11. Pope Francis and *Amoris Laetitia*

Reform of Catholic Sexual Ethics?

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Abstract

There is a long-noted anthropological and methodological divide between Catholic social and sexual ethics. We argue in three cumulative sections that Pope Francis’ *Amoris Laetitia* moves towards an anthropological and methodological integration of Catholic social teaching and Catholic sexual teaching. First, we explore *Amoris Laetitia*’s anthropological integration of Catholic social and Catholic sexual teaching; second, we explore its methodological integration of Catholic social and sexual teaching; finally, we demonstrate how the anthropological and methodological insights of *Amoris Laetitia* might provide a more integrated and credible response to a contemporary ethical issue.

Keywords: *Amoris Laetitia*, anthropology, Catholic sexual teaching, Catholic social teaching, conscience, ethical method
Introduction

On the return flight from his visit to Africa, Pope Francis was asked if the Catholic Church should consider a change in its prohibition of the use of condoms to prevent the spread of HIV/AIDS. He answered that the question seemed too small, that “this is not the problem.” The first problem in Africa, and indeed worldwide, is much bigger than the use of condoms. The first problem is the reality of “‘denutrition, the exploitation of people, slave labor, lack of drinking water . . . These are the problems’” (O’Connell 2015). Condom use may address a small part of the human problem, but the greater problem to be addressed is systemic social injustice and violations of human dignity throughout the world. The second problem is the relationship between Church law and human dignity. Francis recalled a specious question put to Jesus by a Pharisee: “Tell me master, is it allowed to heal on the sabbath?” (Matthew 12:10). Jesus answered that any one of them would rescue his sheep on the sabbath and “of how much more value is a man than a sheep” (12:12). “Do justice,” is Francis’ answer, “but do not think whether it is allowed or not to heal on the sabbath. And when all these are cured, when there are no injustices in this world, then we can talk about the sabbath” (O’Connell 2015). Jesus’s response is prophetic and so is the pope’s. It foreshadows a shift in focus in how the magisterium and Catholic theological ethicists should prioritize questions relating to social justice and sexual ethics and how, therefore, they should approach those questions anthropologically and methodologically.

Pope Francis’s thoughts on the relationship between HIV/AIDS prevention and the social injustice of poverty highlights some of the methodological inconsistencies, which Catholic ethicists have long noted, between Catholic social teaching found in documents such as Populorum Progressio¹ and Catholic sexual teaching found in documents such as Pope Paul VI’s Humanae Vitae and the Congregation for the Doctrine of the Faith’s Persona Humana. Since the Second Vatican Council, Catholic social ethics has been largely principle-oriented, relational-focused, dynamic, and inductive; Catholic sexual ethics continues to be largely law-oriented, act-focused, static, and deductive. In this essay, we argue that this methodological divide between Catholic social and sexual ethics is bridged in Pope Francis’ apostolic exhortation, Amoris Laetitia. This bridge has profound ethical implications for how the magisterium approaches sexual ethics anthropologically and methodologically and how Christians make moral judgments regarding sexual ethical issues. The first point is the focus of this essay; the second point we illustrate with an example from Amoris Laetitia.

Official Catholic teaching prohibits the use of artificial contraception in a marital relationship because it separates the unitive and procreative meanings of the marital act. This prohibition includes the use of condoms to prevent the spread of HIV/AIDS in a serodiscordant married couple. In Amoris Laetitia, Pope Francis writes that “the use of methods [of fertility regulation] based on the ‘laws of nature and the incidence of fertility’ are to be promoted [emphasis added] since ‘these methods respect the bodies of the spouses, encourage tenderness between them, and favour the education of an authentic freedom’” (2016: 222), but nowhere in his exhortation does he mention Humanae Vitae (12), or Familiaris

¹ We focus on Pope Paul VI’s Populorum Progressio in this essay since it is a strong representation of Catholic social teaching anthropologically and methodologically.
Consortio (32), which specifically and absolutely condemn the use of artificial contraception in marriage. Instead, the principle of responsible parenthood as interpreted and acted upon by the married couple’s conscience in their particular circumstances is the basis for making responsible decisions to regulate their fertility (2016: 68, 167, 222). This shift from a deductive, act-focused morality – every act of artificial contraception in marriage is immoral – to an inductive, principle-focused morality, responsible parenthood, which takes into consideration the couple’s discerning consciences in light of their particular social, economic, and relational circumstances, opens up the possibility for using artificial contraception to regulate fertility or prevent the spread of HIV/AIDS for serodiscordant couples.

This example illustrates the profound ethical implications of Pope Francis’ bridge between Catholic social teaching and Catholic sexual teaching in Amoris Laetitia, which fundamentally recognizes the authority of conscience and “mitigating circumstances” that impact moral decision-making for all human beings. In this essay, we explore the anthropological and methodological foundations that lead to this development in Catholic teaching. Our essay develops in three cumulative sections. First, we explore Amoris Laetitia’s anthropological integration of Catholic social teaching and Catholic sexual teaching; second, we explore its methodological integration of Catholic social teaching and Catholic sexual teaching; third, we demonstrate how the anthropological and methodological insights of Amoris Laetitia might provide a more integrated and credible response to a contemporary ethical issue.

Amoris Laetitia: Anthropology

Pope Francis’s Amoris Laetitia is in continuity with anthropological developments in both Catholic social teaching and Catholic sexual teaching and builds on those developments. It also more thoroughly integrates the method of Catholic social teaching into Catholic sexual teaching and creates an opening for the development of sexual norms. Amoris Laetitia reflects the anthropology developed in Populorum Progressio and in much of Catholic sexual teaching. The human person is: a free subject (never an object) (2016: 33; 153); in corporeality, the physical and spiritual are integrated (2016: 151); in relationship to the material world (2016: 277), to others (2016: 187-98), to social groups (2016: 222), and to self (2016: 32); created in the image and likeness of God (2016: 10); a historical being (2016: 193); and is fundamentally unique but equal to all other persons (2016: 54). In its absolute proscriptive norms, traditional Catholic sexual anthropology prioritizes the biological meaning of the sexual act over its relational and spiritual meanings; Francis emphasizes the relational and spiritual in moral decision-making. This is especially evident in his emphasis on personal conscience, discernment, and virtue, to which we now turn.

In both his encyclical Evangelii Gaudium and Amoris Laetitia, Francis brings to the fore again the Catholic doctrine on the authority and inviolability of personal conscience, especially as it relates to “irregular situations” in marital and sexual relationships. Although he clearly rejects relativism and affirms objective norms (2013a: 64), he warns that “realities are more important than ideas” and there has to be an ongoing dialectic between reality and ideas “lest
ideas become detached from realities . . . objectives more ideal than real . . . ethical systems bereft of kindness, intellectual discourse bereft of wisdom” (2013a: 231). Sociological surveys repeatedly affirm the disconnect between the prescriptive norms of the magisterium on sexual ethics – the absolute norms that prohibit artificial contraception, homosexual acts, and communion for the divorced and remarried without annulment, for example – and the perspectives of the Catholic faithful. According to these surveys, the majority of Catholics judge these norms to be detached from reality, and they are following their consciences to make practical judgments on these and other moral matters.3

Francis calls for “harmonious objectivity” where ideas “are at the service of communication, understanding, and praxis” (2013a: 232). Such harmonious objectivity can be found in personal conscience, even in the consciences of atheists. In an exchange with an Italian journalist on the issue of atheists, Francis commented, “the question for those who do not believe in God is to abide by their own conscience. There is sin, also for those who have no faith, in going against one’s conscience. Listening to it and abiding by it means making up one’s mind about what is good and evil” (Davies). The “making up one’s mind,” we argue, is not an endorsement of relativism which Francis clearly rejects, but an affirmation of the discernment of ethical truth by conscience informed by objective norms and other sources of ethics like scripture, tradition, science, and experience. His early statement on conscience seems to affirm our assessment.

We also must learn to listen more to our conscience. Be careful, however: this does not mean we ought to follow our ego, do whatever interests us, whatever suits us, whatever pleases us. That is not conscience. Conscience is the interior space in which we can listen to and hear the truth, the good, the voice of God. It is the inner place of our relationship with Him, who speaks to our heart and helps us to discern, to understand the path we ought to take, and once the decision is made to move forward, to remain faithful (2013b).

This statement reflects a model of conscience very different from that of his two predecessors, John Paul II and Benedict XVI. Francis’s model strikes us as more faithful to the long-established Catholic tradition and its teaching on the inviolability of conscience.

In Amoris Laetitia, Francis brings again to the moral forefront the ancient, but in the recent Catholic past largely ignored, Catholic teaching on the authority and inviolability of personal conscience. His teaching on conscience is, indeed, in our judgment, one of the central teachings in Amoris Laetitia (see Keenan; Kelly; and Bretzke). He judges correctly that “individual conscience needs to be better incorporated into the Church’s praxis in certain situations which do not objectively embody our understanding of marriage” (2016: 303), or indeed of any complex ethical issue. He quotes Aquinas frequently throughout the document and especially significant is Aquinas’ teaching that the more we descend into the details of situations, the more general principles will fail (Francis 2016: 304; Aquinas: ST I-II.94.4). The devil, as the popular saying goes, is always in the details. Francis agrees with Paul VI’s earlier statements on Catholic social teaching (see Paul VI 1971: 4, 49, 50), that there is such an

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3 For a worldwide sociological survey of Catholic beliefs on a variety of sexual ethical issues, see Univision Communications.
“immense variety of concrete situations” that his document or any other moral document cannot “provide a new set of rules, canonical in nature and applicable to all cases” (Francis 2016: 300). The pathway to the moral solution of every situation is the pathway not of uninformed obedience to some rule but of an “internal forum” or conscience decision, an assiduous process of discernment, perhaps guided by a spiritual advisor, and a final practical judgment of conscience that commands a free subject to do this or not to do that (2016: 300-305). Only such an informed conscience can make a moral judgment about the details of any particular situation. “Truth,” Dignitatis Humanae teaches, “cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power” (Vatican II 1965a: 1). Such truth, we add, is reached only after a serious and conscientious process of discernment.

The place of discernment in moral decision-making complements the role and authority of conscience and seeks to inform and form it. The emphasis on discernment in Amoris Laetitia is a distinct anthropological contribution to both Catholic social teaching and Catholic sexual teaching. Although it is hardly surprising to find discernment recommended by a son of Ignatius of Loyola, it is surprising to find it used so centrally as a basis for guiding responsible decisions in the realm of sexual ethics. There are parallel historical developments in the displacement and then reinstatement of the authority of conscience and discernment in the moral life. Conscience was displaced in the nineteenth and twentieth centuries by magisterial authoritarianism, rules, and the demand for submission to them. Pius X’s Vehementer Nos clearly shows this. “The Church,” Pius asserted, “is essentially an unequal society, that is, a society comprising two categories of persons, the Pastors and the flock. . . .” These two categories are so hierarchically arranged that “with the pastoral body only rests the necessary right and authority for promoting the end of the society and directing all its members towards that end.” The only duty of the flock and the flock’s consciences “is to allow themselves to be led, and, like a docile flock, to follow the Pastors” (8, emphasis added). This displacement of conscience was itself displaced and the primacy of conscience was reinstated to its traditional centrality in Catholic moral life first by the Second Vatican Council (1965a: 3), and now by Francis (2013a, 2016). He has also reinstated the complementarity of discernment and morality. The intrinsic link between the spiritual and moral life, so central in Aquinas and the Medieval tradition, was effectively severed at the Council of Trent, where moral theology was aligned with Canon Law rather than with spirituality (Häring: 18; Curran: 12). This troubling disconnection and connection was codified and reinforced by the Manuals of moral theology that grew out of the Ratio Studiorum, the Jesuit model of study, that controlled the education of seminarians up to the Second Vatican Council.

In the Jesuit tradition, discernment is the art of prayerful decision-making that relies upon spiritual practices (Martin), including the practices of, we would argue, seeing, judging, and acting informed by the so-called Wesleyan Quadrilateral: scripture, tradition, experience, and reason/science. This approach is clearly reflected in Octogesima Adveniens (see Mich: 198, 203-4) and Populorum Progressio (see Figueroa Deck: 299-300). In his commentary on Amoris Laetitia, Andre Vingt-Trois, cardinal archbishop of Paris, writes that Amoris Laetitia invites all pastoral workers and, we add, all Christians, to return to “meditating on the message of Christ and the Christian tradition of the family and to seek to understand how this message could help to accompany families in the challenges that face them today” (quoted in Hoffner). Discernment,
Francis writes, requires “humility, discretion, and love for the Church and her teaching, in a sincere search for God’s will and a desire to make a more perfect response to it” (2016: 300). Discernment is much more than following rules and norms, and it moves us from a deontological-type ethic to a virtue-type ethic, grounded in the theological virtues of faith, hope, love, compassion, mercy, justice, and prudence, that helps us to see and judge from a uniquely Christian perspective to act in a uniquely Christian way. Seeing and judging may lead to acts that follow rules and guidelines presented by the Catholic Church or they may lead to acts that challenge those rules and guidelines. Authentic discernment and an informed conscience allow for, and sometimes may even demand, dissent from magisterial teaching. In the words of Cardinal Cupich, the voice of conscience “could very well affirm the necessity of living at some distance from the Church’s understanding of the ideal” (Chretien), while nevertheless calling a person to “new stages of growth” (Francis 2016: 303). Since conscience is a practical judgment that comes at the end of a process of deliberation, it necessarily involves the virtue of prudence, by which, according to Aquinas, “right reason is applied to action” (ST II-II.47.2) and without which, Aristotle and Aquinas agree, no other virtue or virtuous action is possible (Aristotle, Nichomachean Ethics 1145a1-2; Aquinas: ST II-II.47.6).

The shift from a focus on rules and acts to a focus on virtue and acts is a third fundamental anthropological and methodological shift in Amoris Laetitia. Virtue ethics focuses first on the character of a person rather than on his/her acts, on being rather than doing, but acts are still important as both manifesting and, when repeated consistently, shaping virtuous character; virtue manifests itself in acts. In virtue ethics, moral agents and their characters come first, and their moral actions come second; action follows being (see Statman: 7; Slote: 15; Van Inwagen: 392). The focus in Amoris Laetitia is not on rules and acts but on ways of being in the world, where the person is invited to strive to live a life like Christ in the service of God, spouse, family, neighbor, and society, all the while understanding that God’s mercy is infinite if we fall short. Chapter four of Amoris Laetitia, “Love in Marriage,” is a beautiful reflection on St. Paul’s poetic passage on the nature of true love (1 Corinthians 13:4-7) and the virtues associated with it. Love is patient, directed towards service, generous, and forgiving; love is not jealous, boastful, or rude. It is noteworthy that the virtue of chastity, so central in the traditional Catholic approach to love and sexuality in marriage, and so often deductively applied as a legalistic submission to the Church’s absolute proscriptive laws on sexuality, is mentioned only once in Amoris Laetitia, in the context of proving “invaluable for the genuine growth of love between persons” (2016: 206). Rather than a focus on chastity, there is focus on the virtues of love (2016: 89-164, passim), mercy (2016: 27, 47, 300, 306), compassion (2016: 28, 92, 308), reconciliation (2016: 106, 236, 238), forgiveness (2016: 27, 236, 268), and prudence (2016: 262).

Prudence is a cardinal virtue that guides all other virtues and is a prerequisite virtue for both conscience and discernment. Aquinas argues, indeed, that it is an essential prerequisite for the possession of all other virtues. It discerns the first principles of morality, applies them to particular situations, and enables conscience to make practical judgments that this is the right thing to do on this occasion and with this good intention (ST II-II.47.6). Prudence is said to be a cardinal virtue because it is a cardo or hinge around which all other virtues turn, integrating agents and their actions and ensuring that they make the right virtuous choice (ST
It is not difficult to see how it is an essential hinge around which the practical judgment of conscience and its right virtuous choice turns.

**Amoris Laetitia and Method**

Christoph Schönborn, cardinal archbishop of Vienna, judges that *Amoris Laetitia* “is the great text of moral theology that we have been waiting for since the days of the [Second Vatican] Council” (quoted in Wooden). It makes two momentous, Copernican shifts. The first is methodological, from a deductive to an inductive ethical method; the second is theological, from an ecclesiology of Pius X’s unequal society to one of all believers in equal communion, bridging the traditional disconnect between moral theology and pastoral counseling (Rigali: 225).

Deductive reasoning, which traditionally characterized both Catholic social teaching and Catholic sexual teaching, begins with a universally accepted definition of human dignity and universal principles or norms that facilitate or frustrate its attainment. Inductive reasoning begins with cultural, social, and contextual definitions of human dignity and formulates and justifies norms that facilitate or frustrate its attainment. Inductive reasoning begins with particular situations to attain universal insights (see Miller). “It is reductive,” *Amoris Laetitia* notes, “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” (2016: 304, emphasis added). We must begin with the particular contextual reality of the human person to discern what rule applies or what new rule needs to be formulated to address the reality. *Amoris Laetitia* cites with approval the International Theological Commission’s statement that “natural law could not be presented as an already established set of rules that impose themselves *a priori* on the moral subject” (2016: 305). This is the only time, in fact, that Francis mentions natural law in the two hundred and fifty-six pages of *Amoris Laetitia* and it is mentioned in the context of a warning against a deductive approach to moral decision-making and promotes natural law as “a source of objective inspiration for the *deeply personal* process of making decisions” (2016: 305, emphasis added).

*Amoris Laetitia* cites with approval, for the first time ever in Catholic sexual teaching, Aquinas’s warning that, 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” (2016: 304; Aquinas: *ST* I-II.94.4). Aquinas’s principle has often been cited by Catholic theological ethicists to refute claims to absolute sexual norms. By citing this text from Aquinas, at the very least *Amoris Laetitia* is cautioning against a deductive, one-rule-fits-all approach to moral decision-making and emphasizing the importance of particular contexts and circumstances and an inductive approach.

Second, *Amoris Laetitia* recognizes historical consciousness in its law of gradualness, borrowed from John Paul II, which acknowledges that the human being “knows, loves, and accomplishes moral good by different stages of growth” (John Paul II 1981: 34; Francis 2016: 295). This is illustrated best in Francis’s discussion of the morality of cohabitation. Nowhere in his Exhortation does he condemn cohabitation in blanket fashion, as he surely would have
to do if he were following traditional Catholic sexual norms. Contrary to the Final Report from the 2014 and 2015 synods\(^4\) which condemn all cohabitation, he makes a distinction between “cohabitation which totally excludes any intention to marry” (2016: 53) and cohabitation dictated by “cultural and contingent situations” (2016: 294) like poverty. The latter cohabitation requires a “constructive response” that can lead to marriage when circumstances permit it. We have previously named the former non-nuptial cohabitation and the latter nuptial cohabitation (Lawler and Risch). Borrowing from Jesus’s treatment of the Samaritan woman and applying the law of gradualness, he accepts the latter in the knowledge that the human being accomplishes moral good by stages of growth (2016: 295). The Catholic Church must never “desist from proposing the full ideal of marriage, God’s plan in all its grandeur.” Aware, however, of all the historical, cultural, psychological, and “even biological” mitigating circumstances, she must also never desist from accompanying “with mercy and patience the eventual stages of personal growth as these progressively appear” (2016: 308). Acknowledging the law of gradualness, an overt expression of historical consciousness, Francis recognizes that some types of cohabitation may be genuinely loving relationships that will grow into marriages. The same law of gradualness may be conscientiously discerned to apply to other ethical issues– communion for the divorced and remarried, for instance.

We note a third shift, dependent on the first and second shifts. Prior to the Second Vatican Council, ethical method and the approach to ethical questions, both social and sexual, were primarily classicist and deductive: they started with accepted traditional abstract ethical principles, formulated absolute norms from those principles in Catholic sexual teaching, and then applied those principles and norms to particular situations and acts. Gaudium et Spes opened the Catholic Church to a different approach, an historically-conscious, inductive approach that starts with the human person and the human situation and works upward to specific ethical rules and general ethical principles. It emphasized that, “[t]hanks to the experience of past ages, the progress of the sciences, and the treasures hidden in the various forms of human culture, the nature of man himself is revealed and new roads to truth are opened” (Vatican II 1965b: 44, emphasis added). This trilogy – human experience, culture, and science – is paradigmatic for an inductive approach and is widely reflected in Amoris Laetitia.

First, Amoris Laetitia is based on “the joy of love experienced by families [that] is also the joy of the Church” (2016: 1). It is grounded in experience and bases its reflections on the experience of actual married life and the human sexuality complexly reflected in it, and on the socio-economic factors like poverty and hunger that so impact it throughout the world (2016: 25). Relating human experience to the formulation of norms, Margaret Farley asserts, and we agree, that moral norms cannot become effective in the Church merely “from receiving laws or rules,” for reception “entails at the very least a discernment of the meaning of laws and rules in concrete situations” (177). Such discernment requires reflection on human experience – personal, social, and religious – and the social sciences throw revealing light on that experience. We agree wholeheartedly with Farley’s further assertion that “it is inconceivable

\(^4\) A “synod” is a gathering of bishops from various regions of the world that serves as a consultative body for the Pope on matters of faith and morals.
that moral norms can be formulated without consulting the experience of those whose lives are at stake” (177).

Second, *Amoris Laetitia* recognizes and embraces the importance of particular cultural contexts. This concern for the import of experiential and cultural particularity was evident in the two synods which presented surveys to, and requested feedback from, Catholic faithful on their lived experiences in relationship to Church teaching. Taking these reflections to heart, *Amoris Laetitia* notes that “Each country or region . . . can seek solutions [to ethical and/or pastoral issues] better suited to its culture and sensitive to its traditions and local needs” (2016: 3, emphasis added). The sciences, finally, can be helpful for the education, growth, and development of children in families and for the elucidation of their circumstances (2016: 273, 280).

*Amoris Laetitia* demonstrates some theological development in its use of scripture and a unique ecclesiological perspective when approaching marital, familial, and sexual ethical issues. First, there is a shift to virtue, highlighted best in chapter four’s beautiful reflection on Paul’s 1 Corinthians 13:4-7. There is a fundamental shift from proscriptive rules to virtue rules and to scripture as a pedagogical source for virtues in a marital and moral life. *Amoris Laetitia*’s use of scripture on issues like marriage and divorce, however, is at times selective and incomplete. It presents Matthew 19:6’s teaching on the indissolubility of marriage, for example, but fails to note his permission of divorce in the case of *porneia* (Matthew 19:9). It also fails to acknowledge the reality that the Church has granted and continues to grant divorce via the “Pauline privilege,” based on Paul’s teaching in 1 Corinthians 7:12-15, and has historically granted them via the so-called “Petrine privilege,” based on marital situations caused by slavery (see Lawler and Salzman 2017a). It does not cite any scriptural text to condemn homosexual relationships and avoids much of the proof-texting of scripture that earlier magisterial documents utilize when addressing specific ethical issues.

Second, much like Catholic social teaching that empowers local bishops’ conferences to formulate and apply Catholic social teaching on the basis of their particular cultural and socio-economic contexts, *Amoris Laetitia* refers extensively to bishops’ conferences and how they have responded to particular ethical questions with respect to married and family life (2016: 42 [Korean Bishops], 32 [Spanish Bishops], 51 [Mexican Bishops]). Pope Francis has made a concerted effort towards decentralization of power and an attempt to empower bishops’ conferences. The consultation of the laity before and during both synods shows his commitment also to the *sensus fidelium* and ecclesial synodality. Some theological explanation is needed here. First, *sensus fidelium* is a theological concept which denotes “the instinctive capacity of the whole Church to recognize the infallibility of the Spirit’s truth” (Thiel: 47). It is a charism of discernment, possessed by the whole Catholic Church, which receives a church teaching as apostolic and, therefore, to be held in both faith and praxis. One of the great debates as the Second Vatican Council’s *Lumen Gentium* was birthing was over who should be consulted about Catholic doctrine. Vatican theologians argued Pius X’s position that it was only the *magisterium* who determined doctrine, a claim that had become much more common since the definition of papal infallibility by the First Vatican Council in 1870. Conciliar bishops and theologians responded with the more historically accurate claim that the Catholic Church’s faith was preserved in the faith of all believers, lay and clerical together. They argued that, although the magisterium spoke for the Catholic Church, it was also obliged to speak from the
church and that, when it ignored a clear *sensus fidelium* in the whole church, it was being unfaithful to the Catholic Church’s rule of faith. *Lumen Gentium* is clear. “The body of the faithful as a whole,” it taught, “anointed as they are by the Holy One (cf. 1 John 2:20; 2:27), cannot err in matters of belief. Thanks to a supernatural sense of the faith (*sensus fidelium*) which characterizes the people, it manifests this unerring quality when, ‘from the bishops to the last of the faithful,’ it manifests universal agreement in matters of faith and morals” (Vatican II 1964: 12, emphasis added). In the Church now re-emerging from the Second Vatican Council, which is believed to be not an unequal society but an equal communion of believers, any effort to evaluate a magisterial teaching will automatically include open dialogue, uncoerced judgment, and free consensus. That is the way genuine, authentic, and universal *sensus fidelium* is formed. Surveys of laity leading up to the 2014 and 2015 synods and *Amoris Laetitia*, which attempt to include the voices from those surveys, clearly reflect a useful process for discerning *sensus fidelium*.

Second, this discernment is a complex process, which takes time, patience, and a commitment to the kind of honest and charitable dialogue that Pope Francis so appreciated at the 2014 Synod on Marriage and the Family and characterized as “a spirit of collegiality and synodality” (2014). Some see a defining characteristic of his papacy as seeking to realize synodality, the ecclesiology of Vatican II that focuses on journeying together and listening to the input from all quarters of the Catholic Church, laity and clerics alike, to engage in charitable, honest, and constructive dialogue to discern God’s will and the path the Catholic Church must follow to live according to that will. This requires what both John Paul II and Francis frequently refer to as “dialogue in charity.” The two synods that laid the foundation for *Amoris Laetitia* modeled this dialogue in a way that previous synods have not. Synodality is a central dimension of Pope Francis’s papacy and will open the door, we hope, to further dialogue and development in the Catholic Church.

*Amoris Laetitia* and New Pastoral Methods

Pope Francis notes that the two synods preceding *Amoris Laetitia* “raised the need for new pastoral methods . . . that respect both the Church’s teaching and local problems and needs” (199). The concept of new pastoral methods in *Amoris Laetitia* draws from both philosophical and theological methods and highlights a fundamental methodological distinction between moral theology and pastoral theology, between the objective and subjective realms of morality. Norbert Rigali addressed this issue thirty years ago and his insights then continue to be relevant today in the post-*Amoris Laetitia* era. Rigali argued there has been and, we suggest, continues to be, a “chasm” for some Catholic ethicists between moral theology and its focus on the objective realm of ethics and morality and pastoral theology and its focus on the subjective realm of moral theology (Rigali: 224-25). The former emphasizes natural law, objective norms, and magisterial teaching; the latter emphasizes pastoral guidance and subjective conscience. These two different approaches yield a “two-moral truths theory” (Rigali: 225), one objective and the other subjective. This methodological distinction reflects an ongoing debate on the

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5 The English word *synod* is significant. It derives from the Greek *suo*, meaning together, and *hodos*, meaning travelling or journeying. Synod therefore insinuates journeying together.
role and function of conscience in relationship to objective norms. To clarify the ethical implications of this debate, we return to our discussion on conscience.

It is common in contemporary theological ethics to distinguish between what is called the object-orientation and subject-orientation of conscience. The former highlights laws and norms; the latter highlights conscience’s discernment, interpretation, and application of the laws and norms in light of all the contextual and relational circumstances of a complex lived reality. Theological ethicists highlight different orientations, which lead to competing models on the interrelationship between magisterial teaching and conscience.

In his Pastoral Guidelines for Implementing Amoris Laetitia, Archbishop Chaput of Philadelphia writes that “Catholic teaching makes clear that the subjective conscience of the individual can never be set against objective moral truth as if conscience and truth were two competing principles for moral decision making” (Archdiocese of Philadelphia). In “An Open Letter to Pope Francis,” Catholic philosophers John Finnis and Germain Grisez list several positions in Amoris Laetitia that they judge “contrary to Catholic faith,” which echoes Chaput’s stance. In one sense, Chaput, Finnis and Grisez are correct, there is only one ethical truth. The objective orientation of truth and the subjective orientation of truth are not two competing ethical truths but two complementary principles for arriving at that one truth. In another sense, by prioritizing the external, object-orientation of a norm, objective ethical truth in itself (Fuchs: 125), over against the subject-orientation of conscience, subjective ethical truth, they are incorrect. An assertion of an object-orientation of conscience, obligating the subjective conscience simply to obey the ethical norm without any discernment, is contrary to Catholic teaching. Any conscience decision must discern ethical truth in the subject in light of every relevant circumstance. We are in total agreement with Fuchs and Rigali. Ethical truth is not something that objectively exists in itself over against the moral subject who is obligated to learn it and follow it but something that is discerned by and exists only within the moral subject, only within myself (Fuchs: 125). Ethical truth is knowledge within the knowing subject of the interrelationship between the moral object and the moral subject; moral truth exists only in the moral subject (Rigali: 225-27). Pope Francis seems to defend this kind of prioritization of the moral subject and her/his conscience. This is evident in several different ways in Amoris Laetitia.

Speaking of those in the “irregular situation” of being divorced and remarried without annulment, Francis acknowledges that they “can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for personal and pastoral discernment” (2016: 298). In a footnote that became instantly famous, he cites the Second Vatican Council’s judgment that if they take the option of living as brother and sister that the Church offers them, “it often happens that faithfulness is endangered and the good of the children suffers” (2016: 298 n. 329; see Vatican II 1965b: 51). For these reasons, the pope continues, “a pastor cannot feel that it is enough simply to apply [objective] 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 [objective] teachings, ‘sitting on the chair of Moses and judging at times with superiority and superficiality difficult cases and wounded families’” (2016: 305). Acknowledging the influence on the practical judgment of conscience of the concrete circumstances he has enumerated, the pope advises that subjective “individual conscience needs to be better incorporated into the
Church’s praxis in certain situations which do not objectively embody our understanding of marriage” (2016: 303). His argument, of course, applies not only to divorce and remarriage but also to every other concrete personal moral situation.

It is clear that Francis holds and teaches what the Catholic Church he pastors teaches but has been reticent to speak about in recent centuries, namely, a subject- rather than an object-orientation of conscience. To make a genuine conscience-judgment, as he argues in Evangelii Gaudium, we need a “harmonious objectivity,” in which the internal and external realities of people’s concrete lives, which “simply are,” are in continuous dialogue with intellectual ideas, which must constantly be “worked out.” Intellectual ideas disconnected from concrete realities, Francis judges, “give rise to ineffectual forms of idealism and nominalism, capable at most of classifying and defining, but certainly not calling to [moral] action. What calls us to [moral] action are realities illuminated by reason” (2013a: 232-33). In irregular situations, then, it is not the case that the norm has exceptions, which would be the case in an object-orientation focus; rather, it is that the norm has nothing to say in such situations without subjective understanding, practical judgment of conscience, and application, which is the case in a subject-orientation focus of conscience (Rigali: 229). In other words, an object-orientation gives priority to the norm and evaluates conscience on whether or not it conforms to the norm. The burden of proof is on the conscience if it claims exceptions to the norm. A subject-orientation carefully discerns which norm applies in a given situation and makes a conscience decision in light of that norm and all the morally relevant circumstances. In the case where a norm does not apply, for example, the norm prohibiting communion for a divorced and remarried couple where living as brother and sister would damage marital and familial relationships, another norm, allowing for participating in the sacraments, may apply. In addition, when irregular situations become regular in terms of lived human experience, the objective norm must be revised to reflect that lived experience, as the objective norm permitting slavery was revised to prohibit slavery when the freedom of every equal human being was acknowledged or when the norm prohibiting the taking of interest on money was revised to permit the taking of interest when money was acknowledged as personal capital.

Methodologically, Francis’s call in Amoris Laetitia for the “need for new pastoral methods” which “respect both the Church’s teaching and local problems and needs” places him firmly within the Catholic moral tradition by prioritizing a subject- rather than an object-orientation of conscience, overcomes the chasm between moral theology and pastoral counseling, and places a single ethical truth where it belongs, in the moral subject’s practical judgment of conscience. In other words, “there is not moral law and conscience; there is only moral law of conscience, the moral law constituting conscience itself” (Rigali: 226).

The established-tradition in Catholic social teaching that the Catholic Church “proposes principles for reflection; it provides criteria for judgment . . . [and] it gives guidelines for action” (Catechism: 2423, emphasis added) is more reflective of the prioritization of a moral subject-orientation. Traditional Catholic sexual teaching and the magisterium’s absolute proscriptive sexual norms are more reflective of the prioritization of a moral object-orientation. Pope Francis’s suggestion of new pastoral methods lights a pathway to methodological consistency between Catholic social teaching and Catholic sexual teaching by consistently prioritizing the moral subject-orientation of a discerning conscience over the moral object-orientation of norms external to the subject, even in matters that can be understood as sexual. We conclude with an
example to illustrate possible new pastoral methods and a methodological integration of Catholic social teaching and Catholic sexual teaching.

Integration of Catholic Social Teaching and Catholic Sexual Teaching: An Example

An essential experiential and methodological consideration in Amoris Laetitia that explicitly brings together Catholic social teaching and Catholic sexual teaching is the recognition of the impact of poverty on relational decisions. Francis offers the example of a couple who cohabit “primarily because celebrating a marriage is considered too expensive in the social circumstances. As a result, material poverty drives people into de facto unions” (2016: 294). Economic realities profoundly impact human relationships, and this impact is overlooked in magisterial teaching that proposes one-size-fits-all norms in Catholic sexual teaching, as illustrated by an incident on Pope Francis’s visit to the Philippines in January 2015.

On his visit, a former homeless girl, Glyzelle Palomar, gave a heart-wrenching address to the pope and some 30,000 young people gathered for Filipino youth Sunday. In that address, she burst into tears recounting her experience of homelessness. “There are many children neglected by their own parents. There are also many who became victims and many terrible things happened to them like drugs or prostitution. Why is God allowing such things to happen, even if it is not the fault of the children? And why are there only very few people helping us?” (Catholic News Agency). Pope Francis responded to her with the profound compassion that characterizes his papacy, imploring Christians to learn how to weep in solidarity with those who suffer, especially the most vulnerable in society.

What was left unaddressed in both the pope’s and the Philippine bishops’ responses to Glyzelle’s plight, and that of countless others like her, is the correlation between poverty and homelessness, especially among children, and the rigid stance of the Philippine bishops who stridently resist the legalization of birth control in the country. A Guttmacher Institute study indicates that 50% of all pregnancies in the Philippines are unintended and 90% of these unintended pregnancies are due to a lack of access to birth control (Finer and Hussain). Only in 2012 did Filipino lawmakers pass a bill for free family planning and access to contraceptives, legislation that the bishops fiercely resisted and continue to resist (Vincent). On the flight home from the Philippines, Francis reiterated the Catholic Church’s stance against artificial birth control and promoted natural family planning. He also recounted an encounter he had with a young Filipino woman who had seven children and was currently pregnant. He called this irresponsible and commented, “Some think . . . that in order to be good Catholics we have to be like rabbits – but no” (quoted in Narang). Though we commend the pope for advocating responsible parenthood, we respectfully disagree with his position that natural family planning is the only ethically legitimate method for realizing responsible parenthood.

There seems to be a surprising unawareness on the part of the pope and bishops worldwide of how patriarchal culture, gender norms, familial relations, and economic and political factors impact reproductive decisions in marriages. This unawareness reflects the fundamental methodological distinction between Catholic social teaching and Catholic sexual teaching, the former prioritizing subject-orientation by offering ethical principles and criteria for personal judgment of an informed and carefully discerning conscience, the latter prioritizing object-orientation by offering absolute ethical prescriptive norms for obedience. An integrated methodological approach that prioritizes moral subject-orientation would offer
a general principle, responsible parenthood, for example, and allow a married couple to work out how to realize this principle through a discerning conscience that considers all the relational, social, contextual, and gender circumstances. We agree fully with Pope Francis’s earlier statement on the prioritization of first meeting basic needs, social issues relating to the fifth commandment, before we talk about “the sabbath,” in this case sexual issues relating to the sixth commandment. *Amoris Laetitia* makes some progress in integrating the two methodological perspectives of Catholic social teaching and Catholic sexual teaching, especially in its reflection on economic-driven cohabitation, but more integration is needed.

This integration has implications for how we understand ethical truth and how we formulate and justify norms to guide conscience. First, it is the role, function, and inviolable authority of conscience to determine if a norm has any relation to a particular life situation. Highlighting irregular situations and the approach to them, Pope Francis seems to be indicating that not only is the situation irregular but also that norms objectively related to the situation are also irregular, and that conscience must discern if a norm is applicable and to be applied to a particular situation. In the case of the divorced and remarried without an annulment, for example, it is not the case that a couple may be permitted to take communion as an exception to the general norm; it is that the norm itself does not apply to all the different situations of divorced and remarried couples. Second, as irregular situations gradually become regular, as is now the case with cohabiting couples already committed to marry one another, so-called nuptial cohabitators, and couples practicing artificial contraception in their marital relationship, there may need to be an “organic development of doctrine” (O’Connell 2016), perhaps similar to the development of the doctrines on slavery, usury, and religious freedom, that fundamentally changes the doctrine. Even though, at this point, *Amoris Laetitia* changes no specific Catholic doctrines (Lawler and Salzman 2017b), its anthropological and methodological developments lay the foundation for an organic development that can effect doctrinal change, in much the same way as Pope John XXIII’s encyclical *Pacem in Terris* laid a sure foundation for the Second Vatican Council’s *Dignitatis Humanae* and its entirely reformulated doctrine on religious freedom.

On the basis of *Amoris Laetitia*’s anthropological focus on discernment, conscience, and a virtue-based approach to decision-making, we can anticipate some normative development on ethical, including sexual, issues and, perhaps, a revision of some absolute proscriptive sexual norms that many of the faithful, via discerning consciences, have already revised and are at peace with. These developments will be supported by Francis’s methodological focus on inductive reason, historical consciousness, appreciation of culture, integration of the sciences, explicit concern for the impact of socio-economic conditions on relationships, historical-critical use of scripture, a communion ecclesiology, and the introduction of new pastoral methods that acknowledge the reality and legitimacy of subject-oriented ethical truth.

**Conclusion**

There remains much theological-ethical work to be done to draw out the full anthropological, methodological, and normative implications of *Amoris Laetitia* for Catholic sexual ethics, but it is already clear that it will stimulate, indeed has already stimulated, debate around the ethical issues involved in irregular sexual situations that appeared magisterially settled with the publication of Pope John Paul II’s *Veritatis Splendor* in 1993. The issues we
have focused on in the grand plan of *Amoris Laetitia* will, we believe, be in the forefront of that theological debate: first, the reinstatement of the authority and inviolability of an informed conscience in making moral decisions proceeding to action judged to be moral and virtuous guided by new pastoral methods; second, the gradualness of growing into Christian and marital life it takes for granted; third, the emphasis on the virtues of love, mercy, compassion, and the prudential non-judgment of other people and their situations; and fourth, Francis’s articulated vision of church as essentially synodal. We have no doubt that in *Amoris Laetitia* Pope Francis has pointed the way, not to any abrogation of Catholic moral doctrine but to a renewed gospel approach to and prioritization of it.

The *Catechism of the Catholic Church* teaches that “the Church’s social teaching proposes *principles for reflection; it provides criteria for judgment; it gives guidelines for action*” (2423, emphasis added). This trinity, principles for reflection, criteria for judgment, and guidelines for action, was implicit in *Populorum Progressio*, was introduced into Catholic social teaching in Paul VI’s *Octogesima Adveniens* in 1971, and was repeated in both the Congregation for the Doctrine of the Faith’s *Instruction on Christian Freedom and Liberation* in 1986 and in John Paul II’s *Sollicitudo Rei Socialis* in 1987. It is now an established part of Catholic socio-ethical teaching that increasingly underscores individual responsibility, which John Paul II accentuates when he teaches that the Catholic Church seeks “to guide people to respond, with the support of rational reflection and of the human sciences, to their vocation as responsible builders of earthly society” (1987: 1, 41, emphasis added). In social morality, the Catholic Church guides; responsible persons, drawing on the church’s guidance, their own practical judgment of conscience that prioritizes the subject-orientation over the object-orientation, and the findings of the human sciences, respond responsibly. Unfortunately, this model of relationship-responsibility still appears to apply only in social ethics. In sexual ethics, the place which one would expect to be “more than any other the place where all is referred to the informed conscience” (Calvez: 648), a prescribed-obedience model antithetical to free, personal responsibility still applies. In sexual ethics, the hierarchical magisterium provides no principles and guidelines for reflection, judgment, and action, only absolute norms to be obeyed. Since both social and sexual ethics are exercised by the same responsible persons, it appears to us illogical that there should be this twofold methodological standard. It also appears to us, however, that Pope Francis’ *Amoris Laetitia* lights a pathway for the transformation of this twofold standard to a single standard in both Catholic social teaching and Catholic sexual teaching. Francis appears to be aware of and submissive to *Dignitatis Humanae*’s teaching: “Truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power” (Vatican II 1965a: 1). Ethical truth, in the long run, resides in the discerning conscience of the ethical knower.

**Bibliography**

Aquinas, Thomas  

Bretzke, James T.  
Calvez, Jean-Yves  

*Catechism*  

Catholic News Agency  

Chretien, Claire  

Curran, Charles E., editor  

Davies, Lizzy  

Farley, Margaret A.  

Figueroa Deck, Allan  

Finer, Lawrence B., and Rubina Hussain  

Finnis, John, and Germain Grisez  
Francis, Pope


Fuchs, Josef


Härting, Bernard


Hoffner, Anne-Bénédicte


Janssens, Louis.


John Paul II, Pope


Keenan, James F.

Kelly, Conor M.
2016 “The Role of the Moral Theologian in the Church: A Proposal in Light of

Lawler, Michael G., and Gail S. Risch

Lawler, Michael G., and Todd A. Salzman
2017a “Catholic Doctrine on Divorce and Remarriage: A Practical Theology
Analysis.” Theological Studies 78, 3: 326-47.

Martin, James
2016 “Understanding Discernment is Key to Understanding Amoris Laetitia.”
America (April 8). Access online at https://www.americamagazine.org/
issue/discernment-key-amoris-laetitia.

Mich, Marvin, L.
2005 “Commentary on Mater et Magistra (Christianity and Social Progress).” Pp. 191-
216 in Modern Catholic Social Teaching: Commentaries and Interpretations. Edited by

Miller, Richard B.
1996 Casuistry and Modern Ethics: A Poetics of Practical Reasoning. Chicago: University of
Chicago Press.

Narang, Sonia
2015 “Catholic Leaders Battle Against Free Birth Control in the Philippines.” Public
Radio International, January 22. Available online at
http://www.pri.org/stories/2015-01-22/catholic-leaders-battle-against-free-
birth-control-philippines.

O’Connell, Gerard
2015 “Pope Francis on Paris Climate Change Summit: ‘It’s Either Now or Never.’”
America (November 30). Available online at
https://www.americamagazine.org/content/dispatches/popes-press-
conference-flight-bangui-rome.
2016 “Amoris Laetitia’ Represents an Organic Development of Doctrine, ‘Not a
Rupture.’” America (April 8). Available online at
https://www.americamagazine.org/faith/2016/04/08/amoris-laetitia-
represents-organic-development-doctrine-not-rupture.

Paul VI, Pope
1967 Populorum Progressio (March 26). Available online at http://w2.vatican.va/
content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_26031967_
populorum.html.


Pius X, Pope

1906 *Vehementer Nos*. Available online at http://w2.vatican.va/content/pius-x/en/encyclicals/documents/hf_p-x_enc_11021906_vehementer-nos.html.

Philadelphia, Archdiocese of


Rigali, Norbert


Slote, Michael A.


Statman, Daniel


Thiel, John E.


Univision Communications


Van Inwagen, Peter


Vatican II


Vincent, Stephen
2012 “Filipino Church Vows Continued Opposition to ‘Reproductive Health’ Bill.”
National Catholic Register (December 20). Available online at
http://www.ncregister.com/daily-news/filipino-church-vows-continued
opposition-to-reproductive-health-bill.

Wooden, Cindy
2016 “‘Amoris Laetitia’ at Three Months: Communion Question Still Debated.”
National Catholic Reporter (July 7). Available online at