

STUART P. CHALMERS

CONSCIENCE

IN CONTEXT



*HISTORICAL AND
EXISTENTIAL PERSPECTIVES*

PETER LANG

In this book, the author presents a detailed study of the notion of conscience from the perspective of its historical development and existential environment. The purpose of the study is to highlight conscience's dignity and fallibility, as well as its dependence upon the context of virtue and grace, in order to develop as our capacity to perceive the truth in moral action. Starting from the premise that current moral theory is suffering from fragmentation, the author proposes that this fragmented outlook has affected the common understanding of conscience and is therefore in need of renewal, chiefly in terms of the reintegration of conscience with its proper setting. In order to explore this theory, he investigates how conscience has been understood over the centuries, particularly in the New Testament and during the Scholastic period, and analyses a number of important issues concerning its nature and function.



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Oxford • Bern • Berlin • Bruxelles • Frankfurt am Main • New York • Wien

Bibliographic information published by Die Deutsche Nationalbibliothek
Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie;
detailed bibliographic data is available on the Internet at <http://dnb.d-nb.de>.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data:

Chalmers, Stuart P., 1972-

Conscience in context : historical and existential perspectives / Stuart P. Chalmers. -- First edition.

pages cm

Includes bibliographical references and index.

ISBN 978-3-0343-0995-0 (alk. paper)

1. Conscience. I. Title.

BJ1471.C455 2013

170--dc23

2013024564

ISBN 978-3-0343-0995-0 (print)

ISBN 978-3-0353-0550-0 (eBook)

COVER IMAGE: Detail from Michelangelo, *The Creation of Adam*, c. 1511–1512.

© Peter Lang AG, International Academic Publishers, Bern 2014

Hochfeldstrasse 32, CH-3012 Bern, Switzerland

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This publication has been peer reviewed.

Printed in Germany

Nihil obstat: Rev. Prof. Dr D. Vincent Twomey, SVD, *Censor deputatus*

Imprimatur: Rt Rev. Hugh Gilbert, OSB, Bishop of Aberdeen

Given at Aberdeen, 24 June 2013,

Solemnity of the Nativity of Saint John the Baptist

*Dedicated to
Elsie and Bill Chalmers,
in thanksgiving.*

Requiescant in pace.

*"I appeal to you, therefore, brothers and sisters, by the mercies of God,
to present your bodies as a living sacrifice,
holy and acceptable to God, which is your spiritual worship.
Do not be conformed to this world,
but be transformed by the renewing of your minds,
so that you may discern what is the will of God –
what is good and acceptable and perfect." (Romans 12:1–2)*

*"Thus conscience is a connecting principle
between the creature and his Creator."*

John Henry Cardinal Newman,
An Essay in Aid of a Grammar of Assent

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Acknowledgements

I would like to take this opportunity to express my sincere gratitude to all those who have helped me in any way to reach the point of publication of this work.

The content of this book is largely the doctoral thesis presented to the Faculty of Theology of the Pontifical University, St Patrick's College, Maynooth in 2008, following time spent at the Pontifical Scots College, Rome. I am most grateful to the Rt Rev. Peter Moran, Bishop Emeritus of Aberdeen, for granting me the opportunity to pursue the research and for the warm welcome and support of the staff and community of the Scots College during my time there. I wish to thank the members of the Faculty of Theology of St Patrick's College for their courses and guidance, and as communicated by the Rev. Prof. Liam Tracey, OSM, for their permission to publish the thesis.

Clearly, more could be done to the text to develop its content and expand areas of the research. However, although present commitments largely preclude any major development, I hope that, despite its inadequacies, the reader will derive some benefit from the text in its present form.

In the work, I have incorporated a brief study of the modern analysis of deduction, as conducted by the field of cognitive psychology, in order to compare it with the medieval attitudes to deductive reasoning in conscience. I am indebted to Dr Paul Kinnear, formerly of the Faculty of Psychology at the University of Aberdeen, for his assistance in my research for this section.

I would like to thank Aisling English and David Rudeforth for assisting me in preparing the manuscript for publication and I would also like to convey my gratitude to Christabel Scaife, Alessandra Anzani and Mary Critchley of Peter Lang for their help, understanding and patience throughout the process of publication.

I am deeply grateful to the clergy, religious and laity of the Diocese of Aberdeen for their prayers and support. Particular thanks go to the Benedictine Community of Pluscarden Abbey for their prayers and assistance over the years. I wish to express my sincere thanks to the Rt Rev. Hugh Gilbert, OSB, Bishop of Aberdeen, for his inspiring example and encouragement, and for kindly writing the Foreword to this book.

Special thanks go to the Rev. Professor D. Vincent Twomey, SVD, who has helped me greatly in his role as Thesis Supervisor. I am most grateful to him for his warmth and wisdom, and for his continuing encouragement and friendship.

Lastly, I thank my family and friends for their love, prayers and tireless support and it is to the memory of my parents that I dedicate this work.

Foreword

“I will now in discharge of my conscience speak my mind plainly and freely.” So said St Thomas More, a modern champion of conscience before the time, at the trial that indicted him for “falsely, traitorously and maliciously” denying the right of King Henry VIII to be proclaimed Supreme Head of the Church in England. He spoke at a time of fragmentation. And he spoke – not all recent interpreters have grasped this – from an understanding of conscience that was the opposite of fragmented. “I am not bound, my Lord,” he replied to his judge, “to conform my conscience to the council of one Realm *against the general council of Christendom*.” More went to the block, and to sanctity, enlightened by a “conscience in context”.

In this thorough and sensitive work, equally at ease in the historical and the theoretical, Fr Stuart Chalmers sets out to rescue conscience from the various fragmentations that have befallen it. He harks back to Greco-Roman antiquity, to Scripture and the early Fathers. He retrieves the scholastic distinction between *synderesis* and *conscientia*. He questions both the legalism of the pre-conciliar textbooks and the subjectivism of certain post-conciliar schools of moral theology. The best context for the health and well-being of the human conscience, he proposes, is a dynamic one: a life rooted in inner connection to objective truth, a life of virtue and grace, a life in prayerful pursuit of holiness within the communion of the Church.

There is nothing facile here. There is no replacement of the old authoritarianism with a subtly disguised newer model. Rather Fr Chalmers takes us beyond the paralysing dualism of inner light and external authority. He makes a quietly unpolemical but crucial contribution to that authentic renewal of moral theology called for by Vatican II and Bl. John Paul II. Both theoretically (this is based on a doctoral thesis) and practically (he is a parish priest), he shows a way by which, like St Thomas More, we can indeed, humbly under the mercy of God, “discharge our conscience”.

I hope this book will be appreciated for the light it brings.

+ Hugh Gilbert O.S.B., Bishop of Aberdeen

Introduction

Conscience has long been a subject of fascination for me. In the course of my pastoral work I have encountered many people who have struggled with moral dilemmas or who felt weighed down by guilt owing to the gap between their practice and their knowledge of what they were called to do. I have also met individuals who seemed to be unaware that, despite the gravity of the action, what they were doing was in any way wrong. Whether mentioned or left implicit, the conscience of each of these individuals played a vital role in the decision to choose one course of action over another, in judging a completed action to have been right or wrong, or even in exhibiting a state of perplexed uncertainty as to what should be done next. Thinking over these different problems led me to explore the question of erroneous conscience. Could an action that was considered to be wrong by others (particularly by the Magisterium of the Church) be good, virtuous or meritorious if the individual believed it to be so? Do we live in parallel moral universes, where the person ultimately defines what is moral solely by belief or conviction, or do we have access to a ground of universal truth, rooted in our created nature, as gifted by God? Should pastors leave individuals in blissful ignorance, or, while conscious of their own weakness and their need of God's mercy, should they try to deepen moral understanding and help develop the moral capacities of the people they encounter?

Consideration of questions such as these led me to investigate the matter of conscience further. However, the resultant work is not a study of pastoral problems, in the style of a manualistic analysis of cases of conscience. Rather this study is at the level of fundamental moral theology, with the aim of exploring the history and nature of conscience, in the hope that a deeper understanding of conscience may assist in pastoral activity. As a result, I have attempted to present a detailed study of the notion of conscience with the purpose of highlighting that it cannot operate, or be

understood as operating, in isolation, but rather is dependent upon the context of virtue and grace (and a community of people living in virtue and grace) for its flourishing. Such a context is ultimately an expression of the universal call to holiness: a call to seek union with God that shapes our judgements of conscience, our choices and actions, including those which have an impact on others.

The idea that conscience needs virtue and grace to flourish may at first seem obvious. What is perhaps not obvious, however, is how these concepts fit together and support each other. A key concept concerning how conscience develops or relates to other human capacities and gifts is the notion of “formation of conscience”. Yet, it appears to me that the idea is often presented with insufficient detail, such that the blueprint offered for that formation often lacks the necessary, positive anthropological underpinning. In this situation, formation of conscience could be misread in two radically different ways. Firstly, conscience formation could be viewed through the lens of a morality of obligation, as simply doing what the Church tells one to do; tantamount to what appears to be a restriction of the freedom of conscience in this moral mindset. Alternatively, other writers present formation of conscience as engaging oneself in sufficient moral education so as to free oneself from the psychological burden of a super-ego, or a childish conscience based on obligation, so that one arrives at an adult conscience which is able to think fully for itself. Each of these understandings of formation involves a negative tension between conscience and external authority, where conscience is either the slave or the master, and gives insufficient attention to formation as a process of growth in moral disposition, in tune with reality on all levels: personal, interpersonal, relating to the world around us and to God himself. This leads us to the question of the place of prayer in the moral life. As Christians, this may also seem to be so obvious as not to require any further reflection. Yet, again, this is not the case, since prayer can also be misconstrued as some kind of irrational bypass, or an excuse for justifying selfish motivation or actions that would go against the moral teaching of the Church. I would suggest that these possible uses of prayer give further evidence that research is needed into the relationship between conscience, grace and reason.

Clearly, a study discussing the nature of conscience and its relationship to virtue and grace may appear to some to be merely an academic exercise, with little potential for application, especially if the concept of virtue is met with scant regard and the idea of grace is faced with unbelief. Virtue is a little-used word in everyday speech and it, as well as its particular forms, suffers from misconceptions, which often reduces it to being synonymous with a lack of dynamism or being a killjoy. Yet, this could hardly be further from its real meaning. Even in academic circles, virtue ethics is still only slowly recovering some of its former strength, as its language is still considered by many to be out of date or superseded by other approaches to morality, in such a way that it no longer has much to contribute to moral theory. However, it is hoped that this study will contain sufficient coherence to uphold virtue's role in conscience, particularly through the notion of *habitus*, in offering a way of acknowledging conscience's capacity for development, as well as through the virtue of prudence in recognizing and applying the moral law. As to the role of grace in conscience, this will only make sense within the framework of belief. Indeed, as such this investigation is written as a work of theology, believing in the reality of God's presence and action in our lives, from within the understanding of the Catholic faith. Here the capacity of conscience for growth and development also encompasses the capacity to be forgiven, healed and helped by the Spirit of the living God. Our conscience, understood as the moral sense of seeing the truth, needs to develop and the two main aspects of that development are our efforts in virtue and our openness to God's efforts in gracing our lives in holiness.

Lastly, the need for virtue and grace in conscience may at first simply appear to be a neat and tidy conclusion which fails to acknowledge the complexities and limitations of human existence. Yet, thinking back to pastoral experience, it is precisely the acknowledgement of these limitations that prompted this conclusion in the first place. At certain points I will draw the reader's attention to the limitations or flaws in the operation of conscience. Initially, this may seem to be evidence against the possibility of virtuous life, as if it were an unobtainable goal, but this would be looking at virtue from the wrong end. Rather than seeing the definition of virtue as a cause of defeatism or resignation in the face of one's limitations, one

should consider the virtuous life as the model for the possibility of moral improvement or persistent striving, so long as it is placed in the context of hope in God's love, mercy and providence. Thus, ultimately we depend upon God's grace for spiritual-moral growth, as our own efforts are never sufficient.

In effect, this work consists of three parts: a premise of moral fragmentation, an analysis of the nature of conscience in order to reveal the inadequacies of subjectivist notions (whose absolutism eschews the need for constant growth or assistance) and a study of virtue, grace and holiness as the necessary context for the growth and assistance that conscience requires.

Relying upon the evidence presented by a number of authors that contemporary morality and moral theory is suffering from fragmentation, I will propose that this fragmentation has affected the common understanding of conscience and is therefore in need of renewal, particularly in terms of reintegration with its proper setting. In order to verify that proposal, it is necessary to study how conscience has been understood over the centuries, particularly in the context of Christian faith, as well as focus upon particular issues concerning its nature and function. This investigation will necessarily be lengthy, as it is my hope that, rather than paint a caricature of conscience, whose omissions would betray the reality, the conducting of a more detailed study will both recover an awareness of the richness of this human capacity, as well as duly acknowledge its limitations. Conscience is neither a redundant, empty term, nor an excuse for subjective absolutism, where it knows no limits. Its nature lies in its relationship to our created being, created in the image and likeness of God (Gen 1:27), who calls us to a life of true freedom and authenticity through our capacity to see the truth and to act upon it in goodness.

With regard to method, to the best of my ability, I have endeavoured to return to source material in its original language, with an eye also to the context in which the passage was written. (Accordingly, all translations are my own, unless specified otherwise.) This, at times, will lead to chains of research which, hopefully, will reveal the original understanding of the author, be he or she from the classical, biblical, medieval, modern or contemporary period. The work contains elements of synthesis and analysis. Given my concerns regarding fragmented understandings of conscience,

I have drawn material from a variety of authors from different periods in an attempt to bring together something of the wealth of thought on conscience presented down through the ages. I have also attempted an interdisciplinary link with cognitive psychology to give further support to the medieval view that conscience is both capable of moral reasoning and yet limited in its success.

In this way, much of the purpose of this investigation is summed up by the word “context.” The context of the historical review will serve to provide us with much material to reflect upon the nature of conscience and the consideration of the existential context or environment of conscience will assist us in drawing conclusions about the circumstances and goal of its development. Therefore, we begin our exploration of conscience with a presentation of current moral fragmentation and its impact on the contemporary understanding of conscience. This question of fragmentation will then prompt us to a historical review of the major stages of the notion’s development.

Setting the Scene: Fragmentation

The term “conscience” holds many connotations: from the momentous decisions of Saint Thomas More and Martin Luther,¹ to even the cartoon character Jiminy Cricket sitting on one’s shoulder, counselling the right course of action. Yet, the variety of circumstances in which conscience is mentioned is itself an indication that appeals to conscience are made for all sorts of reasons. It may be an expression of serious deliberation or used simply as a means of excusing oneself from having to follow a more demanding, unselfish path. Indeed, after many centuries of using the notion, we have reached a point in history, and also more particularly in the history of moral theology, where the term conscience is suffering from such contradictory or unclear usage that the concept has lost much of its moral impact. Popular usage of the concept only resembles a fraction of its rich and complex history, as its misuse is fuelled by conflicting definitions drawn from the fields of philosophy, theology and psychology. As a result, some would hold that conscience is an intellectual faculty closely related to the process of moral reasoning. Others would consider it to be an affective faculty, or the unpleasant emotional response to wrong action, whose role is to curb or modify such behaviour. Another school would reduce it to a connatural disposition to carry out what is thought to be right. Others would identify it with the voice of God, whispering in the depths of our being. And yet, still others would argue that it does not exist at all, attributing all of its functions purely to the sphere of moral reasoning, or to the workings of

1 D. Vincent Twomey, “A Discourse on Thomas More’s Great Matter: Conscience,” in *Contemporary Irish Moral Discourse: Essays in Honour of Patrick Hannon*, ed. Amelia Fleming (Dublin: Columba Press, 2007), 156–180.

a superego that judges our actions and threatens punishment on the basis of contravening the dictates of parental authority in its varying forms.²

This list is by no means exhaustive, but at least gives some idea of the challenge that one faces in trying to understand the meaning and function of conscience. Is it really the case that conscience does little more than “make cowards of us all,”³ or does it occupy a broader, more positive role in our lives? Is it related to other human capacities, or is it completely self-contained in its function and in the formation or provision of its content? Some would even question whether conscience has any content at all.⁴ I will explore these questions in this work, but I will do so in the light of a fundamental premise, namely, fragmentation. It is my contention that conscience is itself a victim of the fragmentation of moral theory, which has affected moral theology for some time, though particularly over the past fifty years. This fragmentation has left conscience in danger of being isolated, weakened in its function or seen largely as simply the locus of personal opposition to external authority.

According to Jean Porter’s analysis, contemporary moral theology is afflicted with a markedly fragmented and divided set of approaches.⁵ In recent decades “Catholic moral theology has been dominated by an intense and sometimes acrimonious debate between those who follow [Germain] Grisez and John Finnis in asserting that there are some determinate kinds

2 See Douglas C. Langston, *Conscience and Other Virtues: From Bonaventure to MacIntyre* (Pennsylvania: Pennsylvania State University Press, 2001), 99–100, 82, 111, 89–90.

3 William Shakespeare, *Hamlet*, ed. T.J.B. Spencer (London: Penguin, 1980; 1996), act 3, scene 1, line 83.

4 For two types of this view, see Peter Fuss, “Conscience,” and Bernard Wand, “The Content and Function of Conscience” both contained in *Conscience*, ed. John Donnelly and Leonard Lyons (Staten Island, NY: Alba House, 1973), 34–50 and 133–143 respectively. At 47: “The role of conscience is purely and simply to ‘enforce’ our moral knowledge or belief with a tendency to act in accordance with what we know or believe.”

5 Jean Porter, *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics* (Louisville, Kentucky: Westminster/John Knox Press, 1990), 14–15; idem, *Moral Action and Christian Ethics* (Cambridge: Cambridge University Press, 1995), 11.

of actions that are never morally justified, and those, sometimes called proportionalists, who disagree.”⁶ Initially the divisions may seem even more surprising, given the fact that, on an even broader spectrum, so many leading Protestant and Catholic ethicists are “significantly indebted to one figure,” namely, Saint Thomas Aquinas.⁷ However, Porter concludes that such divided opinion over moral matters among Christian ethicists should come as no surprise, since “the roots of the fragmentation of Christian ethics are similar to those that Alasdair MacIntyre has identified for secular moral discourse.”⁸ As a result, it may be useful to review MacIntyre’s analysis in order to set the scene for an assessment of contemporary moral theology by Porter, before turning to Servais Pinckaers for an analysis of the causes of the breakdown. This will, in turn, allow us to explore whether there is a corresponding disintegration in the notion of conscience.

MacIntyre’s Analysis of Moral Fragmentation

In his seminal work *After Virtue*, MacIntyre states that modern moral discourse is radically flawed and that a pluralism of traditions has created a situation of an incommensurability of rival premises and argumentation in moral problems.⁹ His claim of a morally deficient modernity is based upon a review of the current context of moral disagreement, which leads him to conclude that a masked emotivism has become widely accepted as the form of moral reasoning that best directs our actions and best sums up the sociological reality of humanity.¹⁰ MacIntyre believes that a moral “catastrophe”

6 Porter, *The Recovery of Virtue*, 14.

7 Ibid., 15. For a summary of contrasting approaches, see *ibid.*, 16–31.

8 Ibid., 15.

9 Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 2nd ed. (London: Duckworth, 1985), 8–10.

10 Ibid., 11–35.

has occurred,¹¹ without the majority being aware of the fact, and so his book charts the loss of the purpose of morality and then attempts a reconstruction of our fragmented ethical discourse along Aristotelian lines. Indeed, it is the central thesis of *After Virtue* that it is in the Aristotelian moral tradition we find the surest “epistemological and moral resources” for the grounding of moral discourse.¹²

MacIntyre says that modern moral disagreement has three fundamental characteristics.¹³ Firstly, public disagreement is interminable, because of the incommensurability of rival arguments. Secondly, although this interminability has at its heart a private arbitrary basis for the choice of a position, the discourse is still couched in terms of objective standards and rational argument. Lastly, this paradox is further complicated by the fact that the premises of the rival arguments have very different historical origins, and that in turn the meaning of moral terms of the arguments has changed over time. He considers this change of meaning to be the root cause of our current disorder in discourse, and also of the flourishing of emotivism as the end product of this moral decay. MacIntyre sees this change in moral meaning as the result of the failure of the Enlightenment Project to give an isolated rational justification for morality. This failure was cumulative and so is examined by the author in the form of historical narrative.¹⁴

The Enlightenment was a period of secularization and change, which led to the questioning of belief in general and of moral belief in particular. Authors such as Diderot, Hume and Kant began the process of unwittingly

11 Ibid., 3. More recently, David Walsh has written about what he calls the “schizophrenia of the modern world,” which is the “irrational rationality of a technological world bereft of any ultimate order.” Like MacIntyre, he believes that society has lost its way and meaning, and that much of the foundations of modernity are illusory. The difference in approach is that, while MacIntyre looks to redress the balance by returning to some form of teleological virtue-based morality, Walsh’s teleology is overtly christological. See David Walsh, *The Third Millennium: Reflections on Faith and Reason* (Washington, DC: Georgetown University Press, 1999), 67–110; 193–232, at 77 and 98.

12 MacIntyre, *After Virtue*, 277.

13 Ibid., 8–10.

14 Ibid., 36–78.

weaving together old and new styles of philosophy, leading to inherent contradictions in their philosophical systems. Largely, this old background would be supplied by the residue of the Enlightenment philosophers' religious and social upbringing: Diderot in French Jansenist Catholicism, Hume in Scottish Presbyterianism, Kant in Prussian Lutheranism, and Kierkegaard in Danish Lutheranism. Although there are clear differences in the style and philosophical approaches of these men, MacIntyre argues that they are remarkably similar in their ethical content. This implies that, although there are some radical gestures, such as Hume's denial of the Christian objection to suicide,¹⁵ overall they remain quite conservative in their moral content. This, in turn, implies that on their part there is a presupposition of the general content or normative standard of morality, for which they then strive to find a new foundation. While inadvertently keeping much of the inherited moral content intact, paradoxically they sought to reject the classical-theistic Aristotelian tradition that helped to make the content intelligible. Their rejection of the metaphysics and teleology of this tradition pulled the rug from under their feet. The Enlightenment's rejection of both an essential human nature and of any notion of *telos* or goal to human existence, leaves morality without its necessary framework, which leads to a fundamental breakdown in the purpose of ethics.¹⁶ As a result, morality came to require redefinition. Attempts were supplied by utilitarianism and analytical philosophy.

In the utilitarianism of writers such as Bentham and J.S. Mill, the benchmark for morality became the greatest pleasure or happiness to the greatest number.¹⁷ Despite the positive social reforms that stem from this

15 David Hume, *Essays on Suicide & the Immortality of the Soul*, reprints of the 1757 and 1783 eds, (South Bend, IN: St. Augustine's Press: 1992, 1995), 1–107.

16 Kant is forced to admit the necessity of a form of teleology for the intelligibility of ethics, but his teleology is radically different from the classical form, given that "the order of nature forming the context for the moral Idea is not itself teleological." See MacIntyre, *After Virtue*, 56; Thomas Auxter, *Kant's Moral Teleology* (Macon, GA: Mercer University Press, 1982), 74.

17 Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (New York: Hafner, 1948). See pages 1–4 for a definition of utility and its role as the measure

philosophical period, in the end, pleasure is an unquantifiable concept and so is useless in providing an ultimate criterion for solving moral problems. Utilitarianism gave way to intuitionism in Britain and pragmatism in North America, both being the immediate preparation for a decline into emotivism. Intuitionism stripped the truth-value from judgements and actions by separating the “is” of fact from the “ought” of moral obligation. The “ought” can no longer be deduced by moral judgement, since it is claimed that there is no such thing as moral reasoning, and so the person arrives at the dutiful action through simple intuition. This individualistic morality resulted in the view that moral conflict is resolved not by the inherent quality of the argument, but by the opponents’ capacity to convince or subdue. Thus, in this view, the winning or deciding criterion for moral problems is reduced to a matter of being able to shout the loudest or of being the most eloquent in one’s conviction.¹⁸ Yet, with the rise of analytical philosophy, intuitionism was quickly dismissed, since it is clear that moral reasoning does in fact take place. Analytical philosophy therefore sought to revive the Kantian attempts to find a rationalist explanation for moral objectivity and authority. However, given the fact that the moral agent is now seen as unencumbered by the heteronomies of divine law, natural teleology or hierarchical authority, the project fails to reach its goal, since, ultimately, objective moral authority cannot be found in the individual moral agent.

MacIntyre argues that the current moral crisis is caused by a difference between the meaning and use of moral terms. Secular modern moral discourse draws its meaning from utilitarian or neo-Kantian thought, but the apparent success of such thought is betrayed by the emotivist use for which it is employed. Emotivism is the doctrine which holds that all moral and evaluative judgements are without objectivity, and are nothing but expressions of preference and feeling towards something.¹⁹ MacIntyre is of the view that society has absorbed this historical process of philosophical

of right and wrong. Cf. John Stuart Mill, *Utilitarianism* (London and New York: Longmans, Green and Co., 1895), 8–38.

18 See Cahal B. Daly, *Moral Philosophy in Britain: From Bradley to Wittgenstein* (Dublin: Four Courts Press, 1996), 26–94, at 72.

19 On the emotivist theories of Ayer and Stevenson, see *ibid.*, 137–199.

deterioration, and so the emotive aftermath of the Enlightenment is the creation of an illusory social theory of value-neutrality and desire-fuelled manipulative power, where preference is justified by bureaucrats and so-called experts.

What can we draw from this description of the moral breakdown of society? It leads us to face up to the stark choice of full acceptance or radical reform of the current situation. For MacIntyre this choice is symbolized by the adoption of either Nietzschean²⁰ or Aristotelian styles of thought, and his writing clearly advocates the choice for Aristotelian reform with a revival of attention to virtue. Here it should be noted that MacIntyre's analysis is not without its critics, both at the broad level and at the level of detail. Indeed, while supporting his views on fragmentation and the need to return to virtue, I would agree with those who consider his presentation of human teleology to be incomplete in *After Virtue*. His use of "quest" as the narrative key to human existence leads him to suggest that the definition of a good life for man is a life spent seeking the good life, and that virtues assist him in his search. To my mind, this incomplete form of teleology leaves itself open somewhat to the relativism MacIntyre seeks to redress. He says that what is better or worse for a person depends

- 20 Nietzsche, as the nihilist logical conclusion to this process, continues the rejection of past foundations, but also has the honesty to encourage the elimination of vestigial references to pre-modern morality. Cf. Friedrich Nietzsche, *Beyond Good and Evil*, trans. Judith Norman, ed. Rolf-Peter Horstmann and Judith Norman (Cambridge: Cambridge University Press, 2002), 13 (emphasis in text): "Life is itself will to power. [...] In short, here as elsewhere, watch out for *superfluous* teleological principles!"; idem, *The Will to Power*, trans. Walter Kaufmann and R.J. Hollingdale, ed. Walter Kaufmann (New York: Vintage Books, 1967), 404: "Profoundest gratitude for that which morality has achieved hitherto: but now it is only a burden which may become a fatality! Morality itself, in the form of honesty, compels us to deny morality." Elsewhere, MacIntyre offers further reflections on the effects of a Nietzschean philosophy on society, commenting that it contains the material for the collapse of friendship, pity and the acknowledgement of our mutual dependence, which is basic to the notion of the common good and to the care and protection of vulnerable members of society. See *Dependent Rational Animals: Why Human Beings Need the Virtues* (London: Duckworth, 1999), 155–166.

upon the character of the intelligible narrative of that individual, in that the narrative not only bestows intelligibility on the person's actions, but also presumes a certain objectivity.²¹ If this is the case, then the narrative should prescribe more clearly the objective good that man is to seek in his quest. Consequently, MacIntyre's lack of attention to divine law, both natural and revealed, as part of the Aristotelian tradition is a significant omission in his examination of the concept of the medieval teleological quest. Jean Porter describes MacIntyre's substitution of Aristotle's metaphysical biology with narrative unity of human existence as "inadequate as the basis for a reconstruction of an Aristotelian account of the virtues," because it is "too imprecise" and "says too little about what a good human life should be," particularly in that, unlike Aquinas, it does not refer to supernatural happiness (beatitude) as the "correct goal" of a good human life.²² Thus, one can say that in *After Virtue* both MacIntyre's analysis of moral fragmentation and his argument in favour of a return to virtue stand, but, as he admits himself, they require further elaboration. Indeed, this is something which MacIntyre seeks to address in his later works and in his replies to objections.²³

21 MacIntyre, *After Virtue*, 224–225.

22 Porter, *The Recovery of Virtue*, 82–83, at 82; St Thomas Aquinas, *Summa Theologica*, Leonine ed. (Rome: Forzani, 1894), Ia IIae q.3, a.8. For further critique, see John Horton and Susan Mendus, eds, *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame, IN: University of Notre Dame Press, 1994).

23 I would suggest that in *Three Rival Versions of Moral Enquiry* he breaks the cyclical paradox of seeking the good life by introducing the notion of teaching authority as presented through hypothesis by Plato in the *Meno*. The authoritative teacher is thus able to lead the way and draw the good potential from the apprentice in the moral life. It is here that the notion of institution comes to the fore, with its roles of providing laws and exemplars for the exercise and development of particular practices. To this we should add that the Church as institution also has a maieutic purpose in drawing forth the inherent narrative and moral keys, which would shape and direct an individual's life. We shall return to the role of others in moral growth later on in this work. Cf. MacIntyre, *After Virtue*, 275–278, 219, 225; idem, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition* (London: Duckworth, 1990), 61–63; Plato, *Meno*, trans. G.M.A. Grube, in *The Complete Works*, ed. John M. Cooper (Indianapolis and Cambridge: Hackett, 1997), 99a: "And that only these two

Porter's Analysis of Fragmentation in Moral Theology

Leaving criticism aside, it is MacIntyre's description of moral crisis that leads Jean Porter to see fundamental similarities between the fragmentation of Christian ethics and the decline of secular moral discourse. Thus, akin to the secular writers, "today's Christian ethicists have seized on fragments of what was once a unified moral tradition as the basis for their interpretations of Christian ethics."²⁴ Porter observes that this tendency applies to both Catholic and Protestant theologians. In recent decades much of Catholic morality has been divided into deontologist and proportionalist approaches. Porter notes that both schools "construct a moral theory on the basis of accounts of human goods and their relation to human action."²⁵ While deontology creates a system of moral principles based on human goods, similar to Aquinas's natural inclinations, proportionalism focuses the analysis of goods and human action on the resultant consequences.²⁶ Protestant thinkers have also developed theories based upon a part instead

things, true belief and knowledge, guide correctly, and that if a man possesses these he gives correct guidance"; D. Vincent Twomey, *Pope Benedict XVI: The Conscience of Our Age: A Theological Portrait* (San Francisco: Ignatius Press, 2007), 137.

24 Porter, *The Recovery of Virtue*, 15.

25 Ibid., 17–21.

26 As such, Vincent Twomey concludes that proportionalism operates on the basis of one principle, that is, utility. He also observes that both deontology and proportionalism "are in fact but variations of the essentially legalist approach to fundamental moral theology based on the so-called *fontes morales*, namely laws, human acts, conscience and sins." See D. Vincent Twomey, *Moral Theology after Humanae Vitae: Fundamental Issues in Moral Theory and Sexual Ethics* (Dublin: Four Courts Press, 2010), 90, n.59. Stanley Hauerwas expresses a similar view regarding proportionalism: "What has bothered me about the proportionalists is not their attempt to provide an alternative to the 'old legalistic moral theology', but that even in their attempt to provide an alternative to the legalist framework they continued to presuppose a law-like framework. Actions continued to be treated in abstraction from virtues, but now in the name of pastoral sensitivities such actions are assumed to be infinitely redescribable." See Stanley Hauerwas, "Virtue, Description and Friendship," *Irish Theological Quarterly* 62 (1996–1997): 170–184, at 174.

of the whole of earlier times, such as “some account of Christian love, an appeal to the goodness of nature, or a reflection on the virtues.”²⁷ In all instances, the key conclusion of Porter is that “while those fragments once fitted together and made sense as a part of a unified theory of morality, none of them on its own seems to be adequate as a basis for a convincing, contemporary theory of morality.”²⁸ Such a reliance on isolated elements of morality not only undermines the integrity or completeness of the analysis, but also leads to “interminable debate [between the schools] or a frustrated suspension of all attempts at conversation,”²⁹ in that the rival schools fail to be convinced by the competing arguments. In this, Porter’s analysis comes to the same conclusion as MacIntyre as to the effect of incommensurability in modern moral discourse.

Like MacIntyre, Porter also turns to the past for a way out of the problem, but neither of them is merely turning the clock back with the intention of proposing that an ancient or medieval approach should simply be re-employed without the slightest alteration.³⁰ Rather, in the broadest of terms, both see the re-establishment of a coherent moral model as the way out of the present impasse and likewise both turn to the past for clues to the nature of such a cohesive structure.

Pinckaers and the Fragmentation of Freedom

The Belgian Dominican Servais Pinckaers (1925–2008) also presented an analysis of the past to understand the difficulties of the present, and thereby propose renewal and growth in moral theology. One of the key strands of his analysis is freedom, not only its role in moral choice, but also how the

27 Porter, *The Recovery of Virtue*, 15.

28 Ibid.

29 Ibid., 15–16.

30 Ibid., 174. Cf. MacIntyre, *After Virtue*, 181–203.

notion has changed through history, and consequently resulted in changing our understanding of morality.

Although the history of the concept of free will is turbulent and complex, present-day society would be largely unaware of the radical transformation that has befallen this idea over the centuries. Indeed, Servais Pinckaers observes that “we are so accustomed to thinking of freedom as the power to choose between contraries that we can hardly imagine any other concept of it.”³¹ This notion of freedom is what he classes as “freedom of indifference,”³² which is the prevailing concept in today’s society, thereby affecting the cultural air we breathe, and leading to attitudes such as the consumerist “use and abuse”, or to a diminished regard for the needs of others, particularly the most vulnerable of society, through a growth of utilitarianism and the atomization of morality. At times, especially in dogmatic theology, much attention has been given to the battles of Luther and Erasmus on the subject of *liberum arbitrium*, but it could be said that their own struggles over the relationship between freedom and God, and their concepts of human nature reflect a much earlier rupture in the fundamental understanding of freedom that stems from nominalism and its initiator, William of Ockham (died 1347).³³

31 Servais Pinckaers, *The Sources of Christian Ethics*, trans. from the 3rd ed. by Sr Mary Thomas Noble (Edinburgh: T&T Clark, 1995), 354.

32 Ibid., 328–353.

33 On Ockham and nominalism, see Pinckaers, *Sources of Christian Ethics*, 241–253. For a brief comment on the influence of nominalism on Luther, see Bernhard Lohse, *Martin Luther: An Introduction to His Life and Work*, trans. Robert C. Schultz (Edinburgh: T&T Clark, 1986), 220. Some debate whether Ockham is really the initiator of a new moral approach, arguing that Ockham builds upon an already-existing voluntarism found in Duns Scotus. However, since O’Reilly acknowledges that Ockham’s position is a “radicalization of what one finds in Scotus’s thought”, whose remodelling goes well beyond the position of Scotus, the novelty of Ockham lies in his extreme form of moral indifference and the consequent revision of moral theory. See Kevin E. O’Reilly, “Medieval Voluntarism and the Culture of Death,” *Studia Moralia* 48 (2010): 195–212, at 204. Cf. Richard Cross, “Duns Scotus on Goodness, Justice and What God Can Do,” *Journal of Theological Studies* 48 (1997): 48–76, at 76. “Scotus holds that God is bound neither by external nor by internal constraints in his actions

Pinckaers describes the impact of Ockham's thought as "the first atomic explosion of the modern era."³⁴ Our fundamental understanding of the human soul with all its faculties was blown apart by a new concept of freedom, and "successive after-shocks [...] destroyed the unity of theology and Western thought."³⁵ Even during his studies at Oxford University, Ockham's thought was considered to be dangerous. As a result, the chancellor refused to award him his master's degree in theology, which led to Ockham being referred to as "the Venerable Inceptor."³⁶ Pinckaers considers Ockham's thought to be like an atomic bomb, in that it was both fundamentally divisive and disruptive. Ockham's universe was "essentially *discontinuous*, the universe of division and not the universe of order and harmony."³⁷ Thus, the age-old notions of order and harmony, brought to their zenith in the thought of St Thomas Aquinas, were turned on their head in favour of absolute separation, through Ockham's concept of singularity.³⁸ Hence in Ockham's revolution we find the root of our modern problems with individualism. His far-reaching revision brought this divisive outlook to bear upon a whole raft of key issues: "freedom was separated from nature, law and grace; moral doctrine from mysticism; reason from faith; the individual from society."³⁹ Equation of reality solely with the individual meant that in the moral sphere, reality was now to be found in

towards creatures. [...] For this reason, we should reject Scotus's account of God's contingent action and the ethical theory which it grounds."

34 Pinckaers, *Sources of Christian Ethics*, 242.

35 Ibid.

36 Ibid., 241. Vereecke concurs with this assessment of Ockham. He says that "his influence on the evolution of the Western world has been enormous. For more than a century and a half his doctrine has created the background upon which modern thought has been developing." See Louis Vereecke, *Da Guglielmo d'Ockham a Sant'Alfonso de Liguori: Saggi di Storia della Teologia Morale Moderna, 1300-1787*, trans. Giancarlo Vendrame (Cinisello Balsamo, Milan: Edizioni Pauline, 1989), 215-216.

37 Vereecke, *Da Guglielmo d'Ockham*, 174 (emphasis in text).

38 Ibid., 171-173; Pinckaers, *Sources of Christian Ethics*, 242.

39 Pinckaers, *Sources of Christian Ethics*, 242.

the individual decision of free will, which, according to Ockham, is something indifferent and contingent.⁴⁰

William of Ockham's primacy of an indifferent, independent will is a rejection of the position taken by St Thomas, who saw free will as a faculty of reason and will, thereby identifying freedom, in Pinckaers' summation, as "the outcome of the mind's inclination to truth and the will's inclination to goodness."⁴¹ In other words, the free choice of the individual is an extension of the reason and will and an expression of the individual's natural inclination towards the good.⁴²

This shift in understanding had a serious impact upon the importance of the final end in morality. St Thomas's study of moral theology in the *Summa Theologica* starts with the end in order to show the unity of all actions in our last end, namely, final and perfect happiness, or beatitude, in the vision of God.⁴³ Ockham did not accept this universal description of finality, and downplayed the importance of an ultimate end by emphasizing the immediate end contained in the individual act. This had the

40 Ibid., 242–243; cf. William of Ockham [Guillelmus de Ockham], *Quodlibeta Septem*, in *Opera Philosophica et Theologica*, vol. 9 (St. Bonaventure, New York: Editiones Instituti Franciscani, 1980), I, q. 16, a. 1.

41 Pinckaers, *Sources of Christian Ethics*, 381.

42 Aquinas, *Summa Theologica*, Ia IIae q.1, a.1. An assessment of the views of different thinkers is often made harder to understand simply by the way terms are commonly translated. See Brian Davies, *Aquinas* (London and New York: Continuum, 2002), 105: "And, though translators of Aquinas often render this phrase [*liberum arbitrium*] by the English expression 'free will', its significance is different. For the thesis that people have free will is commonly taken to mean that freedom belongs only to the will, that is, if you like, the prerogative of the will or a peculiar property of it. And Aquinas does not share this assumption." Herbert McCabe is equally keen to clear up the confusion, preferring to translate *liberum arbitrium* as "free choice." Quoted in Martin McKeever, "Ethics as Language in Herbert McCabe, O.P.," *Studia Moralia* 41 (2003): 137–152, at 149.

43 Aquinas, *Summa Theologica*, Ia IIae, qq.1–5, at q.3, a.8, resp. Cf. Fergus Kerr, *After Aquinas: Versions of Thomism* (Malden, MA, Oxford, Melbourne, and Berlin: Blackwell, 2002), 133: "The best way of describing the moral considerations in the *Summa Theologiae* is not as virtue ethics, let alone as divine command ethics, but as an ethics of divine beatitude."

effect of separating acts from one another, and led to the casuist analysis of individual cases of conscience in later centuries.⁴⁴ The Venerable Inceptor's rejection of natural inclinations and his downplaying of virtues also served his absolutist liberation of human freedom. Thus, natural inclinations, including happiness, were no longer seen as helping man achieve a freely-chosen, morally good act and good end, but were now considered a threat to freedom and morality. Thus, we can see the root cause of the ousting of the treatise on happiness from the modern moral manuals.⁴⁵ Previously the virtues had been seen as dispositions that developed and perfected the natural inclinations, thereby leading man to happiness by following his God-given nature.⁴⁶ The manuals also gave less emphasis to the virtues, as a result of the nominalist revision of the nature of virtue. "For ethicists, virtue became simply a traditional, convenient category for listing moral obligations."⁴⁷ For Ockham obligation became the central focus because he understood the nature of both God and man to be absolute, isolated in their singularity.⁴⁸ Obligation and the law became the only principle that could link God and his creature, but the link was one of opposition.⁴⁹ God is therefore not bound by any obligation and his supreme freedom is only limited by the principle of non-contradiction.⁵⁰ However, man is subject to

44 Pinckaers, *Sources of Christian Ethics*, 243–244, 336: "Free actions followed one upon another in a person's life without any bond of unity to weld them together into a basic whole, as the vision of a last end or even personal sentiment might have done."

45 Ibid., 332; 244–245.

46 Ibid., 336; Davies, *Aquinas*, 114. St Thomas identifies five natural inclinations: inclination to the good; to self-preservation; to sexual union and the rearing of offspring; to the knowledge of the truth; and to live in society. See Aquinas, *Summa Theologica*, Ia IIae, q.94, a.2, and Pinckaers' analysis in *Sources of Christian Ethics*, 400–456.

47 Pinckaers, *Sources of Christian Ethics*, 336. Vereecke, *Da Guglielmo d'Ockham*, 181: "In the moral life, therefore, there remains only one specific virtue, *obedience*, to which all other virtues are referred. Moral virtue is the response of man to an exterior obligation" (emphasis in text).

48 Vereecke, *Da Guglielmo d'Ockham*, 174, 178.

49 Ibid., 178.

50 Indeed, Ockham upheld the thesis that, provided he did not contradict himself, God could change his will arbitrarily, even to the point of commanding that man should

obligation and to following the divine will because of his created status.⁵¹ This was the only limitation to man's freedom: God's freedom. Thus, moral theology came to be reduced to a battle of liberties, where there could only be one outcome, man's compliance with God's will, known through Revelation and reason.⁵²

From this overview of Ockham's position, we can see that freedom of indifference creates a reductivist morality of obligation, severed from teleology and natural order. Indeed, Ockham's morality became so detached that, without the existence of a specific obligation in the form of a precept or commandment, or a personal awareness of the commandment, the act remains morally indifferent, since the goodness of the act is purely determined by whether the individual has conformed to an obligation or not.⁵³

Without a reconciliation of morality with the teleology of happiness (in terms of joy in Christ, as opposed to simply passing pleasure), there remains a tug of war between the universal and the particular, between God and the individual, between authority and conscience. This is because we are relying upon a disjunctive freedom of indifference, which both begets and rebels against a morality of obligation. Fergus Kerr observes that it had been the aim of St Thomas to "deconstruct the sin-dominated moral theology in the pastors' handbooks of his day, by dispersing the standard list of vices and virtues throughout a systematic consideration of the human being as moral agent, with goals, capacities, emotions, dispositions, and so on, which have to be integrated, with the help of law and grace, for them to attain the beatitude which is their ultimate end."⁵⁴ Clearly, St

hate him, and if man obeyed, then he would not be committing a sin, but acting morally. Moreover, in Ockham's understanding, "natural law is therefore not the human translation of the eternal demands of being, nor the expression of our natural inclinations and of our virtues: it is the simple echo, the simple blind transmission of the orders of the arbitrary divine will." See Pinckaers, *Sources of Christian Ethics*, 344; Vereecke, *Da Guglielmo d'Ockham*, 183.

51 Vereecke, *Da Guglielmo d'Ockham*, 179.

52 Pinckaers, *Sources of Christian Ethics*, 345–349.

53 Vereecke, *Da Guglielmo d'Ockham*, 181, 184.

54 Kerr, *After Aquinas*, 118.

Thomas sought to present an “organic” moral theology and analysis of the human act.⁵⁵ However, Kerr points out that, even early on, Thomas’s plans ran into difficulty, primarily because of the size of the *secunda pars* of the *Summa*. Thus, the *secunda secundae*’s analysis of vices and virtues was being read independently of the *prima secundae*, despite its essential role in contextualizing the moral analysis. Yet, even this reduction of reading was insufficient, and so “by 1290, at the behest of the Master of the Order, even Dominican friars were provided with a slimmed-down version of the *secunda secundae*.”⁵⁶ Thus, the clergy of St Thomas’s time turned the *Summa* into what he had intended it to eradicate, namely, a morality dominated by lists of sins. We must therefore be wary in apportioning all blame to William of Ockham for the deconstruction of St Thomas’s vision and for the reduction of the ambit of moral theology. We should also be careful to avoid thinking that the fully formed voluntarism of later writers is to be found in Ockham. Nevertheless, despite some recent objections,⁵⁷ given the depth of the argument, I would still hold Pinckaers’ view that Ockham’s writing remains pivotal in the evolution of a freedom of indifference and of the development of a morality of obligation.

55 Pinckaers, *Sources of Christian Ethics*, 337.

56 Kerr, *After Aquinas*, 119.

57 Sigrid Müller has criticized Vereecke’s and Pinckaers’ analysis of Ockham, arguing that there is a greater role for reason in Ockham’s moral system than they claim and that key texts implying a certain voluntarism are not strictly concerned with ethics. To my mind, this argument does not do justice to the position of Vereecke and Pinckaers, nor to the wealth of evidence in Ockham’s work showing radical changes to fundamental notions underpinning moral theory. Müller claims that Vereecke and Pinckaers consider “the only function of reason according to Ockham [...] to be in actually receiving God’s commands,” and, as a corrective measure, Müller states that “Ockham’s ethic allows the use of human reason in interpreting God’s will.” However, Pinckaers is, in fact, very clear in identifying that Ockham “had already given reason a considerable role in moral judgment, precisely for the discovery of the will of God.” Müller seems to have overlooked this. Cf. Sigrid Müller, *Handeln in einer kontingenten Welt: Zu Begriff und Bedeutung der rechten Vernunft (recta ratio) bei Wilhelm von Ockham* (Tübingen and Basel: Francke, 2000), 23–41 and 232–249, at 233; Pinckaers, *Sources of Christian Ethics*, 345–349, at 347.

It is through this analysis of Ockham and St Thomas that Pinckaers hopes to encourage a revival of the Thomistic organic model, which is firmly rooted in a freedom for excellence. As its name suggests, freedom for excellence differs radically from its indifferent counterpart, in that the use of man's freedom is channelled towards striving for and achieving the good. The word "for" implies that the freedom that man enjoys has a purpose, and so immediately we can see that this way of looking at freedom is teleological in approach. "Excellence" should also indicate to us that there is a greater role in this model for virtue.

Pinckaers offers the examples of learning to play the piano and learning a language to highlight the contrast between the two notions of freedom. In both examples, long-term effort is required to achieve good results, be it beautiful playing or fluency. Likewise, "a minimum of predisposition is needed in the beginning" to permit musical or linguistic development, built up "by means of regular, progressive exercises."⁵⁸ What seems to be a constraint upon the freedom and pleasures of the moment turns out to be a gateway to greater opportunity. Where previously the individual could only make poor choices (to play or speak badly or not at all), now the person has the capacity to do things well, and so has greater freedom in the realms of language and music, through a fuller freedom of expression and performance. The key distinction between freedom of indifference and freedom for excellence as understood through these examples is that in the former one is free to make mistakes, whereas in the latter one has freely cultivated the ability to avoid mistakes.⁵⁹ Thus, rather than consider freedom as simply a careless choice between contraries, there is a positive quality to the notion. Hence, we can apply this to the moral sphere to observe that the virtue of courage or fortitude develops progressively through trials and pressures to enable the individual to achieve worthwhile actions, which he would have otherwise avoided.⁶⁰

58 Pinckaers, *Sources of Christian Ethics*, 355.

59 Ibid., 356. Pinckaers calls freedom for excellence the "ability to act with excellence and perfection whenever one wishes." See Servais Pinckaers, *Morality: The Catholic View*, trans. Michael Sherwin (South Bend, IN: St. Augustine's Press, 2001), 74.

60 Pinckaers, *Sources of Christian Ethics*, 356.

While freedom of indifference precedes and dominates all natural inclinations, freedom understood as for excellence is rooted in the natural inclinations, particularly the natural longing for truth, goodness, a sense of uprightness and love, and a desire for knowledge and happiness. The ancients described these roots of freedom as the *semina virtutum*, or the seeds of virtue. Thus, these natural dispositions are developed, giving a direction to our desires by influencing our moral judgements.⁶¹ While the freedom of indifference saw natural inclinations as an obstacle to freedom, freedom for excellence sees them as the source of our freedom, and the opportunity to grow in freedom by following our God-given nature (*sequi naturam*).⁶² In this way freedom is no longer characterized by moral indifference, but by the spontaneous attraction to what is good and true. We can also see here that while Ockham's freedom was considered to be fully present from the beginning of a person's existence, freedom for excellence is "bestowed in embryo" and grows to maturity through education.⁶³

According to St Thomas's model, as described in the *secunda secundae*, Pinckaers outlines the process of development of personal morals and freedom, which is divided into three stages: beginners, progressives and the perfect. Beginners in the order of charity (*incipientes*) are schooled by the law of the Decalogue in avoiding sins and in fighting against inclinations opposed to charity.⁶⁴ "Progressives" or proficient (*proficientes*) at the second level aim to strengthen their active charity through developing the qualities of the heart, namely the virtues. Thus, a limited moral theory of avoiding evil is expanded to progress in seeking the good.⁶⁵ Pinckaers points out that

61 Ibid., 357–358.

62 Ibid., 358.

63 Ibid., 375.

64 Aquinas, *Summa Theologica*, IIa IIae q.24, a.9; Pinckaers, *Sources of Christian Ethics*, 362–363. Here in a morality of happiness and virtue, the law has an educational role in the growth of freedom, rather than simply being a limit to freedom through obligation, as it is viewed in a morality of obligation. Both moralities use the rules of the Decalogue, but the morality of obligation fails to see it as a first step in moral development, by reducing morals to mere compliance with commands. See Pinckaers, *Morality*, 74; idem, *Sources of Christian Ethics*, 362.

65 Aquinas, *Summa Theologica*, IIa IIae q.24, a.9.

the Sermon on the Mount is most suited to this stage, taking the person to a different level of law now “based on a generosity that always exceeds the demand with the spontaneity of true love.”⁶⁶ This law, which penetrates to the heart, is the New or Evangelical Law, which develops the practice of the virtues through the illumination and attraction of the Holy Spirit.⁶⁷

Far from a juridical concept of law, the New Law is the motion of the Spirit in us leading us to wisdom, right living and love.⁶⁸ Therefore, the New Law is “the rule of love infused by the Spirit.”⁶⁹ As an infused interior law,⁷⁰ its primary element is the grace of the Holy Spirit, with the written law of the New Testament, particularly the Sermon on the Mount, being its secondary element.⁷¹ Pinckaers identifies the root of this Evangelical Law as faith in Christ.⁷² This act of faith and our relationship with Christ radically transforms the nature of morals. If the root is faith, then Pinckaers observes that the sap of the Law nourishing the tree of our lives is charity, working through us to produce the fruit of good works.⁷³ Therefore, given the potentially powerful influence of the Spirit of love in developing the believer’s moral growth, the fact that little is written about

66 Pinckaers, *Sources of Christian Ethics*, 365.

67 Ibid., 365, 369; Aquinas, *Summa Theologica*, Ia IIae qq.106–108. As such, St Thomas called the New Law the “law of freedom” since it enables us to reach our potential through the grace of the Holy Spirit. See Aquinas, *Summa Theologica*, Ia IIae q.108, a.1. See also Servais Pinckaers, “The Recovery of the New Law in Moral Theology,” trans. Hugh Connolly, *Irish Theological Quarterly* 64 (1999): 3–15.

68 Pinckaers, *Morality*, 85.

69 Ibid.; Vereecke, *Da Guglielmo d’Ockham*, 161: “The law of the Gospel is not an imperative imposed on man from outside; it is the Holy Spirit who lives in him, who enlightens him on what he must do and who gives him the strength to progress ever more on the path of grace.”

70 While the interior natural law is instilled in man by being part of his very created nature, in addition to this, man is endowed with the New Law by a gift of grace. See Aquinas, *Summa Theologica*, Ia IIae q.106, a.1.

71 Vereecke, *Da Guglielmo d’Ockham*, 160–161.

72 Pinckaers, *Morality*, 85–87.

73 Ibid., 87.

the New Law should be a matter of concern to those wishing a spiritual renewal of morals.⁷⁴

Pinckaers states that “our freedom reaches maturity precisely with our capacity to balance the twofold dimension of personality and openness to others, interiority and outreach, living ‘for self’ and ‘for others.’”⁷⁵ He proposes that, while freedom for excellence enables the individual to balance moral responsibility towards self and others, freedom of indifference destroys the relationship by “breaking it down into contraries,” thereby stunting moral growth.⁷⁶ This balance is perfected through reaching the third level of moral development, namely, spiritual maturity. St Thomas calls those who have become moral and spiritual adults “the perfect” (*perfecti*),⁷⁷ who are such because of the perfection of their love of God and of their attainment of union with and enjoyment of God in contemplation.⁷⁸

The inclusion of spiritual joy as goal and prize in this vision of morality allows us to break away from the stale morality of obligation.⁷⁹ In the light of Christ’s teaching in John 15:8–11, Pinckaers shows that freedom for excellence succeeds in marrying God’s commandments with joy in Christ, in that only through bearing much fruit in love will our joy be complete.⁸⁰

74 Vereecke is of the opinion that the lack of attention by modern moralists to the New Law in St Thomas’s thought seriously threatens the success of a revival of Thomistic morals. See *Da Guglielmo d’Ockham*, 431.

75 Pinckaers, *Sources of Christian Ethics*, 367.

76 Ibid.

77 Aquinas, *Summa Theologica*, IIa IIae q.24, a.9; Pinckaers draws our attention to the fact that this should be understood in a human sense, relative to our created condition. Pinckaers, *Sources of Christian Ethics*, 368.

78 Aquinas, *Summa Theologica*, IIa IIae q.24, a.9; Ia IIae q.106, a.1; Pinckaers, *Sources of Christian Ethics*, 368.

79 Such a morality of obligation is not only stale according to Pope John Paul II, but also ultimately, “dehumanizing” through the constraints of his “voluntaristic and arbitrary” nature. See *Veritatis Splendor* (London: Catholic Truth Society, 1993), 76.

80 Pinckaers, *Morality*, 80; at 80–81: “The reconciliation of morality and happiness by means of joy is, in my view, an essential condition for the renewal of moral theology. To establish this reconciliation firmly, we must even revise our understanding of freedom by rediscovering our spiritual nature.” Related to bearing fruit in love, Vereecke points out “the most serious limitation to Ockham’s system is in not seeing

Thus, above all else, the excellence we are to strive for through the exercise of our freedom is that of an imitation of the love of Christ, achieved by life in the Spirit.⁸¹

Summing up the Evidence

Even in the wake of writers such as Pinckaers and despite the shift in methodology found in the moral section of the *Catechism of the Catholic Church* and the call for renewal made by Blessed John Paul II in his encyclical *Veritatis Splendor*, the loss of cohesion and dynamism in moral theology seems to have persisted.⁸² Indeed, Vincent Twomey observes that “the

that, beyond being a morality of obedience to God, Christian morality is a morality of charity.” See *Da Guglielmo d’Ockham*, 188.

81 St. Thomas Aquinas, *Summa Contra Gentiles*, Leonine ed. (Rome: Foranzy, 1894) IV, 22. See also Maritain on freedom for love. See Jacques Maritain, *Moral Philosophy: An Historical and Critical Survey of the Great Systems* (London: Geoffrey Bles, 1964), 436–439.

82 The approach to morality presented in the first section of Chapter 3 of the *Catechism* closely resembles Pinckaers’ approach, namely, action understood in the context of life in the Spirit, seeking to live positively and generously in keeping with the Beatitudes through the exercise of our conscience, assisted by the virtues, both human and theological. See *Catechism of the Catholic Church*, rev. ed. (London: Geoffrey Chapman, 1999), nos. 1700–1877 [hereafter, CCC]. *Veritatis Splendor* was presented in the light of the *Catechism* to address “certain tendencies” which were seen to be undermining the foundations of moral theology, particularly the relationship between freedom and truth, faith and morality, objectivity and universal moral norms. See *Veritatis Splendor*, 5, 32, 78, 84, 88, 90. Livio Melina, responding directly to Pope John Paul’s call to renewal in moral theology in *Veritatis Splendor*, also points to a present-day moral crisis rooted in “subjectivization”, pluralism and fragmentation, where the individual and his/her freedom have been made absolute. See *Sharing in Christ’s Virtues: For a Renewal of Moral Theology in the Light of “Veritatis Splendor,”* trans. William E. May (Washington DC: Catholic University of America Press, 2001), 13–33.

recovery of the original, Aristotelian/Thomistic notion of virtue as the context for moral reflection has yet to make any significant impact on the mainstream of the academic discipline of moral theology,” as it is “still dominated by the rival schools of a teleological approach (proportionalism) or the deontological approach (principles).”⁸³ Therefore, given the body of material presenting arguments to show a situation of moral decay, it is my contention that if moral theory in general is struggling to emerge from a fragmented state, this fragmentation will also affect our understanding and use of conscience. This would appear to be so, as different authors will testify.

It may be useful for us to summarize the elements of fragmentation identified by the authors and magisterial documents mentioned above, in order to see whether the same elements are present in studies on conscience. The collective concerns are as follows:

1. A pluralism of traditions establishing a situation of an incommensurability of rival premises and argumentation in moral problems.
2. A moral deficiency owing to emotivism in various guises undermining moral reasoning, by eschewing objectivity or detaching it from its end.
3. Changes to the meaning of moral terms, especially the transformation of freedom into a disjunctive notion, thus creating opposition between those involved in forming a moral decision (the individual and external authorities, both human and divine).

83 D. Vincent Twomey, “Moral Renewal Through Renewed Moral Reasoning,” *Josephinum Journal of Theology* 10 (2003): 210–229, at 211. Twomey also considers the diminished impact of virtue ethics on moral theology to be the result of little reflection upon related issues, particularly the passions, thus perpetuating the “blandness” of contemporary moral discourse. It may also be caused by looking at ethics based on virtue as simply one school among many (hence the danger of the term “virtue ethics”) rather than as a wholesale shift in attitude. See *ibid.*, 211, including n.6, and *idem*, “Recovery of the Passions in Moral Theology,” *Irish Theological Quarterly* 67 (2002): 224, 240.

Clearly, beyond the notion of freedom, other key moral terms have been subject to significant changes in meaning, leading to conflicting uses in moral theory. One such example is “natural law”, which is either fixed or dynamic, transcendental or categorical, physicalist or personalist in its interpretation. Gustafson presents a summary of contrasting views of moral terms, as well as the bases for different moral traditions. He concludes that persistent polarities in moral views are based upon differences of outlook on “being and becoming, structure and process, order and dynamics, continuity and change, determination and freedom, nature and history, nature and grace, law and gospel.” However, a more fundamental problem is the notion of polarity in the first place, since this pulls elements apart. As we have seen, Jean Porter argues that a unified moral theory has become fragmented, with the individual pieces being taken as separate starting points for different moral traditions. I would therefore propose that Gustafson gives a summary of moral traditions that affirms Porter’s thesis, in that his analysis does not attempt to approach the listed notions in a complementary manner.⁸⁴

Corresponding Fragmentation in the Notion of Conscience

Following on from these observations, it should be the case that the three main problems identified above are also to be found in current writing on conscience. In providing evidence supporting my analysis, I acknowledge that such an assessment will not be shared by all, given that some moral theologians would consider the changes to the notion of conscience as

84 See James Gustafson, *Protestant and Roman Catholic Ethics: Prospects for Rapprochement* (London: SCM Press, 1979), 144–156, at 144.

having been necessary for the development of what they would view to be a mature, responsible and flexible morality.⁸⁵

With regard to incommensurability of premises and equivocal terminology, Josef Römelt says that when recourse is made to the notion of conscience in discussing everyday moral problems “often a lot of confusion is created,” because of the contradictory meanings applied to conscience. This in turn is due to a complex and contradictory hidden background of philosophical and cultural influences, both theistic and atheistic. In short, Römelt concludes that “conscience can mean everything or nothing.”⁸⁶ He considers careful and accurate analysis of the different layers of meaning in the term to be the only starting point available to the move away from the impasse of conflict in understanding.⁸⁷

On the basis of a historical study exploring the effects of different philosophies and schools of psychology on the notion of conscience, Terence Kennedy comes to the conclusion that “we should not be surprised that so often conscience becomes the shield for arbitrary opinions and even for outright subjectivism and emotivism. ‘What I do has nothing to do with other people. It’s a matter for my conscience alone.’ *This is the ultimate devaluation of conscience in an unauthentic ethic.*”⁸⁸ Carlo Caffarra goes further by concluding that we are witnessing a “gradual emptying of conscience.” The

85 For example, Timothy E. O’Connell, “An Understanding of Conscience,” in *Readings in Moral Theology No. 14: Conscience*, ed. Charles E. Curran (New York and Mahwah, NJ: Paulist Press, 2004), 25–38; Ewert H. Cousins, “The Mature Christian Conscience,” in *Conscience: Its Freedom and Limitations*, ed. William C. Bier (New York: Fordham University Press, 1971), 369–378; Paul Tillich, “A Conscience above Moralism,” in *Conscience: Theological and Psychological Perspectives*, ed. C. Ellis Nelson (New York, Paramus, and Toronto: Newman Press, 1973), 46–61. Here Tillich proposes the notion of a *transmoral* conscience to overcome the internal conflict between its guilty and good dimensions.

86 Josef Römelt, *La Coscienza: Un Conflitto delle Interpretazioni*, Quaestiones Morales, no. 13 (Rome: Editiones Academiae Alphonsianae, 2001), 12.

87 Ibid., 13.

88 Terence Kennedy, *Doers of the Word: Moral Theology for Humanity in the Third Millennium*, vol. 1, *Tracing Humanity’s Ascent to the Living God* (Middlegreen, Slough: St Pauls, 1996), 168–175, at 175 (emphasis mine).