

Amoris Laetitia and *Veritatis Splendor* on the “Object of the Act”

On taking up a text, it is good to remind ourselves that our reading of this encyclical must be a real dialogue in which both reader and document have a part. A minimum of openness and good will is indispensable if we are to welcome and grasp any writer’s thought, discover his message, and draw profit from it. The suggestion of the apostle St. James is also relevant: “Be quick to listen and slow to speak.” In other words, we first have to read it attentively, a little as if we were listening to a friend. We need to take time out too, for reflection, to make sure we really hear what it is saying. Then we shall be able to make an informed judgment and perhaps later some pertinent comments.

Given the rich fruits of the two-year Synod process, this Exhortation will treat, in different ways, a wide variety of questions. This explains its inevitable length. Consequently, I do not recommend a rushed reading of the text. The greatest benefit, for families themselves and for those engaged in the family apostolate, will come if each part is read patiently and carefully, or if attention is paid to the parts dealing with their specific needs.

Introduce the article with these two quotes, both referring to documents of the Magisterium, to make a simple observation. While they were written twenty years apart, the two authors are making exactly the same point. In fact, one would be justified in thinking that they might be considering exactly the same document. Or at least, that if the texts they were referring to were different,

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they might still be raising similar, or related challenges to demand the same level of attentiveness and preparedness from the reader.

Yet it might come as a surprise that the two quotes refer to two Magisterial documents that some in the Roman Catholic Church today want to present as opposed to each another. If the second quote is from the introduction to the Apostolic Exhortation *Amoris laetitia* (AL 7),² where Pope Francis himself is urging attentive pondering, the first text is authored by the Dominican Servais Pinckaers,³ who as Craig Steven Titus notes, “was intimately involved in shaping the encyclical *Veritatis splendor* (VS) and [the moral theology section of] the *Catechism*,”⁴ and, of course, is referring to none other than the famous encyclical. The *Catechism* and VS,⁵ both foremost doctrinal works of St. John Paul II’s papacy, were “drawn up at the same time” and in part, for the same purpose of the renewal of moral theology called for by the Second Vatican Council. Thus, it is necessary “to observe the correspondence” since, if the *Catechism* “is set in a broader perspective and has the more general purpose of providing an overall, well-ordered teaching on morality as related to the Creed, sacraments and prayer,” “the encyclical is more limited in its object, since its focus is limited to certain basic questions and theories which are open to criticism in view of Catholic tradition.”⁶

In fact, in the quote above, in his usual gracious style, Pinckaers is referring to the very-heated controversy in the wake of VS between self-styled “traditionalists”

² Pope Francis, Post-Synodal Apostolic Exhortation *Amoris Laetitia*, March 19, 2016, http://m.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf.

³ Servais Pinckaers, “An Encyclical for the Future: *Veritatis splendor*,” in *Veritatis Splendor and the Renewal of Moral Theology: Studies by Ten Outstanding Scholars*, eds., J. A. DiNoia and R. Cessario (Princeton, NJ: Scepter Publications, 1999), 11.

⁴ Craig Steven Titus, “Servais Pinckaers and the Renewal of Catholic Moral Theology,” *Journal of Moral Theology* 1/1 (2012): 57. Titus notes that at the time, Christoph Cardinal Schönborn, O.P., a former student and longtime friend of Pope Benedict XVI, but also the one chosen by Pope Francis to lead the press conference that presented the Apostolic Exhortation *Amoris Laetitia*, was Professor of Dogmatic Theology at the University of Fribourg, and therefore a colleague of Pinckaers’, but also the Secretary of the commission responsible for drafting the *Catechism*. “It cannot be doubted that the proximity of the two professors and the respect for Pinckaers’ works both inside the Church and at large (as is evident in his being invited to join the International Theological Commission in 1990 and his growing international influence) were instrumental in allying Pinckaers to these projects of the Magisterium.” (p. 58, n.74).

⁵ Pope John Paul II, *Veritatis Splendor*, August 6, 1993, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html#-3K.

⁶ Pinckaers, “An Encyclical for the Future,” 16-17.

and “revisionists.” In a long essay, where he gives a detailed explanation of the text and argues why *VS* is “an encyclical for the future,” he begs fellow moral theologians, not only “to perceive what is at stake in the questions [it] raises and the significance of the answers it proposes,” but more crucially, and in line with his lifelong work of recovering “Thomism” as a corrective to manualism, he exhorts them to recognize how *Veritatis Splendor* “is far more innovative than first appears.”⁷

In this light, it seems somewhat strange and paradoxical that today, *AL* is being criticized by self-styled “traditionalists” precisely for breaking away from the “traditional” teaching of none other than the “innovative” *VS*. So what is going on?

It is also well known that the most controversial aspect of *VS*, and the one over which much ink has been spilled, is its argument for the “intrinsic evil” of particular moral acts based on their “object.” Yet, as contemporary commentators like the Swiss philosopher and Opus Dei priest Martin Rhonheimer would argue, it is precisely *VS*’s understanding of the “object of the act” that is its most “innovative” aspect. Or, put more compellingly in the words of Pinckaers, that it is its understanding of the object of the act that “points out paths that will lead to a profound renewal in the way Catholic moral theology is taught.”⁸ Yet, the now famous (or infamous) *dubia* or “questions for clarification” about the teaching of *AL* presented to Pope Francis by Cardinals Walter Brandmüller, Raymond Burke and the now late Carlo Caffarra and Joachim Meisner,⁹ highlight precisely *VS*’s understanding of the “object of the act” as being (at least potentially) contradicted by *AL*.

Fifty years after the Council, two possibly conflicting Magisterial documents continue to raise controversy in the Church over exactly the same philosophical issue, the morality of human acts, and indeed, over the correct interpretation of the one they both claim as their primary source, the great Doctor of the Church, St. Thomas Aquinas.¹⁰ This shows not just how deeply contentious the reform of

⁷ *Ibid.*, 11.

⁸ *Ibid.*, 11-12.

⁹ See, Edward Pentin, “Full Text and Explanatory Notes of Cardinals’ Questions on *Amoris Laetitia*,” *National Catholic Register*, November 14, 2016, <http://www.ncregister.com/blog/edward-pentin/full-text-and-explanatory-notes-of-cardinals-questions-on-amoris-laetitia>.

¹⁰ Various articles have sought to contradict Cardinal Schonborn’s claim that *AL* is “Thomistic.” See among others, Richard A. Spinello, “The Morality of *Amoris Laetitia* is not Thomistic,” *Crisis Magazine*, November 14, 2017, <http://www.crisismagazine.com/2017/morality-amoris-laetitia-not-thomistic> and Dorothy Cummings McLean’s interview with Thomas Crean, “*Amoris Laetitia* is ‘ambiguous,’ ‘not a Thomistic document’: Filial Correction signatory,” *Lifesite News*,

moral theology continues to be, and in particular on how divisive “Thomism” continues to be, but - as the controversy over *AL* confirms - how it touches every aspect of the church’s ministry and indeed, the very self-identity of the church.

Hence, why in this article, I focus specifically on the meaning of the “object of the act” as implied in the document by Pope Francis that, just like *VS* twenty three years earlier, is being hailed (or condemned - depending on one’s point of view) as a “point of no return” for the Catholic Church. But, as I will proceed to argue, the meaning given to the “object of the act” is a reflection of something much deeper: the kind of framework of moral reasoning and, in turn of pastoral praxis, that is operative in the reader of the text. I will contend that *VS* is in fact pushing for a particular framework of moral reasoning for its post-Vatican II reform to moral theology. Following Pinckaers and Rhonheimer, I will argue that this is a properly “Thomist” framework. Thus, my more general question in this article is the following: is *AL*’s “Thomism,” as emphasized by Pope Francis and the Dominican Christoph Cardinal Schönborn,¹¹ in continuation with the “Thomist” teaching of *VS*? If so, then *AL* should be consistent not just with the “spirit” of *VS* in its application to a specific and highly complex pastoral situation, but also more narrowly, in its implied understanding of the “object of the act.”

Otherwise, one might want to consider the critics’ position, that *AL* breaks with the tradition of *VS* - even if the critics’ own reading of *VS* seems to understand it less as “an encyclical for the future” and more as a continuation with the (pre-conciliar?) past.¹² If so, what framework of moral reasoning is implied in the critics’ reading of *VS* (and, in turn, of *AL*) in particular on the issue of the “object of the act”? Understood from this wider perspective of “moral framework,” then we might also be able to see why the current Pontiff has consistently ignored the

October 11, 2017, <https://www.lifesitenews.com/news/amoris-laetitia-is-ambiguous-not-a-thomistic-document-filial-correction-sig>.

¹¹ Cardinal Schönborn has defended *AL* calling it “an act of the magisterium that makes the teaching of the church present and relevant today.” He adds: “I believe that the exhortation has its roots in Ignatius and Thomas. We find here the exposition of a moral theology that draws inspiration from the great Ignatian tradition (the discernment of the conscience) and the great Dominican tradition (virtue ethics). We turn our back on the ethics of obligation, which have an extrinsicism that generates both laxity and rigorism. And we rejoin the great tradition of Catholic moral theology, which allows us to integrate the entire contribution of personalism.” (Interview with Antonio Spadaro, “Cardinal Schönborn on “The Joy of Love”: the full conversation,” *America: the Jesuit Review*, August 09, 2016, <https://www.americamagazine.org/issue/richness-love>).

¹² Pentin stresses that “The cardinals make a point in the *dubia* of repeating three times that *VS* is ‘based on sacred Scripture and on the Tradition of the Church,’” <http://www.ncregister.com/daily-news/four-cardinals-formally-ask-pope-for-clarity-on-amoris-laetitia>.

dubia, even while he insists on the healing of “moral frameworks” in the tradition of “the great Thomas.”¹³

Of course, it must also be acknowledged that, at face value, the task of this paper - to compare *AL* to *VS* - does not seem to be a very obvious or even fruitful one. Thus, my first undertaking will be to offer justification for the endeavour by highlighting the specific point of intersection between the two documents. This point of intersection is not just the one stressed by the *dubia* Cardinals, that is, the question of intrinsically evil acts, but the deeper question of how the church understands her mission of caring for souls. That understanding is precisely what points to the wider consideration of ‘moral frameworks’ in the ongoing reform of moral theology.

The second part of the article, however, will narrow down on the specific questions raised by the *dubia* Cardinals, in particular those on the understanding of the “object of the act” in *VS*. Here I will rely on the work of the Swiss philosopher Martin Rhonheimer, who builds on that of Servais Pinckaers, to tease out two contrary ways - even if both find their roots in Thomas - of understanding the “object of the act”: a pre-conciliar one that emerges from a manualistic interpretation of Thomas, and another that claims to retrieve Thomas’ own more complex framework of moral reasoning. More to the point, it will become apparent that if the former interpretation of the “object of the act” will tend to read *VS* and *AL* as mutually contradictory, the latter not only can, but must read *AL* as a sound and consistent attempt to apply the teaching of *VS* to one of the most difficult pastoral issues of the day: the divorced and remarried.

Thus, in the conclusion of the article I will then return to the original question of continuity and discontinuity in the ecclesial tradition of moral reasoning. Questions surrounding the meaning of the object of the act are not merely a matter of philosophical preference, but ultimately, as *AL* shows, of evangelical

¹³ In his private meeting with Jesuits in Colombia, Pope Francis said: “A second thing: some maintain that there is no Catholic morality underlying *Amoris Laetitia*, or at least, no sure morality. I want to repeat clearly that the morality of *Amoris Laetitia* is Thomist, the morality of the great Thomas. You can speak of it with a great theologian, one of the best today and one of the most mature, Cardinal Schönborn.” Antonio Spadaro, “Grace is not an Ideology: Pope Francis’ Private Conversation with some Colombian Jesuits,” *La Civiltà Cattolica* (English Edition), September 28, 2017, <https://laciviltacattolica.com/free-article/grace-is-not-an-ideology-a-private-conversation-with-some-colombian-jesuits/>

Some in the Catholic media considered this to be the Pope’s indirect response to the *dubia* Cardinals. See Joshua J. McElwee, “Francis responds to critics: Morality of *Amoris Laetitia* is Thomist,” *National Catholic Reporter*, September 28, 2017, <https://www.ncronline.org/news/vatican/francis-responds-critics-morality-amoris-laetitia-thomist>.

truth and therefore of the authenticity of the church herself as witnessed in her pastoral practice. But this attestation is true only insofar as we also understand what, in our contemporary cultural context, is at stake for the evangelizing mission of the church. The retrieval of a “Thomist” framework of moral reasoning initiated by Saint John Paul II and that continues with Pope Francis, is not only necessary in our times, but urgent, precisely to fulfill Vatican II’s demands for the renewal of moral theology.

***AL* and *VS*: What is the Connection?**

What is perhaps most interesting about the *dubia* and, in particular the questions they raise about the teaching in *VS*, is that *AL* never even refers to *VS* in its voluminous presentation on the challenges to the family. Some have argued that this is because *AL* is seeking to distance itself from a “natural law approach” that, the same commentators, associate both with *VS* more narrowly, but also with John Paul II’s moral teachings more generally.¹⁴ Nevertheless, *AL* does quote substantially from another work of John Paul II’s that is intimately bound to his catechesis on the theology of the body and therefore cannot be said to dismiss “natural law”: the 1981 Post-Synodal Apostolic Exhortation on the Family *Familiaris Consortio* (*FC*).¹⁵ *AL* insists on continuity with *FC*, even taking on its “law of gradualness” as core pastoral principle. But *FC* predates *VS* by more than ten years and reflects its own times: not just of cultural transition for the Christian family, but of theological and philosophical transition for the Church in her reform of moral theology. Would *FC* be read differently from the

¹⁴ Michael Sean Winters in his commentary on a conference on *AL* held at Boston College wrote: “One of the most striking features of the conference was what was not said. The phrase ‘natural law’ was uttered not once. I have noted previously that one of the remarkable things about *Amoris Laetitia* was the lack of references to natural law: It is mentioned once explicitly and alluded to in three other instances. This is a huge shift in Catholic theology. St. Pope John Paul II would include profound meditations on the Scriptures as part of his magisterial documents like *Familiaris Consortio*, but there remained a heavy reliance on natural law thinking once he turned to analysis of the situations confronted, especially family life. The pastoral ineffectiveness of natural law thinking is, I suspect, the reason its frames are being discarded.” See “*Amoris Laetitia* conference signals big changes, highlights problems left,” *National Catholic Reporter*, October 10, 2017, <https://www.ncronline.org/news/opinion/amoris-laetitia-conference-signals-big-changes-highlights-problems-left>.

¹⁵ Pope John Paul II, Apostolic Exhortation *Familiaris Consortio*, November 22, 1981, http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html#_ftn180.

point of view of *VS* that sought to treat “more fully and more deeply the issues regarding the very foundations of moral theology” (*VS*, 5)?

Then again, one might want to ask, why should *AL* refer to *VS*? *VS* is famous for being concerned about determining the morality of acts, a precondition to discerning and judging one’s sinfulness. But *AL* is not questioning that the flock is burdened by sin; rather, it is exhorting pastors that the church’s foremost responsibility is to heal wounds, not to condemn the sinner. This is consistent with Pope Francis’ insistence that the Good News is of God’s mercy, and that evangelization - the foremost task of the church today - is an encounter with God’s mercy (*Evangelii Gaudium* [*EG*], 3).¹⁶ In other words, *AL* presents itself as concerned with an “evangelical” consistency in our pastoral practice, a fundamental matter for the self-understanding of the church, since it implies that who the church is, and therefore what the church teaches, must be evident in how the church acts in her pastoral practice.

At the same time, *VS* was not only seeking to be a corrective to philosophical errors of the times, most notably proportionalism and consequentialism. In no uncertain terms, *VS* took “sin” seriously and, in so doing, it sought to be a return to the sources of moral theology. As the *dubia* Cardinals rightly note, *VS* “sets forth ... the principles of a moral teaching based upon Sacred Scripture and the living Apostolic Tradition” (*VS* 5). John Paul II did this with a clear intent to fulfill the demands of *Optatam totius* 16,¹⁷ that is, to recover how the foundation of all Christian morality is the God-human relationship as revealed in Scripture, and that this confirms, on the basis of reason, our inherent desire for God that is knowable through what *Gaudium et Spes* 16 famously termed “conscience.”¹⁸ Thus, *VS*’s most pressing concern was one of doctrine. But because it was aware

¹⁶ Pope Francis, Apostolic Exhortation *Evangelii Gaudium*, November 24, 2013, http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html

¹⁷ “Let the other theological disciplines be renewed through a more living contact with the mystery of Christ and the history of salvation. Special care must be given to the perfecting of moral theology. Its scientific exposition, nourished more on the teaching of the Bible, should shed light on the loftiness of the calling of the faithful in Christ and the obligation that is theirs of bearing fruit in charity for the life of the world.” Pope Paul VI, Decree On Priestly Training *Optatam Totius*, October 28, 1965, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_optatam-totius_en.html

¹⁸ “In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience.” Paul VI, Pastoral Constitution On The Church In The Modern World *Gaudium Et Spes*, December 7, 1965, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html

that the way how priests minister reflects the theology they were taught, the encyclical's primary practical concern was not how pastors are serving their flock in the trenches, but how priests were being formed in seminaries and theology faculties.

Yet, while the two issues, of priestly formation and of pastoral work, are distinct, they are also deeply intertwined. Indeed, Pope Francis continually expresses his concern about how priests should be true pastors, but also that it is the responsibility of seminaries to form them as such. An "intellectual conversion" in seminary formation as demanded by *VS*, must be the foundation to an authentic "fatherly" attitude in priestly ministry; an attitude that, for Pope Francis, is undeniably one of witnessing the "mercy" of the Father that gives joy.¹⁹

Thus, there is a pivotal point where *VS* and *AL* intersect. If *VS* is concerned about moral truth, a truth that can ultimately be known and is for the sake of our relationship with God, *AL* is about assisting the flock to discover that truth to grow in their relationship with God. The "truth" is two-fold: God's infinite mercy, but also the recognition of our sinfulness that is a pre-condition to truly receive God's mercy and be reconciled with him. *VS* and *AL* intersect on the crucial matter of the illness in our relationship with God, a sin that needs to be properly diagnosed as well as skillfully treated to heal the sinner. In other words, *VS* and *AL* intersect on the heart of moral theology's reform named in *Lumen Gentium* as the church's "universal call to holiness."²⁰ After Vatican II, moral theology must be understood as formation aimed to holiness.

However, it is also for this same reason of the care of the souls that, as the *dubia* Cardinals note, *VS* is at pains to show that there are acts that are intrinsically evil by virtue of their object; that is, that there are moral actions that put us at the risk of spiritual perdition (mortal sin). But in doing so, *VS*

¹⁹ For instance, in his Address for the Meeting with Seminarians and Religious Novices (July 6, 2013) Pope Francis said: "A journey that matures, that develops towards pastoral fatherhood, towards pastoral motherhood, and when a priest is not a father to his community, when a sister is not a mother to all those with whom she works, he or she becomes sad. This is the problem. For this reason I say to you: the root of sadness in pastoral life is precisely in the absence of fatherhood or motherhood that comes from living this consecration unsatisfactorily which on the contrary must lead us to fertility. It is impossible to imagine a priest or a sister who are not fertile: this is not Catholic! This is not Catholic! This is the beauty of consecration: it is joy, joy." (https://w2.vatican.va/content/francesco/en/speeches/2013/july/documents/papa-francesco_20130706_incontro-seminaristi.html)

²⁰ Pope Paul VI, Dogmatic Constitution On The Church *Lumen Gentium*, November 21, 1964, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html, Ch. 5.

also teaches what constitutes true discernment and judgment of conscience as we determine our sinfulness as malady in our relationship with God. This is the point that *AL* takes up and seeks to elaborate even more vigorously through its Ignatian influence: to stress not just proper diagnosis of sin through a process of discernment, but also to skillfully treat it through a process of accompaniment that seeks re-integration.²¹ *AL*, just like *FC* before it, for all those in “irregular” situations seeks a true healing of the sinner’s personal relationship with God, but also in the family of God, that is the church.

This point of intersection between two Magisterial documents that, at face value, are radically different, is also significant for reasons that go beyond the immediate controversy in the church. This is because it is precisely in this rich interface between theory and practice, between theological and philosophical articulation and the actual experience of the People of God, that tradition flowers. *Lex orandi, lex credendi, lex vivendi*: how we live and pray shapes how we reflect on God’s word, in the same way that theological reflection challenges our Christian living and deepens our worship. Likewise, since doctrine shapes praxis, the assumption is that *VS* must structure the theological and philosophical presuppositions that order the pastoral reflection of *AL* - even if this ‘framework’ might not be immediately evident. However, one might also ask the opposite: if praxis can sharpen our understanding of doctrine, should *AL* encourage a re-reading of *VS* in light of the “pastoral conversion” that *EG* (27-33) proposes?

In this space of creative encounter, one should also not lose sight of the dangers of misinterpretation. Because the documents are separated by time (and, one could also add, rapid cultural shifts); because the intended audiences are different; because the concerns and challenges to the Church they discuss are different, one should not be surprised that the language used is different. It should come as no surprise that the different rhetorical forms of John Paul II, the philosopher and teacher arguing for the “splendour of truth,” and of Francis, the pastor and pedagogue urging his flock to taste of the “joy of love” as the quintessence of the good Christian life, should also imply different forms of expression, even if not contradictory substance or “spirit.” The search for and articulation of truth requires dialectical sharpness and clear argumentation. But, as Pope Francis insists repeatedly, moral truth is not to be found in the realm of

²¹ Nadia Delicata, “Sin, Repentance and Conversion in *Amoris Laetitia*,” in *A Point of No Return? Amoris Laetitia on Marriage, Divorce and Remarriage* ed. Thomas Knieps-Port le Roi, *INTAMS Studies on Marriage and the Family* (Berlin: Lit Verlag, 2017), 74-86.

ideas, but in the messiness of a personal, relational reality.²² The pastor exhorting his flock must necessarily inhabit the concrete world fraught with ambiguity.

However, as with all church doctrine, the Catholic must start with a hermeneutic of continuity, rather than of disruption or even of suspicion; with the trust in the Holy Spirit that when the Bishop of Rome speaks, and speaks for the synod of bishops, he is speaking with authority that always enlightens the church to receive the fullness of the Gospel as demanded by the times.²³ Our starting point as Catholics must be trust in the authority of Tradition guaranteed by the Spirit through apostolicity. As *VS* itself teaches:

While exchanges and conflicts of opinion may constitute normal expressions of public life in a representative democracy, moral teaching certainly cannot depend simply upon respect for a process: indeed, it is in no way established by following the rules and deliberative procedures typical of a democracy. Dissent, in the form of carefully orchestrated protests and polemics carried on in the media, is opposed to ecclesial communion and to a correct understanding of the hierarchical constitution of the People of God. Opposition to the teaching of the Church's Pastors cannot be seen as a legitimate expression either of Christian freedom or of the diversity of the Spirit's gifts. When this happens, the Church's Pastors have the duty to act in conformity with their apostolic mission, insisting that the right of the faithful to receive Catholic doctrine in its purity and integrity must always be respected. "Never forgetting that he too is a member of the People of God, the theologian must be respectful of them, and be committed to offering them a teaching which in no way does harm to the doctrine of the faith" (113, quoting Congregation for the Doctrine of the Faith, *Instruction on the Ecclesial Vocation of the Theologian Donum Veritatis*, May 24, 1990, 11).

A hermeneutic of suspicion, of "doubt" and fear that Popes will "contradict" each other rather than enlighten the flock with the truth of the Gospel, is in itself against the Catholic spirit. So, on this cluster of fundamental issues - our reality as sinners called by God and therefore the salvific mercy of God, but also the "manifest" gravity of sin in distinction to "actually being" in a state of mortal sin because of factors that reduce imputability - what do *VS* and *AL* teach?

²² "Realities are more important than ideas" is one of the "four specific principles which can guide the development of life in society and the building of a people" (221) that Pope Francis identifies in *EG* 231-233.

²³ Rodrigo Guerra López, "The Relevance of Some Reflections by Karol Wojtyła for Understanding *Amoris Laetitia*: Creative Fidelity." *L'Osservatore Romano*, July 22, 2016, <http://www.osservatoreromano.va/en/news/relevance-some-reflections-karol-wojtyla-understan>.

The Object of the Act and the “Thomism” of *VS*

The Letter that the four Cardinals addressed to Pope Francis in September 2016, that was then made public two months later, includes five *dubia*, three of which specifically compare and contrast passages in *AL* to *VS* highlighting three related themes:

- *AL* 304 is contrasted with *VS* 79 to raise questions regarding “the existence of absolute moral norms that prohibit intrinsically evil acts and that are binding without exceptions”;
- *AL* 302 is contrasted with *VS* 81 on the understanding of the object of the act by asking whether the teaching that “circumstances or intentions can never transform an act intrinsically evil by virtue of its object into an act ‘subjectively’ good or defensible as a choice” is still valid;
- *AL* 303 is contrasted with *VS* 56 on the understanding of conscience to emphasize “that conscience can never be authorized to legitimate exceptions to absolute moral norms that prohibit intrinsically evil acts by virtue of their object.”

While the first question asks about absolute moral norms that prohibit intrinsically evil acts, the second specifies that these are to be judged as such by virtue of their “object,” a judgment that happens in conscience, which of itself, can never make exceptions to absolute moral norms that prohibit what is evil. The third question reveals something of the process of moral reasoning implied by the Cardinals: that conscience judges based on established moral norms that prohibit intrinsically evil acts absolutely; acts that are known to be such by virtue of their “object.” Adultery is such an intrinsically evil act; thus, in conscience, one can never make a “legitimate exception” to it.²⁴ What is clear from this process

²⁴ As the *dubia* Cardinals put it: “According to *Veritatis Splendor*, with intrinsically evil acts no discernment of circumstances or intentions is necessary. Uniting oneself to a woman who is married to another is and remains an act of adultery, that as such is never to be done, even if by doing so an agent could possibly extract precious secrets from a villain’s wife so as to save the kingdom (what sounds like an example from a James Bond movie has already been contemplated by St. Thomas Aquinas, *De Malo*, q. 15, a. 1). John Paul II argues that the intention (say, “saving the kingdom”) does not change the species of the act (here: “committing adultery”), and that it is enough to know the species of the act (“adultery”) to know that one must not do it.” (<http://www.ncregister.com/blog/edward-pentin/full-text-and-explanatory-notes-of-cardinals-questions-on-amoris-laetitia>)

As will become clearer later, this point is countered by *AL* 305: “305. For this reason, a pastor

of reasoning is that, while there is a clear assumption that conscience's duty is to abide with norms, the norm itself is such because it hinges on what is being meant by the "object of the act" that gives an act its moral character.²⁵ So how does *VS* understand the meaning of "object of the act"?

cannot feel that it is enough simply to apply moral laws to those living in 'irregular' situations, as if they were stones to throw at people's lives. This would bespeak the closed heart of one used to hiding behind the Church's teachings, 'sitting on the chair of Moses and judging at times with superiority and superficiality difficult cases and wounded families.' Along these same lines, the International Theological Commission has noted that 'natural law could not be presented as an already established set of rules that impose themselves *a priori* on the moral subject; rather, it is a source of objective inspiration for the deeply personal process of making decisions.' Because of forms of conditioning and mitigating factors, it is possible that in an objective situation of sin - which may not be subjectively culpable, or fully such - a person can be living in God's grace, can love and can also grow in the life of grace and charity, while receiving the Church's help to this end. Discernment must help to find possible ways of responding to God and growing in the midst of limits. By thinking that everything is black and white, we sometimes close off the way of grace and of growth, and discourage paths of sanctification which give glory to God. Let us remember that 'a small step, in the midst of great human limitations, can be more pleasing to God than a life which appears outwardly in order, but moves through the day without confronting great difficulties.' The practical pastoral care of ministers and of communities must not fail to embrace this reality."

This paragraph from *AL* suggests that while a person might be aware of a particular norm, because of their "conditioning", and therefore lack of rectitude of appetite, they might still have severe difficulties in truly grasping its meaning for their life. For that reason, "from the perspective of the acting person" the act literally takes a different meaning. It does not mean that the meaning given by the agent is necessarily the true one. This is not relativism. But it does mean that the more fundamental challenge of all accompaniment is formation of conscience through progressive discipline for greater rectitude of appetite. As the person becomes more virtuous (in particular more temperate and courageous, in order to be just and prudent), they will also be able to grasp and appropriate the natural law more truthfully.

²⁵ In his interview with Edward Pentin one year after the *dubia* were made public, Cardinal Burke replied thus to Pentin's question:

Pentin: "What tangible effect has this mix of interpretations had?"

Burke: "This hermeneutical confusion has already produced a sad result. In fact, the ambiguity regarding a concrete point of the pastoral care of the family has led some to propose a paradigm shift regarding the Church's entire moral practice, the foundations of which have been authoritatively taught by St. John Paul II in his encyclical *Veritatis Splendor*.

Indeed, a process has been put into motion that is subversive of essential parts of the Tradition. *Concerning Christian morality, some claim that absolute moral norms need to be relativized and that a subjective, self-referential conscience needs to be given a - ultimately equivocal - primacy in matters touching morals.* What is at stake, therefore, is in no way secondary to the *kerygma* or basic Gospel message. We are speaking about whether or not a person's encounter with Christ can, by the grace of God, give form to the path of the Christian life so that it may be in harmony with the Creator's wise design."

VS offers a lengthy section (71-83) that discusses the moral act, the object of the act and intrinsically evil acts, but the *dubia* Cardinals focus on merely two paragraphs (79 and 81) from this section. Lest these paragraphs are read out of context, it is important to briefly describe the entire section. Next, I will present key fragments from Pinckaers' and Rhonheimer's work that tease out differing interpretations from the tradition on the "human act" and the "object of the act," that, in turn, reflect two modes of moral reasoning. Lastly, I will suggest that the process of discernment, accompaniment and integration in *AL* assumes the need for an ongoing 'naming' of personal sinfulness. My contention will be that this relies on a "Thomist" understanding of the object of the act, even as retrieved by *VS*, but whose determination is not static, but rather dynamic, as the person who grows in virtue always seeks to approximate better the truth, even the truth about their past and present actions, in their growth to holiness.²⁶ Needless to say, this reading will contrast sharply with the more static and normative interpretation of the object of the act in *VS* assumed by the *dubia* Cardinals, as evident from the questions themselves.

VS's first step is to introduce what constitutes a "moral act." This is crucial, since as *VS* implies, it is not any happening or activity that has a moral "object," but only properly "human" acts. Para. 71-72a will suffice to show how these "moral acts" have both a subjective and objective dimension; the former as an expression of human freedom, the latter as measured by the authentic human good known through the right exercise of reason (rather than by "norms" per se, even if norms should reflect such a "right" exercise of reason).

The relationship between man's freedom and God's law, which has its intimate and living centre in the moral conscience, is manifested and realized in human acts. It is precisely through his acts that man attains perfection as man, as one who is called to seek his Creator of his own accord and freely to arrive at full and blessed perfection by cleaving to him.

Human acts are moral acts because they express and determine the goodness or evil of the individual who performs them. They do not produce a change merely in the state of affairs outside of man but, to the extent that they are deliberate

"Cardinal Burke Addresses the *Dubia* One Year After Their Publication," *National Catholic Register*, November 14, 2017, <http://www.ncregister.com/blog/edward-pentin/cardinal-burke-addresses-the-dubia-one-year-after-their-publication>, my emphasis.

²⁶ See Marc Cardinal Ouellet, "Accompanying, Discerning, Integrating Weakness," *L'Osservatore Romano*, November 21, 2017, <http://www.osservatoreromano.va/en/news/accompanying-discerning-integrating-weakness>.

choices, they give moral definition to the very person who performs them, determining his *profound spiritual traits* (71, emphasis in original).

This introductory paragraph is at pains to show that a moral act is such only as an expression of human freedom, a freedom ordered to God, the alpha and omega of our existence. When a person acts, the act reflects his or her own being and desire for becoming “by cleaving to” God. What we do consciously, and therefore with full knowledge and intent, reflects this existential drama. A “human” and therefore “moral” act is such because we consciously put our very self, desirous of God, into what we do and how we act. One should note, however, that the opposite of this dynamic is just as true. When, because of various factors, our freedom to act is diminished, our actions become somewhat less than human, and for that reason, we cannot be held to be fully responsible for them. Errors or gaps in our awareness, experience and understanding, condition and constrict our freedom, diminishing our intentionality, and therefore our very power to act. These factors have traditionally been reflected upon in the context of determining sinfulness for sacramental confession, since they reduce culpability even for actions whose “matter” is objectively grave.

The *morality of acts* is defined by the relationship of man’s freedom with the authentic good. This good is established, as the eternal law, by Divine Wisdom which orders every being towards its end: this eternal law is known both by man’s natural reason (hence it is “natural law”), and - in an integral and perfect way - by God’s supernatural Revelation (hence it is called “divine law”). Acting is morally good when the choices of freedom are *in conformity with man’s true good* and thus express the voluntary ordering of the person towards his ultimate end: God himself, the supreme good in whom man finds his full and perfect happiness (72a, emphasis in original).

Our desire for becoming, expressed through freely appropriated actions, is measured by the objective good, a standard of authentic flourishing according to our human nature. It is God the Creator who orders our *telos*, but human beings can know this ordering of becoming, and therefore what constitutes authentic human flourishing, through the right exercise of reason as participation in the eternal law. Natural law as the virtuous (prudential) exercise of practical reason, whose first principle is to seek good and avoid evil, can determine what is the good that we can accomplish in the here and now, but always in the light of the ultimate good. As that good is appropriated and freely chosen, it makes our action properly intentional and good (that is, reflecting the ultimate good in the particular moment). When human reason is too fragile to grasp divine reason, in particular when reason is blinded by sin, God not only reveals to us our ultimate good - most transparently in the Incarnation of his Son - but assists

our determination of how to manifest it in our daily life in the power of the Holy Spirit through infused virtues.

Moral acts are objectively good when the person grasps rightly how they contribute to their authentic flourishing and takes responsibility for their personal and communal becoming. When this goodness, knowable through the right exercise of reason is rejected, the person not only chooses what is objectively contrary to the good, but also harms himself or herself, since their personal flourishing is necessarily stultified or diminished. This is what the tradition will describe as human acts that are “intrinsically evil,” of an evil character.

The rational ordering of the human act to the good in its truth and the voluntary pursuit of that good, known by reason, constitute morality. Hence human activity cannot be judged as morally good merely because it is a means for attaining one or another of its goals, or simply because the subject’s intention is good. Activity is morally good when it attests to and expresses the voluntary ordering of the person to his ultimate end and the conformity of a concrete action with the human good as it is acknowledged in its truth by reason. If the object of the concrete action is not in harmony with the true good of the person, the choice of that action makes our will and ourselves morally evil, thus putting us in conflict with our ultimate end, the supreme good, God himself (72b).

If a truly moral act is necessarily rational (conforming to the ultimate good) and voluntary (the act is intended *because* it conforms to the ultimate good), it follows that morality cannot be equated simply with “a means for attaining one or another of its goals” (an argument against consequentialism) “or simply because the subject’s intention is good.” “Intention” here needs to be understood not as the voluntariness that determines the morality of the particular human act, but as ulterior motivations, as is typically understood in proportionalism. *VS* specifies this reading of “intention” as ulterior motivation in its discussion on intrinsically evil acts:

Reason attests that there are objects of the human act which are by their nature “incapable of being ordered” to God, because they radically contradict the good of the person made in his image. These are the acts which, in the Church’s moral tradition, have been termed “intrinsically evil” (*intrinsicse malum*): they are such *always and per se*, in other words, *on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances* (80, italics is my emphasis).

Indeed, the next sentence in para. 72 confirms once more the crucial importance of intentionality in moral acts when it stresses that “activity is morally good when it attests to and expresses the *voluntary* ordering of the person to his ultimate end and the conformity of a concrete action with the human good as it

is acknowledged in its truth by reason.” One’s desire for authentic self-becoming is expressed *analogically* in every “moral” action; that is, in every action one undertakes in full awareness and responsibility. This reasonable intentionality expressed in concrete action is the “object of the concrete action” or the “object of the act.”

Paragraph 78a of *VS* specifies even more clearly what the encyclical means by “object of the act” and in doing so, refers directly to Thomas.

The morality of the human act depends primarily and fundamentally on the “object” rationally chosen by the deliberate will, as is borne out by the insightful analysis, still valid today, made by Saint Thomas (Cf. Summa Theologiae, I-II, q.18, a. 6.). In order to be able to grasp the object of an act which specifies that act morally, it is therefore necessary to place oneself in the perspective of the acting person. The object of the act of willing is in fact a freely chosen kind of behaviour. To the extent that it is in conformity with the order of reason, it is the cause of the goodness of the will; it perfects us morally, and disposes us to recognize our ultimate end in the perfect good, primordial love. By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person (emphasis in original).

As we will see in Rhonheimer’s discussion of the morality of *VS*, this is the linchpin of the encyclical’s philosophy of human action: the person’s understanding and appropriation of their action determines its morality. Thus, the determination of the “object of the act” can only be done “in the perspective of the acting person” and, as the concluding paragraph of this section of *VS* attests, this teaching conforms to how the church understands who the human being is. The question of the “object of the act” is an anthropological question, a question of the “truth” we attest to about ourselves as human beings. If in the Church’s pastoral practice this truth is not acknowledged, or is not respected, the Church would be contradicting a fundamental tenet about her very existence as a community of men and women chosen by God.

As is evident, in the question of the morality of human acts, and in particular the question of whether there exist intrinsically evil acts, we find ourselves faced with *the question of man himself, of his truth* and of the moral consequences flowing from that truth. By acknowledging and teaching the existence of intrinsic evil in given human acts, the Church remains faithful to the integral truth about man; she thus respects and promotes man in his dignity and vocation (83).

The specification of the “object of the act” from “the perspective of the acting person” is the core philosophical teaching of *VS*. Pinckaers and Rhonheimer also

argue it is a core teaching in the philosophy of action of Thomas Aquinas. In a famous, 1986 essay titled “A Historical Perspective on Intrinsically Evil Acts,”²⁷ Pinckaers argues that it is “the first foundation regarding the moral quality of acts.” He considers it to be pivotal to ask: “Does this moral quality flow from the nature of actions in conjunction with a truly natural law, or does it depend essentially on an external law with its precepts and prohibitions? What we are concerned with here is the intrinsic or extrinsic character of morality, as well as the objectivity of moral judgments in general.”²⁸

It is also no secret that Pinckaers’ core argument for the superiority of Thomas’ virtue ethics centers precisely on this issue of how morality is to be understood as “intrinsic” to the human person rather than as “extrinsic.”²⁹ However, Pinckaers also argues that through the philosophical errors of Nominalism, the church appropriated an increasingly “extrinsicist” morality that culminated with the low casuistry of the manuals. In this essay, Pinckaers traces how this extrinsicist understanding of morality also distorted Thomas’ understanding of the “object of the act,” reducing it to something that contradicts its spirit.

Pinckaers argues that in his “great classical analysis of moral action,” “St. Thomas makes of the end and the matter of the act the elements of the action. For him, the end is the principal (*principalissima*) element of the action, that which moves the agent to action and which directly involves the will. The second element is what is done, the matter of the action, which forms its substance.”³⁰ It follows that “the interior and external act, the intention directed to the end and the choice of the matter, are ordered to each other therefore as form and matter, we might say, as soul and body, to constitute the morality of the action.”³¹

This is the proper “object” of the moral act, since for Thomas, “the term “object” does not signify a material thing as contrasted with a person, but the reality placed before the reason or will as its matter, and this could easily be God or another person when one is talking about the object of love. Nor is the object opposed to the end, for he will say that the end is the proper object of the will

²⁷ Servais Pinckaers, “A Historical Perspective on Intrinsically Evil Acts,” in *The Pinckaers Reader: Renewing Thomistic Moral Theology* eds. John Berkman and Craig Steven Titus (Washington D.C.: Catholic University of America Press, 2005), 185-235.

²⁸ Ibid., 187.

²⁹ Pinckaers’ celebrated *The Sources of Christian Ethics* (Washington D.C.: Catholic University of America Press, 1995) 327-378 makes this point strongly contrasting the understanding of freedom implied in obligational moral theories and in virtue moral theories. See also his shorter *Morality: The Catholic View* (South Bend, IN: St. Augustine’s Press, 2001).

³⁰ Pinckaers, “A Historical Perspective,” 201.

³¹ Ibid., 204-205.

and designates the reality that the will seeks through desire and love. “*With St. Thomas, therefore there is no identification between the object and the matter of the act, as there is with modern moralists.*”³²

Pinckaers’ historical reconstruction of the changing meaning of the “object of the act” from Thomas to the manualists, the latter being also appropriated by consequentialists and proportionalists,³³ shows how after the crisis of Nominalism, the meaning of “object of the act” becomes contrary to that intended by Aquinas. Modern moralists introduce a “separation between the *finis operis*, which designates the end inherent to the act and is identified practically with its object, and the *finis operantis*, or the end added by the one who acts.”³⁴ Pinckaers argues in no uncertain terms:

St. Thomas did not believe the distinction between *finis operis* and *finis operantis* necessary for the analysis of the composite parts of morality. ... The end being the proper object of the will, all finality, even external, is led to the voluntary finality and integrated with it when it is taken up by voluntary action.

But later on, a new concept of morality and of action will lead interpreters of St. Thomas to consider this separation essential to moral finality. It will enable them to discard with ease those texts of Thomas which prevent them from focusing the moral judgment on the object of the act (its matter) and reducing the end sought by the acting subject to the rank of a circumstance.³⁵

Perhaps the foremost of these texts that show how Thomas’ understanding of the object of the act was “from the perspective of the acting subject” and not merely the “matter” of the action, is the one from the *Summa Theologiae* that *VS* itself refers to in para. 78:

Certain actions are called human, inasmuch as they are voluntary, as stated above (I-II:1:1). Now, in a voluntary action, there is a twofold action, viz. the interior action of the will, and the external action: and each of these actions has its object. The end is properly the object of the interior act of the will: while the object of the external action, is that on which the action is brought to bear. Therefore just as the external action takes its species from the object on which it bears; so the interior act of the will takes its species from the end, as from its own proper object.

³² Ibid., 203, my emphasis.

³³ See Servais Pinckaers, “Revisionist Understandings of Actions in the Wake of Vatican II,” in *The Pinckaers Reader*, 236-270.

³⁴ Pinckaers, “A Historical Perspective,” 209-210.

³⁵ Ibid., 210.

Now that which is on the part of the will is formal in regard to that which is on the part of the external action: because the will uses the limbs to act as instruments; nor have external actions any measure of morality, save in so far as they are voluntary. Consequently the species of a human act is considered formally with regard to the end, but materially with regard to the object of the external action. Hence the Philosopher says (*Ethic.* v, 2) that “he who steals that he may commit adultery, is strictly speaking, more adulterer than thief” (*ST*-II.18.6).

Thomas’ own example illustrates his point evocatively, precisely because it shows that a “reading” of the action from “outside” is necessary, but does not always suffice to determine with clarity the morality of a human act, and concomitantly, the spiritual state of the person. This, in fact, is the core argument that Rhonheimer develops in his essay on *VS* in his collection of essays on the object of the act, aptly titled *The Perspective of the Acting Person*.³⁶

Rhonheimer notes that the philosophical “problematic” of the object of the act “consists in confusing the viewpoint of the ‘first person’ (the agent’s perspective) with the viewpoint of the ‘third person’ (the observer’s viewpoint). To a large extent, these two perspectives correspond to two quite different concepts of human action: the intentional and the causal-eventistic concept.”³⁷ Rhonheimer uses this distinction to emphasize how the consequentialist and proportionalist perspectives that *VS* criticizes are heirs of modern utilitarianism that, in their emphasis on the analysis of effects, take “the observer’s viewpoint.” In distinction, as we have seen in the analysis of *VS*, just like Thomas, the encyclical understands moral action from the agent’s perspective, stressing his or her intentionality. The difference in these two ways of conceiving of the object of the act becomes evident when we consider Rhonheimer’s own example: “to kill P’ is not simply ‘to cause P’s being dead,’ but rather it is *to choose, to intend, to want* P’s death (for the sake of *whatever* further end)”³⁸ (author’s emphasis). Likewise, following Thomas and *VS*, Rhonheimer argues that the goods that we seek, we seek them precisely because we desire them, we choose them, we intend them, since we perceive them as good for us.

There is, however, another distinction that is assumed in the two different understandings of human action that Rhonheimer considers: that between “moral *rightness*” and “moral *goodness*.” In this distinction as well, the former “concerns

³⁶ Martin Rhonheimer, “‘Intrinsically Evil Acts’ and the Moral Viewpoint: Clarifying a Central Teaching of *Veritatis Splendor*,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* ed. William F. Murphy (Washington D.C.: Catholic University of America Press, 2008), 37-67.

³⁷ *Ibid.*, 45.

³⁸ *Ibid.*, 46-47.

the question about the properties which render an action “right” or “wrong”; the second is related to those properties of an action insofar as it springs from a *free will*.”³⁹ (author’s emphasis) Teleological ethicists (consequentialists and proportionalists) separate “moral rightness” from “moral goodness,” considering the former as a question of normative ethics, while the latter is judged on the basis of whether the person acts out of benevolence or not. Thus, in this schema, one can have an action that is “morally good” even if, normatively, it is deemed to be “wrong,” or vice versa. That is, this schema relies on the manualist distinction between the *finis operis* and *finis operantis*, even if it might disagree with the outcome of its “extrinsicist” moral analysis.

Rhonheimer argues that this distinction belies the confusion that emerges when considering moral action under two aspects, but failing to see their intrinsic unity. The first perspective reduces moral action to a merely “technical” consideration (has one done the *right* thing?), as Pinckaers also argues when he shows how the rise of casuistry and the moral manuals tended to rely on an understanding of morality as implying “technical ends.”⁴⁰ Still, as Thomas argues, true moral goodness must include not only a consideration of goodwill, but also a consideration of what is effectively being done to achieve it (the “matter” of the act). In other words, moral goodness must also consider what is *concretely* morally at stake in a particular situation. A “good moral” action must be “rightly” executed, which implies, not just a good intention, but the right (or fitting) choice of what exactly to do.

Hence, the distinction between “right-making properties” and “good-making properties” is in principle questionable. We always have to describe actions and behaviours as objects of *choices* and, therefore, as *intentional* actions. From such a perspective, however, the goodness of the will is regarded as depending on the goodness of freely chosen, *wanted* actions which also includes the agent’s willingly referring to the specific goal which constitutes the objective intentionality of this action. ... *That is why acts of choice are always describable as forms of rightness, that is of the rightness of desire or of the will*⁴¹ (Italics, my emphasis).

This “rightness of desire or of the will,” that is, that one wills what is truly good in the particular situation, is not something that can be assessed using “*norms* (or rules)”: “‘norm-ethics’ are ‘objectivist’ in the sense that they *may not*, on the level of the concrete performance of actions, include in their reflection the acting subject and his willingly ‘taking a position’ with regard to “good” and “evil” *in*

³⁹ Ibid., 49.

⁴⁰ Pinckaers, “A Historical Perspective,” 208.

⁴¹ Rhonheimer, “Intrinsically Evil Acts,” 52.

choosing this or that particular action” (author’s emphasis).⁴² As Rhonheimer puts it, like all modern moral philosophies that are heirs to Nominalism, even Kantian ethics “shares with utilitarianism and discourse-ethics the central characteristic of every norm-ethics, which is to judge actions from the point of view of an observer, from a standpoint *outside* that of the acting subject.”⁴³

The classical virtue ethics approach, on the other hand, “holds that there are actions which are evil despite the best of intentions, or despite the foreseen and intended outcomes, precisely because the *choice* of this particular kind of action *through* which these laudible intentions are meant to be fulfilled must already be considered as morally evil.”⁴⁴ But this moral evil stems from something much deeper than mere intended consequences, because it stems from a “lack” in the acting person himself or herself. As Rhonheimer puts it,

Moral virtue is not only, as it is sometimes asserted, the will or the free determination to do “the right thing” each time. Were it like this, there would exist only one single moral virtue. Instead moral virtue is the habitual rightness of *appetite* (of sensual affections, passions, and of the will, the rational appetite) related to the various spheres of human praxis. An act which is *according* to virtue is an act which is suited to cause this habitual rightness of appetite which produces “the good person.”⁴⁵

Or alternatively, the key feature that enables the person to determine what would be the best way to act in every situation is the “goodness or wickedness of appetite,” that not only facilitates the agent’s grasp of what is morally at stake in every situation together with the choice of the most fitting action, but is revealed in one’s interactions with others in their context or situation.

Thus, a morality that is “from the perspective of the acting person” is inherently a “personalist” morality, that first and foremost considers both “personal” and “communal” well being; and therefore, that is inherently “just” by manifesting the agent’s own virtue.

In reality, as acting subjects, we neither observe nor follow norms or rules, nor do we work out our decisions each time exclusively on the basis of foreseeable consequences for all those affected by our actions. Instead, human action, realizes itself in the context of definite “moral relationships,” the relationships between concrete persons (fellow-men, friends, married persons, parents and children,

⁴² Ibid., 52-53.

⁴³ Martin Rhonheimer, *The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics* (Washington D.C.: Catholic University of America Press, 2011), 9.

⁴⁴ Rhonheimer, “Intrinsically Evil Acts,” 53.

⁴⁵ Ibid., 54.

superiors and subordinates, employer and employee, creditor and debtor, physician and patient, partners in a contract, persons who live in a particular community, etc.). Here, it is always concerned with what we *owe* to others, with the question of right and of good will toward particular fellow-men, with the question of responsibilities toward concrete persons.⁴⁶

Based on this analysis, it becomes obvious that not only is *VS* recovering a morality of virtue that begins with “the perspective of the acting person,” but that in doing so, it is also recovering an inherently “personalist” morality in distinction to the individualist moralities of the modern era, “where one’s own interests are limited by the interests of another.”⁴⁷ In doing so, *VS* also enhances a personalist anthropology where every person’s well being is reached not only in communion with others in society, and therefore according to nature, but ultimately and in the power of grace, in communion with God. A truly Christian theological anthropology necessitates this retrieval, because the alternative is the insipid and “idealist” (rather than “realist”) morality of the manuals that the Second Vatican Council sought to heal and correct.

Now we are in a position to contrast this “Thomist” understanding of the object of the act as promoted by *VS* in the encyclical’s quest to reform moral theology with the *dubia* about *AL* raised by the four Cardinals.

The *dubia* identify two quotes from *VS* that are central to their concerns about the object of the act:

The primary and decisive element for moral judgment is the object of the human act, which establishes whether it is *capable of being ordered to the good and to the ultimate end, which is God*. This capability is grasped by reason in the very being of man, considered in his integral truth, and therefore in his natural inclinations, his motivations and his finalities, which always have a spiritual dimension as well. It is precisely these which are the contents of the natural law and hence that ordered complex of “personal goods” which serve the “good of the person”: the good which is the person himself and his perfection. These are the goods safeguarded by the commandments, which, according to Saint Thomas, contain the whole natural law (*VS* 79, emphasis in original).

“Circumstances or intentions can never transform an act intrinsically evil by virtue of its object into an act “subjectively” good or defensible as a choice” (*VS* 81).

Interestingly, the first paragraph could be read as if the measure for the morality of the act is not, strictly speaking understood to be “intrinsic” to the person who

⁴⁶ Ibid., 55-56.

⁴⁷ Rhonheimer, *Perspective of Morality*, 9.

grasps the moral meaning of action in his or her conscience, but in Pinckaers' words, more "extrinsically," that is, quite literally (rather than metaphorically) as "the *contents* of the natural law... safeguarded by the commandments." If that is the case, then one could also see, why the second quote is chosen, precisely to highlight that the "object of the act" must be distinguished from "circumstances or intentions." If the morality of an act is measured by external norms, then it has to follow that the operative moral framework is also normative, "causal-eventistic" and impersonal.

Let us not forget that this was one of the Cardinals' core criticisms of *AL* as suggested in the way they contrasted the *VS*'s text on the "object of the act" with *AL* 304:

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

It becomes evident that *AL*'s argument here is precisely "from the perspective of the acting person." Indeed, following Thomas, *AL* argues that if one is to be truly just in his or her relationships to others (and therefore reason from a personalist, or virtue morality) it must be acknowledged that complex situations require discernment way beyond the mere application of norms. At the same time, it would also have to be acknowledged that the very moral grasp of the situation would differ according to the rectitude of appetite of the agent himself or herself. Thus, the reason why *AL*, in continuity with the teaching of *FC*, proposes a "law of gradualness," since the complexity of the situation together with the poverty of the agent, demands an ongoing discernment to not only grasp more clearly what is morally salient in the particular situation, but also to act with greater prudence in order to be more just towards all involved. Likewise, as the agent looks back on his or her past actions, they would also learn to reconsider the

moral meaning of their actions and, consequently to name and rename their sin. As they mature in virtue, their understanding of past sinfulness would also become more “integral” and “realistic” as the person is enabled to name their sin with greater clarity and candour.⁴⁸

Likewise, *AL* 302, the other text noted by the *dubia* Cardinals, argues:

A negative judgment about an objective situation does not imply a judgment about the imputability or culpability of the person involved. On the basis of these convictions, I consider very fitting what many Synod Fathers wanted to affirm: “Under certain circumstances people find it very difficult to act differently. Therefore, while upholding a general rule, it is necessary to recognize that responsibility with respect to certain actions or decisions is not the same in all cases. Pastoral discernment, while taking into account a person’s properly formed conscience, must take responsibility for these situations. Even the consequences of actions taken are not necessarily the same in all cases.

It is clear that when *AL* mentions “circumstances,” these are not, in fact, extraneous to the moral action of the person himself. They are rather, the complex situation in which he or she is seeking to grasp what is truly most morally salient and therefore, to make the most fitting decision about how to act. Just as, for the one who understands the meaning of the holy object, stealing a chalice from a tabernacle is properly an act of sacrilege, so the judgment of how to act in a complex situation must consider more than the mere action for the proper evaluation of the morality of the act. In such situations, precisely because there are sufficiently complex that the mere application of a rule is unjust, then

⁴⁸ In his article in *L’Osservatore Romano* cited earlier, Cardinal Ouellet makes this crucial point about the disciplinary practice of participating in holy communion for the divorced and remarried: “I would add, even if this is implicit in the text of *AL*, that the help of the sacraments in “certain cases” may have a provisional character depending on the maturity of the couple who are seeking reintegration in the Church. It may well be that such help might be granted for a period where individuals discern that this help is necessary for them in conscience. The same individuals may then give these up later in their journey, not out of rigorism but as a free choice, by virtue of the fact that, with competent and respectful help, *they have arrived at a better understanding that the help of the sacraments for their growth in grace does not resolve the contradiction between their public state of life and the sacramental meaning of Eucharistic communion.* In such a case they might refrain, not above all for fear of scandal (an ecclesiological motive) but out of respect for the divine companion whose ecclesial witness they do not wish to sully (a theological motive) by a sacramental communion that is subjectively compatible with their state of grace, but objectively incompatible with their state of life. Such a spiritual attitude, aware of the ecclesial meaning of sacramental communion, goes beyond the subjective desire for one’s own sacramental benefit and favours an objective service to offer to the divine witness expressed in the sacramental communion of Christ and the Church” (my emphasis in italics).

it follows that, even if persons do not act in an ideal manner, that is, in a manner that fully exemplifies the good, this is not solely because their conscience is ill-formed, but also because the situation itself limits what can be realistically, and therefore prudently, be done.

What is more important for our current discussion on the continuity or discontinuity between *VS* and *AL*, however, is that these texts actually reveal how *AL* embodies the moral reasoning exemplified in Thomas' virtue ethics, and in contrast to modern "normative" moralities, whether they are of the consequentialist or proportionalist streak as criticized by *VS*, or even of the deontological streak evident in pre-conciliar manualist moral theology as criticized by Pinckaers. The real question that one should perhaps ask is whether the *dubia* imply a framework of moral reasoning that is "from the perspective of the acting person," or whether it is in fact, more "normative." If the latter is the case, than ironically, it would be the Cardinals who have mistaken the essence of *VS*'s teaching and of the reform to moral theology that it sought to promulgate.

The Church's Pastoral Practice is a Matter of Evangelical Truth

So far, I have tried to argue that contrary to the "doubts" raised by Cardinal Burke and his colleagues, I can see no doctrinal disruptions between *VS* and *AL*. In fact, quite the contrary: as I have tried to show, albeit too briefly, *AL* is grounded in the morality of "the great Thomas" as was *VS* before it. If anything, *AL* attempts to be thoroughly consistent with that Thomist ethic even in the messiness of very complex situations. It exhorts that all priests apply in their ministry of the healing of souls precisely that ancient discernment and spiritual accompaniment, beautifully summarized in the virtue ethic retrieved by *VS*, that does not immediately judge from an "observer's perspective", but truly honours the sinner's spiritual journey to grow in God. As Pope Francis puts it so eloquently to fellow pastors: "We have been called to form consciences, not to replace them" (*AL* 37).

Yet, one has to admit, that the controversies surrounding *AL* will not simply rest because of doctrinal consistency with the tradition (a matter, that should have been taken of course even by the harshest of critics). Rather, the truly controversial aspect is what Thomas' teaching should imply, not just for the discernment of sinfulness, but for the pastoral practice of the church in her ministry of healing. Even more specifically, what it should imply for the "disciplinary" practices of the church - that in situations of "irregularity" are always necessary to protect the faithful from scandal - but, at the same time, continue to encourage the manifestation of God's mercy in the healing ministry with sinners. As is well

known, in these past decades it has been especially difficult for the church to achieve this balance in particular in ministry with the divorced and remarried.

Much ink has been spilled (and vitriol exchanged online) on the question of whether the divorced and remarried should be allowed access to the sacraments of Reconciliation and the Eucharist. Interestingly, while *AL* in the now famous (or infamous) footnote 351 (but also footnote 336) does not exclude in principle the possibility, it also makes it clear that this decision of pastoral practice, including therefore, the decision of how to discipline, should rest squarely on the shoulders of individual bishops. As *AL* in its introduction makes clear:

Unity of teaching and practice is certainly necessary in the Church, but this does not preclude various ways of interpreting some aspects of that teaching or drawing certain consequences from it. This will always be the case as the Spirit guides us towards the entire truth (cf. Jn 16:13), until he leads us fully into the mystery of Christ and enables us to see all things as he does. Each country or region, moreover, can seek solutions better suited to its culture and sensitive to its traditions and local needs. (3)

The Nominalist crisis brought in the church not just a more “normative” and casuistical morality. It also brought into the church an expectation of “uniformity” in every single aspect of ecclesial life, including the liturgical and the disciplinary. As is well known, when it comes to the discipline on the partaking of the Eucharist, two important canons rule this practice: canon 916 which rules the person himself or herself who in their conscience must judge whether they are worthy to receive the Body of Christ. But also canon 915 that rules the minister who is prohibited from administering the Eucharist to “those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin.”

AL is contentious - at least as detractors see it - because, like *FC* before it, it suggests the possibility of opening the door to the sacraments of Reconciliation and the Eucharist for the divorced and remarried, and therefore, for those whom tradition teaches should be disciplined because they are “obstinately persevering in *manifest* grave sin” (canon 915, my emphasis). Cardinal Burke confirmed this when, a year after making public the five *dubia* (and still without a formal response from the Pope), in the interview with Edward Pentin of the *National Catholic Register* he lamented:

Over and above the moral debate, the sense of the ecclesial sacramental practice is increasingly eroding in the Church, especially when it comes to the sacraments of penance and the Eucharist. The decisive criterion for admission to the sacraments has always been the coherence of a person’s way of life with the teachings of Jesus. If instead the decisive criterion were now to become the absence of a person’s

subjective culpability - as some interpreters of *Amoris Laetitia* have suggested - would this not change the very nature of the sacraments? In fact, the sacraments are not private encounters with God, nor are they means of social integration into a community. Rather, they are visible and effective signs of our incorporation into Christ and his Church, in and by which the Church publicly professes and actuates her faith. Thus, by turning a person's subjective diminished culpability or lack of culpability into the decisive criterion for the admission to the sacraments, one would endanger the very *regula fidei*, the rule of faith, which the sacraments proclaim and actuate not only by words, but also by visible gestures.

Yet, if one had to stretch the logic that participation in the sacraments is a "visible and effective sign of our incorporation into Christ and his Church," then it would follow that only the perfect are worthy of reception. However, even though the Christian must always strive towards the ideal of holiness, it is hubris to assume that we are not sinners and, pastoral ministry must begin precisely where the sinner is. In the evocative fourth chapter of *AL*- its very heart -Pope Francis makes it clear that "after the love that unites us to God, conjugal love is 'the greatest form of friendship'" (123).⁴⁹ Yet, he also adds, "in marriage, the joy of love needs to be cultivated" (126). Likewise, in both *EG* and *AL* Pope Francis stresses that the sacrament of "the Eucharist, although it is the fullness of sacramental life, is not a prize for the perfect but a powerful medicine and nourishment for the weak" (*EG*, 47). Thus, the fundamental principle of pastoral ministry of *AL* is the same one taught in *EG*:

Without detracting from the evangelical ideal, [pastors] need to accompany with mercy and patience the eventual stages of personal growth as these progressively occur. I want to remind priests that the confessional must not be a torture chamber but rather an encounter with the Lord's mercy which spurs us on to do our best. A small step, in the midst of great human limitations, can be more pleasing to God than a life which appears outwardly in order but moves through the day without confronting great difficulties. Everyone needs to be touched by the comfort and attraction of God's saving love, which is mysteriously at work in each person, above and beyond their faults and failings.

The emphasis is on a path of conversion, since the quintessential good news is the joy that God saves, even if we do not deserve salvation. And it is precisely this generous, freely given mercy of God that Pope Francis desires that the church emulates pastorally first and foremost, and therefore that the church witnesses as "good news" in all her ministry.

⁴⁹ Quoting Thomas Aquinas, *Summa Contra Gentiles* III, 123.

In this light, even the risk of scandal as stressed by *FC 84* takes on a subordinate role. If the “traditional” disciplinary practice of the church was ultimately out of charity to prevent that “the faithful ... be led into error and confusion regarding the Church’s teaching about the indissolubility of marriage,” Pope Francis suggests that there could be an even greater “stumbling block” for the ecclesial community if she stubbornly refuses to “be merciful as the Father is merciful.” Yet, even in this case, Francis does not prescribe since there is no “one size fits all” solution. Rather, he exhorts that bishops exercise prudence for the well being of their flock.⁵⁰

I think that Pope Francis is less categorical about disciplinary measures in the Church - and in so doing, he retrieves the ancient practice where every bishop was responsible for determining disciplinary measures in his diocese - for two important reasons. The first is that evangelization, and therefore the ecclesial embodiment of God’s mercy, must always be witnessed concretely in a particular cultural setting. Only the bishop truly knows his flock. Thus, only the bishop can determine the wisest path of conversion and integration of all people of God in his diocese.

The other important consideration follows, that is, of collegiality that is made manifest through ecclesial practices. Just as Pope Francis recently put the responsibility of translating liturgical texts squarely on the shoulders of individual Bishops’ Conferences,⁵¹ so Pope Francis expects bishops to know what is truly morally at stake in their diocese and to act in a prudential manner for their communities.

Thus we see how, for Francis, the “personalist” ethic of Thomas must permeate - and *be seen to permeate* - every single level of pastoral reform in the church. As *EG* already suggested, “pastoral conversion” is necessary from the Roman Curia to the pastoral approach of individual priests in every corner of the world. But the heart of that pastoral conversion is a retrieval of a framework of moral reasoning, where the starting point is “the perspective of the acting person” who as he or she grows, is also perfected in their appetites to reveal through their actions the beauty of God’s law.

⁵⁰ Perhaps this can be understood as similar to the Eastern Orthodox approach that while holding strictly to the law, they also confront difficult pastoral situations with “flexibility” or *oikonomia*. For a very enlightening discussion on these principles see Kevin Schembri, *‘Oikonomia’, Divorce and Remarriage in the Eastern Orthodox Tradition* (Edizioni Orientalia Christiana, 2017), Ch. 2 “*Akribia* and *Oikonomia*,” 75-124.

⁵¹ Pope Francis, Apostolic Letter in the form of *Motu Proprio Magnum Principium* by which Can. 838 of The Code of Canon Law is Modified, September 9, 2017, <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2017/09/09/170909a.html>.

While the philosophical reflection in *VS* on the object of the act might seem to be infinitely distant from the pastoral approach of Pope Francis, in fact, it is its beating heart: the fulcrum to pivot the church from an “extrinsicist” and “technical” moral imaginary to reclaiming the grandeur of the human person created *imago Dei* as endowed with reason, will and conscience to shape his or her own life in pursuit of their desire for God alone.

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