position on the last end. Most importantly, the purpose of this essay has been to explain how a human person can both have a determinate last end and also continue to grow (or regress) in acting for the sake of that last end. A grasp of how one “last ends” in an active manner helps explain how a person’s last end can be determine and yet also how a person can continue to grow such that the last end more coherently governs the whole of one’s life.\textsuperscript{44}

\textsuperscript{48} Scholars familiar with Thomas’s work on acting for the last end may be surprised at the paucity of attention given here to Thomas’s claims about the way one can act toward the last end actually, virtually, and habitually. More in depth treatment of the full meaning of these distinctions, and the ways that the current argument about last ending as a verb can contribute to understanding them, is part of a current book project tentatively titled \textit{Grace and Virtue}. Suffice it to say here that the argument about the verbal sense of last end-ing offers a more complete way to understand the connection between a person’s acts and her last end in the case of habitual ordering. For excellent treatments of these distinctions, see Thomas Osborne, “The Threefold Referral of Acts to the Ultimate End in Thomas Aquinas and His Commentators,” as well as Jensen, \textit{Sin}, 17-24.
The Virtue of Equity and the Contemporary World

Elisabeth Rain Kincaid

The word equity, when it appears in contemporary theological discussions, can carry a variety of meanings. Most commonly, it is used as a synonym for a commitment to fairness and typically referred to along with justice.\(^1\) Secondly, it can be used in a more legal, technical sense—a reference to the traditional power, derived from the British courts of the Chancellery, by which judges may craft a special remedy to correct a deficiency of the common or civil law.\(^2\) Third, it may also be used in a technical legal sense in canon law. In this sense, equity is often understood as an expression of divine mercy to soften the strictness of the law.\(^3\) While each of these meanings has its own rich significance, not one of them extends to the understanding of equity developed in the Aristotelian/Thomistic tradition. In this tradition, equity (epieikeia or epikeia) is understood as not only an action but also a virtue. Individuals who possess the virtue of equity have the stable disposition to “set aside” (praetermissis) the letter of the law in order “to follow the dictates of justice and the common good” (ST II-II 120, a. 1). Equity for Aquinas, therefore, is an expression of the natural law, a “higher rule of human action” than legal justice, which justifies temporarily setting aside the authority of the civil law (ST II-II 120, a. 2, ad 1).

Equity, therefore, considers laws which are not comprehensively unjust, but rather would be unjust or harmful to the common good if applied in specific situations. After Aquinas, this description of the virtue of equity appeared as an important topic for many moral theologians, including Suárez, Cajetan, Soto, Alphonsus Liguori, and many of the manualists. For each of these theologians, the virtue of equity was important because it provided an explanation for the way

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in which Christians could disobey the law and yet still act in accordance with the virtue of justice.

However, in the last century, equity’s significance in moral theology has gradually faded. In fact, the most recent full length treatise in English on the virtue of equity, still considered the standard study, was completed in 1948.\(^4\) The topic of equity was revived in a series of essays in the 1970s, in which Joseph Fuchs, Bernard Häring, and several others argued, against much of the traditional understanding, that equity should be understood as applicable to natural law as well as civil, at least in certain senses.\(^5\) Since this innovative presentation of equity, there has been little constructive discussion of the virtue of equity. Although brief discussions of equity have appeared in recent works on the connected virtues of justice and political virtues in general, equity still remains largely neglected as a topic for contemporary theological reflection.\(^6\) In 1996, Romanus Cessario highlighted this absence in an essay which presented an outline of the “historical-doctrinal study of the notion” in order to provide the historical grounding for the retrieval of the virtue.\(^7\) In this essay, Cessario notes this absence, writing “with only some few exceptions, epieikeia no longer figures prominently on the list of topics that engage the interest of moral theologians. Given the influence that the concept once exercised on Christian moral reasoning, such inattention should signal a certain alarm.”\(^8\) From being an important and vibrant component of analysis of Christian resistance of unjust laws, the virtue of equity has become only a tool of theoretical theological critique.

I share Cessario’s concern about the disappearance of the virtue of equity because I believe that understanding the virtue of equity is important for Christians living in a conflicted society to determine how to engage with civil law. However, in order to reclaim the virtue of equity as a compelling tool of critique of civil law, its dependence

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\(^8\) Cessario, “Epieikeia and the Accomplishment of the Just,” 170.
upon natural law must be retrieved, contrary to the innovations made by Fuchs and Häring. In making this retrieval, I draw specifically upon Servais Pinckaers’s description of natural law as a tool of discernment developed from natural instincts. I argue that Pinckaers provides a natural law theory which justifies the claim that the discernment of an individual citizen according to the virtue of equity might, in specific situations, justifiably stand against the authority of civil law. In addition, equity, as a virtue which may be cultivated by Christians, must be understood not only as an acquired virtue but also as a virtue infused with charity.

To make this argument, I first provide a basic overview of equity, understood as a virtue foundationally informed by natural law, by considering a brief overview of Aquinas’s description of the virtue of equity. In the following section, I consider the innovative view of equity as a correction to natural law developed by Fuchs and Häring. In this section, I argue that a robust understanding of equity as informed by natural law is crucial for contemporary retrieval of the virtue. I also argue that Pinckaers’s theory of natural law provides both sufficient grounding for the expansive claims made of the virtue and answers the concerns regarding natural law which led Fuchs and Häring to believe that it could be modified by equity. Finally, as the positive part of this retrieval, I consider how equity would appear as an infused virtue by considering the implicit presentation of a form of infused equity in the pastoral letters of St. Oscar Romero.

**Equity in Aquinas**

Aquinas mentions the virtue of equity in the *Scriptum super Sententias*, the *Sententia Libri Ethicorum*, and the *Summa*. In this article, I focus primarily on the *Summa*, his most mature work. In addition, although Aquinas appears to differentiate between the Greek term *epieikeia* and the Latin *equitas* in some of his earlier work, he presents them as synonyms in the *Summa* (ST II-II q. 120, a. 1). Therefore, for the purposes of this article, I consider *epieikeia* and *equitas* as interchangeable terms, for which “equity” stands as an adequate English translation. In the *Summa*, Aquinas identifies the virtue of equity as connected to the virtue of justice. Equity is the last of the virtues connected to justice to be listed in the *Summa*. It shares many of justice’s structural characteristics, and, like justice, its basic act is to grant to each their due. Aquinas’s discussion of equity therefore depends upon much of his prior analysis of the virtue of justice, especially its relationship to civil and natural law.

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9 Aquinas equates *epikeia* and *equitas* for the purposes of this question in the *Summa*: “…the object of *epikeia* which we call equity (*equitas*).” For a further discussion of the differentiation of *epikeia* and *equitas* in the *Sententia Libri Ethicorum*, see Bushlack, *Politics for a Pilgrim Church*, 95-97.
Aquinas identifies two types of justice—justice enacted between individuals and justice which is owed to the community from individuals, “as parts to a whole” (ST II-II q. 58, a. 5). Since individual or particular justice directs actions in personal relationships between individuals, it exists in each individual (ST II-II q. 58, a.1, ad 1). The justice owed to the community is called legal justice, since it “belongs to the law to direct to the common good” (ST II-II q. 58, a. 5). Legal justice is general “in so far as it regards the common good as its proper object” (ST II-II q. 58, a. 6). The object of both types of justice is the just, “which is the same as the right” (ST II-II q. 57, a.1). In other virtues, apart from justice, the right is determined “in relation to the agent only,” whereas the right in a work of justice “besides its relation to the agent, is set up by its relation to others” (ST II-II q. 57, a.1). The relation to others is just if “it is adjusted to another person according to some kind of equality,” thus creating some type of objective standard for the virtue of justice (ST II-II q. 57, a.2). Thomas identifies this standard as the precepts expressed in the Decalogue, which comprise the “first principles of the Law” and are accessible by natural reason (ST I-II q. 100, a. 3; II-II q. 122, a. 1).

Because the common good is its object, legal justice exists primarily in the one who has the care and responsibility for the common good. Thus, it exists “in the sovereign principally and by way of a mastercraft [architectonice], while it is secondarily and administratively in his subjects” (ST II-II q. 58, a. 6). The virtue of legal justice is most often exercised by the ruler in the formulation and promulgation of law in order to advance the common good. In exercising this virtue, the ruler must discern both the natural right, which civil laws cannot contradict if they are to be just, and what positive right must be established to advance the common good in a particular community.

This discernment of what positive right advances the common good is necessary because, since human nature is changeable and sinful, “that which is natural may sometimes fail” (ST II-II q. 57, a. 2, ad. 1). Therefore, there may be occasions upon which the normal and natural standards of justice should be disregarded, due to the effects stemming from human sinfulness. For example, although the natural law requires that deposits always be returned, the intervention of human sin may change the context so that the natural law no longer applies. It would normally be just to return a sword placed upon deposit, but the natural law does not mandate that a sword needs to be returned to somebody who would harm the common good by possessing it. In addition, the changeableness of human nature requires that positive laws

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10 For further discussion of the relationships between the precepts of justice and the virtue, see Jean Porter, *Justice as a Virtue: A Thomistic Perspective* (Grand Rapids: William B. Eerdmans, 2016), 171-227. I am indebted to Porter’s discussion of justice as a virtue for clarifying this important connection.
must vary in response to different cultures and contexts, in order to more appropriately perfect the virtue of the citizens of each community (ST I-II q. 97, a. 1). For example, the citizens of some countries, due to their discipline and prudence, might need fewer laws to restrain them than the citizens of other countries, who lack stable civic norms and customs. It is due to these defects and differences in human needs for governance that Aristotle describes political justice as “partly natural and partly legal” (ST II-II q. 57, a. 2).

The positive (or legal) element of human law is created when the will of the prince or the decision of the people “make a thing to be just provided it be not, of itself, contrary to natural justice... for instance by decreeing that it is lawful to steal or to commit adultery” (ST II-II q. 57, a. 2, ad. 2). Determining how the natural law applies in a specific context, and what further positive laws are required to promote the common good, means that the ruler must exercise the virtue of justice through an act of judgment (ST II-II q. 60, a. 1). This requires a special type of judgment, going beyond the normal virtuous judgment regarding interpersonal interactions or self-regulation. In formulating positive law, “there is further need for the judgment of a superior, who is ‘able to reprove both, and to put his hand between both’” (ST II-II q. 60, a. 1, ad 3).

While judgment is an act of justice, and therefore perfects the will, it also requires the virtue of prudence: “because it belongs to the reason to pronounce or define” (ST II-II q. 60, a.1, ad 1). Specifically, the ruler’s act of judgment requires the virtue of synesis, which is connected to prudence and defined as the disposition to judge rightly according to “particular practical matters” (ST II-II q. 51, a. 3). However, the ruler, no matter how superior his or her access to reason, is always limited in the laws he or she can frame. Because laws are framed for the community, not for individual instances or situations, those framing the law can only frame these laws to fit “the majority of situations” likely to arise in that community (ST I-II q. 96, a. 1). Human laws, issued by limited human lawgivers to address situations specific to one particular context, can never hope to address all of the existing possible situations which might arise in relation to a law (ST I-II q. 96, a. 6). This means that some laws which are generally just (and therefore normally binding in conscience) may not be just in some limited and unexpected situations (ST I-II q. 96, a. 4).

In these instances, what is the proper response of the people? At first, it seems that Aquinas has laid down a very clear delineation between legal justice, the justice of the ruler functioning in his office or of the people as an entire community, and individual justice, the justice which applies to individual relationships. In his discussion of the act of judgment necessary for legal justice, Thomas claims that “in matters of justice, there is further need for the judgment of a superior.” This goes beyond the need for judgment only of a virtuous man in
relationship to the other virtues which regulate a human in himself or herself, rather than in interpersonal relationships (ST II-II q. 60, a. 1, ad 2). In addition, since legal justice in fact directs all citizens and all virtues towards the common good, how can there be a virtue which overrides this master (“general”) virtue? (ST II-II 58, a. 6, ad 4) Wouldn’t claiming that citizens can judge against the law, contrary to the citizen’s own authority, be a judgment of “usurpation” and therefore contrary to the virtue of justice? (ST II-II q. 62, a.2)

To respond to this potential objection, Aquinas draws upon Aristotle to describe a specific virtue which allows an ordinary citizen to virtuously act against the letter of a generally just law to secure the outcome which promotes the common good. Just as the content of a just act might change in exceptional circumstances due to human sinfulness, civil laws that are rightly established may fail to be just in specific cases. “Therefore, in such cases judgment should be delivered, not according to the letter of the law, but according to equity which the lawgiver has in view” (ST II-II q. 60, a. 5, ad 2).

Understanding what is meant by the “equity which the lawmaker has in view” requires several levels of distinction. First, it is important to differentiate between the type of situation which Aquinas is considering in his discussion of equity and one which is generally unjust. Like Augustine, Aquinas believes that a law which is completely unjust, whether by usurpation or its total failure to promote the common good, is no law at all and not binding. In analyzing the virtue of equity, he is considering why a generally just law, rightfully issued by the proper authority, can in specific situations be disobeyed by individual citizens on their own judgment. Aquinas provides two examples of situations in which this may obtain. In one example, he considers a situation in which the exercise of equity is only against positive law. In the second, he considers a situation in which the exercise of equity is (presumably) against positive law (this is not specified but seems to be assumed based on its placement in the discussion of equity) and also, apparently, against natural law. In the consideration of whether a person can act against the letter of the positive law, he provides the example of citizens of a besieged city who, despite the law forbidding the gates of the city to be opened, open the gates to admit defenders whose arrival is necessary to the city’s defense (ST I-II q. 96, a. 6). Secondly, as discussed above, he provides the example of a person who refuses to return an item placed on deposit because the man requesting its return is “in a state of madness” or planning to use the sword to commit treason and fight against his country (ST II-II q. 120, a. 1). In considering this exact same instance in another article, Aquinas makes the point that this situation occurs not because natural right (which would always require that the sword be returned) fails, but rather because human nature itself is changeable, and may fall into error. “Since it happens sometimes that man’s will is unrighteous, there are
cases in which a deposit should not be restored, lest a man of unrighteous will make evil use of the thing deposited: as when a madman or an enemy of the common weal demands the return of his weapons” (ST II-II q. 57, a. 2, ad 1). In both instances, the virtuous citizen is the one who acts according to equity and disobeys the letter of the law. The key for Aquinas’s justification of the existence of the virtue of equity is that, when acting according to the doctrine of equity, the citizen is not acting contrary to justice, even though she is acting contrary to the letter of the law. Her actions contradict legal justice, when justice is narrowly understood as actions in accordance with the letter of the law. However, to follow the letter of the law when this action would promote injustice would be in itself sinful. In this situation, equity is the justice which “exceeds” legal justice, and in fact directs it (ST II-II q. 180, a. 2). The object of equity, just like the object of legal justice, is to “follow the dictates of justice and the common good” (ST II-II q. 120, a. 1). Therefore, in Aquinas, equity describes both a virtue and a standard of justice. Equity is the standard of a justice higher than legal justice, to which each law must conform to be truly just, and therefore to be valid and authoritative. Equity as a virtue enables a citizen to judge according to this standard of justice that in one specific circumstance the generally just law should not apply (ST II-II q. 120, a. 1, ad. 2).

However, the virtue of equity is strictly limited. The application of equity to the law does not mean that the law, considered generally, is definitely unjust. Nor is a claim of equity a denial that, at times, a strict application of the letter of the law might be necessary for the common good—so long as this strictness does not run contrary to justice (ST II-II q. 120, a. 1, ad. 1). In addition, possessing the virtue of equity is not equivalent to a license to unqualifiedly disregard the letter of the law. Rather, according to Thomas, equitable action is only appropriate in specific types of situations: “sudden peril” or “immediate necessity” where it would be impossible to refer the matter to an authority for further confirmation or guidance (ST I-II q. 96, a. 6; II-II q. 120, a, 1, ad 3).

The proper action of the virtue of equity actually requires the engagement of the virtues of prudence and justice, as do all exercises of judgment regarding the law. As discussed above, judgment according to common law, the judgment of a judge or legislator, for example,

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11 The later tradition on equity focused on how much equity can be exercised for the benefit of an individual as opposed to the common good generally conceived. For the purposes of this article, I will not focus specifically on these questions of the relationship between the individual and common good. See, for example, Francisco Suárez, *De Legibus*, ed. Luciano Pereña Vicente (Madrid: Consejo Superior de Investigaciones Científicas, Instituto Francisco de Vitoria, 1971), VI.vii.
requires the virtue connected to prudence called synesis. Equity requires different capacities, and therefore depends upon the connected virtue to prudence known as gnome. Both gnome and synesis are virtues which perfect the “cognitive power apprehending a thing just as it is in reality” (ST II q. 51, a. 3, ad 1). However, they apprehend different things. Gnome, “a higher virtue of judgment,” is a virtue of the intellect which allows a person, when confronted with situations outside of the common course of action, to “judge of such matters according to higher principles than the common laws” (ST II-II q. 51, a. 4). Gnome therefore is the disposition which determines when the positive law contradicts the natural law. It also is the virtue by which a person possesses the ability to discern when the natural law itself does not apply in a specific situation (ST II-II q. 122, a. 1). However, because the ordinary citizen does not have access to all the information available to the ruler, this discernment is only justified when the law runs afoul of natural right or the common good. Also, implicit in this limitation is that, in rendering each person his or her due, equity is also directed by the objective precepts which regulate justice and all connected virtues and are expressed in the Decalogue (ST II-II q. 122, a. 1).

Since judgment is an act of the virtue of justice, equity requires more than simply acknowledging the precepts of justice and the directions of prudence. In addition, equity requires the perfection of the appetitive power of the will so that a person “renders to each one his due by a constant and perpetual will” according to the apprehension and direction of reason (ST II-II q. 58, a. 1 and 4). Thus, the person possessing the virtue will not only make the correct judgment but possess the actual desire to act according to the judgment. This desire will be translated into actions of both restoration and protection of what is due to others. Therefore, the virtue of equity depends upon both right understanding and right desire.

THE RELATIONSHIP BETWEEN EQUITY AND NATURAL LAW

In a series of essays in the 1960s and 1970s, Joseph Fuchs and Bernard Häring, and several others, engaged in a retrieval of the virtue of equity. In these essays, the authors argue that the virtue of equity, in one way or another, should be understood as capable of creating an exemption to natural law as well as civil law. The contemporary interpreters intentionally ground their own understanding of equity as some form of “escape valve” from natural law in a line of argument developed from some early scholastics, such as Richard of Middleton and

Ockham, through Cajetan to Alphonsus Liguori.\textsuperscript{13} For example, although Cajetan believes certain precepts of the natural law are inviolable, such as those related to adultery or lying, equity might be applied to create an exemption from natural law in other situations where it could cause “unnecessary harm.”\textsuperscript{14}

According to Fuchs and Häring, these theologians turned to equity to modify their understanding of natural law as a strict code of rules, either articulated by God or based upon biological determinism. As Häring points out, the result of viewing the natural law only as strict norms imposed from without resulted in these theologians using \textit{epieikeia} for “reducing the all too great number of absolutes; practically, they admitted the use of \textit{epieikeia} only with regard to those ‘natural law’ principles which contained a historical element that was no longer fully in tune with new insights and new realities.”\textsuperscript{15} Fuchs and Häring seek to critically appropriate this claim— that natural law can be modified by equity—and innovate upon it in order to present an understanding of natural law which they believe accords better with modern insights.

In the interest of space, I briefly consider only Fuchs’s appropriation of equity as a critical tool in order to develop a new theory of natural law. First, Fuchs argues that any understanding of the norms of natural law as “imposed from above” seems to have disappeared from the discourse. “Today, we are hardly as optimistic as the learned men of other times, for we think that divine natural law itself (neither written nor otherwise formulated) is not always sufficiently expressed in norms which are formally redacted by us men and not God. In other words, we have difficulty in calling these norms (other than the imprinted natural law) ‘divine’ precepts with absolute certainty.”\textsuperscript{16} This leaves the only possible understanding of natural law as a set of precepts “‘imprinted’ on the creature to the extent that the creature, in understanding itself, posits such a law actively as well as passively.”\textsuperscript{17} This leaves natural law, for Fuchs, as, at most, a set of rigid norms grounded in biological realities.

However, Fuchs argues that even this limited understanding of natural law is too rigid. There are, he acknowledges, “transcendental” norms of natural law, which are tautological in their content, such as “the adage that good must be done or evil avoided, or—and this is the same thing—that man ought to act in a rational or genuinely human


\textsuperscript{14} Couture, “The Use of \textit{Epikeia},” 97.

\textsuperscript{15} Häring, “Dynamism and Continuity,” 213.

\textsuperscript{16} Fuchs, \textit{Epikeia Applied to Natural Law?}” 191.

\textsuperscript{17} Fuchs, \textit{Epikeia Applied to Natural Law?}” 187.
manner.” However, it is not possible to go beyond these tautologies and the analogical claims which can be deduced from them (“be chaste,” “be just”) to make any universal claims regarding “those practical and operative norms which determine what actually pertains to chastity, justice....” Assuming that there is some sort of universally-posed set of operative norms ignores the fact that the content of these norms must always be understood as “deficient” and “general” and hence any individual’s “conception and redaction of norms may be very inadequate.” The insight of the early modern theologians regarding equity’s ability to modify natural law, he argues, is really a statement that, because of these deficiencies, all of these “natural law” norms should be understood as correctable or changeable given the developments in human history and understanding. Through using equity analogically, Fuchs believes we can see that even these corrections are inevitably subject to misapplication since they are always translated through “the positions and judgments made and formulated by man himself, and therefore such norms per se can be deficient and consequently are general rather than strictly universal.” Thus, for Fuchs, the virtue of equity functions as the analogical articulation of the understanding that there should always exist a severe limitation on any claims of normative judgment that go beyond the particular.

The norm must be corrected or at least interpreted according to the totality of the concrete reality. This means that a moral judgment must ultimately be made about what is concrete, since norms are meant to help only insofar as they have value. For when concrete reality is sacrificed for the sake of humanly formulated abstract norms, or when norms which seem to be only general are taken to be universal, there is some danger that natural law in a strict sense—and therefore man himself—may be sacrificed.

Through this presentation of a thoroughly “transcendental” theory of natural law, Fuchs believes he has preserved human freedom for everyday moral judgments.

Fuchs (and Häring) are correct in their claim that any view of natural law as only a rigid series of biologically imprinted precepts does not provide a compelling natural law theory. Moreover, for those interested in the retrieval of equity as a virtue, this view of natural law is so rigid and its precepts so firm that there is no room for the sensitivity to cultural differences and contextual realities required both of

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18 Fuchs, “Epikeia Applied to Natural Law?” 188.
19 Fuchs, “Epikeia Applied to Natural Law?” 188.
20 Fuchs, “Epikeia Applied to Natural Law?” 188.
22 Fuchs, “Epikeia Applied to Natural Law?” 188.
the lawmaker in shaping positive law and the possessor of the virtue of equity in acting against the letter of the law. However, there are also two negative results of their retrieval of equity as an analogical tool to critique natural law theories. First, they completely abandon any understanding of equity as a virtue which may be developed by an individual and inform her actions towards excellence. Secondly, their thoroughly transcendental theory of natural law has little actual content to inform the “higher principles” which justify the claims of equity, making it difficult to view equity as any type of virtue which actually enables people to challenge problematic laws or justifiably interact in the political arena. Thus, equity becomes only an analogy, no longer either a virtue or a standard.

Any retrieval of the virtue of equity must depend on a different understanding of natural law. I believe that Pinckaers’s presentation avoids the rigid legalism which concerns Fuchs and Häring, while still preserving natural law as a true source of discernment for individual citizens in highly varied and specific situations. Pinckaers describes natural law as grounded in natural inclinations, which orient us to the good, “a primitive élan and attraction that carries us toward the good and empowers us to choose among lesser and greater goods.”24 Pinckaers is not, however, arguing for a simple biological determinism of natural inclinations. Rather, the instincts are guided by what “St. Thomas occasionally referred to as the instinctus rationis, the rational instinct which, with Aristotle, he likened to the higher instinct, inspired genius.”25 These instincts inform the desires of the will, “which was ruled by its perception of the good, which was its end…. [T]his was the foundational principle of natural law, at the base of all other laws. The latter would determine and spell out the specific human good, according to the intrinsic qualities of human nature and the inclinations they engendered.”26 Thus, contrary to Fuchs’s fear that natural law is understood simply as a mechanistically applied universal code, Pinckaers’s view of natural law integrates a second order of reflexivity which is sensitive to context and particularity. In addition, rather than destroying human individuality, these instincts which inform natural law, when perfected, develop into virtues, stable dispositions to act rightly in any circumstance or context. In addition, rather than ignoring natural law’s theological origin as an instantiation of divine direction, Pinckaers also argues that “in St. Thomas’s view, inclinations, like the natural law, were God’s most precious work in the

25 Pinckaers, Sources, 404.
26 Pinckaers, Sources, 407.
human person, a direct, unique participation in his own wisdom, goodness, and freedom and the emanation of the eternal law.”

This connection between natural law, inclinations, and virtues will only be strengthened when the theological virtues infuse the acquired virtues and transform them.

According to Pinckaers, a robust theory of the natural law and the development of virtues leads to a greater understanding and appreciation of human freedom, rather than a restriction, since it is one of the tools by which God sets us free to rightly pursue the good, the true, and the beautiful. Fuchs, on the other hand, shares what Pinckaers describes as the “modern view,” which posits an implicit disjunction between freedom and law. Pinckaers believes that this disjunction, which separates natural law from God’s care for his creation, mistakenly views law as only a force imposed unilaterally from above. In contrast, true natural law is not the work of a will external and foreign to us. Precisely because it is the expression of our natural inclinations, especially the spiritual ones, this law penetrates to the heart of our freedom and personality to show us the demands of truth and goodness. These guide us in the development of freedom through actions of excellence. Thus, natural law is the inner law. It is the direct work of the One, who has created us to image him in our spiritual nature and our free, rational will. The exigencies of natural law have their source both in God and in our human nature.

According to Pinckaers, it is obvious that natural law can be understood both as accessible, through our will and our reason, and as substantive enough to provide the substance for discernment which might contradict the authority of the civil law. Equity displays the connection he draws between the natural law and virtues especially well since here we have a virtue which is specifically about discerning the natural law. Equity is not required in order to make exceptions to the natural law but rather grows spontaneously out of the natural law and therefore has the authority to correct civil law. In fact, although Pinckaers does not explicitly describe this, it is a logical extension of the freedom which the natural law brings to understand it as grounding equitable engagement with civil law. While positive law is important, it is not an authority which commands a slavish devotion. Rather, insofar as it reflects the common good, it points us towards greater good and freedom in Christ, to which our natural inclinations bear witness. However, insofar as it limits this, it is not the last word. In equity, the natural law’s role of truly freeing impinges upon our corporate reality.

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27 Pinckaers, *Sources*, 405.
28 Pinckaers, *Sources*, 452.
However, the freedom which comes from holding the natural law over the civil law is not that of chaos. Rather, it is an emphasis on the freedom which comes with the law. Because the natural law is grounded in the instincts which we all share and communally expressed, it become a source of freedom as a bond, not a source of divisions. Equity, which requires us to act for the common good according to the natural law, means that rather than “man defin[ing] himself by insisting on his own freedom against the same freedom of others,” our freedom to act outside the civil law results in greater freedom for others as well.

Along with the “modern” view’s association of natural law with repression and diminished freedom, Pinckaers also critiques this approach’s lack of a connection between natural law and theological content. Specifically, he distinguishes his view of natural law from Fuchs by arguing that Fuchs’s “distinction [between transcendent and categorical] as commonly understood, precludes the possibility of showing how what is specifically Christian penetrates and operates in concrete actions, in areas regulated by virtues and particular norms, and how faith and charity, notably, are practical virtues, capable of assuming and transforming both virtues and human values.”

**Equity as an Infused Virtue**

There is a further question that must be asked: are there specific ways that this virtue should be practiced by Christians? Repeatedly in his writings, Pinckaers points us beyond simply thinking about acquired virtues to remind us that those in a state of grace are animated by theological virtues, which “inspire, animate, and direct [the acquired virtues] from within, transforming them also by giving them greater intensity and new strength.” The infused virtues arise from “the grace of the Holy Spirit, [as] it penetrated to the interior of the human person and became the very source of the virtues.” The result of this encounter with the grace of the Holy Spirit is a radical re-orientation of the end of all our human actions. “The center and goal of life—to which desires tend and the heart stretches forward—moves beyond visible horizons, beyond suffering and death, to where the

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29 Pinckaers, *Sources*, 434.
32 Pinckaers, *Sources*, 183.
risen Christ is seated with the Father....This hope, even now, creates a new dimension, even a new world within the human heart, where the moral life unfolds.”

In addition to creating a new end of our actions, this infusion of the Holy Spirit provides a new law, which neither contradicts the natural law and the old law nor subsumes them, but rather completes them fully. The law of the Spirit does not do away with the guidance of natural instincts which direct us to the good. Rather, through the law these natural instincts are fully elevated and perfected, and thus the person is able to act with full and perfect freedom. As Pinckaers writes, “This spiritual spontaneity, perfected by the virtues, characterizes the evangelical Law and causes it to be called the law of freedom.”

The infused theological virtues of faith, hope, and love are given to us by God’s grace and orient us to God as our supernatural end, “God himself immediately” (ST I-II q. 63, a. 3, ad. 2). They also perfect the soul “in regard to other things, yet in relation to God” (ST I-II q. 63, a. 3, ad. 2). This means all of our habits relating to inner-worldly actions are also transformed. At times, the actions stemming from these transformed virtues may be the same as those to which the acquired virtues might direct us. However, at other times, the actions stemming from the acquired virtues and the infused virtues will appear radically different, due to their different objects, and the ability of the infused virtues to “perfect beyond the capacity of nature” (ST I-II q. 63, a. 3, ad. 3). Thus, to use one of Thomas’s examples, it is the infused moral virtues which determine “how men behave well in respect of their being “fellow-citizens with the saints, and of the household of God,” whereas it is by the acquired virtues that “man behaves well in respect to human affairs” (ST I-II 63, a. 4). At times, behaving well towards the household of God may appear very much like behaving as a good citizen according to the acquired virtue. The good citizen, for example, would extend towards other citizens the respect owed to their human nature, and a care and concern for the common good. However, as we will see later, at other times the actions of the Christian, living as one who is a “fellow citizen with the saints,” might be characterized by radical actions of self-sacrificial love which far exceed the mean which the acquired virtues might establish.

This example is especially pertinent for considering how the infusion of the theological virtues specifically affects the virtue of equity. Equity, as a connected virtue to justice, is infused by charity. Charity orients the end of justice, understood generally, towards friendship, and especially friendship with God and, by extension, friendship with our neighbor. Relations with other people, under the new law, become “an extension and a participation in the supernatural ties that unite us

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33 Pinckaers, Sources, 116.
34 Pinckaers, Sources, 186.
to God at the source of our nature and being, through creative wisdom and love.”

Thus, the difference lies in the fact that our infused friendships are based on the “fellowship of happiness, which consists essentially in God, as the First Principle, whence it flows to all who are capable of happiness” (ST II-II q. 26, a. 2). In addition, through loving with God’s love, we come to love best “those who are nearer to God” (ST II-II q. 26, a. 8). Aquinas does not define precisely who these people are, but I will return to this point later in discussing Romero’s theory of the preferential option.

The result of our loving our neighbor within a fellowship of happiness and through the love of God is that our love is transformed. We now care for our neighbor’s good in the same way we care for our own (ST II-II q. 44, a. 7). In fact, at times of urgency and severe peril, the holder of more perfect charity may feel impelled to put herself at risk for her neighbor’s good (ST II-II q. 25, a. 5, ad. 3). In addition to establishing a higher possible standard of sacrificial love, charity also directs justice to consider a broader notion of what loving our neighbor requires. Rather than simply considering the good of those to whom we would naturally owe duties, charity impels us to recognize that “the common good of many is more Godlike than the good of an individual. Wherefore it is a virtuous action for a man to endanger even his own life, either for the spiritual or for the temporal common good of his country” (ST II-II q. 31, a. 3, ad. 2). Thus, when justice is reoriented towards friendship by charity, Christians may find themselves called to actually sacrifice their own wellbeing, their own due, either by a neighbor’s urgent need or for the common good.

How does equity, therefore, appear as an infused virtue? Can disobeying the letter of the law be an action of infused justice which is oriented to supernatural friendship? It is clear that Aquinas is also considering equity’s function as an infused virtue, since he explicitly connects the discernment required for obeying the law to the guidance of the Holy Spirit (ST I-II q. 95, a. 5, ad. 2). Natural equity actually functions as a paradigmatic virtue for showing how the natural virtue of justice can be transformed by charity. According to Aquinas, the goal of natural legal justice, and therefore civil law, “is the formation of friendship among citizens.”

However, generally, according to justice, this civil friendship is focused on chiefly the ruler of the state, on whom the entire common good of the state depends; hence to him before all, the citizens owe fidelity and obedience” (ST II-II q. 26, a. 2). The virtue of equity expands this friendship to a mutual love between all citizens, since any individual citizen might be directed by the virtue of equity to act against the letter of the law for the common good. Therefore, in the transition from equity to justice, we see the same type

35 Pinckaers, Sources, 435-436.
36 Pinckaers, Sources, 434.
of expansion of friendship which results when justice is infused by charity.

Considered as an infused virtue, equity therefore can also serve as a paradigm. This is because the exercise of equity can carry with it both the broader regard for the common good and the greater risk of sacrifice which characterize the transformation of justice occasioned by the infused virtues. In practicing equity, Christians are promoting not only equality, but doing it out of love: first for God, the source of justice, and then for others. The citizen who makes the choice to engage in equitable action for the common good demonstrates how friendship can motivate care for justice. This claim that equity can function as an infused virtue does not mean that justice requires an orientation of civil law to ends of supernatural perfections. Rather, as Thomas says, “The purpose of human law is to lead men to virtue, not suddenly, but gradually...that if ‘new wine’, i.e. precepts of a perfect life, ‘is to be put into old bottles,’ i.e. into imperfect men, ‘the bottles break, and the wine runneth out; i.e. the precepts are despised and those men, from contempt, break into evils worse still’” (ST I-II q. 96, a. 2, ad 2).

Additionally, in engaging in equity, as an infused virtue, the Christian takes on the risk of reappraisal from a governing authority. There is no guarantee that the citizen’s grace-informed judgment will accord with the judgment of the ruler or that the ruler will not decide to apply the full penalty of the law to the citizen engaged in the equitable actions. In deciding to engage in an equitable action, the Christian therefore may be called to make that sacrifice of self for the care of others which Aquinas describes as representing the perfection of charity (ST II-II q. 26, a. 5). However, although Aquinas includes the possibility of self-sacrifice in his discussion of charity, he does not consider it in much depth, and not at all in the context of equity. In the next section, I consider a discussion of infused equity in a contemporary environment while also taking into full consideration the sacrifices that might be involved.

SAINT OSCAR ROMERO AND INFUSED EQUITY IN ACTION

In Oscar Romero’s pastoral letters, he makes no explicit mention of the cultivation of the virtue of equity. However, his directions to his parishioners regarding their approach to civil laws parallel Aquinas’s discussion of equity, while placing it in a contemporary context. The specific situation which Romero claims constitutes a serious injustice is the oppressive limitation on the formation of popular political organizations in El Salvador, specifically, and Latin America, generally. Romero refers to the Puebla Statement to describe how governments “look askance at the organizing efforts of laborers, peasants, and the common people; and they adopt repressive measures to prevent such organizing. But this type of control over, or limitation on, activity is
not applied to employer organizations, which can exercise their full power to protect their interests.”

Romero does point out that some limitations on formation of popular political groups are not inherently unjust. Acting to organize is not an absolute right; rather:

In regard to the right to organize, we uphold the national Constitution when it recalls the limits imposed by morality and rejects anarchical theories of the use of rights. Our intention, in demanding that the right of association be enjoyed by all Salvadorans, with particular emphasis on the rural population, is certainly not to defend terrorist groups or support anarchist movements and irrational, subversive ideologies.

This limitation means that the law itself may not be instantly dismissible as fully unjust and rather invalid. Rather, the danger seems to be in specific unjust applications of these laws in El Salvador, rather than the laws generally understood as unjust. In El Salvador, the laws were being enforced to limit any formation of political organizations opposing the government or seeking to give voice to the poor and disenfranchised, not to protect the common good by opposing the organization of criminal groups. Rather, the limitation was both unjust and causing severe damage to the common good in El Salvador. Romero diagnoses the damage by writing that this limitation “infringes upon [the] dignity [of many El Salvadorians], their freedom, and their equal right to participate in politics and it leaves without protection those who need it most.” Through these infringements, the purpose of laws governing political organizations—“to protect the weakest”—is being suborned. The result of this enforcement of the limitation on political organizing is that the rural poor in particular are unable to advocate for the conditions which would ensure at a minimum the “simple basic need to survive, to exercise their right to make their conditions of life at least tolerable.” In differentiating between the abuse of the letter of the law and abusive enforcement, Romero describes a situation in which actions against the letter of the law, in accordance with the virtue of equity, might be necessary to promote the common good and end injustice. Because equity is not mandated, Romero also captures

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the voluntary nature of equitable engagement with the law by acknowledging that joining a political organization in defiance of the law is not something all Christians are called to do.\textsuperscript{43}

Having presented a scenario in which equity might be applied, Romero then distinguishes between the response in accordance with the natural acquired virtues and actions by those possessing the infused theological virtues. Romero acknowledges that, up to a certain point, both groups share common practices and may engage in similar actions in acting against the letter of the law. Similar reasoning may also direct these actions. The common equitable practices are based upon a recognition that the letter of the law may be disobeyed if it conflicts with the higher principle of respect for the “human and social value of the individual.”\textsuperscript{44} In other words, “The criterion for organizing, whether at the political, cultural, or trade union level, is the defense of legitimate interests, whether or not they are contained in a specific piece of legislation or an interpretation of it.”\textsuperscript{45} The discernment of the crucial relationship between forming popular political organizations and these higher principles may result in a sincere and committed citizen, especially one from among the rural poor, putting this discernment into action and maintaining her engagement by a consistent will.\textsuperscript{46} On the other hand, Romero specifically warns against absolutizing the object of equity, specifically, those activists who “make their own organization the supreme value, and subordinate everything else to it…. In practice they become so fanatical that the interests of the people are no longer their chief concern, but the interests of the group or organization.”\textsuperscript{47} This new “idolatry,” as Romero names it, confuses the object of equity with the actual good it is supposed to achieve: the common good.

Although Romero at first focuses on similar actions of equitable disobedience, he is most concerned with how Christians should engage in equitable law-breaking. In discerning whether to break the civil law, Christians must discern not only these natural law principles of human dignity but also the principles expressed in sacred teachings. Although they may disobey the civil law, they must always remember that their actions are still under the authority of “the law of [God’s] justice and his commandment of love.”\textsuperscript{48} While Christians should care about protecting and building up the natural common good, this higher teaching directs the Christian to always remember that their ultimate end is supernatural: the reign of the kingdom of God. This priority of

\begin{footnotesize}
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\item Romero, “Third Pastoral Letter,” 102-103.
\item Romero, “Third Pastoral Letter,” 101.
\item Romero, “Third Pastoral Letter,” 92-93.
\item Romero, “Third Pastoral Letter,” 93.
\item Romero, “Fourth Pastoral Letter,” 135.
\item Romero, “Third Pastoral Letter,” 92-93.
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the supernatural ends is best expressed through continued “loyal solidarity with the Church and openness to the transcendence of God through the sacramental signs of his grace, through prayer and meditation on the Word of God.”  

As Christians grow towards deeper relationship with God and commitment to the church, they should find that their commitment to this-worldly justice, and their willingness to make sacrifices in pursuit of it, grows as well. “This mutual interaction between an explicit faith and dedication to justice will be the guarantee that one’s faith is not vain, but is accompanied by works, and at the same time that the justice one is seeking is indeed the justice of the kingdom of God.”

Reminding Christians that their actions should be oriented to supernatural ends in accordance with divine teaching does not mean that they need to either be blind to the pernicious effects of unjustly applied civil laws or naïve about how the structures which lead to these enforcements remain in place. Romero writes that “Quite truthfully, the church is interested only in offering the country the light of the gospel for the full salvation and betterment of men and women, a salvation that also involves the structures within which Salvadorans live, so that, rather than get in their way, the structures can help them live out their lives as children of God.”

Directed by the laws of God’s justice and love, Christians who partake in political organizations pursuant to the direction of equity will discern how to demolish structure of injustice without compromising or minimizing the challenges due to structural sin or the great hope for change even in this world, in preparation for the next.

The possession of the infused virtue of equity also imposes a higher duty of care for others impacted by our equitable actions. Romero, like Aquinas, sees that the definition of “who is my neighbor?” expands dramatically when justice, and equity, the connected virtue, are infused with charity. Now, rather than simply taking natural duty into account, actions of infused equity should be carried out in accordance with the order of charity. Acts of equity are most pressing when carried out for those in urgent need and those who are closest to God, rather than simply for the ones to whom we owe a duty according to acquired justice. Romero writes to all Christians with an invitation to act in accordance with this order, “We invite all, regardless of class, to accept and take up the cause of the poor as if they were accepting and taking up their own cause, the cause of Christ himself: ‘I assure you, as often as you did it for one of my least brothers, you did it for

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In describing this preferential option, he makes explicit the connection between those who are closer to God, referenced by Aquinas, and the description of the union of the poor with the person of Christ from the Gospel (e.g. Matthew 25:40-45).

Finally, Romero not only calls upon Christians to practice equity for a greater number of people but also, if necessary, at great personal cost and sacrifice. Those who act on behalf of the poor and oppressed should be aware that they will be confronted with the opposition of “those who will look without seeing and listen without hearing or understanding (Matthew 13:14) … [and] those, too, who prefer the darkness to the light because their actions are evil (John 3:19).” This opposition to their power may require Christians to, very literally, “cooperate in the birth pains of a new creation (Rom. 8:22).” Many of those who acted against the letter of the law were “arrested, tortured, murdered.” The practice of equity in the face of such oppression and suffering truly did require the perfection of both discernment and the desire for justice.

CONCLUSION
In conclusion, I believe that the virtue of equity is retrievable and appropriate for use in today’s political climate. This retrieval depends first upon an understanding of equity as a virtue dependent upon natural law and potentially infused by the theological virtues. As Aquinas and Pinckaers both stressed, in different ways, acting according to the virtue of equity requires acceptance of limitations and cultivation of disciplines of both mind and will. First, it requires the acceptance and acknowledgement of some higher principle which can provide some form of objective guidance for the practice of equity, and one which has general accessibility. Secondly, for Christians, it requires a willingness to be changed by the infusion of charity. Infused equity requires the Christian to both take account of supernatural ends as well as natural, and neighbors in the spirit instead of simply neighbors in the flesh. Finally, this broad expansion of the virtue requires that Christians who seek to cultivate the virtue of equity are willing to truly sacrifice for the common good. Many of those who acted against the letter of the law were, like Romero himself, arrested or murdered. Retrieving the virtue of equity provides one additional way in which Christians can continue in the same redemptive work within the world.

52 Romero, “Fourth Pastoral Letter,” 125. Citing “Puebla, Message to the People of Latin America” in Puebla and Beyond, no. 3.
THE PURPOSE OF THE PRESENT ESSAY IS to survey two influential postconciliar positions on conscience. Readers of this journal will be aware that, thanks to the 1968 promulgation of *Humanae Vitae* and amplified by the presentations of conscience found in *Veritatis Splendor* (1993) and *Amoris Laetitia* (2016), the doctrine of conscience has become a nodal point of conflict among Catholic moral theologians. In this essay, however, I do not delve into the conflict. Instead, I wish simply to examine the reflections on conscience put forward by two giants of postconciliar moral theology, Bernard Häring and Servais Pinckaers, both of whom continue to exercise a significant influence. As I have made clear elsewhere, I sympathize with Pinckaers’s vision. But the purpose of this essay is expository, rather than a matter of choosing sides. My goal is to begin to explore the reasons why two gifted theologians, both of whom were well known for their preconciliar criticisms of the manualist tradition, arrived at such different views of the place and nature of conscience in the moral life. Given their ongoing influence, I take

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it for granted that striving to articulate their viewpoints accurately is a contribution to contemporary moral theology.

Before proceeding, let me briefly provide some historical background to the work of Häring and Pinckaers. The moral theologian Raphael Gallagher has directed attention to a 1936 article by Thomas Deman, O.P., that “suggested that the casuist manuals were not an authentic development of Thomas’s thought” and proposed that “the only intellectually honest way out of the dilemma was a return to the structure of Aquinas.”3 Likewise, in 1925 Réginald Garrigou-Lagrange, O.P., complains that “many modern theologians scarcely still know the treasures that they can find in the moral part of the Summa theologiae,” and he bemoans the fact that it “all too often happens” that moral theology is “reduced to casuistry,” which places all the emphasis on conscience (rather than prudence) and does not treat “the fundamental questions concerning the last end, the nature of human acts, the foundation of morality, the nature of law, the nature of the virtues and the Gifts of the Holy Spirit, the various states of life, and so forth.”4 This Dominican Thomistic line of critique, however, was not the first one to break through against the manuals. Instead, it was a second line of critique—focusing on the lack of biblical and Christological emphasis—that appears to have been most influential in bringing about the demise of the manualist system. In the late 1940s and early 1950s, moral theologians such as Fritz Tillmann, Theodor Steinbüchel, Johannes Stelzenberger, and Gérard Gilleman, S.J., criticized the moral manuals for being insufficiently biblical and Christological.5

According to Gallagher, it was “the publication of Bernard Häring’s seminal The Law of Christ” in the mid-1950s that decisively

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exposed to a wide audience “the full crisis of the casuistic manuals.” Haring had written his doctoral dissertation under Steinbüchel.

Around a decade after Häring’s work appeared, the young Dominican moral theologian Servais Pinckaers published a Thomistic attack upon the legalistic and obligation-focused moral theology of the manuals, with a laudatory preface by Marie-Dominique Chenu, O.P. Titled *La Renouveau de la morale. Études pour une morale fidèle à ses sources et à sa mission présente*, Pinckaers’ book was indebted to the Thomistic, Christological, and biblical emphases of his dissertation director at the Angelicum, Louis-Bertrand Gillon, O.P. In criticizing the manuals, Pinckaers also criticizes the Redemptorist tradition. Pinckaers states, “Between Thomas and St. Alphonsus along with the authors of the manuals, even when they espouse a ‘Thomistic disci-

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7 Steinbüchel, whose doctorate in moral theology was directed by Tillmann, was also known for his efforts to integrate Marxism with Catholic ethics: see Steinbüchel, Der Sozialismus als sittliche Idee. Ein Beitrag zur christlichen Sozialethik (Düsseldorf: Schwann, 1921). His work deserves more attention from scholars interested in the development of twentieth-century Catholic theology.

pleship’ and even when there are some partial agreements, there is always a basic disagreement on the systematic plan.”9 He goes on to explain the basic disagreement: “We find in St. Thomas a morality of happiness and of the virtues centered on charity and prudence, and we find in modern moralists a morality of commandments and legal obligations centered on conscience and sins.”10

Does this mean that Pinckaers was opposed to the preconciliar work of the Redemptorist theologian Häring? On the contrary, Pinckaers later named Häring’s The Law of Christ—as well as Häring’s teacher Steinbüchel—as being among the major sources of inspiration for his own approach to moral theology in The Sources of Christian Ethics.11 This affinity is surely evident in Häring’s complaint, made in the first volume of The Law of Christ, that the Sermon on the Mount has been unjustifiably neglected in moral theology. In 1967, shortly after the end of the Council, Häring published an essay titled “The Normative Value of the Sermon on the Mount” in Catholic Biblical Quarterly.12 The title of this essay will strike a chord with any

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12 Bernard Häring, C.Ss.R., “The Normative Value of the Sermon on the Mount,” Catholic Biblical Quarterly 29 (1967): 69-79 [375-385]. Häring describes Jesus’s commandments in the Sermon on the Mount as “goal commandments” and as “an ethic of attitude” (“The Normative Value of the Sermon on the Mount,” 76). He attempts to ensure that Jesus’s words in the Sermon in no way support “a pastoral rigorism which requires from all indiscriminately what is psychologically impossible for many” (“The Normative Value of the Sermon on the Mount,” 77). In The Law of Christ, vol. 1, 403, Häring contrasts the Decalogue negatively with “the Sermon on the Mount, the new law of the kingdom of God promulgated by Christ, the law of disinterested and unbounded love, humility, and love of the cross”; and he adds that the Sermon “determines the ideals and goals toward which we must strive (purposive precepts).” This text is quoted in Jeffrey Siker’s chapter on “Bernard Häring: The Freedom of His Responsive Love,” in Siker, Scripture and Ethics: Twentieth-Century Portraits (Oxford: Oxford University Press, 1996), 59-79, at 71. For his part, Pinckaers rejects any “explanation that places the Sermon on the Mount in the category of an imaginary ideal rather than a concrete reality where the action is. The perception of ourselves as unable to follow a moral teaching makes the teaching quite ineffective. We will soon abandon an ideal too far beyond us…. The exterior dimension, in the sense of concrete action in our neighbor’s behalf, is as essential to the Sermon on the Mount as the interior dimension, in the sense of the ‘heart’ and the ‘hidden place’ where only the Father sees us. The teaching of the Sermon cannot be turned into a morality of sentiment or intention, any more than it can be considered as a purely formal morality consisting exclusively of universal principles” (The Sources of Christian Ethics, 137-138). Along similar lines, Siker finds that “Häring argues for the binding and normative character of Scripture in theological ethics, though he sees Scripture as offering guidelines and direction more than it does rules or limits…. [T]he
reader of Pinckaers, who insists in *The Sources of Christian Ethics* and other works that “[t]he Sermon on the Mount is a Gospel text of prime importance for Christian ethics.” Even if Häring does not adopt Pinckaers’s approach of reading the Sermon through Augustine’s commentary and through Aquinas’s development of Augustine—and even if Häring (unlike Pinckaers) combines the view that the Sermon is “the absolutely binding and liberating directive of the New Covenant” with the view that the Sermon does not support Catholic moral teaching as found in the tradition flowing from the Fathers and Aquinas—nonetheless Häring and Pinckaers agree in giving the Sermon a central place in Catholic moral theology.

United in their opposition to the legalistic and obligation-based approach of the post-Trent moral manuals and in their insistence upon the centrality of Christ and the Sermon on the Mount, the two lines represented by Pinckaers and Häring diverged sharply in the years following the Second Vatican Council. Gallagher points out that immediately after the Council, “The casuist manual, already being undermined, finally crumbled, blasted under by the reforms of the council.” In the postconciliar period, Gallagher sees two competing


14 Häring, “The Normative Value of the Sermon on the Mount,” 76. To a significant degree, Häring’s essay appears to be directed toward bolstering a critique of the Church’s teaching on divorce and remarriage. Thus, Häring argues that “the saying ‘whoever marries a divorced woman commits adultery’ [Mt 5:32] just by itself is not sufficient to prove that under the new law of the covenant the remarriage of an inno-cently divorced woman excludes such a person under all circumstances from the kingdom of God. The Pauline privilege which is very extensive in ecclesiastical practice would contradict an understanding which would see in this statement of the Sermon on the Mount an absolute and exceptionless directive. As against the ease and levity with which a man could divorce his wife according to the interpretation of the Pharisees, the Sermon on the Mount indubitably emphasizes as a norm the absolute will to fidelity, and even under the most serious sacrifices. Merely from the biblical text alone, and especially in its context, it cannot be decided whether or not the correct understanding is opposed by the ancient practice of many Orthodox churches, who do not exclude from the Sacraments a spouse who is repudiated without any guilt of his own and who remarries” (“The Normative Value of the Sermon on the Mount,” 77). I address this topic in my *The Indissolubility of Marriage: Amoris Laetitia in Context* (San Francisco: Ignatius Press, forthcoming).

Pinckaers and Häring on Conscience

schools of moral theology: on the one hand those (including Häring and Gallagher himself) who argue that "the practical-pastoral questions forced on people by experience"—for example, the situation of an innocent party to a divorce, the ecological crisis with the threat of human populations destroying ecosystems, the growing recognition of dignity of persons with homosexual orientation, and so on—will require some elements of the manual tradition of moral casuistry; and, on the other hand, those who consider that Aquinas’s moral theology still provides a sufficient basis for illuminating and adjudicating the complex situations of Christian moral life. For those who argue that Thomistic moral theology is insufficient for addressing "practical-pastoral questions" that have emerged in our time, conscience retains the large role that it had in the manual tradition, and, indeed, conscience even expands further. By contrast, for those who think that the complexities of moral theology today can be suitably approached through Aquinas’s account of human action, law, grace, the natural and supernatural virtues, the gifts of the Holy Spirit, and so on, conscience receives the important but limited role that it possessed in Aquinas—rooted in the approach to conscience found in Scripture and in the Fathers.

In what follows, then, I introduce two alternative approaches to conscience in postconciliar moral theology. First, I examine two es-

16 These examples are my own, but I think Gallagher and Häring would agree with them.
18 See also Joseph Ratzinger, “The Renewal of Moral Theology: Perspectives of Vatican II and Veritatis Splendor,” trans. Michelle K. Borras, in Joseph Ratzinger in Communio, vol. 1: The Unity of the Church (Grand Rapids, MI: Eerdmans, 2010), 183-194. Ratzinger, like Häring and Pinckaers, considers that in general, “the manualist tradition really was marked by a decided rationalism; because of this, Sacred Scripture retained only a very marginal function in the elaboration of moral theology”; and Ratzinger adds that since “the atmosphere of the Scriptures was totally lacking, as was the reference to Christ,” the manuals did not assist people in seeing “the great message of liberation and freedom given us in the encounter with Christ. Rather, it stressed above all the negative aspect of so many prohibitions, so many ‘no’s.’ These are no doubt present in Catholic ethics, but they were no longer presented for what they really are: the concretization of a great ‘yes’” (“The Renewal of Moral Theology,” 184). Ratzinger observes that Vatican II’s attempt to stimulate a “return to a substantially biblical and christological ethics” (“The Renewal of Moral Theology,” 184), however, quickly ran aground. He offers a number of reasons for this, including the fact that a number of modern ethical questions do not find ready-made answers in Scripture, as well as the difficulty of accounting for the relationship of law and gospel. In much contemporary Catholic ethics, Ratzinger points out, the result is that Scripture now has the role simply of offering inspiring goals—"a horizon of intentions and motivations" (on the “transcendental” rather than the “categorical dimension”)—while particular acts are judged on the basis of a rational calculus of consequences and/or in terms of models of liberation drawn from philosophical sources (“The Renewal of
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says on conscience by Pinckaers, in which Pinckaers shows why conscience needs to be restricted to a particular function in the moral life, embedded within Christian prudence, rather than retaining the leading role that the manualists gave it. Second, I discuss portions of the first volume of Häring’s *Free and Faithful in Christ*, where he argues that the solution to the manuals’ legalism is to expand and enhance the place of conscience in Christian moral life.\(^{19}\)

I. SERVAIS PINCKAERS, O.P., ON CONSCIENCE

In order to set forth Pinckaers’s views on conscience, I will survey two essays that are contained in John Berkman and Craig Steven Titus’s valuable compendium, *The Pinckaers Reader*: “Conscience and Christian Tradition” and “Conscience and the Virtue of Prudence.”\(^{20}\) The latter essay is more substantial philosophically, while the former lays out Pinckaers’s theological foundations in depth.\(^{21}\)

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\(^{19}\) See also the remark of James F. Keenan, S.J., “Bernard Häring’s Influence on American Catholic Moral Theology,” *Journal of Moral Theology* 1 (2012): 23-42, at 38: “The teaching on conscience [set forth by Häring] is, I think, the emblematic expression of the hopeful expectations that were raised by Häring and affirmed by Vatican II. Universally, conscience becomes the point of departure for revisionists as witnessed by the plethora of books and essays on the topic. While the influence of Häring (as well as Josef Fuchs) on promoting the primacy of conscience as a universally embraced claim within the Roman Catholic tradition is clearly evident, we should not fail to see the specific impact it had on the United States... Häring, like Fuchs, rooted his understanding of conscience in freedom.” See Josef Fuchs, S.J., “Conscience and Conscientious Fidelity,” in *Moral Theology: Challenges for the Future: Essays in Honor of Richard A. McCormick*, ed. Charles E. Curran (New York: Paulist Press, 1990), 108-124.


In “Conscience and Christian Tradition,” Pinckaers first briefly summarizes St. Paul’s view of conscience. He eschews the approach of searching for Paul’s use of the Greek word for “conscience.” Instead, he focuses upon how Paul treats “cases of conscience.” He finds such cases in 1 Corinthians 6. When Paul responds to the Corinthian practice of fornication with prostitutes, for example, Paul employs arguments that rely upon reason and also employs arguments that rely upon faith. The arguments that rely upon reason include the point that “he who joins himself to a prostitute becomes one body with her…. Every other sin which a man commits is outside the body; but the immoral man sins against his own body” (1 Cor 6:16, 18). The arguments that rely upon faith include the point that “your bodies are members of Christ” and “your body is a temple of the Holy Spirit within you, which you have from God[,] You are not your own; you were bought with a price” (1 Cor 6:15, 19-20). Perceiving the integration of faith and reason through Christian prudence, Pinckaers comments, “Reason and faith interact reciprocally in a progressive argument that throws light on the case at a new depth stemming from a relationship with Christ. The rule of conduct thus established is given a richness of content which philosophy alone could not have provided.”22 His suggestion here is that conscience is not an autonomous realm in which God simply speaks to human reason, laying down the moral law so that persons can obey. Instead, cases of conscience—and the instruction of human prudence—require to be inserted within the whole framework of Christ’s Body and the outpouring of the Holy Spirit.

In Pinckaers’ view, the first chapters of Romans provide crucial resources. The grace of Jesus Christ has convicted Paul of pride, of sin (Rom 2-3). Wisdom, whether rooted in Torah or in the lesser path of Greco-Roman philosophy, cannot suffice by itself. What is needed instead, most importantly, is for God’s love to have been “poured into our hearts through the Holy Spirit who has been given to us” (Rom 5:5), to be “dead to sin and alive to God in Christ Jesus” (Rom 6:11), to receive “the law of the Spirit of life in Christ Jesus” (Rom 8:2), and to be “children of God” and “fellow heirs with Christ” who are aided by the Spirit (Rom 8:16-17). Pinckaers emphasizes that Romans’ understanding of the moral life does not center around the rational dictates of conscience or moral obligations but rather centers around “the living presence of Christ Jesus… as the source of the justice and wisdom of God, that is, of the entire moral life.”23


On this basis, Pinckaers turns to the moral teaching found in Romans 12-15. His first step in this regard is to note that Paul connects the moral life with worship: “present your bodies as a living sacrifice, holy and acceptable to God, which is your spiritual worship” (Rom 12:1). It is by understanding our lives as a self-offering in Christ and through the Spirit that we can be “transformed” and can make manifest “what is the will of God, what is good and acceptable and perfect” (Rom 12:2). Pinckaers urges that for Paul, there is no speaking of the role of conscience for the Christian without firmly planting it within the context of prayer, the sacraments, Christ, and the Spirit. In this context, there is no danger of an individualistic ethics; instead, Paul emphasizes that “we, though many, are one body in Christ, and individually members one of another” (Rom 12:5). As such, we must flee from pride and “love one another with brotherly affection; outdo one another in showing honor. Never flag in zeal, be aglow with the Spirit, serve the Lord” (Rom 12:10-11). Pinckaers appreciates that Paul is teaching that the center of the Christian moral life is charity, not simply as a reality for an individual person but also as an ecclesial reality uniting the Church.

In Romans 12, as Pinckaers notes, Paul goes on to list concrete, embodied virtues by which Christians show charity for God and each other. These virtues and actions include hope, patience, endurance of persecution, constancy, almsgiving, and hospitality (Rom 12:12-13). In words that echo the Sermon on the Mount, Paul adds that we must avoid vengeance, but rather must pray for our persecutors and care for our enemies. Instead of being proud, we must “associate with the lowly” (Rom 12:16), and must exhibit a peaceable disposition. In offering these instructions, says Pinckaers, Paul is showing us his own Spirit-guided conscience as a member of the Body of Christ. Paul seeks to reach out with the Gospel of charity, the Gospel of Christ, to all humans, including those who are “weak” (1 Cor 9:22) and with an effort to transcend all divisions (such as that between Jew and Gentile). Pinckaers concludes that what Paul reveals of his own conscience shows that he does not see the moral life as simply a matter of obedience to particular rules known by reason. As Pinckaers states, “Paul’s conscience is not static, limited by rational imperatives determining what is allowed and what is forbidden. It is animated by charity’s thrust toward what pleases God, toward the perfect. At the center of Paul’s conscience dwells the person of Christ.”

Before leaving Romans 12-15, he examines how Paul approaches another central case of conscience, namely how the believer should relate to the civil authorities. Again Pinckaers finds a mix of reason and faith. Reason tells us that “there is no authority except from God, and those that exist have been instituted by God” (Rom 13:1)—

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thereby calling Christians back from anarchist politics. In this context, Paul appeals explicitly to believers’ consciences: “Therefore one must be subject, not only to avoid God’s wrath but also for the sake of conscience” (Rom 13:5). According to Pinckaers, this understanding of civil authority fits with how Paul has earlier framed his discussion of charity. Recall that Paul urges believers, as part of practicing charity, not to be proud, and to “[l]ive in harmony with one another” and insofar as possible to “live peaceably with all” (Rom 12:16, 18). This peaceableness and willingness to subject oneself humbly to others, with a respectful attitude toward the gifts and vocations that God has given them, is reflected in Paul’s exhortation to believers to be subject to civil authority. It follows that in Pinckaers’s view, the subjection to civil authority advocated by Paul flows not only from reason but also from faith; it is a subjection that has, at its source, the God who “has revealed himself to us in the service and obedience of Christ” and whose Holy Spirit infuses us with charitable desire for the common good of all, including the common good of the civil society.²⁵ Pinckaers argues therefore that the “conscience” spoken of by Paul is enlivened by the Holy Spirit.²⁶

He next turns to Aquinas’s theology of conscience. He emphasizes that Aquinas, by contrast to later moralists, has relatively little to say about conscience. For Aquinas, prudence receives the central place, whereas later moralists give the central place to conscience. Pinckaers considers this to be highly significant. As he remarks, “St. Thomas’s moral teaching is a morality of the virtues, organized around charity and prudence, rather than a morality of commandments and obligations imposed upon conscience.”²⁷ Specifically, prudence or virtuous practical reason is habitual right reason with respect to matters of action. Pinckaers explains that practical reason has its roots in our rational inclinations or instincts toward the true and the good. These rational inclinations are a created participation in divine Truth and

²⁶ Pinckaers’s treatment of conscience in Romans oddly does not mention the difficult—and much discussed by the Fathers—text of Romans 2:1-16. Paul’s teaching in Romans 2:13-15 contains an explicit reference to conscience, and conscience does not here seem to be limited to a Spirit-enlivened conscience, because Paul indicates that conscience is present in Gentiles who are outside a covenantal relationship with God (though some Fathers understood these Gentiles to be Christian Gentiles).
²⁷ Pinckaers, “Conscience and Christian Tradition,” 330. Pinckaers’s point is that Aquinas organizes his moral teaching around the virtues, not that Aquinas gives no value to the divine commandments (eternal law, natural law, and divinely revealed law) and to our obligation to know and obey these commandments. This is a clarification that Pinckaers does not make in this essay, however.
Goodness.\textsuperscript{28} We possess the first principles of practical reason habitually, as a real and unchangeable possession. The habitual possession of these first principles—the “moral light” that we experience in ourselves—is called “synderesis” by Aquinas. As a created moral light, “synderesis” is the locus of the infusion of supernatural virtues by the Holy Spirit.

“Synderesis” informs practical reason and is inalienably possessed by each human person. But even those who lack the virtue of prudence nonetheless possess the habitual moral light of synderesis. What prudence adds is “a clear, active discernment of the conditions for action and of oneself, a discernment gained by personal experience and by the kind of reflection that knows how to profit by the opinions and experience of others as well.”\textsuperscript{29} Prudence allows us to apply well, in particular circumstances, our knowledge of what is good in matters of action. By perfecting practical reason, prudence ensures that our habitual moral light is able to unfold fully in our action. Pinckaers describes Christian prudence (or the infused virtue of prudence) as “a kind of practical wisdom receiving a new, profound light from faith and a higher strength from charity, which unites it to God and deepens its understanding of the neighbor.”\textsuperscript{30}

Enriched by the Spirit’s gifts of counsel, understanding, and wisdom, Christian prudence enables the believer to act virtuously, in accord with the radical demands of charity and with the freedom of the Holy Spirit.

Aquinas embeds his brief discussion of conscience within his analysis of prudence. In “Conscience and Christian Tradition,” Pinckaers treats synderesis and prudence. When we possess Christian prudence, we will do the right thing, putting into action the principles known habitually through synderesis. Describing the Christian who acts prudently as “a conscience in action,” Pinckaers argues that in order to understand Aquinas’s teaching on conscience—and in order to avoid the distortion caused by the manuals’ emphasis on conscience—we do better to speak of prudence. In light of the Gospel (especially the Sermon on the Mount), it is clear that Christian prudence has beatitude as its goal. In Pinckaers’s view, this shows that, among Christians at least, there is no domain of individual conscience separate from the whole dispensation of Christ and his Spirit. Christian prudence is an ecclesial virtue, enabling us to act with the Church. Christian prudence also plays a role in strengthening human societies by ensuring that Christians obey the civil law and live in solidarity with their neighbor.

\textsuperscript{28} Pinckaers observes that for Aquinas, our created light of truth and our attraction to the good are the ground of our freedom. Aquinas identifies these dynamisms as the \textit{imago Dei}.

\textsuperscript{29} Pinckaers, “Conscience and Christian Tradition,” 332.

\textsuperscript{30} Pinckaers, “Conscience and Christian Tradition,” 332.
The Spirit’s gifts of counsel and piety enable Christian prudence and justice to tend toward the kingdom of God.

As a third and final step in “Conscience and Christian Tradition,” Pinckaers describes the place of conscience in the post-Tridentine textbooks or manuals on moral theology. A standard moral theology manual had four parts in its first section, which was devoted to fundamental or general moral theology. The four parts covered, respectively, human acts, conscience, laws, and sins. After this first section, the manual turned to “special” moral theology, namely, the commandments of God and of the Church followed by particular cases of conscience. The result is that, instead of Aquinas’s (and Paul’s) central attention in moral reflection to the goal of beatitude, Christ, the grace of the Holy Spirit, charity, prudence, and so on, the post-Trent moral manuals presented moral theology with conscience at the center and with the goal of showing what is forbidden and what is permitted.

Pinckaers comments that in the manuals’ approach to moral theology, “conscience plays the role of intermediary between law and human acts, or more precisely between law and the freedom that is at the origin of human acts.” Through conscience, the rational will is not ignorant of the law; and conscience aids in interpreting the law’s application (more laxly or more rigorously) in particular complex cases. The divine law obligates the human person, and a good human action accomplishes what is obligatory by conforming the person’s freedom to the law. Freedom here is seen as restrained by conscience and law. Thus understood, freedom is “freedom of indifference”—the pure freedom to choose (which is restrained by conscience and law)—as distinct from the “freedom for excellence” (which welcomes conscience and law) that the Gospel and virtue ethics presuppose. For the manuals, Pinckaers points out, if an act is obligatory, it is “under the law”; if an act is permitted, then it is “under freedom.” In this system, moral theologians play a similar casuistical role as that played, according to this system, by conscience. The goal is to figure out what is permitted, and to ensure that freedom does not pass the point of no return and fall into sin. Likewise, certain acts are found to be obligatory; one can do more—for example one can participate in the celebration of the Mass daily, or one can become a monk—but one cannot morally do less than the obligation. On this view, doing more is where spiritual theology (prayer, the beatitudes, the Spirit’s gifts) comes in; moral theology proper has to do with “the determination of the legal minimum.”

Communicating the obligations of the law to the free

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will, conscience operates like a great casuist, permitting this and forbidding that.\textsuperscript{34}

Not surprisingly, a battle arises between personal freedom and legalistic obligation. Pinckaers observes that this battle characterized the centuries-long post-Trent history of moral probabilism, including the criticisms lodged by the Jansenist rigorist (and brilliant Christian thinker) Blaise Pascal against the Jesuit probabilists of his day. Desiring to save moral theology from this quagmire, Pinckaers compares the post-Trent approach with the approaches he found in Paul and Aquinas. He notes that in the manuals, conscience stands at the center, but has lost touch with beatitude, prayer, the spiritual life, the grace of the Holy Spirit, prudence, charity, and so on. All that is left for conscience is law, freedom, and obligation. There is hardly any real need for Scripture, since once the laws are known, Scripture becomes redundant. There is not much need for the Church, since individual morality is the central focus. Instead, the Church, like the state, now becomes simply a law-making and law-interpreting mechanism; the Church has value for morality only insofar as it lays down laws and imposes obligations authoritatively. Rather than studying Scripture, therefore, moralists studied the Magisterium’s decrees, as if the Magisterium—rather than God, human nature, and human destiny as revealed in Scripture and Tradition and as appropriated with the aid of philosophical wisdom—“were the source of moral obligation and doctrine.”\textsuperscript{35}

Pinckaers finds that the present situation (in 1990) still reflects the legalistic and individualistic manualist understanding of moral theology, despite Vatican II’s call for a return to moral theology’s sources. Prior to the Council, rigorist conscience reigned; after the Council, conscience still reigns for many moral theologians, but now as a personal conscience that insisted upon its freedom. Rather than Paul’s “Christ-centered” and “ecclesial” conscience or Aquinas’s virtue-and-community-centered conscience, we still have the manualist conscience, and the result is simply another episode in the controversies over probabilism.\textsuperscript{36} If conscience is going to be at the center, Pinckaers notes, we need to appreciate that “truth, goodness, and reality” make demands upon us.\textsuperscript{37} Therefore, any “conscience” that we might appeal

\textsuperscript{34}Pinckaers briefly pauses to absolve John Henry Newman’s understanding of conscience from the charge of moral reductionism that he is making. Newman’s understanding of conscience cannot be separated from “the entire spiritual life”; it is not simply about navigating legalistic obligations, and it appeals directly to the heart that yearns for God (“Conscience and Christian Tradition,” 337).

\textsuperscript{35}Pinckaers, “Conscience and Christian Tradition,” 339.


\textsuperscript{37}Pinckaers, “Conscience and Christian Tradition,” 340. The sense of “demands” is especially present given our fallenness, which Pinckaers does not mention here but of which he is well aware.
to must be a **demanding** conscience, given that it is attuned deeply to truth and goodness. The moral life, if it is to be Christian, will inevitably be a strenuous and challenging one as we ascend with and to Christ through the Spirit.

In this light, at the end of his essay, Pinckaers constructively describes the appropriate task of conscience. He remarks, “Conscience sets us upon an astonishing road. It calls for effort that lifts us high after humbling us in submission to the moral law.”

This effort is not about rules, duty, and obligation; instead it is about virtues such as prudence and humility, and the road is one of love. Pinckaers concludes that the true reality of Christian conscience illustrates “the Gospel principle: he who humbles himself shall be exalted. The key to this paradox is in the hands of love, which finds its joy and fulfillment in the humility of service, after the example of Christ.”

When we return to the Gospel, we can reclaim the truth of a demanding conscience without falling into a manualist morality of obligation and law. The truth about conscience is bearable when one discovers that God, in Christ and through his Spirit, wills to heal and transform us so that we can enjoy true flourishing, the beatitude of everlasting union with God and with the blessed.

In terms of the specific elements of the doctrine of conscience, Pinckaers’s 1996 “Conscience and the Virtue of Prudence” adds much to his 1990 essay. He begins by reprising the 1990 essay’s division of moral theology into good and bad forms. The fundamental problems of the post-Trent manualist tradition of moral theology are the promotion of the “probabilist” impasse and the conception of freedom as indifferent rather than oriented to the good. By contrast, he observes that Pope John Paul II’s 1993 encyclical *Veritatis Splendor* articulates the truth about freedom, rooted in the natural inclinations and characterizing the image of God in us. Given that the natural inclinations ground the natural law, there is no danger of antinomianism here, just as the central role of practical reason draws together intellect and will and thereby avoids the danger of voluntarism. By tending toward realities outside the self, the natural inclinations also ensure that the supernatural gift of charity (while not “natural”) is not objectionable to our created human nature.

Pinckaers appreciates that *Veritatis Splendor* makes clear that the laws or commandments of the Decalogue are a gift of divine love by which God invites his people to draw close to him. This ensures that the commandments are not misunderstood as external or arbitrary laws of an aloof God. Describing law as “both exterior and interior, superior and immanent,” he notes that the Decalogue corresponds to the natural law and he observes that “law, like conscience which bears it witness,

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has a spiritual and ecclesial dimension.”

Both law and conscience are part of God’s drawing us to his truth and goodness, in company with others. By means of law, God is not giving us merely external duties that we obey as individuals; rather God is establishing our flourishing with him and with our neighbors. Thus understood, law and conscience provide us with a real encounter with Christ, as Pinckaers indicates through a quotation from Newman that he draws from the *Catechism of the Catholic Church.*

Pinckaers then turns to the virtues, which perfect our powers of knowing and loving so that we can hear and obey law and conscience and thereby attain the beatitude that God desires for us. Not only the virtues, but also the gifts of the Holy Spirit (Isa 11:2), the beatitudes of the Sermon on the Mount (Mt 5:3-10), and the fruits of the Spirit (Gal 5:22-23) have a crucial place here. The special importance of the virtue of prudence consists in its role in connecting the virtues. Since prudence is wisdom in matters of action, prudence ensures that each virtue is rightly enacted.

Having shown the central role of prudence, Pinckaers deems it safe to introduce synderesis and conscience. Synderesis is our habitual, inalienable, unchanging knowledge of the first principles of practical reason. Conscience, then, derives from the principles given in synderesis. Conscience applies the light of synderesis to particular actions. Conscience assists prudence in applying what is known by the light of synderesis to particular cases. Pinckaers describes the fundamental difference between conscience and prudence according to Aquinas: “The judgment of conscience remains at the level of knowledge, whereas the judgment of the choosing as well as the judgment of prudence includes the involvement of the ‘appetite,’ that is, of the affective will.”

Unlike conscience, then, prudence actually terminates in a command or decision to act.

A second difference between prudence and conscience—despite their close working together—sheds light on why, in his 1990 essay, Pinckaers was hesitant to discuss conscience directly. Namely, conscience does in fact create an “obligation” on the part of the will, which is obligated to follow conscience. The just will is guided by the conscience’s rational perception of what is truly good. But when taken out of the context of the virtue of prudence, this connection between

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42 Pinckaers notes that for Aquinas, synderesis, which cannot err, is like the purest part of the fire; while conscience, which can err, is like the fire that is mingled with alien elements that affect its purity.
conscience and obligation can result (as happened in the post-Trent period) in the conceiving of conscience and obligation as the center of Christian morality.

Pinckaers mentions a third difference between conscience and prudence. Conscience applies itself to past actions (which conscience excuses or accuses) or to future actions (which conscience approves or forbids). By contrast, prudence terminates in present action, even if prudence first deliberates about a possible future action and reflects upon the experience of past actions.

Despite these differences, conscience serves prudence, and both have to do with the discernment between good and evil in action. Given that conscience can be wrong, revelation and other sources, including virtuous prudence, help to educate and purify conscience. The formation of conscience has to do with “guaranteeing a fruitful application of synderesis, a real participation in its light, a true echo of the voice of God.”

Once we realize that conscience needs formation, we are unlikely to make the mistake of placing conscience at the helm of the moral life. Far from being a merely automatic tool for judging actions, conscience needs divine revelation in Christ, the enlightening of the Holy Spirit, and the connatural knowledge that prudent and charitable actions bring. A person who repeatedly performs a certain kind of good action comes to know intuitively what pertains to good and well-ordered actions in that domain.

Without doubt, Pinckaers is wary of too much talk about conscience. But when conscience is rightly understood, its role is important. The main point for Pinckaers is that conscience is not an individualistic or legalistic mechanism for determining what is forbidden and what is permitted. Rather, conscience’s indebtedness to synderesis shows that what is actually at stake is our natural orientation to divine truth and goodness, and the fact that conscience serves prudence shows that moral theology involves the fullness of the interconnected virtues. This perspective enables us to avoid the trap of seeing moral theology as being about rules and obligations, as though Christian life were simply about doing the minimum necessary to get into heaven.

II. BERNARD HÄRING, C.SS.R., ON CONSCIENCE

How does Bernard Häring’s approach compare to Pinckaers’s? In the first volume of his three-volume *Free and Faithful in Christ*, Häring offers an introduction to “general moral theology.” Under
this rubric, the first volume devotes twenty pages to the Old and New Testament frameworks for Christian ethics; thirty pages to the history of the Church’s moral theologians from the Fathers onward; forty-five pages to creative liberty, creative fidelity, and creative co-responsibility; sixty pages to creation, Christ, the Holy Spirit, personal freedom, and the Church; sixty pages to the “Fundamental Option”; eighty pages to conscience; seventy-five pages to law and liberty; and ninety pages on mortal and venial sins and the sacraments of conversion. Although Häring includes a number of the same topics that Pinckaers finds in the manuals, the contents of Häring’s book—perhaps even more than its structure—often differ significantly from the manuals’ understanding of the contents of “general” moral theology.

I will sketch some of Häring’s positions before turning to his theology of conscience. In his introduction, he notes that as in his earlier The Law of Christ, he intends to focus on Christ’s drawing us together and uniting us to the Father, and he also continues to affirm our co-responsibility in this salvific action. But he now seeks to give sustained attention to what he calls “creative liberty” and “creative fidelity” in the moral life.\footnote{Bernard Häring, Free and Faithful in Christ, vol. 1: General Moral Theology (New York: Crossroad, 1984), 1.} We must be faithful to Christ, who is “Liberty incarnate and our Liberator”; and we must be faithful to “the best of tradition” even while rejecting the “dead traditions” that are found in the Church.\footnote{Häring, Free and Faithful in Christ, 2-3.} In this undertaking, conscience stands front and center. Häring states, “I am convinced that we have moved into a new era that will be determined by people who live by their own conscience and

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\textit{C.Ss.R.} (Collegeville, MN: Liturgical Press, 2004); Felix Bak, “Bernard Häring’s Interpretation of Cardinal Newman’s Treatise on Conscience,” \textit{Ephemerides theologicae Lovanienses} 49 (1973): 124-159. Notably, Robert J. Smith has compared Häring’s understanding of conscience—to which he devotes a full chapter—to the accounts of conscience found in Thomas Aquinas and Germain Grisez. Smith argues that “Häring’s understanding of the nature and function of conscience is in line with the tradition as it is articulated by Thomas Aquinas. There is both an intellectual and a volitional dimension to conscience, joined into a unity within the very center and core of the person. Conscience needs and exercises its rationality in two ways: first, through the use of cognitive, intellectual, or discursive elements; second, by way of non-discursive resources that we possess, such as affectivity, connaturality, moral intuition, and the assistance of the Holy Spirit. Häring is also very much in the tradition of Aquinas is his connecting conscience to the virtue of prudence. Since conscience is God-given and cannot fail in its inner orientation to the good and the right—though it can and does make errors in its execution—it ought never to be hindered from acting on its own best and sincerely arrived at decisions. Conscience is primary in the making of personal moral decisions and is inviolable once those decisions are made” (Smith, \textit{Conscience and Catholicism}, 103).
are particularly qualified to act as discerning members of community and society.”

Häring gives ample attention to “the work of the Spirit” and to Christ, who grounds “the newness of Christian ethics.” He appreciates that the moral life of individual Christians belongs within and contributes to the communion of the Church, a communion that is at its root a communion with the Trinity. He urges a deeper use of Scripture and argues that there must be distinctively Christian content in the moral life. He affirms the significance of Christ’s Cross and our participation in it.

When he turns to post-Trent moral theology, Häring is critical of voluntaristic legalism and of the fact that, given the focus on the penitential context, “[t]he source of moral knowledge was no longer Holy Scripture but chiefly law and the declarations of the magisterium.” He argues that the solution is a richer appreciation of conscience. Thus, he bemoans the fact that the emphasis of post-Trent moral theology “was no longer on the law inborn in man and discovered by conscience in the reciprocity of consciences, but rather on the authoritative decision of what natural law prescribes for people of all times.” He blames this period of moral theology above all for its acceptance of the institution of slavery.

48 Häring, Free and Faithful in Christ, 4. He contrasts this courage to make one’s “own choice, whatever pain might be involved,” with the error of “conservatism” (Free and Faithful in Christ, 5). Häring seeks to contribute to the broader project of “the rethinking of a number of doctrines, traditions, teachings and practices” (Free and Faithful in Christ, 4). He sees freedom and historical consciousness as profoundly linked, and he exhorts his readers with the following questions: “How free are we in our thinking and in our sharing of experience and reflections? Do we consciously live in the presence of the Lord of history? How well do we use and broaden the freedom which today’s Church and society give us to think and speak honestly as free persons?” (Free and Faithful in Christ, 4-5). He warns about past Catholic theologians: “We have also to discern past efforts of moral theologians and ethicists in view of previous situations that have frequently and substantially limited not only their freedom to share with others but also their very freedom to search with absolute honesty and courage” (Free and Faithful in Christ, 5).

49 Häring, Free and Faithful in Christ, 15.

50 Häring, Free and Faithful in Christ, 46.

51 Häring, Free and Faithful in Christ, 46-47. For further explanation of the “reciprocity of consciences,” see Free and Faithful in Christ, 265-84. Häring makes clear that the Christological and pneumatological emphasis that he advocates has predecessors from the post-Trent period. He especially credits the late-eighteenth and nineteenth-century moralists John Michael Sailer (1751-1832), John Baptist Hirscher (1788-1865), and Francis Xavier Linsenmann (1835-1898). As Häring says of Linsenmann, he “considered it one of the major tasks of moral theology to uncover the deeper meaning of freedom as following Christ under the grace of the Holy Spirit” (Free and Faithful in Christ, 53). Pinckaers is likewise aware of these predecessors, and he adds other figures such as the Tübingen theologian Magnus Jocham (1808-1893) and, among Thomist theologians, Joseph Mausbach (1861-1931), Otto Schilling, and Fritz Tillmann. At the same time, Pinckaers observes that for the formation of clergy in the
Approvingly, Häring remarks that “modern ethicists, moralists and psychologists avoid the word “virtue” because many misunderstand it as character traits of the all too tamed, too quiet, too submissive person. Or it is understood as a trait of the “virtuous” person who is all too conscious of his own importance and moral value.” In place of the language of virtue, Häring relies upon the notions of “fundamental option” and “fundamental dispositions.” He argues that “the fundamental option gives unity, integration and final firmness to attitudes, sentiments and emotions.”

For Häring, Christian freedom is the central element of Gospel morality. He states, “The Synoptics present the eruption of freedom, above all, under the paradigm of God’s kingdom. It is the new freedom under God’s rightful rule, a rule to save the oppressed, to heal the sinners, a rule of goodness that can be accepted and fulfilled only in that freedom which responds to God’s undeserved gifts.” Jesus frees us from the slavery of sin, from our refusal “to be free for God, for true love and for fullness of truth.” He thereby frees us from hatred, from legalism, from overscrupulosity, from alienation, from egoism, from the fear of death, from desire for power and wealth for their own sake,
from patriarchy, from ideology, and from “the powers of oppression, greed, racism, sexism, [and the] cult of violence.” Such freedom comes from faith in Christ, which involves “an unreserved surrender to God and to his kingdom of freedom and love.” We are free in Christ for solidarity with all, for gratitude and joy, for sharing God’s gifts, for mutual service, for truth, for relationships of love, for peaceful cooperation, for creative non-violence, and for care “for the life of all people now, in view of life everlasting.”

With implicit critical reference to pre-Vatican II Catholic experience, Häring speaks of achieving a “liberation from a system of religion that is built too much on sanctions, laws, controls: a system that unavoidably creates fearfulness, scrupulosity and lack of loving trust.” More explicitly, he bemoans the fact that the Church, which ought “to be a sacrament of the history of liberation,” has often failed

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57 Häring, Free and Faithful in Christ, 122.
58 Häring, Free and Faithful in Christ, 128.
59 Häring, Free and Faithful in Christ, 143. He recognizes that given human fallibility, political and economic liberation movements can be deceiving, but he argues that such liberation must nonetheless be assiduously sought. In this regard, he comments, “Wherever there is fanaticism, intolerance, inclination to use violence, or where people are used as tools, there will be no valid objectivation of freedom, no matter what changes of structures may be made. Therefore, our partnership in liberation movements cannot be other than discerning or critical. Nevertheless, a clear awareness of the ambiguity of history does not allow us to stay on the sidelines. There are historical moments where non-involvement can mean a tragic failure. When history offers the possibility for truly noble projects, sloth and flight can be great sins against the embodiment of freedom. Liberation is an ever unfinished task. Our best efforts are frequently marked by unsuccess. Yet, as Christians, we will never give up our efforts to live according to the gift of freedom and to embody it in the economic, cultural and political structures as well as in our Church” (Free and Faithful in Christ, 155).
60 Häring, Free and Faithful in Christ, 134; cf. 160. See also Free and Faithful in Christ, 153: “Freedom is endangered whenever laws and the various societal structures are preserved for themselves without attention to how they influence human relationships. In this perspective we can think also of Paul’s gospel of liberation from ritualistic and juridical conditions, remembering how frequently, in the Church’s history, rituals and laws were kept when they could no longer serve the growth of personal freedom or benefit interpersonal relationships.” See also Häring’s sharp critique of some of his theological colleagues: “Sinful man, shackled by selfishness and sloth, can gradually accept the split between moral knowledge and his will. Such a person can become a moralist in a legalistic and ritualistic sense. He can fight for minutiae and can deliver talks on moral theory without being moved or touched in his heart to act on the Word. He will, however, become more and more blind to the great gift and law of love of God and neighbour. He will know many laws with which to deceive himself and others about his lack of knowledge of the supreme law in which the heart of the healthy person rejoices. He will deceive himself by being zealous and even scrupulous about a few small things while at the same time disregarding love, mercy and justice. His moral discourse can take on more and more the character of moral insanity” (Free and Faithful in Christ, 261).
to mirror Christ the Liberator and instead has shown “a defensive, intolerant attitude towards others,” not least by burning heretics and showing no respect for freedom of conscience. Notably, Häring conceives of Jesus’s own relationship to his past—Israel’s past—as marked most centrally by a critique of Jewish legalism, for the purposes of liberating God’s people. Häring concludes that today “a common profound devotion to responsible freedom and unconditional respect for the dignity and conscience of all people help more than anything else to lead us to Christ the Liberator.”

We are created with a desire for God, but we are also fallen. If children are born into a good environment, Häring anticipates that they will be able to grow into adults who decide in favor of God; if their environment is bad, then it may be that they never really find themselves able to make a free choice (and thus may not be morally accountable for bad choices). Häring speaks of a “fundamental option” or a “basic intention” or a “continuing free activation that is inherent in all our important choices.” For a “fundamental option” to be good and ordered to salvation, it cannot be egoistical; it must be cooperative and open to others, above all God. It can be weakened, but not destroyed, by “superficial inconsistencies” at the level of action.

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62 Thus Häring states, “Jesus does not follow the rules of the priestly tradition in his interpretation of the Bible. His use of the Old Testament is creative. His teaching about the Sabbath and the law, his opposition to meaningless traditions that hinder freedom for God, and especially his protest against a religion that would attribute such pettiness to God, is in itself manifestation of God’s gratuitous freedom, an undeserved gift of himself” (*Free and Faithful in Christ*, 117). The last sentence here could stand as a description of how Häring conceives of his own work, but it cannot stand as an accurate description of Jesus’s own relationship to Judaism. Häring comments in a similar vein that Jesus “died his redemptive death because of his battle against the powers, and especially against the abuse of power in organized religion” (*Free and Faithful in Christ*, 137). In criticizing the manuals for their fixation on personal sin and their defensive posture vis-à-vis the world, Häring urges the Church to encounter the world on more positive terms. At the same time, he recognizes that “[t]he sickness of sinful man is very deep. He sees in God a threat to his autonomy; and since he is chiefly concerned with his own rights and freedom, he is in constant conflict with his fellowmen” (*Free and Faithful in Christ*, 131). Häring concludes that “[t]he bondage of both law and lawlessness is rooted in this self-centred, self-concerned existence” (*Free and Faithful in Christ*, 131). Further on in his book, he adds that “[s]ome repressions that block the normal functioning of conscience and liberty can be due to oppressive authority. But nothing can so much damage one’s own liberty, especially one’s creative liberty for the good, as habitual sin” (*Free and Faithful in Christ*, 262).
64 Häring, *Free and Faithful in Christ*, 167. Häring connects his account of the “fundamental option” with the Thomistic emphasis on “the basic decision for the ultimate end” (*Free and Faithful in Christ*, 164).
65 Häring, *Free and Faithful in Christ*, 167. In elucidating this concept, Häring draws upon psychologists and theorists such as Erik Erikson, Edward Spranger, Viktor Frankl, and Erich Fromm. The fundamental option has to be with our deepest heart,
Häring argues that actions such as navigating a “test of deep and true friendship” or choosing to become a physician or a politician in order to serve others can expose one’s fundamental option. The sacraments strengthen our fundamental option; otherwise the sacraments have failed to have their effect. Gradually, as we become mature adults, our fundamental option will manifest itself in “fundamental attitudes” that will show whether we have chosen for or against God and neighbor. Even if we sin in particular acts, however, this generally means that our fundamental attitudes have not yet matured to the level of our fundamental option; it does not mean that we are in “mortal sin.”

On this basis, Häring approves of Kant’s definition: “Virtue is moral strength in pursuit of its duty which should never become a habit but always spring from the spirit as entirely fresh and creative.” Ultimately, the necessary thing is not a habituation in acts, but rather constant “renewal of the all-embracing intention” and “vigilance to keep the fundamental intention alive and to relate it vitally to one’s activities and decisions.” A mortal sin is any act or decision that completely destroys “the fundamental option for the good self-commitment to the service of God and love of neighbour”; other sins are venial or gravely venial, and they are serious to the degree that they threaten to erode the fundamental option.

According to Häring, the work of the Holy Spirit in us is most clearly found in the realm of the fundamental option. As befitting and strengthening the fundamental option for God, he especially praises gratitude, humility, hope, solidarity, vigilance (which involves discernment), serenity, joy, and commitment to peace and justice. He calls these “eschatological virtues,” flowing from the Spirit’s work in us. He warns against a focus on beatitude, because this focus can turn the core of our being. Häring considers that “[w]hen there is a firm fundamental option for the good, man’s heart is filled with the pneuma, filled with the Holy Spirit (Eph 5:18)” (Free and Faithful in Christ, 185).

68 Häring, Free and Faithful in Christ, 197.
69 Häring, Free and Faithful in Christ, 211.
70 Häring, Free and Faithful in Christ, 208. With regard to “eschatological virtues,” he warns against conservatism, the danger of “clinging to the past and the present situation” and seeking “assurance over and against truth, over and against sincerity and freedom in the search for ever better knowledge of God and man” (Free and
us toward self-actualization in a manner that detracts from enabling us to see that the true goal must be self-transcendence.  

Häring locates his lengthy chapter, “Conscience: The Sanctuary of Creative Fidelity and Liberty,” directly after his crucial discussion of the fundamental option (and immediately prior to his chapter on law). He argues at the outset of the chapter that “conscience makes us aware that our true self is linked with Christ,” and he notes that “[t]he sensitivity and truthfulness of our conscience grow in the light of the divine Master who teaches us not only from without but also from within by sending us the Spirit of truth.” Similarly, he argues that the truth that comes to us through conscience is the truth of the divine Word, the same Word who became incarnate for our sake and to whom we are expected “to listen with all our being.”

Reaching back to the prophets of Israel, Häring holds that the prophets’ sense of hearing God’s voice was an experience of conscience. Conscience here is “a person’s innermost being” and “the spirit within the person who guides him if he is willing to open himself to it.” Conscience functions as a divine guide. It does not simply pass

_Faithful in Christ_, 210). He clearly has his Catholic co-religionists in view here, at least those among them who do not share his critique of the preconciliar Church or his understanding of the proper implementation of the Second Vatican Council. On “eschatological virtues,” see also _Free and Faithful in Christ_, 253.

71 See the comments of Kathleen Cahalan: “Häring, unlike the manualists, draws upon several sources in addition to Aquinas to define virtue, especially Augustine and Max Scheler, and thereby draws virtues into his larger theological and moral framework. In defining virtue, Häring emphasizes three main points: Christian virtue is distinct from Greek and Stoic virtue because it is ordered and unified by divine love; Christian virtue is christocentric; and, Christian virtue requires not mere repetition of good habits, but free, conscious response to the divine word…. Häring shares the Greek understanding of virtue as the power to do good, but rejects the end and purpose of virtuous action as self-fulfillment, harmony, and happiness” (_Formed in the Image of God_, 148-149). Cahalan here draws much more upon Häring’s earlier _The Law of Christ_ rather than upon _Free and Faithful in Christ_. In a footnote, she addresses the latter work and sums up Häring’s position thusly: “In _Free and Faithful in Christ_ (1:201-202) Häring includes a brief examination of the moral virtues but introduces the category of the ‘eschatological virtues.’ These include gratitude/humility, hope, vigilance, and serenity/joy. According to Häring, these virtues are the true biblical foundation of the Christian moral life, rather than the four cardinal virtues borrowed from the Greeks” (_Formed in the Image of Christ_, 151 fn 66). She goes on to explain: “Despite Häring’s integration of virtue theory into his overall theological and moral scheme, the category of moral virtue is not central in his work after _The Law of Christ_. In fact, moral virtue is briefly considered at the end of the first volume and the introduction of the third volume. It is replaced with what Häring terms the biblical or eschatological virtues in later writings” (_Formed in the Image of God_, 151). Cahalan intentionally does not discuss Häring’s emphasis on “the role of conscience and freedom in the moral life,” because her purpose is to set forth the relationship between worship and morality” in his thought (_Formed in the Image of God_, 228).

72 Häring, _Free and Faithful in Christ_, 224.

73 Häring, _Free and Faithful in Christ_, 224.

74 Häring, _Free and Faithful in Christ_, 225.
judgment on the morality of past or future acts, though it does do this. Rather, it is the place where an extensive dialogue with God occurs. Conscience is the very deepest core, the “heart,” of the person. At this core, God’s voice does judge one’s past deeds. But God’s voice does much more than this, if we will only listen. At the core of our being that is our conscience, we must “listen to the prompting of the Spirit.”75 This listening involves a creative path, an invitation to journeying with God and neighbor; it does not merely involve the identification of our acts (whether past or planned for the future) as good or bad.

When the prophets promised that God would give his people a new heart in which the law is interiorly inscribed, this new heart is the Spirit’s renewal of conscience. Häring maintains that when Paul mentions “conscience” (the Greek word syneidesis, rooted in Stoic anthropology), Paul has in view the Old Testament’s “heart.” According to Häring, Paul “explicitly broadens the understanding of conscience in the light of the prophetic tradition,” and thus goes well beyond the Stoic role of conscience as that which interiorly identifies a particular action as evil.76 Even if conscience is what interiorly judges the goodness or wickedness of our action, conscience is also “constructive” and “creative” in its search for the truth.77

On the one hand, Häring holds that a Christian understanding of conscience must come from Scripture as interpreted in the Church. But on the other hand, he notes that in the history of the Church, a presupposed philosophical anthropology inevitably shaped how theologians understood conscience. For that reason, we cannot simply reiterate what past theologians have said about conscience, given that their anthropological presuppositions befit their own context, not ours. He praises Aquinas’s account of conscience, with its relationship to synderesis and prudence, including practical reason’s ordering to goodness and truth and including the role of the gifts of the Holy Spirit in producing connaturalism to the good.78 He finds the thirteenth-century Franciscan conception of synderesis as primarily involving the will (rather than the intellect) to be complementary with the thirteenth-century Dominican view, but he considers that “as soon as the two schools became antagonistic [beginning in the fourteenth century], there was a militant emphasis on one aspect as against the other, and thus the wholeness was shattered.”79

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75 Häring, Free and Faithful in Christ, 226.
76 Häring, Free and Faithful in Christ, 228. He cites various passages from Pauline and non-Pauline letters, including Titus 1:15-16; Hebrews 9:14; Hebrews 13:18; 2 Timothy 1:3; 1 Corinthians 4:4; and 1 Corinthians 10:25-29.
77 Häring, Free and Faithful in Christ, 228.
78 Häring, Free and Faithful in Christ, 231.
79 Häring, Free and Faithful in Christ, 232.
The retrieval of the wholeness cannot be done by minimizing the place of conscience in moral theology, but by maximizing it, though now on new grounds. We must recognize that “[c]onscience has to do with man’s total selfhood as a moral agent.” Conscience is not the mere means by which synderesis’s first principles are applied to past and future actions, in service of practical reason (or the virtue of prudence). Instead, a healthy conscience involves the emotions, intellectual powers, and volitional energies all “functioning in a profound harmony in the depth of one’s being.” In addition to being the place of harmonious union of all human powers, conscience is where the Spirit’s creativity touches us and perfects us. It is where God’s Word speaks to us; and it is where we respond in the wholeness, the totality, of our personhood. Conscience is powerfully present in both the intellect and will because it is located “in the deepest reaches of our psychic and spiritual life,” “[t]he deepest part of our being,” where “intellectual, volitional and emotional dynamics are not separated; they mutually penetrate in the very depth where the person is person to himself.” Conscience takes on a maximal role because it involves a coming together of the key human dynamisms and because it is the place where personhood is located. Conscience therefore can judge what is life-giving and what is not, when presented not only with our actions, but also with teachings and experiences that come to us from the Church or from the depths of other consciences. Häring observes that “[t]he deepest part of our being”—namely, conscience—“is keenly sensitive to what can promote and what can threaten our wholeness and integrity.” A healthy conscience ensures the “wholeness and integrity” of the person by affirming what contributes to such integrity and rejecting what does not contribute. Häring does not leave prudence out of the equation, but he makes clear that conscience is in the driver’s seat as we “dynamically decipher and experience the good to which God calls us in the particular situation.”

The Christian, therefore, is called to stand forth boldly upon the ground of a free and healthy conscience, where intellectual, volitional, and emotional energies join together in harmony at the depth of our being. Häring states, “In the wholeness and openness of our conscience we are a real sign of the promptings of the Spirit who renews our heart and, through us, the earth.” The fullness of Christian life, obedient to Word and Spirit, shines forth in those whose consciences

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80 Häring, Free and Faithful in Christ, 235.
81 Häring, Free and Faithful in Christ, 235.
82 Häring, Free and Faithful in Christ, 234-235.
83 Häring, Free and Faithful in Christ, 234.
84 Häring, Free and Faithful in Christ, 235.
85 Häring, Free and Faithful in Christ, 235.
are whole, integrated, healthy, open, and free. Certainly, as fallen creatures, we can experience opposition between intellect and will at the depth of our being; when this happens, the Spirit reaches to the rift in our conscience (our deepest personhood) and brings healing. Conscience’s work ensures the integration of our powers, not least because it is our conscience that leads us to hear the truth and love of God and neighbor. As Häring puts it, “The call to unity and wholeness pervades our conscience. It is a longing for integration of all the powers of our being that, at the same time, guides us towards the Other and the others.”

In guiding us toward covenantal union with God and neighbor, the key aspect of the conscience—according to Häring—is openness. This openness is first and foremost an openness to the light of the Word. It is also an openness to the insights of our fellow human beings, as these insights have developed in the great cultures of the world. Our conscience sees in others’ consciences the “same longing for dignity and wholeness.” We ask others to respect and love us “as persons with consciences,” and when they love us, we open ourselves and our conscience creatively to their consciences, in a fashion which shows us more clearly the “depth and dynamics of our conscience.” Häring sees this point instantiated in the New Covenant. In Jeremiah, the promise of the new covenant entails a new heart in which the law is written; this is quite simply a renewed conscience, enabled to know and love the Word. The golden rule and the New Commandment of love that we find in the New Testament are further expressions of a renewed conscience. This is made possible when in our conscience/heart “we receive the Spirit and are open to him,” and when we give ourselves (in Christ) in perfect openness and service to others, thereby reaching “wholeness in our conscience and unity with our fellowmen.”

According to Häring, the primary task of conscience is to choose our fundamental option, for or against God. When this has been rightly chosen (in the Spirit), we can trust “the creative judgment of conscience,” in which its intrinsic yearning for wholeness is confirmed. Häring also recognizes the value for a healthy conscience of “the dispositions towards vigilance and prudence and all the other dispositions that embody a deep and good fundamental option.” No conscience, moreover, is an island, and so each conscience must rely upon its openness to “the mutuality of consciences in a milieu where creative

86 Häring, Free and Faithful in Christ, 236.
87 Häring, Free and Faithful in Christ, 236.
88 Häring, Free and Faithful in Christ, 236.
89 Häring, Free and Faithful in Christ, 236.
90 Häring, Free and Faithful in Christ, 237.
91 Häring, Free and Faithful in Christ, 238.
92 Häring, Free and Faithful in Christ, 238.
freedom and fidelity are embodied and there is active and grateful dedication to them.”

In addition, the conscience must never rest statically on a set of truths, but must constantly renew its “actual fidelity, creativity and generosity in the search for truth in readiness to ‘act on the word.’” Häring emphasizes the creativity and freedom of conscience in its connatural or intuitive knowledge born of love. With respect to conscience’s dynamic creativity, he states, “It is the conscience itself that teaches the person to overcome the present stage of development and to integrate it into a higher one,” so that the conscience grows “into new dimensions.”

Häring accepts, of course, that a sincere conscience can err. Drawing upon Newman and Alphonsus de Liguori, he adds that when it does so, it does so sincerely in the quest for truth and thus without personal culpability. In directing the person’s quest, the sincere conscience is undeniably journeying “towards ever fuller light,” even when the conscience is in error due to defective knowledge.

The point is that there can be deviations on the path, but so long as the conscience is sincerely open, the path is oriented toward the increasing light of truth and goodness. Häring notes that for Aquinas, a person is bound to obey an erring conscience, even though such obedience—due to the objective error—is sinful and the person must pursue the formation of conscience. For Häring, by contrast, there is no sin or personal culpability, so long as “the person is sincerely seeking the truth and is ready to revise the decision as soon as he realizes that new pertinent questions call for his consideration.”

Häring affirms that Christian faith marks the Christian conscience in distinctive ways. He states, “A salvific knowledge of Christ”—a knowledge that “is a gift of the Holy Spirit who reaches into the innermost depths of our soul”—includes confirmation of our fundamental option that gives us wholeness of conscience and a knowledge by connaturality. In faith, we receive Christ as the one sent by the Father, and we surrender in friendship to him. Faith gives firmness to Christian conscience; in faith, Christians place the moral life on firm footing. Häring notes that “St. Paul sees the human conscience and the conviction of conscience illumined and confirmed by faith. Especially

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93 Häring, Free and Faithful in Christ, 238.
94 Häring, Free and Faithful in Christ, 238.
95 Häring, Free and Faithful in Christ, 239.
96 Häring, Free and Faithful in Christ, 240.
97 As an example, Häring gives Aquinas’s view that a person cannot profess faith in Christ against his or her sincere conscience without this profession being a sin—but if a person came to believe in sincere conscience that he or she must leave the Church, this too would be a sin, implying personal culpability for failure to form conscience adequately.
99 Häring, Free and Faithful in Christ, 247.
Pinckaers and Häring on Conscience

in his Pastoral Epistles, “faith” and “conscience” have almost the same meaning.” Häring adds that it is a mistake to think of either faith or conscience as simply entailing propositional knowledge. On the contrary, “A mature Christian conscience will not think of faith as a catalogue of things and formulations.” Indeed, merely communicating doctrines to conscience does not help to form Christian conscience at all. Häring holds that overemphasizing doctrine actually obstructs the formation of mature conscience and faith. What is needed instead is an attitude of openness, the attitude that characterizes the integrity of conscience and that corresponds to conscience’s (and faith’s) longing for wholeness and relationship with God and neighbor. Häring comments, “What shapes all the moral dispositions, gives wholeness to the conscience and firmness to the Christian’s fundamental option is the profound attitude of faith and its responsiveness.” Not a carefully controlled cognitive content, but rather the stance of responsive openness, is what mature conscience and faith require for Häring. Similarly, law and obligation are not central to authentic Christian conscience; what is central is Christ’s grace and our gratitude for what he has given us, including his renewal of our hearts/consciences by his Spirit.

In identifying conscience as the animating center of Christian life and personhood, whose wholeness and integrity are the true marks of the interior presence of the Word and Spirit, Häring offers a critique of legalism, both in its laxist and its rigorist forms. It is only when we are moved by love rather than by legalism that we can truly live for Christ and our neighbor. He remarks that “[t]o live under grace means a shift from the prohibitive laws [i.e. the Decalogue] to the orientations of the goal-commandments, the affirmatives presented in the whole gospel, in the words of Christ and the Letters of St. Paul.” He warns against what he sees as the pre-Vatican II split between “a static moral theology” and “a lofty ascetical and mystical theology,” and he finds that in the pre-Vatican II period “[t]he beatitudes, all the goal-commandments and the ‘harvest of the Spirit’ were considered as a mere ideal or as parenesis and, therefore, not as a part of normative Christian ethics.”

Among the major “sins against liberty and sanity,” Häring lists first the sin of not overcoming “a static view of life, norms, rules and conscience.” He goes on to condemn such acts as supporting “centralism and authoritarian forms of government that stifle subsidiarity and

100 Häring, Free and Faithful in Christ, 248. He cites Romans 3:31 and 14:23, along with 1 Timothy 1:5, 1:19, 3:9, and 4:2.
101 Häring, Free and Faithful in Christ, 248.
102 Häring, Free and Faithful in Christ, 248.
103 Häring, Free and Faithful in Christ, 250.
104 Häring, Free and Faithful in Christ, 252.
105 Häring, Free and Faithful in Christ, 263.
collegiality, and favor uncritical obedience;” dividing “religion into a separated dogmatic (abstract doctrines not concerned with man’s wholeness and salvation) and morals proposed without a convincing value system”; and advocating “an ethics of prohibitions and controls to the detriment of an ethics of creative liberty and fidelity.”

Exploring the reciprocity of consciences, Häring underlines the profound respect we owe to another person’s conscience. He explores Paul’s account of such respect in Romans 14 and 1 Corinthians 10. He also sets forth a history of debates over freedom of conscience in religious matters, culminating in Vatican II’s Dignitatis Humanae. He emphasizes the need for the state to “protect and promote people’s right and readiness to search freely for truth and thus become capable of genuine cooperation.”

In accord with his vision of the role of the state, he sees the Church’s role vis-à-vis theologians as one of protecting freedom to search for truth. In neither case, however, is this a matter of “indifference in matters of morality or truth.” Rather, it is about recognizing that Christian freedom is opposed to an atmosphere of manipulation. Häring argues that there has been a “paralysis of theology since the seventeenth century,” due to “the oppressive spirit of the Inquisition that expected the Catholic theologian to commit no error in the search for truth.” As a result, errors built up without being “creatively corrected.” He expresses the hope that the Church will today embrace a newly prophetic morality that will enable people, in the context of our “new historical situation (kairos)” and without turning to individualism, “to realize something new, to grow in liberty, in goodness and truthfulness.”

In accord with true reciprocity of consciences, there must now be “freedom of inquiry and freedom to speak out even in

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106 Häring, Free and Faithful in Christ, 263.
107 Häring, Free and Faithful in Christ, 274. Linda Hogan observes more broadly, “Vatican II encouraged moral theologians to continue the process of renewal, already begun by theologians like Rahner, Doms and Häring…. [Yet] the documents of the Council themselves give out contradictory messages. As a result it is often hard to discern precisely what the Council has mandated. My suggestion is that where ambiguities exist these should be interpreted in light of the spirit and objective of the Council. In relation to moral theology this means a determination to develop a paradigm dominated by the concerns of persons rather than laws” (Hogan, Confronting the Truth, 118). See also Josef Fuchs, S.J., “A Harmonization of the Conciliar Statements on Christian Moral Theology,” in Vatican II: Assessment and Perspectives, ed. Rene Latourelle, S.J. (Mahwah, NJ: Paulist Press, 1989), 479-500.
108 Häring, Free and Faithful in Christ, 277.
109 Häring, Free and Faithful in Christ, 277.
110 Häring, Free and Faithful in Christ, 277. He praises “the prophetic ministry of dissent within the Church,” which, he argues, was what led to the development of the teaching of Dignitatis Humanae; those who dissented from the Church’s teaching against religious freedom eventually were shown to be right (Free and Faithful in Christ, 280).
111 Häring, Free and Faithful in Christ, 278-279.
dissent from official documents,” a freedom exercised precisely in service to the Church. Haring, will be a deepening and renewing of the Church’s faith as we encourage “each other to ever greater depth of conscience” and as we listen to “the prophetic people who are always vigilant for the coming of the Lord and can communicate to our conscience their experience.”

Haring adds a brief reflection on the controversies surrounding probabilism in the sixteenth through eighteenth centuries. He thinks that the present controversies over moral issues are indeed in certain ways a return of the probabilist controversies, but he is generally sanguine about this situation. For Haring, the probabilists had the correct side of the argument then, and their heirs are even better positioned today when legalistic assumptions no longer need set the terms for the debate. On the one hand are those who cling to law, authority, tradition, past documents, and control; on the other are those who respect the creative freedom of conscience and who understand that new historical contexts require new norms. Haring considers his perspective on conscience to be what the Jesuit probabilists would have said had they not been themselves “partially caught in the system of conventional morality, at least regarding the methods by which they wanted to free the overburdened conscience.” As a Redemptorist priest, he places himself firmly in the tradition of Alphonsus de Liguori, concerned to combat an unlivable and soul-crushing rigorism and also concerned to build Christian community upon the reciprocity of sincere consciences. Citing the case of the reception of the sacraments by divorced and civilly remarried people, which he favors, he argues that

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113 Haring, *Free and Faithful in Christ*, 282. He adds, “Only where and when this reciprocity of consciences comes to its full bearing will magisterial interventions and the ongoing research of theologians strengthen the teaching authority of the Church…. The magisterium of the Church, in all its forms and on all levels, is authentic and faithful to Christ when the overriding concern is not for submission but for honesty, sincerity and responsibility” (*Free and Faithful in Christ*, 283-284).
114 Haring, *Free and Faithful in Christ*, 287. He comments (implicitly with his side of contemporary debates in view), “Great Christians, totally dedicated to the Church and to the dignity of consciences, were frequently considered less faithful to the Church because their explanation of formulations of doctrine and laws was less rigorous and less adequate for complete control. Their intentions could not be understood by those who were only concerned for the upholding of traditions, of order and discipline in a sometimes self-defensive Church” (*Free and Faithful in Christ*, 287-288). He goes on to argue, “Classical probabilism does not at all condone an arbitrary decision of conscience. Arbitrariness contradicts conscience in its dignity. The purpose of probabilism is to allow a careful evaluation of the present opportunities, of the needs of fellowmen and community in view of God’s gifts, and always in the light of our vocation to holiness. Such an evaluation and sincere judgment of conscience cannot be hoped for if there is a system that constantly produces legalistic scrupulosity or looks more for conformity than for a deepening knowledge of God and of man” (*Free and Faithful in Christ*, 292).
“[c]lassical probabilism is still of great actuality. There are many important issues that can be divisive for the Church if we do not meet in that dialogue and mutual respect which can manifest creative fidelity towards tradition and creative responsibility for the here and now and for the future of humankind and the Church.”

III. Evaluation

Häring and Pinckaers agree that the legalism and obligation-focus of the preconciliar moral manuals were bad. In response, Pinckaers urges a return to the perspective of Scripture, the Fathers, Aquinas, and virtue theory, with the desire for beatitude and Christ’s eschatological outpouring of the Holy Spirit at the center and with the natural inclinations, natural law, New Law, virtues, gifts, beatitudes, and fruits as the path.

For his part, Häring also urges a return to Scripture, but his focus on Christian freedom severed from the specific norms one finds in Scripture serves as the basis for a renewed probabilism, this time stripped of a legalistic framework. For Häring, then, the main solution consists in expanding and renewing the role of conscience in accord with Christian freedom. Häring identifies conscience as the very heart of personal freedom, where we are open to the enlightenment of the divine Word and to the creativity of the Holy Spirit. Conscience is the place where the person determines his or her fundamental option, which unfolds in the person’s fundamental dispositions. In Häring’s theology, freedom describes the conscience’s fundamental stance of openness to the illumination and promptings of the Word and Spirit and to the dignity and truth of other persons’ consciences. For this reason, conscience has a central place, one that is justified by the New Testament’s statements about Christian freedom as well as by Jesus’s putative example of repudiating strict adherence to Jewish law. Häring thinks that a number of the Church’s moral teachings, particularly in the realm of sexual ethics, are mistaken. In his view, this unfortunate fact becomes apparent through the reciprocity of consciences, that is, when we allow our consciences to be faithfully and

115 Häring, Free and Faithful in Christ, 293. He urges, “Have we the courage to study, for instance, the problem of enforced celibacy under the grave sanction of lifelong exclusion from the sacraments for divorced people who have struggled sometimes heroically to save their marriage? While we must be faithful to the Lord’s severe condemnation of ruthless divorce in order to marry another person, should there not be a greater fidelity towards the goal-commandment, ‘Be compassionate as your heavenly Father’ (Lk 6:36)?” (Free and Faithful in Christ, 293).

116 Understandably—and in a way that somewhat applies to Pinckaers as well, as noted above—Siker raises the concern that Häring’s approach to the Bible lacks an integrated vision of how the Old Testament continues to function along with the New Testament as Scripture that is useful for constructing Christian ethics (Siker, “Bernard Häring,” 79).
creatively instructed by the experience and reflection of other consciences.

Pinckaers does not deny conscience’s importance, but he considers conscience to derive from synderesis and to be in the service of prudence. He holds that conscience’s true role is in passing judgment on past and future acts rather than, as in Häring, creatively steering the entire moral organism. Connecting Christian freedom with the human person’s ordering by nature and grace to full flourishing, Pinckaers focuses especially upon the beatitudes of the Sermon on the Mount, and also upon the moral instruction given by Paul. In Pinckaers’s theology, Christian freedom is never simply receptive to God’s Word and Spirit, but is always and already constitutively moving toward the goal of happiness, which can only be found by embracing Christ and his commandments of love, possible for fallen humans through the Spirit who heals and elevates us. Especially in *The Sources of Christian Ethics*, the natural inclinations also receive a great deal of attention, because they show how the human person is created with an ordering to the true and the good.

For Pinckaers, human agency and personhood are most deeply expressed not in the choice of one’s fundamental option, but in the virtuous perfecting of the image of God, including all one’s intellectual, volitional, and emotional energies. The goal is not an intensified openness, but rather, more specifically, a virtuous prudence and charity. Pinckaers emphasizes that a prudent and charitable Christian will live a self-sacrificial life in all areas of his or her being. Sustained by prayer and the sacraments, he or she will perform the works of mercy and will bear the cross even unto martyrdom. Insofar as the Christian moral tradition emphasizes this self-sacrificial life, Pinckaers considers that truly prophetic moral teaching today means reaffirming rather than rejecting the tenets of Christian morality as developed from the New Testament onward, because these tenets are expressive of real charity.

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Quaestiones Disputatae de Pinckaers

Tom Angier

BEFORE I BEGIN, TWO APOLOGIES ARE IN ORDER. First, I am an intellectual interloper, since my research background and academic training are in philosophy: philosophy, that is, in the Anglophone analytic tradition, with an historical focus on the ethical theory of Plato and Aristotle. I first came across the work of Servais Pinckaers by reading his “Virtue is not a Habit,” and then subsequently through my general interest in both virtue theory and natural law theory.¹ I was immediately impressed by Pinckaers’s willingness to make bold and ambitious claims, along with his interest in the contemporary revival of virtue ethics among (largely) secular philosophers.² Here was a Thomist, I felt, who could act as a bridge to those with broadly Neo-Aristotelian sympathies, who want to find out more about Thomism in particular. It remains the case, however, that I am very far from an expert in the Thomistic literature and will be approaching Pinckaers’s work as an interested outsider. Secondly, I have read only those texts by Pinckaers that are available in English, texts which clearly do not encompass the full range of his thought.³ While other commentators on Pinckaers are also guilty in this regard, I realize, nonetheless, that this is a poor excuse, and that my restricted evidence-base may well lead me to form a distorted or at least inadequate interpretation of his thought.

With these two mea culpa’s in place, how will I proceed? I start by entering three methodological concerns about Pinckaers’s work, concerns that will resurface, in different forms, over the course of the paper. I then elaborate some more substantive challenges to Pinckaers’s

moral theoretical argument. These are meant not as devastating objections, but they do require a convincing response—a response I leave up to moral theologians. Finally, I offer a summary of my critique of Pinckaers’s project. Overall, what I appreciate about that project will take a back seat, not because I fail to appreciate it, but because philosophers thrive on disagreement, and rarely put pen to paper in order to express agreement.

PINCKAERS’S METHOD

Although Pinckaers’s style is pleasingly discursive and often eloquent, it shows less sustained precision than his material requires. That imprecision is demonstrable, I think, in three key respects: first, taxonomic conflation; second, conceptual conflation; and third, conflation of distinct objects of critique (what I will call the problem of the “shifting target”). Let us start with the problem of taxonomy. Despite the fact that Pinckaers entitles his most seminal book The Sources of Christian Ethics, this is a manifest yet telling taxonomic mistake. For if the book were what it purports to be, it would concentrate on the Jewish—including Hellenistic Jewish—context of the New Testament. There would be much investigation of Jesus’s Old Testament and Rabbinic tropes, along with the Greek philosophical engagement contained in the Pauline corpus. What we are offered instead, however, would more accurately be called “A Critical History of Moral Theology in the Latin West.” Pinckaers nonetheless assumes that the latter is tantamount to an exploration of the sources of la morale chrétienne. Is this merely an innocent conflation, amounting to no more than a quibble over the sense of “ethics”?

I think not. What it points to is Pinckaers’s systematic occlusion of the Jewish nexus of Christian moral thought, and, in particular, the latter’s pervasive dependence on the notion of commandment (or mitzvah). If Pinckaers had been sensitive to the original source of Christian moral thought—viz. Scripture—that dependence would not have escaped him. But as I will argue, his actual insensitivity in this respect allows him to read “Christian ethics” as, in key part, the repudiation of the centrality of commandment. In this way, he undermines, furthermore, two of his own explicit commitments. First, his commitment to honor and highlight the scriptural bases of the Christian tradition; and second, his commitment to producing moral theory that is genuinely Thomistic. For as I will elaborate below, Aquinas, unlike

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4 It is worth noting that in chapter one of Sources—entitled “What is Christian Ethics? The Search for a Definition”—each of the five definitions Pinckaers considers begins “Christian Ethics is that [or ‘a,’ or ‘the’] branch of theology that studies.” This form of definition is tendentious, and moreover never defended.

5 Pinckaers often emphasises the value of returning to Scripture for both Catholic moral theory and Catholic moral practice. Take, for example, his reverence for the patristic period: “Scriptural commentaries in their varying forms,” he writes, “made
Pinckaers, does not see the hallmark of Christian ethics as jettisoning the moral salience of commandment. Far from it, the latter achieves renewed salience in and through his account of the New Law.

Secondly, there is the problem of conceptual conflation. Two instances of this stand out. First, Pinckaers does not distinguish a “foundation” or “basis” from a mere “focus” or “orientation.” He contrasts, for example, “A moral system based on the virtues” with an ethics that “clings to justice and law as the only foundations generally acceptable in the name of reason.” In the same register, he speaks of St. Thomas’s “organizing morality on the foundation of the virtues,” and of his “virtue-based morality”; by contrast, the Catholic moral theology manuals, he claims, present “law … as the source of obligation and thus … the basis of morality.” Elsewhere, however, he exchanges the idiom of moral foundations for something less determinate: that of moral “foci” or “orientations.” He criticizes the moral theology manuals, for instance, for introducing the virtues “only to classify obligations and prohibitions in a new way. The focus was still obligation, not virtue.” In similar vein, he holds that “The restoration of a virtue-oriented morality calls … for a fundamental change. The central focus of morality needs to be returned to the level of the interior act.” Does this change of idiom matter, or is it merely a superficial, verbal change, with no philosophical import?

Such a change has philosophical import, and hence does matter. For the idea of a moral “foundation” is a distinctly modern one. As Julia Annas maintains, there is among modern thinkers “the common assumption that the model for an ethical theory must be a scientific one, with basic and derived concepts, and with reduction and theoretical simplicity seen as major aims.” On what she calls this “hierarchical and complete” model of ethics, it makes perfect sense to identify virtue (or law) as explanatorily basic or ultimate, thereby reducing the first and indeed the principal reference for patristic moral teaching, being closest to the inspired source” (Pinckaers, Sources, 196). Cf. his view that “the indispensable condition for penetrating to the heart of St. Thomas’s thought is to begin by opening ourselves to the first source of his teaching: the Word of the Lord spoken by the Holy Spirit in the Scriptures and in our hearts” (Pinckaers, “The Sources of the Ethics of St. Thomas Aquinas,” in The Pinckaers Reader, 23-24). Cf. also Pinckaers, “Scripture and the Renewal of Moral Theology,” in The Pinckaers Reader, ch. 3.


other moral notions, so far as possible, to their alleged monistic foundation. But it is very far from obvious that ancient or medieval thinkers were moral foundationalists. Although Aristotle tends to focus on the virtues, they are not foundational for him in the way they are, arguably, for modern “virtue ethicists.” They are, rather, coordinate with other notions: notions such as nature, law, function and fulfillment. Such conceptual coordination (as opposed to superordination) holds a fortiori, I will argue, for Aquinas, who inherits not only the Aristotelian conceptual scheme, but also the biblical one, with its comparatively strong emphasis on law. For Aquinas, as for Aristotle, neither virtue nor law plays the role of a moral foundation.

If Pinckaers’s modern theoretical assumptions lead him to conflate foci with foundations, they also inform his pervasive tendency to conflate laws or commandments with obligations. For Pinckaers, an “ethics of law” is synonymous with an “ethics of obligation.” But again, this is conceptually imprecise. Properly speaking, commandments or divine laws constitute a species of obligation. We thus find Aristotle referring to acting hōs dei, “as one must” or “as one should”—i.e. acting as one is obliged to do—but we never find him appealing to the notion of divine laws or commandments. This conceptual disparity between obligations and commandments or laws has important theoretical repercussions. For the modern understanding of obligation is typically that of a moral requirement or duty which is minimal in nature. Often negative or prohibitory in content, it designates a moral threshold below which we must not fall. By contrast, and as I shall argue, biblical commandments or divine laws need not have such a minimal or threshold nature. Contra Pinckaers’s essentially modern construal of them, they can and do accommodate morally very ambitious content.

Thirdly, there is the problem of conflating distinct objects of critique, or what I called the problem of the “shifting target.” As is evident from the above, Pinckaers repeatedly repudiates the idea that law should play a foundational—or at least focal—role in moral theory. What are less clear are his grounds for such repudiation. Is he rejecting

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11 Here I am thinking of philosophers like Rosalind Hursthouse (see especially her On Virtue Ethics [Oxford: Oxford University Press, 1999]) and Christine Swanton (see especially her Virtue Ethics: A Pluralistic View [Oxford: Oxford University Press, 2005]).

12 This appears to be the notion of obligation with which Bernard Williams operates, since he judges that “Blame is the characteristic reaction of the morality system.” See Bernard Williams, Ethics and the Limits of Philosophy (London: Fontana Press, 1985), 177. Cf. his comments on the “blame system” (Williams, Ethics and the Limits, 193-194).

13 In modern terms, this would be called “supererogatory” content, which goes “beyond the call of duty.” But this is misleading, since divine commandments or laws occupy a conceptual space within which “duties” are not by definition minimal.
this idea because it is theoretically incoherent or unsustainable? Or because Aquinas rejects it, and Pinckaers wants to be a faithful Thomist? Or because the Catholic moral theology manuals accept it and for pedagogical reasons those manuals are unsound? Or because pastorally an emphasis on law is unhelpful and counterproductive? There are passages in Pinckaers’s work which lend themselves to each of these interpretations, and indeed all of them are compossible. But it matters a great deal which “targets,” as it were, Pinckaers has in mind. If they are primarily pedagogical unsoundness and pastoral unhelpfulness, that may be of interest (respectively) to seminary teachers and priests but is philosophically irrelevant. If the target is simply unfaithfulness to Aquinas, that may be of interest to Thomists, but does nothing to show that faithfulness to Aquinas is justified. In short, only if we are given theoretical, substantive reason to reject the moral centrality of law will Pinckaers’s critique be convincing.

I raise this problem of the “shifting target” because it is vital to calibrating Pinckaers’s wider critique of what he calls “legalism.” As I will document, “legalism” lies at the heart of his project, as what must be definitively rooted out of Christian ethics. But what legalism amounts to, exactly, is hardly perspicuous. True, Pinckaers casts numerous aspersions on it: it undermines “fruitful creativity,” is “limiting and leads to impoverishment,” and yields moral knowledge that “loses its dynamism and life.” It supposedly sidelines the significance of suffering and the beauty of God and makes moral requirements too “impersonal” and “external.” More devastatingly, perhaps, it is said to entail an ill-founded conception of freedom and to displace happiness from its proper role in moral theory. But until we know what legalism is, and how precisely it generates these outcomes, such charges remain both vague and unsubstantiated. If they rest ultimately on contingent pastoral practices, or on conceptions of law that are historically local and need not be adopted—not least by a Thomist—I suggest that divine commandments can retain their salience within Christian ethics, and without the severe costs that Pinckaers purportedly identifies.

**PINCKAERS’S MORAL THEORY**

Having outlined three problems with Pinckaers’s method—viz. taxonomic, conceptual and “target” conflation—I want now to tackle his substantive moral theory. The latter has numerous aspects, so I am going to select only those of strong philosophical relevance. As we proceed, it should become apparent how his method and theory are inextricable, problems with the former impinging significantly on the latter.

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14 See Pinckaers, *Sources*, 48, 56.
Virtue as Foundational

To begin with, I want to investigate two problems arising from the idea that virtue is foundational within moral theory. Granted, if Pinckaers restricts himself to the weaker claim that virtue is merely focal within such theory, he can avoid these problems. But there is sufficient indication that he takes the stronger view. He writes, for instance, that “The nature of virtue calls for a specific systematization in which the other elements, particularly obligations, commandments, and means, play a subordinate role.”15 He holds elsewhere that “For St. Thomas as for his forerunners … The question of precepts and obligations was secondary, at the service of the virtues.”16 And he makes the same point also indirectly, in terms of happiness or beatitude. Since for any Aristotelian, happiness is constituted by virtue, to say that beatitude is foundational to morality is, in effect, to say that virtue is as well. And Pinckaers does make such claims about beatitude. Take, for instance, the following passages: “The Gospel,” he maintains, “teaches a morality of beatitude or blessedness. Obligations are not ruled out … but they are secondary and instrumental”; “Promises of happiness … come first in God’s Word and designs. They precede the Law and the commandments.”17 Given this, I think we are entitled to construe his position as a form of foundationalism about virtue. What, then, is problematic about such a position?

Virtue and Action

First, as for any “virtue ethics”—theological or otherwise—we can raise the problem of how virtue is related to action. Pinckaers acknowledges that virtuous dispositions are aimed intrinsically at virtuous acts. He holds, for example, that “objective claims of truth and moral good … move on, by way of the virtues, to … external acts.”18 “Virtue,” he contends, “builds up a moral system around those qualities inherent in man that enable him to perform with freedom good actions involving continuity and development.”19 “One of the tasks of virtue,” he avers, “is precisely to effect coordination between the interior and external act, between our disposition to act and its realization in actions done and done well.”20 He goes on, indeed, to make the bolder claim that “Only a morality based on the virtues can truly assure

16 Pinckaers, Sources, 6.
17 Pinckaers, Pursuit, viii, 27.
a connection between the universality of principles and the particularity of human action.”

But the details of how such a connection unfolds, and in what way it is to be explicated, are less easy to discern. The relation between virtue and action is, admittedly, a fraught issue for all virtue ethicists. Hursthouse, for example, has recourse to what she calls “V-rules” for action—the rigor and cogency of which have been called into question.

And Swanton develops a complex apparatus of virtue “targets,” “fields” and “profiles,” within an overall “particularist holism.”

But the question for us is what account Pinckaers provides of the said relation.

Here we are offered something in the region of what John McDowell calls moral “uncodifiability.” There is, in other words, nothing systematic to be said about how virtuous dispositions yield and are evidenced in action. Pinckaers does offer an analogy to skills: there is, he affirms, “a kind of knowledge that is proper to virtue, a knowledge attained through connaturality: a rapid, sure, penetrating, and intuitive ability to judge. We see things at a glance, as skilled and experienced workers do.”

But not only does this analogy remain undeveloped, it is in tension with Aristotle’s detailed (if telescoped) argument in Nicomachean Ethics VI.5 that virtues are systematically unlike skills. Pinckaers rests content elsewhere with the Aristotelian view that “the virtuous man himself sets the measure and standard for human acts.”

But this is notoriously uninformative, since we are given no independent account of how the virtuous man acts. Matters are not improved, moreover, when we told that “The moral theologian cannot take the place of a human person endowed with virtue in the forming of a judgment and in a moral action.”

We seem left, then, with a thoroughgoing contextualism. Virtuous action, Pinckaers holds, “needs to be seen within the life context of the person concerned … It is … inserted into the dynamism of a life, into the heart of personal relationships.”

This is disappointing not only per se, but also because it might be thought precisely the advantage of a biblically—and hence strongly law-informed—ethics that it had more to say about the nature and structure of virtuous action than Aristotle. But if anything, Pinckaers makes the opposite inference. For him, the idea that laws or precepts

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22 See Hursthouse, On Virtue Ethics, esp. 37 ff.
26 This view is reiterated by Aquinas at Summa theologiae Part I, Question 1, Article 6, Reply 3. See Pinckaers, “The Role of Virtue in Moral Theology,” 299.
make virtue more determinate in its practical upshots smacks of “legalism.” As he writes on the subject of the New Law, “We are dealing with a law that proceeds from an interior principle of love and that therefore possesses a power and thrust spontaneously transcending the limits of a precept.”

Since, as I will substantiate later, Pinckaers thinks the New Law the highest form of law, and so that toward which Christian ethics is ultimately ordered, it appears that, on his view, determinacy of action is a positive disvalue. He judges, indeed, that “The counsels of the New Law show the moral autonomy of the Christian who … has become capable of making free choices of paths beyond the necessary precepts that will lead to God …. They are useful means of assuring the human person the greatest spiritual autonomy.”

So not only must we entrust a knowledge of how to act virtuously to the virtuous person—he or she being “most fit to make concrete judgements about the conformity of actions to virtue, and to carry them out”—he or she acts most virtuously when least constrained by law or precept. It seems, then, that far from disavowing McDowell’s “uncodifiability” interpretation of virtuous action, Pinckaers seeks to strengthen it.

Virtue and Egoism

A second problem with aretaic foundationalism is that of egoism. This is most apparent when virtue is put in the context of eudaimonism since, if virtue is constitutive of happiness, aiming to act virtuously will be tantamount to aiming at one’s own happiness. And this looks suspiciously self-serving. As Pinckaers puts matters, “Especially since Kant, any moral system viewing human happiness as a goal has been suspected of hedonism; a theory of morality based on happiness must be self-serving.” Even, however, if one rejects a eudaimonist framework for ethics, and makes virtuous action simply the summum bonum, one runs into difficulties. For on this view, the virtuous agent can be accused of making his or her own virtue the highest good, thereby arriving at egoism once again—albeit by a less explicit route. And this because one’s ultimate aim is now one’s own moral self-perfection, which, no less than happiness, seems objectionably self-regarding. It is on these grounds that some philosophers have argued that aretaic foundationalism is necessarily “self-effacing,” that is, it proposes an ultimate end which cannot, by its own lights, withstand moral

32 Pinckaers, Sources, 20.
For intuitively, it is not virtuous to aim ultimately at one’s own virtue. On either view, therefore—whether virtue is one’s ultimate end or is embedded within a eudaimonist framework—we appear saddled with a fundamentally self-regarding moral theory.

In response to this critique, Pinckaers is not without resources. Like Aristotle, he makes the distinction between good and bad forms of self-love. “If the love is selfish,” he maintains, “and still more if the human person is seen as a being with needs craving satisfaction, then the desire for happiness is bound to be self-centered … If, on the other hand, a person is capable of true, unselfish love for God and neighbor … then the desire for happiness can lead that person to be open to God and neighbor and to become generous.”34 Later in the same chapter, he distinguishes between “natural love of self and egoism”: the former is conditioned by virtue, whereas the latter is inclined to defect from it, seeking instead comfort and advantage over others. “There is an open and generous freedom,” Pinckaers asserts, “bent on loving God above all things and our neighbor as ourself, to the point of total self-forgetfulness. And there is a closed freedom, turned in on itself, loving self supremely to the point of despising God and neighbor.”35 He holds, furthermore, that whereas “the end of Greek morality is immanent to life itself and resides precisely in human virtue,” the principle of Christian theology “is … to attain successfully the target aimed at, the end of which is God in his own reality as the source of all good and all beatitude.”36 And this, he reminds us, may well require great self-sacrifice: “People who endure privation and suffering to the point of giving their lives … for justice … love themselves in a nobler way, as Aristotle remarked.”37

Although this defense is valiant, it is not clearly successful. While Pinckaers eschews virtue per se as the ultimate end, thereby avoiding the “self-effacingness” charge levelled by Simon Keller and others, he does embrace eudaimonism. We can ask then—given it is the “desire for happiness” that is meant to lead to openness to God and neighbor—how such openness is not merely the requisite mode of satisfying that desire. True, Pinckaers stresses that God should be loved “above all things,” with “total self-forgetfulness.” But this raises the question: if

34 Pinckaers, Sources, 21.
35 Pinckaers, Sources, 42. Cf. “Only the truth of humility, working through renunciation to the point of self-contempt and ‘hating [one’s] life’ (Lk 14:26) can rid us of egoism and re-establish the purity of natural self-love which flowers in charity,” (Pinckaers, Sources, 43).
37 Pinckaers, Sources, 425.
self-forgetfulness is total, whence the desire for happiness? Is it not the desire for my happiness? At one point, Pinckaers seems to deny this, relegate such a desire to egoism: “‘I seek happiness’,” he claims, “is transformed [by egoism] into ‘I seek my happiness’ or ‘I seek happiness for myself.’”38 But this seems to be a distinction without a difference. Unless the happiness in question is that of others, seeking my happiness is precisely what eudaimonism enjoins. Things get no better when we are told that God should be the “target” of virtuous action since Pinckaers immediately goes on to describe God as “the source of all good and all beatitude.” Unless such beatitude, viz. happiness, is meant to be wholly non-motivating, and somehow completely sequestered from one’s practical consciousness, once more we face the problem of how eudaimonism is not basically self-regarding. The fact that in order to attain beatitude one may have to “endure privation and suffering,” even to the point of death, is simply not germane—for in some circumstances that is what beatitude requires. I conclude that aretaic foundationalism does not preclude, and even requires a fundamental self-regard.39 Yet this key problem engendered by eudaimonistic virtue-based ethics seems of peripheral concern to Pinckaers.

Vice and Sin

This points to a further problem, namely, that it does not follow from a moral theory’s being “virtue-based” that vice need not play a significant, indeed a central role within it. In this regard, we should recall that Aristotle takes virtue to remedy our tendency to vice, believing that most people are at best self-controlled rather than virtuous.40 Aquinas, for his part, spends nineteen questions of the Summa theologiae (ST I-II, q. 71-89) on vice and sin, compared to only thirteen on virtue proper (q. 55-67) and five on happiness proper (q. 1-5)—not to mention his devotion of the substantial Quaestiones disputatae de malo to evil in general. By contrast, Pinckaers dwells almost exclusively on virtue and happiness. Granted, he does acknowledge, occasionally and piecemeal, the presence of vice or sin in human life.41 But equally, he pays no systematic attention to it beyond his article on intrinsically evil acts.42 Why not? Ultimately, the reason lies, I will

38 Pinckaers, Sources, 43.
40 For Aristotle’s “remedial” view of virtue, see Nicomachean Ethics, 1109a30-b7, 1109b24-26; for the prevalence of sub-virtuous agency, see Nicomachean Ethics 1106b28-34, 1109a24-30.
42 See Pinckaers, “A Historical Perspective on Intrinsically Evil Acts.”
argue, in the essential correlation Pinckaers posits between a focus on sin and an “ethics of law,” a form of ethics he claims there are independent grounds to reject. But before I criticize his negative argument, I want to outline his positive grounds for avoiding any detailed exploration of sin.

**Pinckaers’s Positive Argument**

Pinckaers’s philosophical anthropology is, for want of a better word, fundamentally optimistic. For him, sin is a “parasite,” not merely conceptually and metaphysically, in the sense that it presupposes virtue and goodness in its definition, but also in the sense that it is basically an intruder into an otherwise good world. As he puts things, “In the face of the casuist morality of former times, which might be called a morality of sin, we have deliberately set out to reestablish in all its fulness the primacy of grace, which is more powerful than sin, and the primacy of our spiritual nature, which renders us ‘capable of God’ and at the same time is that which sin erodes.”43 And this dual “primacy”—of grace and of our spiritual nature—is evidenced positively in three main ways within Pinckaers’s work. First, by means of an analogy with skill; second, by his picturing sin as a form of immaturity; and third, by his use of organic metaphors. Let us take the analogy with skill first.

According to Pinckaers, practical rationality “searches for excellence, a certain perfection of action in the existing situation, as an artisan seeks to make something good by plying his or her trade. Such work calls for intelligence, experience, effort, and attentiveness.”44 The implication is that, just as a craftsman is motivated by excellence in his craft and grows to enjoy his craft in virtue of his achievements, so moral reasoners are motivated by virtue (i.e. moral excellence) and its achievements. And this analogy is reinforced elsewhere, as when Pinckaers compares moral learning to learning the piano: “In the beginning the child, despite a desire to learn, will often feel that the lessons and exercises are a constraint imposed on freedom …. But with effort and perseverance, the gifted child will soon make notable progress … playing with precision and originality, delighting all who hear … the person who really possesses the art … has acquired a new freedom.”45 Quoting Condillac, he advocates “spiritual naturalness,” which is purportedly analogous to artistic naturalness: “The natural … is art become habitual. The poet and dancer are each natural when they achieve that degree of perfection where their conformity to the rules

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43 Pinckaers, *Sources*, 464.
44 Pinckaers, “The Place of Philosophy in Moral Theology,” in *The Pinckaers Reader*, 70.
45 Pinckaers, *Sources*, 355.
of art appears effortless.” What Pinckaers fails to note, however, is that moral apprentices never choose their “art” autonomously, to suit their personal talents and interests, and when they go wrong cannot make the excuse that they are not “gifted” at virtue. Moral progress, moreover, although it may delight some, often earns the opprobrium of others, and may even require one’s relinquishing all ostensible freedom.

If the analogy between virtue and skill is too sanguine, so is Pinckaers’ related notion that sin is something to be outgrown. “At the beginning of the moral life,” he judges, “we are like children, full of desires and plans, but weak-willed and quick to seek refuge in the imaginary.” But this is merely the first stage of “education in freedom”: “Childhood corresponds to what we shall call the stage of discipline, adolescence to the stage of progress, and adulthood to the stage of maturity or the perfection of freedom.” The Decalogue, we are thus confidently informed, belongs merely to our moral childhood: “It plays a particular role in the first stage of the divine pedagogy, in the training of beginners who must struggle against their sins and eradicate their vices.”

Pinckaers grants, admittedly, that this narrative of progress is not always smooth. “The three stages,” he maintains, “… are not always separated in reality …. [T]he first stage continues in the second and the second in the third, because of the positive quality of each and the weaknesses that sometimes perdure.” But overall, the picture is one in which moral progress is analogous to the progress of a life. The worry is, then, that Pinckaers has imported a model of necessary and value-free progress—i.e. the chronological advance of human life—into an area (viz. moral development) where progress is contingent and value-laden. He has thereby assimilated what ought to be the case to what inevitably (bar death) is the case.

This same sleight of hand occurs in Pinckaers’s representation of the moral life in organic terms. Moral freedom, or “freedom for excellence,” he claims, “grows like a living organism.” “[L]ike our personality itself,” he avows, it “needs permanence if it is to grow, flower, and lead us to the adult stage where it will produce the noblest actions.” “The chief object of real fidelity,” he writes, “is that seed of

46 Pinckaers, Sources, 403.
47 For further criticism of the skill analogy as applied to moral habituation, see Tom Angier, Technē in Aristotle’s Ethics: Crafting the Moral Life (London: Continuum Publishing, 2010), ch. 5.
48 Pinckaers, Sources, 359.
49 Pinckaers, Sources, 359.
50 Pinckaers, Sources, 359.
51 Pinckaers, Sources, 362.
52 Pinckaers, Sources, 362.
53 Pinckaers, Sources, 364.
the spiritual life, true and good, which has taken root and … whose soul is vivified by virtues.”

“The action of the Holy Spirit,” he says further on, “is at work from the beginning of the Christian life … It is at work in every heart, like sap, which, hidden at first, is later revealed in all its power in the season of fruits, the time of maturity.”

He speaks, elsewhere, of the “spiritual instinct,” which “We could compare … to the plant’s instinct, which directs it toward the sun, which makes the sap rise in spring and lets it flow until the fruit ripens.”

In similar fashion, “Freedom for excellence springs from our natural thrust toward truth and goodness. Given to us in the form of a spiritual seed, this freedom has need of education in order to grow and gradually come to maturity through the power conferred by virtue.”

So even if freedom for excellence, fidelity and the “spiritual instinct” are partly conditioned—by the appropriate education, for instance—in and of themselves they are analogous to natural forces or organic processes. Ceteris paribus, they take place owing to the natural order of things. Once again, then, we are ushered into affirming a subtle conflation: what ought to be the case, on proper reflection, and bar unnatural interference, is the case.

Whether by assimilating virtues to skills, or to adult capacities, or to organic flourishing, Pinckaers effects a strange inversion of Hume, whereby ought entails is. What explains this optimistic view? Is it merely that he is captured by a series of analogies? I suggest not. Such analogies are rather themselves the reflection of an underlying assimilation. And that is between personal agency on the one hand and impersonal or supra-agential processes on the other. This is evident, for instance, when Pinckaers speaks in same breath of how the Holy Spirit acts and how the “heart” behaves—as if the latter were tantamount to the former.

It is evident, too, in his presentation of achieved habitus as an abstract and inevitable force: “The joyous humility of faith,” he claims, “… renders us docile to the movement of the Holy Spirit and … is always accompanied by an awareness of our weakness.”

The mirror image of this is Pinckaers’s personification of the impersonal:

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54 Pinckaers, Sources, 364.
55 Pinckaers, Sources, 370.
57 Pinckaers, Sources, 463.
58 Cf. “the … instinctus Spiritus Sancti … describe[s] the action of the Holy Spirit through his gifts at the heart of the Christian life” (Pinckaers, Sources, 358). Pinckaers’s predilection for Aquinas’s notion of the “instinct of the Holy Spirit” is telling, since the latter is nicely ambiguous between an instinct to act in accordance with the Holy Spirit, and an instinct that somehow embodies the Holy Spirit. Pinckaers does not sufficiently attend to this ambiguity in “Morality and the Movement of the Holy Spirit: Aquinas’s Doctrine of Instinctus.”
59 Pinckaers, Pursuit, 16.
“The new Law will have the power,” we are told, “to convert and justify man in the sight of God. It is able to overcome his weakness and obtain light and strength for him … a thing no other law can do.”

What gets lost in all of this is that, even if there is a Holy Spirit, or a New Law, they are themselves wholly ineffectual apart from a virtuous agential response. And this is precisely where vice or sin enters in: for if humans are the wounded, fallen creatures spoken of in Christian ethics, that response is far from guaranteed. Indeed, no matter how much it ought to ensue, this never ensures that it does. Pinckaers’s positive argument for sidelining sin rests, therefore, on the assimilation of personal agency and its vagaries to the streamlined performances of impersonal processes and various supra-personal agents.

What of his negative argument?

**Pinckaers’s Negative Argument**

Here things are more complex, so I articulate his argument in two stages: first, his claim that a focus on sin impugns the role and efficacy of the New Law; and second, his claim that it necessarily imports an “ethics of law” or “ethics of obligation,” which is independently objectionable. To some extent, this rendition of Pinckaers’s negative argument will be reconstructive, since it is spread throughout his work and is not always transparently expressed. Still, I think my rendition captures the main lineaments of what is, in effect, his core critique.

Pinckaers’s first criticism of what he calls a “morality of sin”—and which he strongly associates with the Catholic moral theology manuals—is that it undermines the moral centrality and ultimacy of the New Law. The latter is, he holds, the “crowning point of St. Thomas’s moral system,” and of the Gospel more widely, because it both proposes a new, higher morality—captured best in the Sermon on the Mount, which is “a summary of the entire teaching on the Christian life”—and provides a new “interior” resource for achieving that morality, viz. “the action of the Holy Spirit,” which is “the source and inspiration of all the virtues and gifts.”

This dual characterization of the New Law is elaborated repeatedly in Pinckaers’s texts, and with great eloquence. He dwells particularly on its “interior” aspect, since it is this, he alleges, which enables us to realize Gospel morality in the first place. Because of that aspect, we can act virtuously in a radically new way: virtue is now “defined,” he writes, “precisely as a dynamic interiority that causes us to act in a personal way with ease and joy”; “The New Law can also be called ‘a law of love,’ since it causes us to act through love and to exercise the virtues according to the movement

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of love.” To dwell on sin, therefore—to categorize it, analyze it, explore its nature—is effectively to deny the saving quality of the New Law. The latter “touches us,” Pinckaers maintains, “in our intimate depths and our most authentic spontaneity,” thereby rescuing us from the depredations of a sinful life.

Notwithstanding the attractiveness and rhetorical élan of this moral vision, it papers over key distinctions. As we have seen already, Pinckaers elides the distinction between acting according to law and law acting through us, or (even more questionably) its causing us to act. Not only does this ascribe agency to something impersonal, it trades on an ambiguity in the notion of causation. For while it is plausible that a law “causes us to act” in the sense of explaining why we act, it is far more controversial to hold that it actually brings our action about. Yet, because Pinckaers conflates these senses, this leads him to speak even of virtue as “caus[ing] us to act … with ease and joy,” as if virtue itself were an impersonal agent. This obscures, in turn, the manifold ways in which we can fail to act virtuously, owing to an imperfectly formed character. Another ambiguity at work in Pinckaers’ text is between different senses of “can.” For whereas it is unobjectionable to claim that, owing to the New Law, we “can” act virtuously in a radically new way—in the sense that it is now possible that we so act—it is far from clear that we “can” do so in the sense that we are able so to act. Once again, Pinckaers’ tendency to conceptual conflation facilitates significant argumentative legerdemain. More widely, it enables him, illegitimately, to present an optimistic picture of the moral life, in which sin is effectively pushed to the margins, an unaccountable intruder into our “most authentic spontaneity.”

Although Pinckaers lauds the New Law primarily in its “interior” aspect, its practical requirements also lead him into dubious territory. For according to Pinckaers, the New Law, unlike the Old Law, is primarily freeing: “We are no longer dealing,” he contends, “with an external, minimalistic law made up of constraining precepts, but an interior and ‘maximalist’ law, carrying us far beyond precepts.” A focus on sin is thus retrograde, since it confines us to a morally unambitious dispensation under which we are concerned, above all, with avoiding transgression of the law, and escaping consequent punishment. Instead, we should devote ourselves to genuine virtue, which transcends mere precept, and autonomously aims at ambitious moral ends. As he puts things, quoting Aquinas, “‘Those who have moral virtue are drawn to the exercise of virtuous actions for the love of virtue, not on account of some external penalty or reward. And so the New Law,

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63 Pinckaers, Pursuit, 193. For a fuller elaboration of the New Law, see Pinckaers, “The Return of the New Law to Moral Theology.”
consisting primarily in grace itself implanted in men’s hearts, is called
the law of love’ (ST I-II 107.1 ad 2).”⁶⁵ The picture is a plausible one,
at least prima facie: the “morality of sin” is tied, that is, to “a perspective
of moral obligation,” which, in turn, is wedded to a minimal and
hidebound conception of our moral nature.⁶⁶ We should hence free
ourselves from this constricting perspective and affirm that “the es-
sence of morality resides precisely in the interior principles of action,
the virtues …. [V]irtue predominates over precept, and … [i]ts effec-
tiveness will in consequence be more perfect: the person who acts out
of true love will advance much further, interiorly and exteriorly, than
the one who acts out of obligation.”⁶⁷

The trouble with this account is that it assumes that precepts are
essentially “minimalist” in character, so that any morality framed in
terms of them precludes ambitious goals.⁶⁸ But this actually goes
against the biblical evidence. For if anything, the precepts of the Ser-
mon on the Mount, along with Jesus’s moral teaching more generally,
increase the demandingness of the moral law. Whereas the Decalogue
forbids adultery, Jesus counsels that even adulterous inclinations and
thoughts are sinful; whereas the Hebrew Bible promotes the value of
forgiveness, Jesus teaches that forgiveness must be indefinitely ex-
tended to offenders.⁶⁹ It follows that, even if Christian ethics is freeing
with regard to what Aquinas calls the “ceremonial” precepts of the Old
Law, including (notably) the laws governing the sabbath and food, it
is far more stringent in properly moral respects.⁷⁰ And a key corollary
of this is that the opportunities for sinful derogation do not decrease,
but increase, markedly, with the advent of the New Law. As John Cud-
deback argues, the latter is most decidedly a law, and one that—under
the rubric of “charity”—embodies a “maximum praeceptum.”⁷¹ Yet if
what the New Law demands in charity is morally maximal, it follows
that the opportunities for missing the mark—viz. hamartia, or sin—will
also abound, and more profoundly than under the Old Law. For now,

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⁶⁸ For further passages in which Pinckaers expounds this “minimalist” interpretation
of the moral law, see Pinckaers, Sources, 17, 359, 371; Pinckaers, “The Role of Virtue
in Moral Theology,” 296; Pinckaers, “The Return of the New Law to Moral Theol-
ogy,” 371, 383. Pinckaers allows, elsewhere, that love or Christian virtue presupposes
“the rectitude ensured by the commandments” (Pinckaers, Sources, 29). But equally,
such virtue is meant to transcend and go far beyond that purported moral minimum.
See Pinckaers, Sources, 63, 79, 452-453; Pinckaers, “The Return of the New Law to
Moral Theology,” 378.
⁶⁹ For Jesus on adultery, see Matthew 5:27-28; for Jesus on forgiveness, see Matthew
18:21-22 and John 8:7.
⁷⁰ For Aquinas on the ceremonial precepts, see ST I-II, q. 101-103.
what abound are chances for genuine moral failure rather than mere ceremonial error.

If Christian ethics is thus “teleological,” as Cuddeback puts it—i.e. it proposes a generic moral standard, and one that is higher than before—it looks all the more untoward that the power and relevance of sin be underestimated. However, there are other reasons for this systematic underestimation, which lie beyond Pinckaers’s account of the New Law, and this brings us to the second stage of his negative argument. This stage depends on a rich and fascinating excursus on the history of moral theology, the details of which I lack the space to explore and am anyway unqualified to explicate. These drawbacks should not, however, matter unduly: we can rely on a brief rendition of that history, which conveys its philosophical essentials.

According to Pinckaers, a so-called “morality of sin” not only bypasses, implicitly, the New Law, it also imports its own “ethics of law” or “ethics of obligation,” which misrepresent the moral metaphysics of human disposition and action, along with the nature of freedom. How so? In short, true freedom is “freedom for excellence,” which is “inspired by natural inclinations or spontaneous aspirations toward truth and goodness that … flow from the spiritual nature of the human person, ordering her to beatitude and in fact to God as her ultimate end.” This account of freedom, which is affirmed by Aquinas, thus “place[s] nature at the origin and source of freedom,” since it is nature that directs us to virtue, and virtue that, in turn, perfects or fulfills us (i.e. constitutes our beatitudo). On this conception, sin is a form of weakness that refuses, in effect, to opt for freedom, precisely because it chooses vice over virtue (albeit under the aspect of a perceived good, such as pleasure or security or grandeur). In this sense, it is “unnatural,” a derogation from our most profound inclinations, and hence the route, pro tanto, to misery. It is worth noting that, on this view of sin, there need be no reference, as yet, to moral laws or commandments which the sinner fails to obey. All that is requisite is the notion of a moral telos or end, viz. virtue, which the sinner fails to “hit”: hence the Greek term for sin, hamartia, the literal sense of which is “missing the mark.”

This picture of freedom, nature, sin and virtue changes dramatically, according to Pinckaers’s narrative, with the advent of William

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73 Pinckaers, “Ethics and the Image of God,” in The Pinckaers Reader, 138. Pages 137-140 of this chapter provide a nice summary of “freedom for excellence” or “freedom for perfection,” as Pinckaers construes it.
of Ockham and his rival master-concept of “freedom of indifference.” According to Ockham’s new, nominalist anthropology, freedom is no longer grounded in human nature and its natural inclination to virtue and beatitude but rather in the unconditional ability to choose as one wills. It follows that, for Ockham, there are two main sources of unfreedom: first, nature and its inclinations, which are now viewed essentially as limiting free choice; and second, God’s laws or commandments, which are also viewed primarily as a source of constraint. True, the moral agent is obliged to submit to those laws, in order to avoid sin and “do the right thing.” But he or she is not rendered free thereby, and such obeisance is detached from any economy of natural fulfillment or ultimate happiness. In this way, the Thomistic alignment between freedom, nature, and virtue is undone: freedom is now pitted against nature and bears no intrinsic relation to virtue. In place, therefore, of a “morality of attraction” to the good—viz. virtue and the happiness it constitutes—we are left with a brute duty to obey God’s exi- gent commandments, where these have become detached from the promise of happiness. The temptation to sin is thus increased, for only sin remains a definitive mark of our freedom, as an assertion of our will against the law’s restrictions. As Pinckaers trenchantly remarks, “Here we have one of the roots of modern atheism, which opposes humans and God in an irreducible conflict.”

This narrative, with its historical inflections, is intellectually gripping, is conveyed with verve and panache, and contains much that is plausible. As presented, the nominalist God seems unattratively tyrannical, and philosophically, His behavior verges on the incoherent, since Ockham radically disembeds divine commandments (and hence right action) from an account of the human good. That said, however, we have not yet been given a refutation of Ockham’s challenge to the Thomistic status quo ante. At best, we have been led to see where his moral theory is theologically innovative and where its philosophical weaknesses might lie. More pertinently, though, I want to argue that Pinckaers has not shown us why a “morality of sin” necessarily im- ports an “ethics of law” or “ethics of obligation” of an Ockhamite kind in the first place. Let us grant, for the sake of argument, that the very notion of sin is coordinate with that of moral law—insofar as the latter

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74 Pinckaers refers to Ockham’s moral metaphysics, indeed, as tantamount to “the explosion of the first atomic bomb of history” (in a psychic rather than physical sense). See Pinckaers, “Ethics and the Image of God,” 141. Pages 141-143 of this chapter provide a nice summary of “freedom of indifference,” as Pinckaers construes it.

75 The phrase “morality of attraction” is found at Pinckaers, “Ethics and the Image of God,” 142.

76 Pinckaers, “Ethics and the Image of God,” 142.

both reveals what constitutes sin and points to its remedy. There still remains the question of what conception of moral law one is to adopt. And it appears that Pinckaers has done nothing to rule out a Thomistic conception of such law, which is both theologically more attractive, and philosophically less problematic. How so?

According to Aquinas, God’s laws or commandments are not in tension with our nature and its aspirations to virtue, freedom and happiness, but rather point the way to their fulfillment. As Pinckaers elucidates matters, “In the time of Thomas the term ‘law’ did not have the harsh connotation of our modern usage, expressing as it does the juridical nature of an external will restricting freedom by force …. [He] saw in law the expression of the dynamic wisdom of the lawmaker, eliciting as far as possible the collaboration of mind and the spontaneous, willing assent of those subject to him.”78 In this way, and by Pinckaers’s own admission, we have in Aquinas a paradigm of how to reconcile an “ethics of virtue” with an “ethics of law”—the two by no means exclude each other. For if divine law is precisely grounded in, and responsive to, human nature and its concomitant goods, there are no grounds for their mutual exclusion. Granted, Ockham presents divine law as essentially constricting, drawing “its origin from the sole, all-powerful freedom of God … like a sheer, limitless will … entirely indifferent and free … in all its precepts.”79 But once we question this presentation—above all in its severing of God and His commandments from the nature and good of His creatures—the way is open for a return to the Thomistic synthesis between law on the one hand, and the desiderata of virtue, freedom and happiness on the other.

The question arises, then, of why Pinckaers, an avowed Thomist, does not make more of this option, and speaks, for the most part, as if an “ethics of law” must take its bearings from Ockhamite nominalism. This is puzzling on a number of fronts. To begin with, it is to take one’s theoretical cue from one’s intellectual opponent.80 This is, in effect, to fall into Ockham’s foundational error, namely, to assume that law necessarily “hampers” freedom.81 Although this assumption recommends itself to the habitual sinner—who experiences divine commandments as a constraint and a terrible goad—it is far from self-evident.82 Not only does Aquinas avoid making it, so do modern philos-
ophers like Kant, who holds that obeying the moral law is both necessary for and essential to autonomy.\textsuperscript{83} So to claim that “modern usage” enforces “harsh” connotations for the term “law” is, at the very least, misleading.\textsuperscript{84} Taking one’s theoretical cue from Ockham is, furthermore, to present as philosophically inevitable—though without good reason—what Henry Sidgwick calls the “dualism of practical reason,” viz. the divorce between right action and personal fulfillment.\textsuperscript{85} If this divorce is overcome already in Aquinas, and Pinckaers is a Thomist, wherefore his extensive preoccupation with the Ockhamite raft of dualisms? Are we dealing merely with an antipathy to law or obligation as such, which is evident in philosophers as diverse as Bernard Williams and Rémi Brague?\textsuperscript{86}

I think such an explanation is inadequate, for although other scholars do display an almost allergic reaction to the notion of obligation, we are looking for an explanation that is not generic, but specific to moral theologians. Here, I take it there are two main options. First, Pinckaers may simply be reacting against the Catholic moral theology manuals of his youth and later formation. While he does little to show these manuals are indebted to Ockhamite nominalism in particular, he does spend a significant amount of time indicting their content and influence.\textsuperscript{87} The trouble with this explanation, however, is that it raises the problem of what I called the “shifting target.” For even if we grant that the manuals are badly arranged, and stand in the line of Ockhamite thought, the core, philosophical question remains—so what? If a moral theory is bankrupt, and if, moreover, there is a far better moral theory already available (viz. Thomism), why bother spending so much time on it? On this explanatory hypothesis, Pinckaers thus faces a dilemma: either he is, at root, mounting a critique of the manualist tradition, in which case his project is of little more than historical interest; or he is attacking Ockhamite nominalism, in which case it is philosophically well-taken, but also basically beside the point, since Ockhamism is hardly the only philosophical option. Indeed, the Thomistic synthesis between virtue and law has been demonstrably the

\textsuperscript{83} It is worthwhile noting that although Kant denies Ockham’s dualism between freedom and law, he affirms that between freedom and natural inclination. See Immanuel Kant, \textit{Grounding for the Metaphysics of Morals} (Indianapolis: Hackett Publishing Co., 1981), especially, no. 456-458, 461-462.
\textsuperscript{84} See Pinckaers, “Aquinas and Agency,” 176-177.
\textsuperscript{86} See Williams, \textit{Ethics and the Limits}, especially ch. 10; Rémi Brague, \textit{Du Dieu des Chrétiens—Et d’Un ou Deux Autres} (Paris: Éditions Flammarion, 2008), ch. 6 (the title of which is: “Un Dieu qui ne nous demande rien,” i.e. “A God who asks nothing of us”).
\textsuperscript{87} See Pinckaers, \textit{passim}., but especially Sources, 254-279.
better (and perhaps the best) alternative all along. So, we need another explanation.

The second explanation is more plausible, but darker, and goes back to my initial remarks on taxonomic conflation. The conflation I am referring to is that between a natural reading of the “sources” of Christian ethics, and the actual reading Pinckaers provides, namely, that Christian ethics is essentially exhausted by the moral theology of the Latin West. This conflation allows him to downplay, if not wholly ignore, the main source of Christian ethics—viz. Jewish ethics. My suggestion, at this juncture, is that this is hardly accidental. For as the biblical and later Jewish tradition bear witness, at the very core of Jewish ethics lie the ideas of law (torah, halakhah) and commandment (mitzvah). It follows that if Pinckaers were to acknowledge the centrality of these ideas to Christian ethics, he could not even begin to advance his view that the latter is, properly understood, a repudiation of the “ethics of law.” And if he were, moreover, to explore the manifold ways in which the Jewish tradition marries an “ethics of law” with both an “ethics of virtue” and an “ethics of happiness,” once more he would be unable to present the former as in inextricable tension with the latter. It is no surprise, therefore, that Pinckaers’s uses of the term “Jewish” are often, or often verge on, the pejorative, and that the profound Jewish shaping of Christian moral thought is extruded, seemingly without reason, from his narrative.

CONCLUSION

I have argued, in sum, that notwithstanding the erudition, eloquence and intellectual ambition of Pinckaers’s moral theory, it is philosophically questionable at a number of key points. I outlined, initially, how his theological virtue ethics are insufficiently fortified when it comes to the problems of action-guidance and egoism. I then went on to criticize their wider moral optimism, which is cognate with their sidelining of vice or sin. This is evidenced in Pinckaers’s analogy between virtue and skill and in his assimilation of virtue both to mere adulthood and to organic flourishing. This assimilation is rooted, I maintained, in a deeper one, viz. that of human moral agency to impersonal processes and to supra-personal agency. This positive argument is complemented, furthermore, by a negative one, to the effect that an emphasis on sin both impugns the New Law and imports an “ethics of law” or “ethics of obligation,” which are independently

89 For pejorative and near-pejorative uses of “Jewish” in Pinckaers’s work, see Sources, 110-114, 125, 130, 132, 175, 285 (on so-called “Jewish justice”). More widely, see Pursuit, 3, 32, 69, 96, 108, 166.
I argued, finally, that Pinckaers’s grounds for objection here are inadequate, since they rest, fundamentally, on a tendentious construal of the “ethics of law” in Ockhamite terms, thereby erecting a false dichotomy between the “ethics of law” and the “ethics of virtue.”\textsuperscript{90} I ended by speculating on Pinckaers’s motives for affirming this tendentious construal and this false dichotomy, speculation that, I hope, will inspire those more qualified—i.e. moral theologians—to offer a thorough-going response.

\textsuperscript{90} Here I am in fundamental disagreement, then, with Craig Steven Titus, who holds that “Pinckaers has sought to correct the tendencies that pit commands, obligation, and obedience against beatitude, charity and the virtues …” (Craig Steven Titus, “Servais Pinckaers and the Renewal of Catholic Moral Theology,” \textit{Journal of Moral Theology} 1, no. 1 (2012): 65). I have argued that, on the contrary, Pinckaers does much to reinforce these tendencies.
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Fr. Anton ten Klooster studied theology in Utrecht, Fribourg and Washington DC, and obtained his doctorate from Tilburg University in 2018 with the highest distinction, cum laude. He has published in international journals on the interpretation of the beatitudes and is the
author of *Thomas Aquinas on the Beatitudes: Reading Matthew, Disputing Grace and Virtue, Preaching Happiness* (Leuven: Peeters, 2018). At present he is preparing a postdoctoral project on conversion at the Tilburg School of Catholic Theology. Ten Klooster is a priest of the archdiocese of Utrecht, The Netherlands, and is rector of studies of the archdiocesan seminary Ariënsinstituut.

**Matthew Levering** holds the James N. and Mary D. Perry Jr. Chair of Theology at Mundelein Seminary. He is the author or editor of over forty books on topics in dogmatic, sacramental, moral, historical, and biblical theology. Among his books are *Biblical Natural Law: A Theocentric and Teleological Approach; Natural Law: A Jewish, Christian, and Islamic Triologue* (co-authored with David Novak and Anver Emon); and *Aquinas’s Eschatological Ethics and the Virtue of Temperance* (forthcoming). He co-edits two quarterly journals, *Nova et VETERA* and *International Journal of Systematic Theology*. He co-founded the Chicago Theological Initiative and has directed the Center for Scriptural Exegesis, Philosophy, and Doctrine since 2011.

**William C. Mattison III** is an Associate Professor in the Department of Theology, and the Senior Advisor: Theological Formation in the Alliance for Catholic Education, both at the University of Notre Dame. He wrote *Introducing Moral Theology: True Happiness and the Virtues* (Brazos, 2008), which is widely used in university ethics courses throughout the country and abroad. His most recent book is *The Sermon on the Mount and Moral Theology: A Virtue Perspective* (Cambridge, 2017). He is currently working on a book tentatively titled *Aquinas on Habit, the Last End, Graced Virtue*.

**James W. Stroud** is an Assistant Professor of Moral Theology at Sacred Heart Seminary and School of Theology in Hales Corners, Wisconsin. He has interests in the moral theology of St. Thomas Aquinas, biomedical ethics, the intersection of the bible and moral theology, and the intersection of science and moral theology. He recently has been part of two grant initiatives at SHSST that focus on increasing the science literacy and interests of seminarians for future pastoral situations.

**STUDENT INTERNS**

**Patrick T. Fitzgerald,** C’19 Mount St. Mary’s University, is from Calverton, NY, and is earning a double major in Theology and Philosophy. Next year he will be attending the University of Dayton in Dayton, Ohio to earn his Masters in Theological Studies.
Sydney D. Johnson, C’19 Mount St. Mary’s University, majoring in Philosophy with minors in History and Spanish, is from Lincoln, NE.
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