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Inconsistencies in Catholic Social and Sexual Ethics: Towards a Reconciliation

Abstract

There is a long-noted methodological and anthropological divide between Catholic social and sexual ethics. We argue in three cumulative sections that Pope Francis' *Amoris Laetitia* moves towards a methodological and anthropological integration of Catholic social and sexual ethics. First, we explain several anthropological and methodological dimensions in *Populorum Progressio* and Catholic social teaching; second, we explain several anthropological and methodological dimensions in Catholic sexual teaching; finally, we demonstrate how *Amoris Laetitia* integrates and builds upon dimensions of both Catholic social and sexual methodologies and anthropologies.

Keywords: *Amoris Laetitia*, anthropology, Catholic sexual teaching, Catholic social teaching, conscience, ethical method, *Populorum Progressio*.

Streszczenie

Niespójności w katolickiej etyce społecznej i seksualnej: W kierunku pojednania

Od dawna zauważa się metodologiczny i antropologiczny rozdzźwięk między katolicką etyką społeczną a seksualną. W trzech powiązanych częściach argumentujemy, że adhortacja *Amoris laetitia* papieża Franciszka zmierza w kierunku metodologicznej i antropologicznej integracji katolickiej etyki społecznej i seksualnej. Po pierwsze, omawiamy kilka wymiarów antropologicznych i metodologicznych w *Populorum progressio* i katolickiej nauce społecznej; po drugie, przedstawiamy wybrane aspekty antropologiczne i metodologiczne katolickiego nauczania na temat seksualności; na koniec pokazujemy, w jaki sposób *Amoris laetitia* integruje i rozwija elementy zarówno społecznej, jak i seksualnej metodologii oraz antropologii katolickiej.

Słowa kluczowe: *Amoris laetitia*, antropologia, katolickie nauczanie o seksualności, katolicka nauka społeczna, sumienie, metoda etyczna, *Populorum progressio*.

On the return flight from his visit to Africa, Pope Francis was asked if the Church should consider a change in its absolute prohibition of the use of condoms to prevent the spread of HIV/AIDS. He responded that the question seemed too small. The real problem, he suggested, is more complex than that. It concerns the reality of “denutrition, the exploitation of people, slave labor, lack of drinking water (...). These are the problems”. While condoms may address a small part of these problems, the greater problem to be addressed is “social injustice” and the systemic violation of human dignity throughout the world. A second question was about the relationship between Church law and human dignity. Francis answered this question by recalling the specious question put to Jesus by a Pharisee: “Master, is it allowed to heal on the Sabbath?” “I would say to mankind”, Francis responded, “do justice (...) 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”. The Pope’s response is prophetic, foreshadowing a shift in how the Magisterium and Catholic theological ethicists should prioritize questions relating to social justice and sexual ethics.

Pope Francis’ reflection on the relationship between HIV/AIDS and the social injustice of poverty highlights some of the ethical inconsistencies, which Catholic ethicists have long noted, between Catholic social and sexual teaching. Social teaching is found in documents such as Pope Paul VI’s *Populorum Progressio* (henceforth PP). Sexual teaching is found in the same Pope’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, relation-focused, dynamic, developmental, and inductive¹; Magisterial sexual ethics continues to be largely law-oriented, act-focused, static, and deductive. In this essay, we argue that this inconsistent methodological divide between Catholic social and sexual ethics is bridged in Pope Francis’ Apostolic Exhortation, *Amoris Laetitia* (henceforth AL). Our essay develops in three cumulative sections. First, we explain some anthropological and methodological issues in PP and Catholic social teaching (henceforth CSot); second, we explain some anthropological and methodological issues in Catholic sexual teaching (henceforth CSeT); thirdly, we demonstrate how AL integrates and builds upon dimensions of both Catholic social and sexual methodologies.

¹ See Charles E. Curran. 2002. *Catholic Social Teaching: A Historical, Theological and Ethical Analysis*. Washington, DC: Georgetown University Press.

1. *Populorum Progressio*: Integral Human Development and Method

Many scholars refer to PP as Catholic Social Teaching's Magna Carta on development. It provides the most extensive definition of development in the history of CSoT and, intrinsic to that definition, a corresponding anthropology of human dignity and a method for doing social ethics. We consider each in turn.

1.1. *Populorum Progressio* and Human Dignity

PP proposes a definition of human dignity essentially linked to development. It explains fundamental violations of human dignity, oppressive social structures, dehumanizing working conditions, disparities of power, and proposes a development towards the fully human. The most basic are fundamental human needs, food, water, clothing, shelter, education, and overcoming social barriers. Next is growth in recognition of and respect for others and their dignity, and cooperation to realize both the common good and peace. Then comes recognition of supreme values granted by God; and finally comes the highest value, a living faith in God that seeks human community in Christ (PP, 21). Material goods that meet the basic human needs are necessary for human dignity, but they are neither sufficient nor superior to the relationship with God through Christ. There is a clear emphasis in PP on the relationship with God as the highest human value, which is not dependent on lower values but finds in them an essential element of human development. Three years before PP, the Second Vatican Council's *Gaudium et Spes* had laid the foundation for a holistic definition of the human person integrally and adequately considered, and its anthropological influence can be detected throughout PP.

Gaudium et Spes (henceforth GS) gives a general guide for defining human dignity. In its section on marriage and the family, it notes

the moral aspect of any procedure [to harmonize] conjugal love and the responsible transmission of life, for instance (...) must be determined by objective standards. These [are] based on the nature of the human person and his acts (51).

The official commentary on GS explains that this principle is applicable to not only marriage and sexuality but also the entire realm of human activity, including social justice, and is formulated as a general principle. "Human activity must be judged insofar as it refers to the human person integrally and adequately consid-

ered”². Every human activity, in our terms, must somehow facilitate, not frustrate, the attainment of human dignity. Theologian Louis Janssens specifies GS’ personalist principle and constructs a theological anthropology explaining the various dimensions of the human person. The human person is: a subject (not an object); in corporeality (corporeal and spiritual realms are integrated); in relationship to the material world, to others, to social groups and, we add, to self; created in the image and likeness of God; a historical being; and fundamentally unique but equal to all other persons³.

PP reflects these dimensions in its “new humanism” (20) and its discussion of authentic development. The person as subject stresses freedom as an essential component of human dignity; “full-bodied” (42) persons follow “the dictates of their own consciences informed by God’s law” (37). The corporeal nature of the person stresses the integration of bodily, intellectual, and spiritual values. Although there is a hierarchy of values, there is no dualism in understanding the person who realizes some values, bodily values for instance, but not others, faith in God for instance (20). People in relationships are central to PP. They are in relationship to the material world where a just distribution of the earth’s resources is demanded (22, 23, and GS 69), to others (45) and to social groups, guiding just social relations and promoting solidarity among nations (*passim*), to the self in that the person truly loves self by “passing beyond himself” (42, 82). In this passing beyond, authentic self-love turns towards the other, and to God, a relationship which is at the core of every true humanism (20, 42). Persons are historical beings, in constant evolution from selfishness to solidarity (65) that brings “not only benefits but also obligations” (17). They are all fundamentally unique but equal to all others. Though equality is often put in terms of social groups in PP, it certainly applies also to the individuals that make up those groups (52, 54).

Conscience, an essential anthropological and theological consideration in *Gaudium et Spes* (16, 26) and *Dignitatis Humanae* (3, 41), is mentioned three times in PP (37, 47, 83). On the relationship between development and population control, both documents warn against the State’s violation of human dignity by forcibly curbing population growth through immoral means, though they support the right and duty of Governments to address this issue within their competence while respecting the consciences of parents to decide how many children they will have. PP notes that a married couple must follow “the dictates of their own consciences”

² *Schema Constitutionis Pastoralis de Ecclesia in Mundo Huius Temporis: Textus Recognitus et Relationes*. 1965. Vatican: LEV, 9.

³ Louis Janssens. 1980. “Artificial Insemination: Ethical Considerations”. *Louvain Studies* 8 (1): 3–29.

es informed by God's law authentically interpreted and bolstered by their trust in Him" (37, referencing GS 50, 51, 87).

We pose a key hermeneutical question to these texts: what determines authentic interpretation, conscience or the Magisterium? The authentic interpretation of God's law depends on a consideration of the formation of conscience in relation to magisterial authority. This is an ecclesiological question, which we address below. This discussion of conscience and the interrelationship between socio-economic realities and the regulation of fertility in both GS and PP suggests one integration between Catholic social and sexual teachings. Both documents recognize the importance of responsible parenthood, the challenges of poverty for realizing responsible parenthood, and the need to make reproductive decisions on the basis of a well-formed conscience.

Pope Pius XII recognized this reality as well in 1951, when he taught that a couple could choose not to procreate, even for the duration of their marriage, for "serious reasons" of a "medical, eugenic, economic, or social kind"⁴. Communicating the same message, though in a more colorful way, Pope Francis notes, "Some think (...) that in order to be good Catholics we have to be like rabbits – but no"⁵. GS seems to be open to drawing out the logical implications of the integration between CSoT and CSeT for parents to exercise their informed consciences when it notes that, while respecting the divine law, such decisions must take "into consideration the circumstances of the situation and the time". In addition, humans "should discreetly be informed (...) of scientific advances in exploring methods whereby spouses can be helped in regulating the number of their children and whose safety has been well proven and whose harmony with the moral order has been ascertained" (87). As we shall see, *Humanae Vitae* (hereafter cited as HV) disrupted the potential integration of CSoT and CSeT in its affirmation of the absolute prohibition of artificial contraception.

Virtues play an important part in PP in discerning authentic development. Faith, "God's gift to [people] of good will", helps humans reach their highest value (21); hope, "for mutual collaboration and a heightened sense of solidarity" between nations can overcome racism and nationalism (64); authentic Christian charity must be extended to foreigners, refugees, migrants, and young people (67). The encyclical also emphasizes the virtue of prudence. and the importance of wisdom. We need "wise men in search of a new humanism", (20) it notes, "to take as their own

⁴ Pius XII. 1961. The Apostolate of the Midwife. In *The Major Addresses of Pope Pius XII: Vol. I: Selected Addresses*, Ed. Vincent A. Yzermans, 169. St. Paul, MN: North Central Publishing CO.

⁵ Sonia Narang, "Catholic Leaders Battle Against Free Birth Control in the Philippines". Public Radio International (January 22, 2015).

Christ's injunction, "Seek and you shall find". Human wisdom is essential for discerning responses to complex questions (PP, 85). As we shall see in our analysis of *Amoris Laetitia*, conscience and virtue are more thoroughly integrated as essential dimensions for defining human dignity, with profound methodological and normative implications.

Authentic human development, both individual and communal, is an ongoing and integrated process of realizing these dimensions of human dignity. Development must promote the good of every person. Pope Paul VI emphasizes this when he asserts that

We do not believe in separating the economic from the human, nor development from the civilizations in which it exists. What we hold important is man [and woman], each man and each group of men [and women], and we even include the whole of humanity (PP 14).

This formulation of development and the anthropology it promotes shapes both the Catholic understanding of human dignity and all subsequent CSOT. It depends on philosophical and theological methods for its justification, and to these we now turn.

1.2. *Populorum Progressio* and Method

PP integrates shifts in philosophical and theological methods introduced by the Second Vatican Council. GS laid the foundation for a fundamental shift in Catholic ethical method from a deductive, classicist, natural law ethic to an inductive, historically-conscious, relational ethic grounded in human dignity and justice. *Lumen Gentium* laid the foundation for a fundamental shift in Catholic theological ethical method from a hierarchical ecclesiology, in which the primary virtue of an informed conscience is obedience to magisterial teaching, to a communion ecclesiology, in which the virtues of faith, hope, charity, justice, compassion, and prudence empower each individual to discern responsible ethical decisions in light of the various sources of moral knowledge, always including Church teaching. Many Catholic theologians argue that neither the philosophical nor the theological shifts, nor the normative implications of those shifts, have been as fully explored and formulated in magisterial sexual teaching as they have been explored and formulated in magisterial social teaching.

1.2.1. *Populorum Progressio* and Philosophical Method

We begin with a first shift in philosophical method, the shift from classicism to historical consciousness. Methodologically, GS reflects a profound shift from the neo-Augustinian, classicist method towards a neo-Thomist, historically-conscious method to ethical decision making. A classicist worldview holds that reality is necessary, fixed, universal, and unchanging. The method utilized, the anthropology formulated, and the norms taught in this worldview are timeless, universal, and unchanging, and the acts condemned by those norms are always so condemned. Historical consciousness fundamentally challenges this view of reality. In a historically-conscious worldview, reality is dynamic, evolving, changing, and particular. The method utilized, anthropology formulated, and norms taught in this worldview are contingent, particular, and changeable, and the acts condemned by those norms are morally evaluated in terms of evolving human knowledge and situations.

Charles Curran notes, and we agree, that the classicist method predominated in CSoT up to the Second Vatican Council⁶. There were, however, hints of a gradual progression to historical consciousness in earlier social documents. In *Mater et Magistra*, Pope John XXIII notes “that the present demand for workers to have a greater say in the conduct of the firm accords not only with man’s nature but also with recent progress in the economic, social and political spheres” (93). Bernard Lonergan notes that Vatican II was an “acknowledgement of history”⁷. He writes of historical consciousness that “there are new perspectives that arise in history by the passage of time (...). The New Testament throws a backward light upon the Old Testament”. It is the same with Aristotle and Aquinas, and with all subsequent ethical assertions. In the course of time, there is an opening up of new perspectives on the past.

These new perspectives may be either a type of relativism and skepticism or an absolute perspectivism and historical objectivism, which “acknowledges the truth of many perspectives, that conceives history as no more in possession of its ideal goal than is any other science, that affirms the possibility of the many perspectives being joined together into a single fuller view [of truth]”⁸. The documents of Vatican II, especially *Gaudium et Spes* and *Dignitatis Humanae*, reflect a fundamental shift from classicism to historical consciousness. Historicity

⁶ Curran. *Catholic Social Teaching*, 57–58.

⁷ See J. Martin O’Hara. (Ed.). 1994. *Curiosity at the Center of One’s Life: Statements and Questions of R. Eric O’Connor*. Montreal: Thomas More Institute, 427.

⁸ Robert M. Doran, Robert C. Croken. (Eds.). 2010. *Collected Works of Bernard Lonergan: Early Works on Theology and Method*. University of Toronto Press, 245.

shaped the Council and methodologically informed its documents. It is no surprise that historicity and its methodological, anthropological, and ethical implications would be a central consideration to subsequent CSoT and shape its understanding of an objective moral order. It is a surprise, however, that those same factors have not yet been a consideration to subsequent magisterial CSeT and have not yet shaped a magisterial understanding of an objective sexual order. The shaping of CSoT by historical consciousness is evident in PP in its exploration of development, what impedes development, and principled guidelines on how to overcome those impediments.

We note a second shift in Catholic theological ethics, dependent on the first. 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 traditional abstract ethical principles, formulated absolute norms from those principles, and then applied those norms to particular situations and actions. GS opened the Church to a different approach, an historically-conscious, inductive approach that starts with the human person, the human situation, and human experience, 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”⁹. This trilogy, human experience, culture, and science, is paradigmatic for an inductive approach and is widely reflected in PP, which enlists this ethical shift from the deductive to the inductive and relies upon human experience, culture, and science, to respond to the signs of the times as it saw them.

First and foremost, PP highlights what was and continues to be a universal sign of the times, namely, poverty and oppressive socio-economic conditions throughout the world, and judges it is the Church’s duty to “help all men explore this, concerted action at this critical juncture” (1). It continues the “see, judge, act” model of pastoral reflection, initiated by Pope John XXIII in *Mater et Magistra*, grounded in experience and induction, and invites an ethical response to lived experience, especially that of those who experience any kind of oppression¹⁰. Human experience and observation of that experience is at the root of the encyclical, naming what violates human development, and proposing actions to correct those violations.

⁹ Doran, Croken. 2010. *Collected Works of Bernard Lonergan*, 44.

¹⁰ John XXIII. 1961. *Mater et Magistra*; Mich Marvin L. 2005. Commentary on *mater et magistra*. In *Modern Catholic social teaching: Commentaries and interpretations*. Ed. Kenneth B. Himes, 191–216. Washington, DC: Georgetown.

PP demonstrates a sensitivity to traditional human cultures while recognizing the tension between those who adhere to those cultures and the young, who sometimes regard them as “useless obstacles” (10). Acknowledging culture and its impact on human development is essential, but culture has both negative and positive influences and must be critiqued and correctly integrated into the definition of human dignity and the formulation and justification of norms that facilitate its attainment. PP recognizes this tension and the need to be in dialogue with culture to create solidarity among people (72, 73). It also enlists science to facilitate authentic development (20), to enter into an open dialogue with people of different cultures without any demeaning nationalism or racism (72), and to collaborate with all people of good will (83) to seek answers to complex developmental questions.

We note thirdly that, when comparing CSoT and CSeT, there is a fundamental difference between the ethical nature of the norms proposed. Although CSoT addresses political, social, and economic issues, it does not claim absolute teaching competence in these areas and acknowledges its limitations. On the issue of private property, for example, PP cites a long-held Catholic teaching that the right to private property is not absolute but is always subordinate to the common good. It is up to “public authorities” to seek a solution to any conflict between private property and the common good, “with the active involvement of individual citizens and social groups” (23). CSoT provides general principles to guide Catholics and all people of good will to resolve complex political, social, and economic issues. In the case of CSeT, there are general principles or virtues, for example chastity, but there are also specific absolute norms that are a one-size-fits-all, regardless of political, social, and economic issues or culture, context, or history. It is actual contents, general principles in CSoT and absolute norms in CSeT, that starkly illustrate the inconsistencies between the two methods.

1.2.2. *Populorum Progressio* and Theological Method

Populorum Progressio cites *Gaudium et Spes* and its call to the church to scrutinize “the signs of the times” and interpret them “in light of the Gospel” (PP, 13; GS, 4). GS introduced a fundamental methodological shift in Catholic ethics when it introduced developments in theological ethical method which serve as a transition from Part 1 of the Constitution, the message the Council believed the people of God needed to pass on to the world, to Part 2, the urgent needs facing the present age (46). It stated the following.

This council has set forth the dignity of the human person and the work which men have been destined to undertake throughout the world both as individuals and

as members of society. There are a number of particularly urgent needs characterizing the present age, needs which go to the roots of the human race. To a consideration of these in the light of the Gospel and of human experience, the council would now direct the attention of all (GS, 46; PP, 13).

Joseph Selling notes that this paragraph “stands as a milestone in the evolution of Roman Catholic moral theology”¹¹. It does so because it initiates a methodological shift in Catholic moral theology, grounded in the Gospel and human experience, to guide a response to urgent human needs.

PP asserts that the gospel sheds light on current social questions (2) and helps to interpret them in light of “the signs of the times” (13). There is a tension, however, between this assertion that the gospel sheds light on current social problems and its further assertion that “civil progress and economic development are the only road to peace” (83). The latter assertion suggests no unique Christian content on the road to peace, and it is unclear here how or if the Gospel makes any distinct contributions to improving conditions in the temporal order or if there is any distinction between a Catholic social ethics and a secular one (81). Later developments in CSoT, especially the inclusion of a “preferential option for the poor,” first incorporated into the writings of the Latin American Catholic Bishops (CELAM) at Medellín and Puebla and later adopted into the magisterial corpus of CSoT by Pope John Paul II in his encyclicals, *Sollicitudo rei socialis* (44) and *Centesimus Annus* (36). This principle reflects a unique Christian theological content resting on the Gospel of Matthew 25:31-46.

A second theological-methodological consideration centers in ecclesiology. PP indicates that for Catholics, “the hierarchy has the role of teaching and authoritatively interpreting the moral laws and precepts” to work towards development, and to improve the temporal order. It adds, however, that “the laity have the duty of using their own initiative and taking action in this area – without waiting passively for directives and precepts from others” (81). These statements claim both too much and too little. The statement on the hierarchy’s role to teach and authoritatively interpret the moral laws of Catholic social teaching fails to account for the natural law tradition, whereby all human beings of goodwill can know using right reason the moral precepts and apply them. If this is the case, and the natural law tradition affirms that it is the case, what is the role of the hierarchy in the teaching and interpreting process? Two extremes are to be avoided.

¹¹ Joseph Selling, 2003. *Gaudium et spes: A manifesto for contemporary moral theology*. In *Vatican II and its legacy*. Ed. Leo Kenis, Matthew Lamberigts, 151. Leuven, Belgium: Peeters Press.

First, blind obedience to magisterial teaching, an approach that assumes the Magisterium has access to knowledge of the natural law to which other believers have no access, is to be avoided. The false magisterial teachings on usury, slavery, religious freedom and, recently, capital punishment, more than warrant caution here¹². Second, total disregard of magisterial teaching is also to be avoided, given the promise of the Holy Spirit to guide the Church into all truth. Navigating these two extremes from an ecclesiological perspective calls for religious respect (*Lumen Gentium*, 25) for non-infallible magisterial teaching. We note here the debates among Catholic theologians about the translation of the Latin *obsequium*. In the Canon Law Society's official English translation of the Code of Canon Law in 1983, *religiosum obsequium* is translated as religious respect (cc. 752, 753)¹³. In its 1997 official English translation of the Code, it is translated as religious submission (cc. 752, 753)¹⁴. There is a wide gulf, we submit, between submission and respect, and Francis Sullivan's reading of *obsequium* appears to us the more accurate:

As I understand it, then, to give the required *obsequium religiosum* to the teaching of the ordinary Magisterium means to make an honest and sustained effort to overcome any contrary opinion I might have, and to achieve a sincere assent of my mind to this teaching¹⁵.

This translation allows for conscientious dissent from non-infallible teaching, which applies to both CSoT and CSeT. Dissent from CSoT is magisterially tolerated, but dissent from CSeT is not. We will explore this ecclesiological discrepancy in more detail below after we have noted Curran's explanation for why dissent from CSoT is considered legitimate.

First, and most basically, CSoT proposes general principles, not specific norms and actions, and general principles are open to interpretation in a way that absolute

¹² Charles E. Curran. 2003. *Change in Official Catholic Moral Teaching*. Mahwah, NJ: Paulist Press; John T. Noonan. 1995. *A Church that Can and Cannot Change*. Notre Dame, IN: University of Notre Dame Press.

¹³ Canon Law Society of America. 1983. *Code of Canon Law*. Washington, DC: Canon Law Society of America.

¹⁴ Canon Law Society of America. 1999. *Code of Canon Law: New English Translation*. Washington, DC: Canon Law Society of America.

¹⁵ Francis A. Sullivan. 1985. *Magisterium: Teaching Authority in the Catholic Church*. Dublin: Gill and MacMillan, 164. See also John P. Beal, James A. Coriden, Thomas J. Green. (Eds.). 2000. *New Commentary on the Code of Canon Law*. Mahwah, NJ: Paulist Press, who argue at 916 that "an exact translation of *obsequium* is difficult but 'submission' is not the best one because it exaggerates the force of the Latin".

norms are not. From this perspective, it is not really a question of dissent from authoritative teaching but of different interpretations and applications of the principles taught by the Magisterium. Second, the Magisterium has much greater tolerance for dissent from, or different interpretations of, its principles in CSoT than it does in CSeT. Note the repeated ecclesial actions taken by the Congregation for the Doctrine of the Faith against those who have dissented from CSeT as compared to those who have dissented from CSoT. Third, the Magisterium embraces historical consciousness and recognizes development and change in CSoT, its understanding of human rights, religious freedom, and private property, for instance; it does not do so in its CSeT, where the traditional static approach to absolute proscriptive norms still reigns supreme. Fourth, culturally and ecclesiologically, there has been a greater preoccupation and rigidity with sexual issues than with social issues. Anthropologically and methodologically CSoT tends to be personalist, historically conscious, experientially and inductively grounded, with greater formation by the Gospels. CSeT is grounded differently.

2. Catholic Sexual Teaching: Anthropology and Method

We have touched on some of the differences between CSoT and CSeT in our treatment of *Populorum Progressio*.

2.1. Catholic Sexual Teaching and Anthropology

We now highlight these differences before moving on to *Amoris Laetitia*. First, under the influence of post-world-war personalism, the twentieth century signals an anthropological evolution in Catholic ethical teaching, from a classicist and static definition of human *nature* to a historically-conscious and evolving understanding of the human *person*. This shift is most clearly reflected in sexual teaching in GS. First, there is a significant development in the terminology defining marriage. The pre-Vatican II CSeT teaching about marriage was that marriage is “a permanent society (1917 Canon 1082), whose primary end is procreation and nurture (Canon 1013, 1), a society that is in species a contract that is unitary and indissoluble by nature (Canon 1012 and 1013, 2), whose substance is the parties’ exchanged right to their sexual acts (Canon 1081, 2)”¹⁶. Pius XI’s *Casti connubii*, predictably, insisted on everything in this juridical definition but, unpredictably,

¹⁶ Theodore Mackin. 1982. *What Is Marriage?*. Mahwah, NJ: Paulist Press, 214.

did more. It retrieved and gave a prime place to an ancient essence of marriage found as far back as Paul's Letter to the Ephesians (5:2 and 21-33) and as recently as the Council of Trent, namely, the mutual love of husband and wife. This spousal love, Pius taught,

must have as its primary purpose that man and wife help each other day by day in forming and perfecting themselves in the interior life, so that through their partnership they may advance ever more in virtue, and above all that they may grow in true love toward God and their neighbor [especially each other]. So important is this mutual interior formation of the spouses that it can, in a very real sense, as the Roman Catechism teaches, be said to be the chief reason and purpose of matrimony, if matrimony be looked at not in the restricted sense as instituted for the proper education of the child, but more widely as the blending of [spousal] life as a whole and the mutual interchange and sharing thereof¹⁷.

This relational focus on the spouses is incorporated conceptually in GS, which describes marriage as “a communion of love” (47), an “intimate partnership of conjugal life and love”, and a “conjugal covenant” (48). Though faced with insistent demands to retain the juridical word *contract* as a precise way to speak of marriage, the Council demurred and chose instead the biblical and theological word *covenant*. This choice locates marriage as an interpersonal, relational reality rather than as a legal reality, and establishes it in line with the rich scriptural tradition of covenant between God and God's People and Christ and Christ's Church.

Second, GS eliminated the traditional hierarchy of the ends of marriage. Up till then, the primary end of marriage was held to be the procreation and education of children; the conjugal love and union of the spouses was a secondary end. In the face of loud demands to consign the conjugal love of the spouses to this traditional secondary end, GS declared it to be of the essence of marriage. “Marriage and conjugal love are by their nature ordained toward the begetting and education of children” but this does not make “the other purposes of marriage of less account” (50). There is no suggestion of a primary-secondary end hierarchy. Indeed, lest the cited text be misrepresented in a hierarchical way, the Preparatory Commission specifically explained that it “does not suggest [a hierarchy of ends] in any way”¹⁸.

¹⁷ Pius XI. 1939. *Casti connubii*. In *Five Great Encyclicals*. Ed. Gerald C. Treacy, 83–84. Mahwah, NJ: Paulist Press.

¹⁸ See Bernard Häring. 1969. *Commentary on the Documents of Vatican II*. Vol. 5. Herder and Herder, 234. Häring played an active role on the sub-commission that established the definitive text

Third, GS discusses the “responsible transmission of life” and declares that spouses should make judgments about reproduction and family based on “objective standards” which, “based on the nature of the human person and his acts, preserve the full sense of mutual self-giving and human procreation in the context of true love” (51). Fourth, combined with GS’ detailed formulation of the role and authority of conscience (16) and the statements in *Dignitatis Humanae* on religious freedom and the inviolable authority of an informed conscience (1 and 3), this teaching opens up the possibility of judgment about the responsible transmission of life that does not automatically exclude artificial contraception. The Latin text of *Gaudium et Spes* teaches that “spouses themselves must ultimately make this judgment [about the responsible transmission of life] before God”. Christian spouses, however,

are to be conscious that they cannot proceed according to their own will but are always to be governed by a conscience conformed (*conformanda*) to the divine law itself, and they are to be docile (*dociles*) to the Magisterium of the Church which authentically interprets that law in light of the Gospel (50).

Walter Abbott’s popular translation of The Documents of Vatican II translates the Latin *dociles* as submissive, but *dociles* does not mean submissive. It derives from *docere*, to teach, and gives us the English *docile* which, according to Webster, means “teachable”¹⁹. Neither *obsequium* which was discussed earlier nor *dociles* means submissive, which understanding would replace the inviolable authority of personal conscience with the authority of the Magisterium. The Church, as Pope Francis instructs us, is “called to form consciences, not to replace them” (AL, 37). The inviolable authority of personal conscience in GS 16 and *Dignitatis Humanae* 3, allied to the meaning of *obsequium* in *Lumen gentium* 25 and canons 752 and 753 of the *Code of Canon Law* mandating respect rather than submission, would appear to open up the possibility of forms of regulating fertility on the basis of the married couple’s informed conscience. This is precisely what Pope Francis teaches in AL when he notes that, following their informed consciences, “the parents themselves and no one else should ultimately make this judgment in the sight of God,” and “methods based on the ‘laws of nature and the incidence of fertility’ (...) are to be promoted” (AL 222). This is an organic de-

of *Gaudium et Spes*; see Giovanni Turbanti. 2000. *Un Concilio per Il Mondo Moderno*. Editrice Il Mulino, 302–306.

¹⁹ The relevant Latin text is in *Gaudium et Spes*, n. 50.

velopment, not a changed doctrine, from HV that absolutely prohibits artificial contraception.

In spite of these four conciliar anthropological developments with respect to marriage and family – the definition of marriage as a covenant rather than a contract, the elimination of the hierarchy of the ends of marriage, the explanation of the principle of responsible parenthood from objective standards “based on the nature of the human person and his acts” (GS, 51), and the emphasis on the function of conscience in moral-decision making – magisterial teaching continues to follow *Humanae Vitae*’s absolute prohibition of artificial contraception. This prohibition rests on a juridical, procreative model of marriage, that includes the traditional hierarchy of the ends of marriage and the reduction of the principle of the responsible transmission of life to “responsible parenthood” (HV, 10). This permits the procreative, biological meaning of the sexual act to trump its unitive, relational meaning in magisterial teaching and limit the role of personal conscience to submission to, rather than respect for, magisterial teaching.

2.2. Catholic Sexual Teaching and Method

In our preceding discussion of CSoT we discussed methodological dimensions of both CSoT and CSeT. We can, therefore, present the latter here briefly. Although there have been anthropological and theological developments in CSeT, elimination of the hierarchy of the ends of marriage and marriage defined as a covenant rather than a contract, for example, there is a fundamental disconnect between these developments and the Church’s sexual principles and absolute proscriptive sexual norms. This disconnect reflects the Magisterium’s continuing classicist worldview and the proverbial new wine in old wineskins. The language, anthropology, and methodology seem to offer new wine, but the same absolute norms are contained in old wineskins. There are changes in words, but the static, classicist notion of the human person, rooted in the biological, reproductive function of the sexual act with the primary purpose of procreation remains, grounding the Church’s absolute sexual norms prohibiting artificial contraception, homosexual acts, and artificial reproductive technologies. We have classified this biological foundation elsewhere as heterogenetic reproductive complementarity, which prohibits all sexual acts except reproductive-type sexual acts within a marital relationship²⁰.

²⁰ See Todd A. Salzman, Michael G. Lawler. 2008. *The Sexual Person: Toward a Renewed Catholic Anthropology*. Washington, DC: Georgetown University Press, 140–146.

These principles and norms also reflect a deductive, rather than an inductive, approach to ethics. An inductive approach begins with the lived experience of people, a methodological consideration that both GS and PP champion. It seeks to discern which already-formulated principle or norm continues to apply to this particular experience or whether a revision of the principle or norm is required in light of lived experience. A deductive approach, in contrast, begins with the principle or norm and imposes it on the experience, often disregarding the particularity and unique circumstances of the experience to artificially realize a false universality. This approach is also act-centered, prioritizing the biological nature of the reproductive sexual act, regardless of its relational implications. Tragic evidence of this methodological approach and prioritization may be found in Catholic teaching prohibiting the use of condoms to prevent the spread of HIV in sero-discordant married couples.

Finally, the ethical method employed by the Magisterium with respect to CSeT reflects a law-based approach to ethics, which ignores the broad shift to virtue in contemporary Catholic ethical method. Even when CSeT does invoke virtue, it focuses mainly on the virtue of chastity, as in the *Catechism of the Catholic Church's* treatment of the sixth commandment, and identifies virtue with paradigmatic acts that always correspond with the virtue. Contemporary virtue ethicists disagree on whether or not there is an intrinsic correlation between particular virtues and paradigmatic acts associated with them.

Martin Rhonheimer and John Grabowski claim such an intrinsic correlation when they argue that the virtue of chastity requires the specific actions of natural family planning with the proper intention as the only morally acceptable way to regulate fertility²¹. Aquinas argued that discussing virtues in terms of paradigmatic actions is ambiguous, and variations in history, culture, gender relationships, socio-economic circumstances, and definitions of marriage all argue against a correlation between a virtue and a specific paradigmatic act²². To posit that a virtue requires a specific act entails an abstract, static notion of the good for all times and peoples, reflects a deductive approach to moral reasoning and virtue, and discounts experiential considerations of the meaning of the act in the context of specific human relationships at a specific time and a specific place in history. If an act embodies a virtue, we argue, then it is an authentic expression of that virtue; if an act

²¹ See Martin Rhonheimer. 2000. *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*. New York: Fordham University Press; John Grabowski. 2025. *Sex and Virtue. An introduction to Sexual Ethics*. Washington, DC: Catholic University of America Press.

²² Jean Porter. 2005. *Nature As Reason: A Thomistic Theory of Natural Law*. Eerdmans, 185–186. See also Rosalind Hursthouse. 1999. *On Virtue Ethics*. Oxford: Oxford University Press, 25–42.

violates a virtue, then it is an inauthentic expression of that virtue. The authentic or inauthentic expression of a virtue cannot be determined *a priori* but must be determined on a case-by-case basis by considering the history, culture, and circumstances of the acting person and the meaning of the act for him/her and his/her broader social relationships. Thomas Aquinas accepts Aristotle's definition of a virtue, "a state of character concerned with choice, lying in a mean"²³, and so do most contemporary virtue ethicists. By universal agreement, a virtue lies in the mean between excess and defect. It thus offers a spectrum of good actions, not just one specific action, in accord with the virtue.

Unfortunately, then, the anthropological and methodological developments in CSeT in general, and PP in particular, have not translated into normative developments in magisterial CSeT. Vatican II's *Gaudium et Spes*, as we have seen, introduced some anthropological development that paved the way for possible developments in CSeT, but just three-years after the Council Pope Paul VI's *Humanae Vitae* struck down those developments. Even though *Amoris Laetitia* changes no specific Catholic doctrines²⁴, its anthropological and methodological developments lay the foundation for an "organic development" of doctrine 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. John XXIII argued that "by the law of nature, the human person has the right to the free exercise of religion in society according to the dictates of a sincere conscience" and that "to this right corresponds the duty incumbent upon other men and the public authority to recognize and respect that right in such a way that the human person in society is kept immune from all coercion of any kind"²⁵. *Dignitatis Humanae* simply replicated this teaching (1 and 2).

²³ Aristotle, *Nichomachean Ethics*, II, 6, 1106b, 36.

²⁴ See Michael G. Lawler, Todd A. Salzman. 2017. "Amoris Laetitia: Has Anything Changed?". *Asian Horizons* (11): 62–74.

²⁵ John XXII. 1963. *Acta Apostolicae Sedis* (55): 264, 273–274. See also Emile-Joseph De Smedt. 2003. Religious Liberty. In *Change in Official Catholic Moral Teaching*. Ed. Charles E. Curran, 13–19. This is a speech De Smedt gave to Vatican II as a member of the sub-commission preparing *Dignitatis Humanae*.

3. *Amoris Laetitia*: Anthropology and Method

Pope Francis' *Amoris Laetitia* is in continuity with anthropological developments in both CSoT and CSeT and builds on those developments. It also more thoroughly integrates the method of CSoT into CSeT and creates an opening for the development of new specific sexual norms. AL reflects the anthropology developed in PP and in much of CSeT. The human person is: a free subject (33; 153); in corporeality, the physical and spiritual are integrated (151); in relationship to the material world (277), to others (187-98), to social groups (222), and, we add, to self (32); created in the image and likeness of God (10); a historical being (193); and fundamentally unique but equal to all other persons (54). There are, however, fundamental sexual anthropological developments in it. In its absolute proscriptive norms traditional Catholic sexual anthropology prioritizes the biological functions of the sexual act over its relational meanings; Francis emphasizes the relational and spiritual in moral decision-making. This is especially evident in his emphasis on personal discernment and virtue, to which we now turn.

The emphasis on discernment in AL is a distinct anthropological contribution to both CSoT and CSeT. Although it cannot be surprising to find discernment used frequently 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. Discernment and the authority of an informed conscience were displaced in the nineteenth and twentieth centuries by magisterial authority and were replaced by the demand for obedience to that authority. They have been reinstated to their traditional centrality in Catholic ethical life by Pope Francis. 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. This troubling disconnection was codified and reinforced in the nineteenth century by the Manuals of moral theology that controlled the education of seminarians up to Vatican II.

In the Jesuit tradition, discernment is the art of prayerful decision-making that relies upon spiritual practices²⁶. This approach is clearly reflected in *Octogesima Adveniens*²⁷ and *Populorum Progressio*²⁸. Discernment, Francis writes, requires

²⁶ James Martin. 2016. "Understanding Discernment is Key to Understanding *Amoris Laetitia*". America, April 8, 2016.

²⁷ See Mich. 2005. Commentary on *Mater et Magistra*, 198, 203–204.

²⁸ See Allan Figueroa Deck. 2005. Commentary on *populorum progressio* (On the Development of Peoples). In *Modern Catholic Social Teaching*, 299–300.

“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” (AL 300). Distinguished Jesuit moral theologian, James Keenan, argues that “in *Amoris Laetitia* Pope Francis couples the term with both the guidance of the Holy Spirit and the privileged place conscience holds in the moral life of Christians”²⁹. Discernment is much more than simply following absolute rules. It moves us from a deontological-type ethic to a virtue-type ethic grounded in the virtues of faith, hope, charity, justice, and prudence. This ethic helps us to see and judge from a uniquely Christian perspective in order to act in a uniquely Christian way. Authentic discernment and conscience judgment allow for, and sometimes may even demand, dissent from magisterial teaching.

The shift from a focus on rules and their prescribed acts to a focus on virtue is a third anthropological shift in AL. Virtue focuses on character, on being rather than doing, but there is an ongoing dialectic between virtue and acts. Personal acts are important. Virtue produces and manifests itself in acts that both reflect and shape virtuous character. In virtue ethics, ethical agents and their characters come first, and their ethical actions come second; in virtue ethics, action follows being. The focus in AL is not on acts and rules 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 short³⁰.

Chapter Four of AL, “Love in Marriage,” is a beautiful reflection on St. Paul’s passage on the nature of true love (1 Cor 13:4-7) and the virtues associated with it. Love is patient, directed towards service, generous, forgiving; love is not jealous, boastful, or rude. It is noteworthy that the virtue of chastity, so central in the traditional Catholic approach to sexuality and marriage and so often deductively applied as a legalistic adherence to the Church’s absolute proscriptive laws on sexuality, is mentioned only once in AL, and this in the context of proving “invaluable for the genuine growth of love between persons” (AL, 206). Rather than a focus on chastity, there is greater focus on the virtues of love (Chapter 4, *passim*), mercy (27, 47, 300, 306), compassion (28, 308, 92), reconciliation (106, 236, 238), forgiveness (27, 236, 268), and prudence (262).

Prudence is a cardinal virtue that guides all other virtues and is a prerequisite virtue for both informed conscience and discernment. Aquinas argues that it is an essential prerequisite for the possession of all other virtues. It discerns the first

²⁹ James F. Keenan. 2018. “Moral Discernment in History”. *Theological Studies* (79): 668.

³⁰ See Daniel Statman. 1997. Introduction to Virtue Ethics. In *Virtue Ethics: A Critical Reader*. Ed. Daniel Statman, 7. Washington, DC: Georgetown University Press.

principles of morality, applies them to particular situations, and enables conscience to make judgments that this is the right thing to do on this occasion and with this good intention³¹. Because it is the hinge (*cardo*) on which all other virtues turn, ensuring that they make the right virtuous choices, prudence is said to be a *cardinal* virtue. 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.

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”³². AL notes that the dialogue during the 2014 and 2015 Synods raised the suggestion of “new pastoral methods” that are tailored to different communities and the marital, familial, and relational realities of those communities (199). It not only affirms but also develops the anthropology of CSoT and CSeT, and incorporates CSoT’s methodological developments philosophically, focusing on inductive reasoning, historical consciousness, and an appreciation of culture, experience, and the sciences. It also affirms and develops CSeT theologically, focusing on scripture and a communal perspective.

A major methodological shift in CSeT in AL is from a deductive to an inductive method. Deductive reasoning traditionally characterized both CSoT and CSeT; it begins with an accepted definition of human dignity and universal principles that facilitate or frustrate it. Inductive reasoning, which is a central methodological development in Catholic theological ethics since Vatican II, begins with particular cultural, social, and contextual definitions of human dignity and formulates and justifies norms that facilitate or frustrate its attainment. Inductive reasoning begins with particular perspectives to attain universal insights³³. “It is reductive”, AL 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” (304). We must begin with the contextual reality of the human person to discern what rule applies or what new rule needs to be formulated to address the reality. AL 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” (305). This is the only time, in fact, that Francis mentions natural law

³¹ Aquinas. *Summa Theologiae* I-II, 65, 1.

³² Cindy Wooden. 2016. “*Amoris Laetitia* at Three Months: Communion Question Still Debated”. National Catholic Reporter, July 7, 2016.

³³ See Richard B. Miller. 1996. *Casuality and Modern Ethics: A Poetics of Practical Reasoning*. Chicago: University of Chicago Press.

in the two hundred and fifty-six pages of AL and it is mentioned in the context of a warning against a deductive approach to moral decision-making. It promotes natural law as “a source of objective inspiration for the deeply personal process of making decisions” (AL, 305).

Speaking of CSeT, AL cites Aquinas’ warning for the first time in an official teaching that “Although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects (...). The principle will be found to fail, according as we descend further into detail” (AL, 304; ST, I-II, q. 94, art. 4). By citing this text from Aquinas, at the very least Pope Francis is cautioning against a deductive, one-rule-fits-all approach to ethical decision-making, and emphasizing the importance of particular context and an inductive approach.

Second, AL recognizes historical consciousness in its principle of the law of gradualness, development, and the process of growth in human beings. This is illustrated best in Francis’ discussion of the morality of cohabitation. Nowhere in his Exhortation does he condemn cohabitation in blanket fashion. Contrary to the Final Report from the Synods which condemns all cohabitation, he makes a distinction between “cohabitation which totally excludes any intention to marry” (53) and cohabitation dictated by “cultural and contingent situations” (294) like poverty that require a “constructive response” that can lead to marriage when circumstances permit it. Borrowing from Jesus’ treatment of the Samaritan woman and Saint John Paul II’s “law of gradualness”, he accepts the latter “in the knowledge that the human being knows, loves and accomplishes moral good by different stages of growth” (295). The 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” (307). This law of gradualness is an overt expression of historical consciousness. Acknowledging it, Francis recognizes that some types of cohabitation may be 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.

Third, the GS trilogy we have already noted that opens up new roads to truth, human experience, culture, and science, are all highlighted in AL. First, AL is based on “the joy of love experienced by families [that] is also the joy of the Church” (1). It is grounded in human experience. Its reflections are based on the experience of real married life, in the sexuality complexly reflected in it, and in the socio-eco-

nomic factors of poverty and hunger that impact it throughout the world (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”. Such discernment requires reflection on human experience and on the social sciences that throw revelatory light on it. We agree wholeheartedly with Farley’s further assertion that “it is inconceivable that moral norms can be formulated without consulting the experience of those whose lives are at stake”³⁴.

Fourth, AL recognizes and embraces the import of particular cultural contexts. This concern for the import of experiential and cultural particularity was initially 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, AL notes that “Each country or region (...) can seek solutions [to ethical issues] better suited to its culture and sensitive to its traditions and local needs” (3). The sciences, finally, can be helpful for the education, growth, and development of children in families (273, 280).

An essential methodological consideration in AL that explicitly brings together CSOT and CSeT is the recognition of the impact of the experience of poverty on relational decisions. Francis offers the example of a couple who cohabit “primarily because celebrating a marriage is too expensive in the experiential circumstances. As a result, material poverty drives people into de facto unions” (294). Socio-economic realities have a profound impact on relationships throughout the world, and this impact is often overlooked in magisterial teaching that proposes one-size-fits-all norms in CSeT.

There seems to be a general unawareness on the part of the Pope and Bishops worldwide on how patriarchal culture, gender norms, familial relations, and socio-economic factors impact reproductive decisions in marriages. This unawareness reflects the fundamental methodological distinction between CSOT and CSeT. The former offers principles for personal and conscience judgment following careful discernment, the latter offers absolute prescriptive norms for obedience. We agree fully with Pope Francis’ earlier statement on first meeting basic needs before we talk about “the Sabbath”, in this case sexual issues. AL makes some progress in integrating the methodological perspectives of CSOT and CSeT, especially in its reflection on economic-driven cohabitation, but more integration needs to be done. With this integra-

³⁴ Margaret A. Farley. 1987. Moral Discourse in the Public Arena. In *Vatican Authority and American Catholic Dissent*. Ed. William W. May, 177. New York: Crossroad.

tion may come the need to reformulate norms or to recategorize them from absolute norms to *prima facie* norms. The former apply always and in every circumstance; the latter serve as basic normative principles that can have exceptions if one norm conflicts with another that carries stronger obligation in the circumstances.

AL demonstrates some theological development in its use of scripture and a unique ecclesiological perspective when approaching marital and sexual ethical issues. First, there is a shift to virtue, highlighted best in Chapter Four's beautiful reflection on St. Paul's First Corinthians (13:4-7). There is a fundamental shift from prescriptive rules to virtues and to Scripture as a pedagogical source for virtues in a marital, ethical life. AL's use of Scripture on the issues of marriage and divorce, however, is at times selective and incomplete. It presents Matthew's teaching on the indissolubility of marriage (Mt. 19:6), for example, but fails to discuss his permission of divorce in the case of *porneia* (Mt. 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 Cor 7:12-15, and has historically granted them via the so-called Petrine Privilege, based on marital situations caused by slavery³⁵. It avoids much of the proof-texting of scripture that earlier magisterial documents utilize when addressing ethical issues.

Second, much like CSoT that empowers local Bishops' Conferences to formulate and apply CSoT on the basis of their particular cultural contexts, AL refers extensively to Bishops' Conferences and how they have responded to ethical questions with respect to marriage and family life (Korean Bishops, AL 42; Spanish Bishops, AL 32; Mexican Bishops, AL 51). Pope Francis has made a concerted effort towards decentralization of power and an attempt to empower Bishops' Conferences. This decentralization, however, has also caused greater tension in the Church among various episcopal conferences. Consider the German Bishops' Conference affirming response to *Fiducia supplicans*³⁶ and the blessing of same-sex relationships, and the African Bishops' Conferences condemning such blessings³⁷.

The consultation of the laity before and during both synods shows Francis' commitment also to the *sensus fidelium* and ecclesial synodality. We offer some

³⁵ See Michael G. Lawler, Todd A. Salzman. 2017. "Catholic doctrine on divorce and remarriage: A practical theological examination". *Theological Studies* 78 (2): 326–347.

³⁶ Dicastery for the Doctrine of the Faith. 2023. *Fiducia supplicans*. https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dcf_doc_20231218_fiducia-supplicans_en.html.

³⁷ Carol Glatz. 2024. "African bishops, with Pope Francis' agreement, declare 'No blessing for homosexual couples'". *America* (January 11, 2024). <https://www.americamagazine.org/fiducia/2024/01/11/african-bishops-same-sex-blessings-fiducia-supplicans-246900>.

theological explanation here. *Sensus fidelium* is a theological concept which denotes “the instinctive capacity of the whole Church to recognize the infallibility of the Spirit’s truth”³⁸. It is a charism of discernment, possessed by the whole Church, which receives a Church teaching as apostolic and, therefore, to be believed. One of the great debates at the Second Vatican Council’s *Lumen Gentium* was birthing was about who should be consulted about Catholic doctrine. Vatican theologians argued that it was only the Magisterium who determined doctrine, a claim that had become common since the definition of papal infallibility by the First Vatican Council in 1870. Pastoral bishops and theologians responded with the more historically accurate claim that the Church’s faith was preserved by all believers, lay and clerical together. They argued that, although the Magisterium spoke for the 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 Church’s rule of faith.

Lumen Gentium is clear.

The body of the faithful as a whole, 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 as a whole, it manifests this unerring quality when, ‘from the bishops to the last of the faithful,’ it manifests universal agreement in matters of faith and morals³⁹.

In the Church now re-emerging from the Second Vatican Council, which is an ecclesial communion, any effort to evaluate a magisterial teaching will automatically include open dialogue, uncoerced judgment, and free consensus. That is the way authentic and universal *sensus fidelium* is formed. Surveys of laity leading up to AL, which attempts to include the voices from those surveys, clearly reflect the process for discerning *sensus fidelium*.

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 synods and characterized as “a spirit of collegiality and synodality”. Some see a defining characteristic of his papacy as seeking to realize synodality, the ecclesiology of Vatican II that focuses on listening to the input from all quarters

³⁸ John E. Thiel. 2000. *Senses of Tradition: Continuity and Development in Catholic Faith*. Oxford: Oxford University Press, 47.

³⁹ *Lumen gentium*, 12. See Francis. 2014. Speech at the conclusion of the 2014 Synod on Marriage and the Family, October 18, 2014. <https://www.vatican.va/content/francesco/pl/speeches/2014/october.html>.

of the Church, laity and clerics alike, to engage in honest, charitable, and constructive dialogue to discern God's will and the path the Church must follow to attain it. This requires what both Popes John Paul II and Francis frequently refer to as "dialogue in charity". The two synods that laid the foundation for AL modeled this dialogue in a way that synods in the past have not done. Synodality is a central and defining dimension of Pope Francis' papacy and will open the door to further dialogue and development in the Church⁴⁰.

4. Conclusion

There remains much theological-ethical work to be done to draw out the full anthropological, methodological, and normative implications of AL for Catholic ethics, but it is clear that Pope Francis' Apostolic Exhortation will stimulate debate around the ethical issues involved in irregular ethical situations that appeared magisterially settled with the publication of John Paul II's *Veritatis splendor* in 1993. The items we have focused on in the grand plan of AL will, we believe, be in the forefront of that theological debate and reflection: first, the reinstatement of the authority and inviolability of an informed conscience in making ethical decisions leading to action judged to be ethical and virtuous; second, the gradualness of growing into Christian life and marital life it takes for granted; third, the emphasis on the virtues of love, mercy, and the prudential non-judgment of other people and their situations. We have no doubt that in AL Pope Francis has pointed the way, not to any abrogation of Catholic social or sexual ethical doctrine but to a renewed gospel, and therefore Catholic, way to approach it.

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