

CHRISTIAN ETHICS

A PRESENTATION OF GENERAL MORAL THEOLOGY

in the Light of Vatican II

by

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Finally, probabilism as well as equiprobabilism raise objections to the assertion of probabiliorism that the opinion in favour of the law is always the safer one, because it safely excludes the danger of sin. To follow a law, e.g., which is only probably just does not exclude the danger of material sin. The danger of formal sin, on the other hand, is excluded by no other justification than it is in the case of a probable opinion in favour of liberty: by reason of invincible ignorance. Thus, the observance of the decree of the Holy Office, issued Dec. 14, 1898, which forbade Catholic sisters in the service of the sick to call a non-Catholic minister to a non-Catholic patient, even if the latter should ask for him, had become obsolete and in many instances unjust long before it was abolished by the "Directory for Ecumenical Matters" of May 14, 1967.¹⁾ In this case, the rigorous observance of the old law certainly did not exclude the danger of sin most. The present Directory not only obliges the Catholic staff in hospitals to call the non-Catholic minister if the patient should ask for him, but the personnel is obliged to advise ministers of other religious groups spontaneously and to afford them every facility.

In the Declaration on Religious Freedom (*Dignitas Humanae* Personae = DH), Vatican II itself defends a very broadminded concept of freedom of man in a most significant statement. There we read: "The usages of society are to be the usages of freedom in their full range. These require that the freedom of man be respected as far as possible, and curtailed only when and in so far as necessary" (art. 7).

D. Freedom and commitment of conscience²⁾

1.) The right to freedom of conscience.

The certain judgments of conscience are, as has been shown above, the proximate subjective norm of human activity. These judgments a man is bound to follow faithfully and he cannot disobey them without incurring guilt. To the strict obligation to follow one's certain conscience corresponds the right to act according to one's conscience; in other words, a man has the right to freedom of conscience. It follows, declares Vatican II,

¹⁾ D. Prümmer regards the Decree of the Holy Office still valid in his "Mannale Theologiae Moralis" of 1958 (vol. I, nr. 526; for other examples cf. *ibidem*).

²⁾ References: C. Curran: *Christian Morality Today*, chap. 3: Formation in Freedom and Responsibility. — Notre Dame, 1966, 26-45. — E. McDonagh: *Conscience: The Guidance of the Spirit*, in: *Truth and Life*. — Dublin: Gill and Macmillan, 1969, 121-137.

that a man "is not to be forced to act in a manner contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience" (DH 3). In his moral decisions, man ought to be fully free, not driven by coercion but motivated by a sense of duty. Such respect for the freedom of conscience and the dignity of the human person fully agrees with the mind and thought of the Gospel (DH 11).

The obligation to follow one's certain conscience is unconfined. The right, however, not to be restrained from acting according to one's conscience meets with restrictions where it happens to conflict with the demands of the common welfare. "In the use of all freedoms, the moral principle of personal and social responsibility is to be observed. In the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all" (DH 7). This implies that a person who realizes that the dictates of his conscience conflict with the certain rights of others or with the common welfare, must suspect and conclude that his conscience is erroneous and needs revision. Yet should the individual not be able to adjust his judgments and should he continue to endanger the common welfare, then society has the right to defend itself against such misguided assaults. "It is the special duty of government to provide this protection" (DH 7), although the Church is also justified, within the limits of her jurisdiction, in taking measures against members whose erroneous conscience threatens the existence of the community. State and Church must, however, limit their defensive measures to that minimum which suffices to guarantee the just claims of their members and of the common welfare.

2.) The duty to form one's conscience

Although conscience is the ultimate subjective norm of moral conduct, it is a norm which must conform to the higher norm of the objective world of truth. "Conscience is not an oracle which can draw the truth from its own obscure depths or even create it. It is the proper task of conscience to move the will in accordance with the truth of which it is aware and to search for the truth prior to its decision" (Häring).¹⁾ By its very nature conscience seeks illumination and guidance, which it finds in the order of creation, in the word of God, in the find-

¹⁾ Häring I, 1966, 148.

ings of the ethical sciences and especially in the teaching of the Church. Therefore, Vatican II demands that the members of the Church "must always be governed according to a conscience dutifully conformed to the divine law itself, and should be submissive toward the Church's teaching office, which authentically interprets that law in the light of the gospel" (GS 50; cf. LG 25; DH 14).

If man were careless in acquiring the knowledge necessary to form a prudent and responsible judgment of conscience or even disregarded his duty to do so, he would be guilty of a vinibly erroneous conscience, which is not a basis for lawful action. Not only the Church but also the state would hold such a person responsible if he were to do injustice to another person because of his negligence. A man who did his best to form a correct decision of conscience is by no means degraded in his dignity if he should nevertheless err in his decision. But "the same cannot be said of a man who cares but little for truth and goodness, or of a conscience which by degrees grows practically sightless as a result of habitual sin" (GS 16).

It is right that on the one hand knowledge of moral values draws its nourishment from the original and rich depths of the soul. But on the other hand, intellect and will must by their proper activity also cultivate, define, and deepen the soul's power to love. Hence, proper cultivation of integrity of conscience includes the study of the commandments and of the moral good under all its aspects. In this process of study, only self-conceited and haughty pride will in superficial preference rely on its own insights without openness and docility to the teaching of those who have special competence and who are the God-willed authorities in questions of faith and morals. The formation of conscience must go hand in hand with the realism of humility, which is aware of the necessary limitations of every individual.

3.) Conscience in confrontation with authority.

Particularly in recent times, the problem has risen (especially in the context of the dispute on the use of artificial means of birth control) how far a man has to submit his judgments of conscience to the judgments of experts and of religious authorities. Conflicts between the decision of ecclesiastical authority and the individual conscience can readily arise, caused by shortcomings on either side. Authority may fail in some in-

stances to arrive at the most just and prudent decision. And the subject is far from being infallible in his judgment of conscience.

Because limits of certitude are present on both sides, both sides ought to be cautious in their affirmations and rejections. Yet the presumption is in favour of authority. This is particularly true in the case of doctrines which have been formulated with the assistance and advice of many experts and competent theologians. In comparison to such conclusions, the insights of the individual must be considered as by far more limited and more exposed to error. Spontaneously, individuals are aware of this, and therefore they do not feel at ease with moral judgments of their own which conflict with the decisions of the Church. And justly so! If an individual conscience stands against the common opinion of experts, this ought to make the individual extremely careful, lest he becomes guilty of acting irresponsibly and with obstinate pride. Only well-founded certainty to the contrary can overthrow the presumption of right in favour of the superior and justify a decision deviating from the mind of the superior.

A subject must be so much the more careful and suspicious of himself the more competent the superior is and the more advice from experts he received before formulating his decision. Naturally, if there is a difference of opinion among the very experts and theologians themselves whether a decision given by a superior authority in a moral controversy was the correct one, then a subject's dissenting conscience can no longer be classified as an individual's questionable opinion. The fact that even experts and theologians have similar doubts adds to the probability that the subject's dissent has some good reasons in its favour. One can hardly deny that conscientious dissent under such circumstances possesses a greater likelihood of being justified.

But such differences of greater groups of subjects with the higher authority are not too frequent. The opposite danger is far more common, namely, that freedom of conscience is abused to justify unlawful disobedience to authority. Concerned about this, Vatican II expresses its apprehension: "Not a few can be found who seem inclined to use the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience. Therefore, this Vatican Synod urges everyone, especially those who are charged with the task of

educating others, to do their utmost to form men who will respect the moral order and be obedient to lawful authority." This task is of no less importance than the other one: to form men who will be lovers of true freedom and of an upright sense of responsibility (DH 8).

Chapter IV:

REALIZATION OF THE MORAL VALUE IN HUMAN ACTS

Having acquired the knowledge of his moral responsibility and task, man must realize the guidelines and imperatives of the moral law in his actions. Accordingly, the nature and characteristics of human acts must be studied next, which acts enable man to proceed towards or also to depart from his ultimate end and to miss or attain it.

A. Concept and nature of human acts

I. *Concept of human acts*

Human acts (*actus humani*) are actions that proceed from insight into the purpose of one's doing and from consent of free will; or shorter, they are acts which proceed from insight and free will.

Human acts are to be distinguished from acts of man (*actus hominis*) which are performed without intervention of intellect and free will. They comprise all spontaneous biological and sensual processes like nutrition, breathing, sensual impressions; all acts performed by those who have not the use of reason like people asleep, lunatics, drunken people; all spontaneous reactions which precede the activity of intellect and will, like first reactions of anger or sympathy. Likewise distinguished from human acts are forced acts, which though effected with some insight and cooperation of the intellect, are carried out against a man's personal decision and will. Some authors subsume forced acts under the acts of man as well.¹⁾

¹⁾ From human acts are also sometimes distinguished voluntary acts of necessary character (*actus voluntarii necessarii*), which are performed with insight into the end and with consent of will, yet without the liberty not to pose them (*sine libertate indifferentiae*), like the desire for happiness and salvation here on earth and the beatifying love in heaven. Human acts in the strict sense are consequently not all voluntary acts but only those which at the same time proceed from liberty of indifference (*actus voluntarii liberi*). The distinction is, however, of no great practical significance, and one may also wonder whether it is correct to deny the qualification of human acts to these voluntary acts of necessary character.