

Pinckaers and Häring on Conscience

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THE PURPOSE OF THE PRESENT ESSAY IS to survey two influential postconciliar positions on conscience. Readers of this journal will be aware that, thanks to the 1968 promulgation of *Humanae Vitae* and amplified by the presentations of conscience found in *Veritatis Splendor* (1993) and *Amoris Laetitia* (2016), the doctrine of conscience has become a nodal point of conflict among Catholic moral theologians.¹ In this essay, however, I do not delve into the conflict. Instead, I wish simply to examine the reflections on conscience put forward by two giants of postconciliar moral theology, Bernard Häring and Servais Pinckaers, both of whom continue to exercise a significant influence. As I have made clear elsewhere, I sympathize with Pinckaers's vision.² But the purpose of this essay is expository, rather than a matter of choosing sides. My goal is to begin to explore the reasons why two gifted theologians, both of whom were well known for their preconciliar criticisms of the manualist tradition, arrived at such different views of the place and nature of conscience in the moral life. Given their ongoing influence, I take

¹ For example, in his *A History of Catholic Moral Theology in the Twentieth Century: From Confessing Sins to Liberating Consciences*, James F. Keenan, S.J., maintains that Pope John Paul II's encyclical *Veritatis Splendor*, much praised by Pinckaers, was "a contemporary expression of neo-manualism" (Keenan, *A History of Catholic Moral Theology in the Twentieth Century: From Confessing Sins to Liberating Consciences* [New York: Continuum, 2010], 128). See also Nicholas Crotty, "Conscience and Conflict," *Theological Studies* 32 (1971): 208-232; John Mahoney, "Conscience, Discernment and Prophecy in Moral Decision Making," in *Riding Time Like a River: The Catholic Moral Tradition Since Vatican II*, ed. William O'Brien (Washington, DC: Georgetown University Press, 1993), 81-97. Robert J. Smith claimed in 1998, "During the past three decades, contemporary Roman Catholic moral theology has evidenced a recurring use of the notion of conscience in resolving moral issues and problems. Beginning with—though certainly not limited to—the promulgation of Pope Paul VI's *Humanae Vitae*, not a few Catholic moral theologians, pastors, and married couples themselves have invoked conscience when articulating reasons for their practical disagreement with and dissent from this teaching" (Smith, *Conscience and Catholicism: The Nature and Function of Conscience in Contemporary Roman Catholic Moral Theology* [Lanham, MD: University Press of America, 1998], xiii).

² See my *Biblical Natural Law: A Theocentric and Teleological Approach* (Oxford: Oxford University Press, 2008), chapter 3; and my forthcoming *Aquinas's Eschatological Ethics and the Virtue of Temperance* (Notre Dame: University of Notre Dame Press).

it for granted that striving to articulate their viewpoints accurately is a contribution to contemporary moral theology.

Before proceeding, let me briefly provide some historical background to the work of Häring and Pinckaers. The moral theologian Raphael Gallagher has directed attention to a 1936 article by Thomas Deman, O.P., that “suggested that the casuist manuals were not an authentic development of Thomas’s thought” and proposed that “the only intellectually honest way out of the dilemma was a return to the structure of Aquinas.”³ Likewise, in 1925 Réginald Garrigou-Lagrange, O.P., complains that “many modern theologians scarcely still know the treasures that they can find in the moral part of the *Summa theologiae*,” and he bemoans the fact that it “all too often happens” that moral theology is “reduced to casuistry,” which places all the emphasis on conscience (rather than prudence) and does not treat “the fundamental questions concerning the last end, the nature of human acts, the foundation of morality, the nature of law, the nature of the virtues and the Gifts of the Holy Spirit, the various states of life, and so forth.”⁴ This Dominican Thomistic line of critique, however, was not the first one to break through against the manuals. Instead, it was a second line of critique—focusing on the lack of biblical and Christological emphasis—that appears to have been most influential in bringing about the demise of the manualist system. In the late 1940s and early 1950s, moral theologians such as Fritz Tillmann, Theodor Steinbüchel, Johannes Stelzenberger, and Gérard Gillemann, S.J., criticized the moral manuals for being insufficiently biblical and Christological.⁵ According to Gallagher, it was “the publication of Bernard Häring’s seminal *The Law of Christ*” in the mid-1950s that decisively

³ Raphael Gallagher, C.Ss.R., “Interpreting Thomas Aquinas: Aspects of the Redemptorist and Jesuit Schools in the Twentieth Century,” in *The Ethics of Aquinas*, ed. Stephen J. Pope (Washington, DC: Georgetown University Press, 2002), 374-384, at 376. See Thomas Deman, O.P., “Probabilisme,” in *Dictionnaire de théologie Catholique*, vol. 13 (Paris: Librairie Letouzey et Ané, 1936), cols. 417-619. In response to Deman, various moral manualists argued that Alphonsus de Liguori organized his moral system around a Thomistic understanding of the virtue of prudence, and they emphasized Alphonsus’s own pastoral prudence in adjudicating cases.

⁴ Réginald Garrigou-Lagrange, O.P., “Remarks Concerning the Metaphysical Character of St. Thomas’s Moral Theology, in Particular as It Is Related to Prudence and Conscience,” trans. Matthew K. Miner, *Nova et Vetera* 17 (2019) 245-270, at 247-49.

⁵ See Fritz Tillmann, *Der Meister ruft: Die katholische Sittenlehre gemeinverständlich dargestellt* (Düsseldorf: Patmos-Verlag, 1948); Theodor Steinbüchel, *Existenzialismus und christliches Ethos* (Heidelberg: F. H. Kerle, 1948); Steinbüchel, *Religion und Moral* (Frankfurt: Knecht, 1950); Steinbüchel, *Zerfall des christlichen Ethos im XIX. Jahrhundert* (Frankfurt: Knecht, 1951); *Aus Theologie und Philosophie: Festschrift für Fritz Tillmann zu seinem 75. Geburtstag* (Patmos: Düsseldorf, 1950); Johannes Stelzenberger, *Lehrbuch der Moraltheologie: Die Sittlichkeitslehre der Königsherrschaft Gottes* (Paderborn: Ferdinand Schöningh, 1953); Gérard Gillemann, S.J., *Le Primat de la charité en théologie morale* (Brussels: Desclée, 1954).

exposed to a wide audience “the full crisis of the casuistic manuals.”⁶ Häring had written his doctoral dissertation under Steinbüchel.⁷

Around a decade after Häring’s work appeared, the young Dominican moral theologian Servais Pinckaers published a Thomistic attack upon the legalistic and obligation-focused moral theology of the manuals, with a laudatory preface by Marie-Dominique Chenu, O.P. Titled *La Renouveau de la morale. Etudes pour une morale fidèle à ses sources et à sa mission présente*, Pinckaers’s book was indebted to the Thomistic, Christological, and biblical emphases of his dissertation director at the Angelicum, Louis-Bertrand Gillon, O.P.⁸ In criticizing the manuals, Pinckaers also criticizes the Redemptorist tradition. Pinckaers states, “Between Thomas and St. Alphonsus along with the authors of the manuals, even when they espouse a ‘Thomistic disci-

⁶ Gallagher, “Interpreting Thomas Aquinas,” 376. See Bernard Häring, *The Law of Christ*, 3 vols., trans. E. G. Kaiser (Westminster, MD: Newman Press, 1961-66). See also Raphael Gallagher, C.Ss.R., “Bernard Häring’s *The Law of Christ*: Reassessing Its Contribution to the Renewal of Moral Theology in Its Era,” *Studia Moralia* 44 (2006): 317-351; Eberhard Schockenhoff, “Pater Bernard Häring als Wegbereiter einer konziliaren Moralthologie,” in *50 Jahre “Das Gesetz Christi.” Der Beitrag Bernhard Härings zur Erneuerung der Moralthologie*, ed. Augustin Schmied and Josef Römelt (Münster: LIT, 2005), 43-68; Brennan R. Hill, “Bernard Häring and the Second Vatican Council,” *Horizons* 33 (2006): 78-100; Charles E. Curran, *The Development of Moral Theology: Five Strands* (Washington, DC: Georgetown University Press, 2013), 26-27, 229-230. After listing a number of preconciliar moral theologians who criticized the manuals in the decades prior to Vatican II, Curran remarks: “In 1954, Bernard Häring, a German Redemptorist, published his monumental *Das Gesetz Christi (The Law of Christ)*, which was ultimately translated into fifteen languages. The subtitle, *Moral Theology for Priests and Laity*, shows his different approach. In this book Häring proposed a biblical, liturgical, Christological, and life-centered moral theology. Häring’s moral theology was based on the covenant—the good news of God’s loving gift for us and our grateful response. Christians are called to growth and continual conversion in their moral life and in their multiple relationships with God, neighbor, world, and self. He staunchly opposed any legalism that made God into a controller rather than a gracious savior. Häring also discussed the morality of particular actions, but he inserted these considerations into a broader understanding of the total Christian moral life” (*The Development of Moral Theology*, 26).

⁷ Steinbüchel, whose doctorate in moral theology was directed by Tillmann, was also known for his efforts to integrate Marxism with Catholic ethics: see Steinbüchel, *Der Sozialismus als sittliche Idee. Ein Beitrag zur christlichen Sozialethik* (Düsseldorf: Schwann, 1921). His work deserves more attention from scholars interested in the development of twentieth-century Catholic theology.

⁸ Servais Pinckaers, O.P., *La Renouveau de la morale. Études pour une morale fidèle à ses sources et à sa mission présente* (Tournai: Casterman, 1964). See L.-B. Gillon, O.P., *Christo e la teologia morale* (Rome: Edizioni Romae Mame, 1961); Gillon, “L’imitation du Christ et la morale de saint Thomas,” *Angelicum* 36 (1959): 263-286.

pleship' and even when there are some partial agreements, there is always a basic disagreement on the systematic plan."⁹ He goes on to explain the basic disagreement: "We find in St. Thomas a morality of happiness and of the virtues centered on charity and prudence, and we find in modern moralists a morality of commandments and legal obligations centered on conscience and sins."¹⁰

Does this mean that Pinckaers was opposed to the preconciliar work of the Redemptorist theologian Häring? On the contrary, Pinckaers later named Häring's *The Law of Christ*—as well as Häring's teacher Steinbüchel—as being among the major sources of inspiration for his own approach to moral theology in *The Sources of Christian Ethics*.¹¹ This affinity is surely evident in Häring's complaint, made in the first volume of *The Law of Christ*, that the Sermon on the Mount has been unjustifiably neglected in moral theology. In 1967, shortly after the end of the Council, Häring published an essay titled "The Normative Value of the Sermon on the Mount" in *Catholic Biblical Quarterly*.¹² The title of this essay will strike a chord with any

⁹ Pinckaers, *La Renouveau de la morale*, 23, cited in Thomas F. O'Meara, O.P., "Interpreting Thomas Aquinas: Aspects of the Dominican School of Moral Theology in the Twentieth Century," in *The Ethics of Aquinas*, 355-373, at 371.

¹⁰ Pinckaers, *La Renouveau de la morale*, 23; cited in O'Meara, "Interpreting Thomas Aquinas," 371.

¹¹ Servais Pinckaers, O.P., *The Sources of Christian Ethics*, trans. Sr. Mary Thomas Noble, O.P. (Washington, DC: Catholic University of America Press, 1995), 301.

¹² Bernard Häring, C.Ss.R., "The Normative Value of the Sermon on the Mount," *Catholic Biblical Quarterly* 29 (1967): 69-79 [375-385]. Häring describes Jesus's commandments in the Sermon on the Mount as "goal commandments" and as "an ethic of attitude" ("The Normative Value of the Sermon on the Mount," 76). He attempts to ensure that Jesus's words in the Sermon in no way support "a pastoral rigorism which requires from all indiscriminately what is psychologically impossible for many" ("The Normative Value of the Sermon on the Mount," 77). In *The Law of Christ*, vol. 1, 403, Häring contrasts the Decalogue negatively with "the Sermon on the Mount, the new law of the kingdom of God promulgated by Christ, the law of disinterested and unbounded love, humility, and love of the cross"; and he adds that the Sermon "determines the ideals and goals toward which we must strive (purposive precepts)." This text is quoted in Jeffrey Siker's chapter on "Bernard Häring: The Freedom of His Responsive Love," in Siker, *Scripture and Ethics: Twentieth-Century Portraits* (Oxford: Oxford University Press, 1996), 59-79, at 71. For his part, Pinckaers rejects any "explanation that places the Sermon on the Mount in the category of an imaginary ideal rather than a concrete reality where the action is. The perception of ourselves as unable to follow a moral teaching makes the teaching quite ineffective. We will soon abandon an ideal too far beyond us.... The exterior dimension, in the sense of concrete action in our neighbor's behalf, is as essential to the Sermon on the Mount as the interior dimension, in the sense of the 'heart' and the 'hidden place' where only the Father sees us. The teaching of the Sermon cannot be turned into a morality of sentiment or intention, any more than it can be considered as a purely formal morality consisting exclusively of universal principles" (*The Sources of Christian Ethics*, 137-138). Along similar lines, Siker finds that "Häring argues for the binding and normative character of Scripture in theological ethics, though he sees Scripture as offering guidelines and direction more than it does rules or limits.... [T]he

reader of Pinckaers, who insists in *The Sources of Christian Ethics* and other works that “[t]he Sermon on the Mount is a Gospel text of prime importance for Christian ethics.”¹³ Even if Häring does not adopt Pinckaers’s approach of reading the Sermon through Augustine’s commentary and through Aquinas’s development of Augustine—and even if Häring (unlike Pinckaers) combines the view that the Sermon is “the absolutely binding and liberating directive of the New Covenant” with the view that the Sermon does not support Catholic moral teaching as found in the tradition flowing from the Fathers and Aquinas¹⁴—nonetheless Häring and Pinckaers agree in giving the Sermon a central place in Catholic moral theology.

United in their opposition to the legalistic and obligation-based approach of the post-Trent moral manuals and in their insistence upon the centrality of Christ and the Sermon on the Mount, the two lines represented by Pinckaers and Häring diverged sharply in the years following the Second Vatican Council. Gallagher points out that immediately after the Council, “The casuist manual, already being undermined, finally crumbled, blasted under by the reforms of the council.”¹⁵ In the postconciliar period, Gallagher sees two competing

‘dynamics of salvation truth’ presented in Scripture remain very broad and general when it comes to the authority of Scripture for normative Christian ethics” (“Bernard Häring,” 74). Siker quotes praise given to Häring by Richard McCormick, S.J.: “The essay is vintage Häring, which is to say that it is characterized by obvious Christlike kindness and compassion, pastoral prudence, a shrewd sense of the direction of things, and a generous amount of haziness!” (McCormick, *Notes on Moral Theology: 1965 Through 1980* [Washington, D.C.: University Press of America, 1981], 340, cited in Siker, “Bernard Häring,” 75). Siker adds that Häring, emphasizing Christian freedom, “seems determined to avoid portraying the Bible as merely a series of constraints” and “allows generous leeway for how Christians appropriate and pursue the goal commands laid out in Scripture” (Siker, “Bernard Häring,” 77).

¹³ Pinckaers, *The Sources of Christian Ethics*, 134.

¹⁴ Häring, “The Normative Value of the Sermon on the Mount,” 76. To a significant degree, Häring’s essay appears to be directed toward bolstering a critique of the Church’s teaching on divorce and remarriage. Thus, Häring argues that “the saying ‘whoever marries a divorced woman commits adultery’ [Mt 5:32] just by itself is not sufficient to prove that under the new law of the covenant the remarriage of an innocently divorced woman excludes such a person under all circumstances from the kingdom of God. The Pauline privilege which is very extensive in ecclesiastical practice would contradict an understanding which would see in this statement of the Sermon on the Mount an absolute and exceptionless directive. As against the ease and levity with which a man could divorce his wife according to the interpretation of the Pharisees, the Sermon on the Mount indubitably emphasizes as a norm the absolute will to fidelity, and even under the most serious sacrifices. Merely from the biblical text alone, and especially in its context, it cannot be decided whether or not the correct understanding is opposed by the ancient practice of many Orthodox churches, who do not exclude from the Sacraments a spouse who is repudiated without any guilt of his own and who remarries” (“The Normative Value of the Sermon on the Mount,” 77). I address this topic in my *The Indissolubility of Marriage: Amoris Laetitia in Context* (San Francisco: Ignatius Press, forthcoming).

¹⁵ Gallagher, “Interpreting Thomas Aquinas,” 376.

schools of moral theology: on the one hand those (including Häring and Gallagher himself) who argue that “the practical-pastoral questions forced on people by experience”—for example, the situation of an innocent party to a divorce, the ecological crisis with the threat of human populations destroying ecosystems, the growing recognition of dignity of persons with homosexual orientation, and so on¹⁶—will require some elements of the manual tradition of moral casuistry; and, on the other hand, those who consider that Aquinas’s moral theology still provides a sufficient basis for illuminating and adjudicating the complex situations of Christian moral life.¹⁷ For those who argue that Thomistic moral theology is insufficient for addressing “practical-pastoral questions” that have emerged in our time, conscience retains the large role that it had in the manual tradition, and, indeed, conscience even expands further. By contrast, for those who think that the complexities of moral theology today can be suitably approached through Aquinas’s account of human action, law, grace, the natural and supernatural virtues, the gifts of the Holy Spirit, and so on, conscience receives the important but limited role that it possessed in Aquinas—rooted in the approach to conscience found in Scripture and in the Fathers.

In what follows, then, I introduce two alternative approaches to conscience in postconciliar moral theology.¹⁸ First, I examine two es-

¹⁶ These examples are my own, but I think Gallagher and Häring would agree with them.

¹⁷ Gallagher, “Interpreting Thomas Aquinas,” 377.

¹⁸ See also Joseph Ratzinger, “The Renewal of Moral Theology: Perspectives of Vatican II and *Veritatis Splendor*,” trans. Michelle K. Borras, in *Joseph Ratzinger in Communio*, vol. 1: *The Unity of the Church* (Grand Rapids, MI: Eerdmans, 2010), 183-194. Ratzinger, like Häring and Pinckaers, considers that in general, “the manualist tradition really was marked by a decided rationalism; because of this, Sacred Scripture retained only a very marginal function in the elaboration of moral theology”; and Ratzinger adds that since “the atmosphere of the Scriptures was totally lacking, as was the reference to Christ,” the manuals did not assist people in seeing “the great message of liberation and freedom given us in the encounter with Christ. Rather, it stressed above all the negative aspect of so many prohibitions, so many ‘no’s.’ These are no doubt present in Catholic ethics, but they were no longer presented for what they really are: the concretization of a great ‘yes’” (“The Renewal of Moral Theology,” 184). Ratzinger observes that Vatican II’s attempt to stimulate a “return to a substantially biblical and christological ethics” (“The Renewal of Moral Theology,” 184), however, quickly ran aground. He offers a number of reasons for this, including the fact that a number of modern ethical questions do not find ready-made answers in Scripture, as well as the difficulty of accounting for the relationship of law and gospel. In much contemporary Catholic ethics, Ratzinger points out, the result is that Scripture now has the role simply of offering inspiring goals—“a horizon of intentions and motivations” (on the “transcendental” rather than the “categorical dimension”)—while particular acts are judged on the basis of a rational calculus of consequences and/or in terms of models of liberation drawn from philosophical sources (“The Renewal of

says on conscience by Pinckaers, in which Pinckaers shows why conscience needs to be restricted to a particular function in the moral life, embedded within Christian prudence, rather than retaining the leading role that the manualists gave it. Second, I discuss portions of the first volume of Häring's *Free and Faithful in Christ*, where he argues that the solution to the manuals' legalism is to expand and enhance the place of conscience in Christian moral life.¹⁹

I. SERVAIS PINCKAERS, O.P., ON CONSCIENCE

In order to set forth Pinckaers's views on conscience, I will survey two essays that are contained in John Berkman and Craig Steven Titus's valuable compendium, *The Pinckaers Reader*: "Conscience and Christian Tradition" and "Conscience and the Virtue of Prudence."²⁰ The latter essay is more substantial philosophically, while the former lays out Pinckaers's theological foundations in depth.²¹

Moral Theology," 187-188). Ratzinger urges that the integration of reason and revelation in Christ the *Logos* be rediscovered, along with the way in which biblical ethics succeeds "in assimilating the human contribution, while transfiguring it in the divine light of Revelation, which culminates in Christ, thus offering the authentic path of life" ("The Renewal of Moral Theology," 188).

¹⁹ See also the remark of James F. Keenan, S.J., "Bernard Häring's Influence on American Catholic Moral Theology," *Journal of Moral Theology* 1 (2012): 23-42, at 38: "The teaching on conscience [set forth by Häring] is, I think, the emblematic expression of the hopeful expectations that were raised by Häring and affirmed by Vatican II. Universally, conscience becomes the point of departure for revisionists as witnessed by the plethora of books and essays on the topic. While the influence of Häring (as well as Josef Fuchs) on promoting the primacy of conscience as a universally embraced claim within the Roman Catholic tradition is clearly evident, we should not fail to see the specific impact it had on the United States.... Häring, like Fuchs, rooted his understanding of conscience in freedom." See Josef Fuchs, S.J., "Conscience and Conscientious Fidelity," in *Moral Theology: Challenges for the Future: Essays in Honor of Richard A. McCormick*, ed. Charles E. Curran (New York: Paulist Press, 1990), 108-124.

²⁰ Servais Pinckaers, O.P., "Conscience and Christian Tradition," trans. Sr. Mary Thomas Noble, O.P., in *The Pinckaers Reader: Renewing Thomistic Moral Theology*, ed. John Berkman and Craig Steven Titus (Washington, DC: Catholic University of America Press, 2005), 321-41; Pinckaers, "Conscience and the Virtue of Prudence," trans. Sr. Mary Thomas Noble, O.P., in *The Pinckaers Reader*, 342-355.

²¹ For scholarly reflection on Pinckaers's thought, see for example Craig Steven Titus, "Servais Pinckaers and the Renewal of Catholic Moral Theology," *Journal of Moral Theology* 1 (2012): 43-68; *Renouveler toutes choses en Christ. Vers un nouveau thomisme de la théologie morale*, ed. Michael Sherwin, O.P., and Craig Steven Titus (Fribourg, Switzerland: Fribourg University Press, 2009); Patrick Clark, "Servais Pinckaers's Retrieval of Martyrdom as the Culmination of the Christian Life," *Josephinum Journal of Theology* 17 (2010): 1-27; William C. Mattison III, "Beatitude and Beatitudes in the *Summa theologiae* of St. Thomas Aquinas," *Josephinum Journal of Theology* 17 (2010): 233-249; John Cuddeback, "Law, Pinckaers, and the Definition of Christian Ethics," *Nova et Vetera* 7 (2009): 301-326; Matthew Levering, "Supplementing Pinckaers: The Old Testament in Aquinas's Ethics," in *Reading Sacred Scripture with Thomas Aquinas. Hermeneutical Tools, Theological Questions and*

In “Conscience and Christian Tradition,” Pinckaers first briefly summarizes St. Paul’s view of conscience. He eschews the approach of searching for Paul’s use of the Greek word for “conscience.” Instead, he focuses upon how Paul treats “cases of conscience.” He finds such cases in 1 Corinthians 6. When Paul responds to the Corinthian practice of fornication with prostitutes, for example, Paul employs arguments that rely upon reason and also employs arguments that rely upon faith. The arguments that rely upon reason include the point that “he who joins himself to a prostitute becomes one body with her.... Every other sin which a man commits is outside the body; but the immoral man sins against his own body” (1 Cor 6:16, 18). The arguments that rely upon faith include the point that “your bodies are members of Christ” and “your body is a temple of the Holy Spirit within you, which you have from God[.] You are not your own; you were bought with a price” (1 Cor 6:15, 19-20). Perceiving the integration of faith and reason through Christian prudence, Pinckaers comments, “Reason and faith interact reciprocally in a progressive argument that throws light on the case at a new depth stemming from a relationship with Christ. The rule of conduct thus established is given a richness of content which philosophy alone could not have provided.”²² His suggestion here is that conscience is not an autonomous realm in which God simply speaks to human reason, laying down the moral law so that persons can obey. Instead, cases of conscience—and the instruction of human prudence—require to be inserted within the whole framework of Christ’s Body and the outpouring of the Holy Spirit.

In Pinckaers’s view, the first chapters of Romans provide crucial resources. The grace of Jesus Christ has convicted Paul of pride, of sin (Rom 2-3). Wisdom, whether rooted in Torah or in the lesser path of Greco-Roman philosophy, cannot suffice by itself. What is needed instead, most importantly, is for God’s love to have been “poured into our hearts through the Holy Spirit who has been given to us” (Rom 5:5), to be “dead to sin and alive to God in Christ Jesus” (Rom 6:11), to receive “the law of the Spirit of life in Christ Jesus” (Rom 8:2), and to be “children of God” and “fellow heirs with Christ” who are aided by the Spirit (Rom 8:16-17). Pinckaers emphasizes that Romans’ understanding of the moral life does not center around the rational dictates of conscience or moral obligations but rather centers around “the living presence of Christ Jesus... as the source of the justice and wisdom of God, that is, of the entire moral life.”²³

New Perspectives, ed. Piotr Roszak and Jürgen Vijgen (Turnhout, Belgium: Brepols, 2015), 349-373. See also John Corbett, O.P., “The Function of Paracletis,” *The Thomist* 73 (2009): 89-107.

²² Pinckaers, “Conscience and Christian Tradition,” 322.

²³ Pinckaers, “Conscience and Christian Tradition,” 324.

On this basis, Pinckaers turns to the moral teaching found in Romans 12-15. His first step in this regard is to note that Paul connects the moral life with worship: “present your bodies as a living sacrifice, holy and acceptable to God, which is your spiritual worship” (Rom 12:1). It is by understanding our lives as a self-offering in Christ and through the Spirit that we can be “transformed” and can make manifest “what is the will of God, what is good and acceptable and perfect” (Rom 12:2). Pinckaers urges that for Paul, there is no speaking of the role of conscience for the Christian without firmly planting it within the context of prayer, the sacraments, Christ, and the Spirit. In this context, there is no danger of an individualistic ethics; instead, Paul emphasizes that “we, though many, are one body in Christ, and individually members one of another” (Rom 12:5). As such, we must flee from pride and “love one another with brotherly affection; outdo one another in showing honor. Never flag in zeal, be aglow with the Spirit, serve the Lord” (Rom 12:10-11). Pinckaers appreciates that Paul is teaching that the center of the Christian moral life is charity, not simply as a reality for an individual person but also as an ecclesial reality uniting the Church.

In Romans 12, as Pinckaers notes, Paul goes on to list concrete, embodied virtues by which Christians show charity for God and each other. These virtues and actions include hope, patience, endurance of persecution, constancy, almsgiving, and hospitality (Rom 12:12-13). In words that echo the Sermon on the Mount, Paul adds that we must avoid vengeance, but rather must pray for our persecutors and care for our enemies. Instead of being proud, we must “associate with the lowly” (Rom 12:16), and must exhibit a peaceable disposition. In offering these instructions, says Pinckaers, Paul is showing us his own Spirit-guided conscience as a member of the Body of Christ. Paul seeks to reach out with the Gospel of charity, the Gospel of Christ, to all humans, including those who are “weak” (1 Cor 9:22) and with an effort to transcend all divisions (such as that between Jew and Gentile). Pinckaers concludes that what Paul reveals of his own conscience shows that he does not see the moral life as simply a matter of obedience to particular rules known by reason. As Pinckaers states, “Paul’s conscience is not static, limited by rational imperatives determining what is allowed and what is forbidden. It is animated by charity’s thrust toward what pleases God, toward the perfect. At the center of Paul’s conscience dwells the person of Christ.”²⁴

Before leaving Romans 12-15, he examines how Paul approaches another central case of conscience, namely how the believer should relate to the civil authorities. Again Pinckaers finds a mix of reason and faith. Reason tells us that “there is no authority except from God, and those that exist have been instituted by God” (Rom 13:1)—

²⁴ Pinckaers, “Conscience and Christian Tradition,” 327.

thereby calling Christians back from anarchist politics. In this context, Paul appeals explicitly to believers' consciences: "Therefore one must be subject, not only to avoid God's wrath but also for the sake of conscience" (Rom 13:5). According to Pinckaers, this understanding of civil authority fits with how Paul has earlier framed his discussion of charity. Recall that Paul urges believers, as part of practicing charity, not to be proud, and to "[l]ive in harmony with one another" and insofar as possible to "live peaceably with all" (Rom 12:16, 18). This peaceableness and willingness to subject oneself humbly to others, with a respectful attitude toward the gifts and vocations that God has given them, is reflected in Paul's exhortation to believers to be subject to civil authority. It follows that in Pinckaers's view, the subjection to civil authority advocated by Paul flows not only from reason but also from faith; it is a subjection that has, at its source, the God who "has revealed himself to us in the service and obedience of Christ" and whose Holy Spirit infuses us with charitable desire for the common good of all, including the common good of the civil society.²⁵ Pinckaers argues therefore that the "conscience" spoken of by Paul is enlivened by the Holy Spirit.²⁶

He next turns to Aquinas's theology of conscience. He emphasizes that Aquinas, by contrast to later moralists, has relatively little to say about conscience. For Aquinas, prudence receives the central place, whereas later moralists give the central place to conscience. Pinckaers considers this to be highly significant. As he remarks, "St. Thomas's moral teaching is a morality of the virtues, organized around charity and prudence, rather than a morality of commandments and obligations imposed upon conscience."²⁷ Specifically, prudence or virtuous practical reason is habitual right reason with respect to matters of action. Pinckaers explains that practical reason has its roots in our rational inclinations or instincts toward the true and the good. These rational inclinations are a created participation in divine Truth and

²⁵ Pinckaers, "Conscience and Christian Tradition," 328.

²⁶ Pinckaers's treatment of conscience in Romans oddly does not mention the difficult—and much discussed by the Fathers—text of Romans 2:1-16. Paul's teaching in Romans 2:13-15 contains an explicit reference to conscience, and conscience does not here seem to be limited to a Spirit-enlivened conscience, because Paul indicates that conscience is present in Gentiles who are outside a covenantal relationship with God (though some Fathers understood these Gentiles to be Christian Gentiles).

²⁷ Pinckaers, "Conscience and Christian Tradition," 330. Pinckaers's point is that Aquinas organizes his moral teaching around the virtues, not that Aquinas gives no value to the divine commandments (eternal law, natural law, and divinely revealed law) and to our obligation to know and obey these commandments. This is a clarification that Pinckaers does not make in this essay, however.

Goodness.²⁸ We possess the first principles of practical reason habitually, as a real and unchangeable possession. The habitual possession of these first principles—the “moral light” that we experience in ourselves—is called “synderesis” by Aquinas. As a created moral light, “synderesis” is the locus of the infusion of supernatural virtues by the Holy Spirit.

“Synderesis” informs practical reason and is inalienably possessed by each human person. But even those who lack the virtue of prudence nonetheless possess the habitual moral light of synderesis. What prudence adds is “a clear, active discernment of the conditions for action and of oneself, a discernment gained by personal experience and by the kind of reflection that knows how to profit by the opinions and experience of others as well.”²⁹ Prudence allows us to apply well, in particular circumstances, our knowledge of what is good in matters of action. By perfecting practical reason, prudence ensures that our habitual moral light is able to unfold fully in our action. Pinckaers describes Christian prudence (or the infused virtue of prudence) as “a kind of practical wisdom receiving a new, profound light from faith and a higher strength from charity, which unites it to God and deepens its understanding of the neighbor.”³⁰ Enriched by the Spirit’s gifts of counsel, understanding, and wisdom, Christian prudence enables the believer to act virtuously, in accord with the radical demands of charity and with the freedom of the Holy Spirit.

Aquinas embeds his brief discussion of conscience within his analysis of prudence. In “Conscience and Christian Tradition,” Pinckaers treats synderesis and prudence. When we possess Christian prudence, we will do the right thing, putting into action the principles known habitually through synderesis. Describing the Christian who acts prudently as “a conscience in action,” Pinckaers argues that in order to understand Aquinas’s teaching on conscience—and in order to avoid the distortion caused by the manuals’ emphasis on conscience—we do better to speak of prudence. In light of the Gospel (especially the Sermon on the Mount), it is clear that Christian prudence has beatitude as its goal. In Pinckaers’s view, this shows that, among Christians at least, there is no domain of individual conscience separate from the whole dispensation of Christ and his Spirit. Christian prudence is an ecclesial virtue, enabling us to act with the Church. Christian prudence also plays a role in strengthening human societies by ensuring that Christians obey the civil law and live in solidarity with their neighbor.

²⁸ Pinckaers observes that for Aquinas, our created light of truth and our attraction to the good are the ground of our freedom. Aquinas identifies these dynamisms as the *imago Dei*.

²⁹ Pinckaers, “Conscience and Christian Tradition,” 332.

³⁰ Pinckaers, “Conscience and Christian Tradition,” 332.

The Spirit's gifts of counsel and piety enable Christian prudence and justice to tend toward the kingdom of God.

As a third and final step in "Conscience and Christian Tradition," Pinckaers describes the place of conscience in the post-Tridentine textbooks or manuals on moral theology. A standard moral theology manual had four parts in its first section, which was devoted to fundamental or general moral theology. The four parts covered, respectively, human acts, conscience, laws, and sins. After this first section, the manual turned to "special" moral theology, namely, the commandments of God and of the Church followed by particular cases of conscience. The result is that, instead of Aquinas's (and Paul's) central attention in moral reflection to the goal of beatitude, Christ, the grace of the Holy Spirit, charity, prudence, and so on, the post-Trent moral manuals presented moral theology with conscience at the center and with the goal of showing what is forbidden and what is permitted.

Pinckaers comments that in the manuals' approach to moral theology, "conscience plays the role of intermediary between law and human acts, or more precisely between law and the freedom that is at the origin of human acts."³¹ Through conscience, the rational will is not ignorant of the law; and conscience aids in interpreting the law's application (more laxly or more rigorously) in particular complex cases. The divine law obligates the human person, and a good human action accomplishes what is obligatory by conforming the person's freedom to the law. Freedom here is seen as *restrained* by conscience and law. Thus understood, freedom is "freedom of indifference"—the pure freedom to choose (which is restrained by conscience and law)—as distinct from the "freedom for excellence" (which welcomes conscience and law) that the Gospel and virtue ethics presuppose.³² For the manuals, Pinckaers points out, if an act is obligatory, it is "under the law"; if an act is permitted, then it is "under freedom." In this system, moral theologians play a similar casuistical role as that played, according to this system, by conscience. The goal is to figure out what is permitted, and to ensure that freedom does not pass the point of no return and fall into sin. Likewise, certain acts are found to be obligatory; one can do more—for example one can participate in the celebration of the Mass daily, or one can become a monk—but one cannot morally do less than the obligation. On this view, doing more is where spiritual theology (prayer, the beatitudes, the Spirit's gifts) comes in; moral theology proper has to do with "the determination of the legal minimum."³³ Communicating the obligations of the law to the free

³¹ Pinckaers, "Conscience and Christian Tradition," 335.

³² Pinckaers, "Conscience and Christian Tradition," 335.

³³ Pinckaers, "Conscience and Christian Tradition," 336.

will, conscience operates like a great casuist, permitting this and forbidding that.³⁴

Not surprisingly, a battle arises between personal freedom and legalistic obligation. Pinckaers observes that this battle characterized the centuries-long post-Trent history of moral probabilism, including the criticisms lodged by the Jansenist rigorist (and brilliant Christian thinker) Blaise Pascal against the Jesuit probabilists of his day. Desiring to save moral theology from this quagmire, Pinckaers compares the post-Trent approach with the approaches he found in Paul and Aquinas. He notes that in the manuals, conscience stands at the center, but has lost touch with beatitude, prayer, the spiritual life, the grace of the Holy Spirit, prudence, charity, and so on. All that is left for conscience is law, freedom, and obligation. There is hardly any real need for Scripture, since once the laws are known, Scripture becomes redundant. There is not much need for the Church, since individual morality is the central focus. Instead, the Church, like the state, now becomes simply a law-making and law-interpreting mechanism; the Church has value for morality only insofar as it lays down laws and imposes obligations authoritatively. Rather than studying Scripture, therefore, moralists studied the Magisterium's decrees, as if the Magisterium—rather than God, human nature, and human destiny as revealed in Scripture and Tradition and as appropriated with the aid of philosophical wisdom—“were the source of moral obligation and doctrine.”³⁵

Pinckaers finds that the present situation (in 1990) still reflects the legalistic and individualistic manualist understanding of moral theology, despite Vatican II's call for a return to moral theology's sources. Prior to the Council, rigorist conscience reigned; after the Council, conscience still reigns for many moral theologians, but now as a personal conscience that insisted upon its freedom. Rather than Paul's “Christ-centered” and “ecclesial” conscience or Aquinas's virtue- and community-centered conscience, we still have the manualist conscience, and the result is simply another episode in the controversies over probabilism.³⁶ If conscience is going to be at the center, Pinckaers notes, we need to appreciate that “truth, goodness, and reality” make demands upon us.³⁷ Therefore, any “conscience” that we might appeal

³⁴ Pinckaers briefly pauses to absolve John Henry Newman's understanding of conscience from the charge of moral reductionism that he is making. Newman's understanding of conscience cannot be separated from “the entire spiritual life”; it is not simply about navigating legalistic obligations, and it appeals directly to the heart that yearns for God (“Conscience and Christian Tradition,” 337).

³⁵ Pinckaers, “Conscience and Christian Tradition,” 339.

³⁶ Pinckaers, “Conscience and Christian Tradition,” 340.

³⁷ Pinckaers, “Conscience and Christian Tradition,” 340. The sense of “demands” is especially present given our fallenness, which Pinckaers does not mention here but of which he is well aware.

to must be a *demanding* conscience, given that it is attuned deeply to truth and goodness. The moral life, if it is to be Christian, will inevitably be a strenuous and challenging one as we ascend with and to Christ through the Spirit.

In this light, at the end of his essay, Pinckaers constructively describes the appropriate task of conscience. He remarks, "Conscience sets us upon an astonishing road. It calls for effort that lifts us high after humbling us in submission to the moral law."³⁸ This effort is not about rules, duty, and obligation; instead it is about virtues such as prudence and humility, and the road is one of love. Pinckaers concludes that the true reality of Christian conscience illustrates "the Gospel principle: he who humbles himself shall be exalted. The key to this paradox is in the hands of love, which finds its joy and fulfillment in the humility of service, after the example of Christ."³⁹ When we return to the Gospel, we can reclaim the truth of a demanding conscience without falling into a manualist morality of obligation and law. The truth about conscience is bearable when one discovers that God, in Christ and through his Spirit, wills to heal and transform us so that we can enjoy true flourishing, the beatitude of everlasting union with God and with the blessed.

In terms of the specific elements of the doctrine of conscience, Pinckaers's 1996 "Conscience and the Virtue of Prudence" adds much to his 1990 essay. He begins by reprising the 1990 essay's division of moral theology into good and bad forms. The fundamental problems of the post-Trent manualist tradition of moral theology are the promotion of the "probabilist" impasse and the conception of freedom as indifferent rather than oriented to the good. By contrast, he observes that Pope John Paul II's 1993 encyclical *Veritatis Splendor* articulates the truth about freedom, rooted in the natural inclinations and characterizing the image of God in us. Given that the natural inclinations ground the natural law, there is no danger of antinomianism here, just as the central role of practical reason draws together intellect and will and thereby avoids the danger of voluntarism. By tending toward realities outside the self, the natural inclinations also ensure that the supernatural gift of charity (while not "natural") is not objectionable to our created human nature.

Pinckaers appreciates that *Veritatis Splendor* makes clear that the laws or commandments of the Decalogue are a gift of divine love by which God invites his people to draw close to him. This ensures that the commandments are not misunderstood as external or arbitrary laws of an aloof God. Describing law as "both exterior and interior, superior and immanent," he notes that the Decalogue corresponds to the natural law and he observes that "law, like conscience which bears it witness,

³⁸ Pinckaers, "Conscience and Christian Tradition," 340.

³⁹ Pinckaers, "Conscience and the Virtue of Prudence," 343.

has a spiritual and ecclesial dimension.”⁴⁰ Both law and conscience are part of God’s drawing us to his truth and goodness, in company with others. By means of law, God is not giving us merely external duties that we obey as individuals; rather God is establishing our flourishing with him and with our neighbors. Thus understood, law and conscience provide us with a real encounter with Christ, as Pinckaers indicates through a quotation from Newman that he draws from the *Catechism of the Catholic Church*.⁴¹

Pinckaers then turns to the virtues, which perfect our powers of knowing and loving so that we can hear and obey law and conscience and thereby attain the beatitude that God desires for us. Not only the virtues, but also the gifts of the Holy Spirit (Isa 11:2), the beatitudes of the Sermon on the Mount (Mt 5:3-10), and the fruits of the Spirit (Gal 5:22-23) have a crucial place here. The special importance of the virtue of prudence consists in its role in connecting the virtues. Since prudence is wisdom in matters of action, prudence ensures that each virtue is rightly enacted.

Having shown the central role of prudence, Pinckaers deems it safe to introduce synderesis and conscience. Synderesis is our habitual, inalienable, unchanging knowledge of the first principles of practical reason. Conscience, then, derives from the principles given in synderesis. Conscience applies the light of synderesis to particular actions.⁴² Conscience assists prudence in applying what is known by the light of synderesis to particular cases. Pinckaers describes the fundamental difference between conscience and prudence according to Aquinas: “The judgment of conscience remains at the level of knowledge, whereas the judgment of the choosing as well as the judgment of prudence includes the involvement of the ‘appetite,’ that is, of the affective will.”⁴³ Unlike conscience, then, prudence actually terminates in a command or decision to act.

A second difference between prudence and conscience—despite their close working together—sheds light on why, in his 1990 essay, Pinckaers was hesitant to discuss conscience directly. Namely, conscience does in fact create an “obligation” on the part of the will, which is *obligated* to follow conscience. The just will is guided by the conscience’s rational perception of what is truly good. But when taken out of the context of the virtue of prudence, this connection between

⁴⁰ Pinckaers, “Conscience and the Virtue of Prudence,” 347.

⁴¹ See John Henry Newman, “Letter to the Duke of Norfolk,” V, in *Certain Difficulties Felt by Anglicans in Catholic Teaching*, vol. II (London: Longmans Green, 1885), 248; cited in *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Libreria Editrice Vaticana, 1997), §1778.

⁴² Pinckaers notes that for Aquinas, synderesis, which cannot err, is like the purest part of the fire; while conscience, which can err, is like the fire that is mingled with alien elements that affect its purity.

⁴³ Pinckaers, “Conscience and the Virtue of Prudence,” 352.

conscience and obligation can result (as happened in the post-Trent period) in the conceiving of conscience and obligation as the center of Christian morality.

Pinckaers mentions a third difference between conscience and prudence. Conscience applies itself to past actions (which conscience excuses or accuses) or to future actions (which conscience approves or forbids). By contrast, prudence terminates in *present* action, even if prudence first deliberates about a possible future action and reflects upon the experience of past actions.

Despite these differences, conscience serves prudence, and both have to do with the discernment between good and evil in action. Given that conscience can be wrong, revelation and other sources, including virtuous prudence, help to educate and purify conscience. The formation of conscience has to do with “guaranteeing a fruitful application of synderesis, a real participation in its light, a true echo of the voice of God.”⁴⁴ Once we realize that conscience needs formation, we are unlikely to make the mistake of placing conscience at the helm of the moral life. Far from being a merely automatic tool for judging actions, conscience needs divine revelation in Christ, the enlightening of the Holy Spirit, and the connatural knowledge that prudent and charitable actions bring. A person who repeatedly performs a certain kind of good action comes to know intuitively what pertains to good and well-ordered actions in that domain.

Without doubt, Pinckaers is wary of too much talk about conscience. But when conscience is rightly understood, its role is important. The main point for Pinckaers is that conscience is not an individualistic or legalistic mechanism for determining what is forbidden and what is permitted. Rather, conscience’s indebtedness to synderesis shows that what is actually at stake is our natural orientation to divine truth and goodness, and the fact that conscience serves prudence shows that moral theology involves the fullness of the interconnected virtues. This perspective enables us to avoid the trap of seeing moral theology as being about rules and obligations, as though Christian life were simply about doing the minimum necessary to get into heaven.

II. BERNARD HÄRING, C.SS.R., ON CONSCIENCE

How does Bernard Häring’s approach compare to Pinckaers’s? In the first volume of his three-volume *Free and Faithful in Christ*, Häring offers an introduction to “general moral theology.”⁴⁵ Under

⁴⁴ Pinckaers, “Conscience and the Virtue of Prudence,” 354-355.

⁴⁵ Häring states that *Free and Faithful in Christ* is not a revision or new edition of his preconiliar three-volume *The Law of Christ*. Not surprisingly, however, there are significant continuities between the two works. For scholarly reflection on Häring’s moral theology, see, in addition to the sources cited above, Kathleen A. Cahalan, *Formed in the Image of Christ: The Sacramental-Moral Theology of Bernard Häring*,

this rubric, the first volume devotes twenty pages to the Old and New Testament frameworks for Christian ethics; thirty pages to the history of the Church's moral theologians from the Fathers onward; forty-five pages to creative liberty, creative fidelity, and creative co-responsibility; sixty pages to creation, Christ, the Holy Spirit, personal freedom, and the Church; sixty pages to the "Fundamental Option"; eighty pages to conscience; seventy-five pages to law and liberty; and ninety pages on mortal and venial sins and the sacraments of conversion. Although Häring includes a number of the same topics that Pinckaers finds in the manuals, the contents of Häring's book—perhaps even more than its structure—often differ significantly from the manuals' understanding of the contents of "general" moral theology.

I will sketch some of Häring's positions before turning to his theology of conscience. In his introduction, he notes that as in his earlier *The Law of Christ*, he intends to focus on Christ's drawing us together and uniting us to the Father, and he also continues to affirm our co-responsibility in this salvific action. But he now seeks to give sustained attention to what he calls "creative liberty" and "creative fidelity" in the moral life.⁴⁶ We must be faithful to Christ, who is "Liberty incarnate and our Liberator"; and we must be faithful to "the best of tradition" even while rejecting the "dead traditions" that are found in the Church.⁴⁷ In this undertaking, conscience stands front and center. Häring states, "I am convinced that we have moved into a new era that will be determined by people who live by their own conscience and

C.Ss.R. (Collegeville, MN: Liturgical Press, 2004); Felix Bak, "Bernard Häring's Interpretation of Cardinal Newman's Treatise on Conscience," *Ephemerides theologicae Lovanienses* 49 (1973): 124-159. Notably, Robert J. Smith has compared Häring's understanding of conscience—to which he devotes a full chapter—to the accounts of conscience found in Thomas Aquinas and Germain Grisez. Smith argues that "Häring's understanding of the nature and function of conscience is in line with the tradition as it is articulated by Thomas Aquinas. There is both an intellectual and a volitional dimension to conscience, joined into a unity within the very center and core of the person. Conscience needs and exercises its rationality in two ways: first, through the use of cognitive, intellectual, or discursive elements; second, by way of non-discursive resources that we possess, such as affectivity, connaturality, moral intuition, and the assistance of the Holy Spirit. Häring is also very much in the tradition of Aquinas in his connecting conscience to the virtue of prudence. Since conscience is God-given and cannot fail in its inner orientation to the good and the right—though it can and does make errors in its execution—it ought never to be hindered from acting on its own best and sincerely arrived at decisions. Conscience is primary in the making of personal moral decisions and is inviolable once those decisions are made" (Smith, *Conscience and Catholicism*, 103).

⁴⁶ Bernard Häring, *Free and Faithful in Christ*, vol. 1: *General Moral Theology* (New York: Crossroad, 1984), 1.

⁴⁷ Häring, *Free and Faithful in Christ*, 2-3.

are particularly qualified to act as discerning members of community and society.”⁴⁸

Häring gives ample attention to “the work of the Spirit” and to Christ, who grounds “the newness of Christian ethics.”⁴⁹ He appreciates that the moral life of individual Christians belongs within and contributes to the communion of the Church, a communion that is at its root a communion with the Trinity. He urges a deeper use of Scripture and argues that there must be distinctively Christian content in the moral life. He affirms the significance of Christ’s Cross and our participation in it.

When he turns to post-Trent moral theology, Häring is critical of voluntaristic legalism and of the fact that, given the focus on the penitential context, “[t]he source of moral knowledge was no longer Holy Scripture but chiefly law and the declarations of the magisterium.”⁵⁰ He argues that the solution is a richer appreciation of conscience. Thus, he bemoans the fact that the emphasis of post-Trent moral theology “was no longer on the law inborn in man and discovered by conscience in the reciprocity of consciences, but rather on the authoritative decision of what natural law prescribes for people of all times.”⁵¹ He blames this period of moral theology above all for its acceptance of the institution of slavery.

⁴⁸ Häring, *Free and Faithful in Christ*, 4. He contrasts this courage to make one’s “own choice, whatever pain might be involved,” with the error of “conservatism” (*Free and Faithful in Christ*, 5). Häring seeks to contribute to the broader project of “the rethinking of a number of doctrines, traditions, teachings and practices” (*Free and Faithful in Christ*, 4). He sees freedom and historical consciousness as profoundly linked, and he exhorts his readers with the following questions: “How free are we in our thinking and in our sharing of experience and reflections? Do we consciously live in the presence of the Lord of history? How well do we use and broaden the freedom which today’s Church and society give us to think and speak honestly as free persons?” (*Free and Faithful in Christ*, 4-5). He warns about past Catholic theologians: “We have also to discern past efforts of moral theologians and ethicists in view of previous situations that have frequently and substantially limited not only their freedom to share with others but also their very freedom to search with absolute honesty and courage” (*Free and Faithful in Christ*, 5).

⁴⁹ Häring, *Free and Faithful in Christ*, 15.

⁵⁰ Häring, *Free and Faithful in Christ*, 46.

⁵¹ Häring, *Free and Faithful in Christ*, 46-47. For further explanation of the “reciprocity of consciences,” see *Free and Faithful in Christ*, 265-84. Häring makes clear that the Christological and pneumatological emphasis that he advocates has predecessors from the post-Trent period. He especially credits the late-eighteenth and nineteenth-century moralists John Michael Sailer (1751-1832), John Baptist Hirscher (1788-1865), and Francis Xavier Linsenmann (1835-1898). As Häring says of Linsenmann, he “considered it one of the major tasks of moral theology to uncover the deeper meaning of freedom as following Christ under the grace of the Holy Spirit” (*Free and Faithful in Christ*, 53). Pinckaers is likewise aware of these predecessors, and he adds other figures such as the Tübingen theologian Magnus Jocham (1808-1893) and, among Thomist theologians, Joseph Mausbach (1861-1931), Otto Schilling, and Fritz Tillmann. At the same time, Pinckaers observes that for the formation of clergy in the

Approvingly, Häring remarks that “modern ethicists, moralists and psychologists avoid the word “virtue” because many misunderstand it as character traits of the all too tamed, too quiet, too submissive person. Or it is understood as a trait of the “virtuous” person who is all too conscious of his own importance and moral value.”⁵² In place of the language of virtue, Häring relies upon the notions of “fundamental option” and “fundamental dispositions.”⁵³ He argues that “the fundamental option gives unity, integration and final firmness to attitudes, sentiments and emotions.”⁵⁴

For Häring, Christian freedom is the central element of Gospel morality. He states, “The Synoptics present the eruption of freedom, above all, under the paradigm of God’s kingdom. It is the new freedom under God’s rightful rule, a rule to save the oppressed, to heal the sinners, a rule of goodness that can be accepted and fulfilled only in that freedom which responds to God’s undeserved gifts.”⁵⁵ Jesus frees us from the slavery of sin, from our refusal “to be free for God, for true love and for fullness of truth.”⁵⁶ He thereby frees us from hatred, from legalism, from overscrupulosity, from alienation, from egoism, from the fear of death, from desire for power and wealth for their own sake,

preconciliar period, the manuals—with their focus on conscience, natural law, obligation, and casuistry—remained in place. See Pinckaers, *The Sources of Christian Ethics*, 300-301.

⁵² Häring, *Free and Faithful in Christ*, 87.

⁵³ In this regard he cites his debt to James Gustafson’s *Can Ethics Be Christian?* (Chicago: University of Chicago Press, 1975) and Gustafson’s *Christ and the Moral Life* (New York: Harper & Row, 1968). For the development of the notion of “fundamental option,” see also Karl Rahner, S.J., “Theology of Freedom,” “Guilt—Responsibility—Punishment within the View of Catholic Theology,” “Justified and Sinner at the Same Time,” and “Reflections on the Unity of the Love of Neighbour and the Love of God,” in *Theological Investigations*, vol. 6: *Concerning Vatican Council II*, trans. Karl-H. and Boniface Kruger (London: Darton, Longman & Todd, 1969), 178-196, 197-217, 218-230, and 231-249. These seminal essays were all originally published in the period 1963-1965. For further development of the “fundamental option,” see Josef Fuchs, S.J., *Human Values and Christian Morality* (Dublin: Gill & Macmillan, 1970).

⁵⁴ Häring, *Free and Faithful in Christ*, 91. In her discussion of the development of medieval distinctions between “synderesis” and “conscientia,” Linda Hogan draws a contemporary application to Häring’s work: “The medievalists’ distinction between the general orientation toward the good, which everyone possesses (*synderesis*), and the concretization of this orientation in particular decisions (*conscientia*) continues to be significant.... In an important sense it prefigures a very modern recognition that although individuals may make wrong decisions or act against what they know to be right, this does not mean that their basic or fundamental orientation is flawed. People who are essentially committed to the good can sometimes, either knowingly or unknowingly, act against their values and principles. This point is central to Häring’s concept of fundamental option, which could not have been developed without the medieval distinction between *synderesis* and *conscientia*” (Hogan, *Confronting the Truth: Conscience in the Catholic Tradition* [New York: Paulist Press, 2000], 67).

⁵⁵ Häring, *Free and Faithful in Christ*, 118.

⁵⁶ Häring, *Free and Faithful in Christ*, 121.

from patriarchy, from ideology, and from “the powers of oppression, greed, racism, sexism, [and the] cult of violence.”⁵⁷ Such freedom comes from faith in Christ, which involves “an unreserved surrender to God and to his kingdom of freedom and love.”⁵⁸ We are free in Christ for solidarity with all, for gratitude and joy, for sharing God’s gifts, for mutual service, for truth, for relationships of love, for peaceful cooperation, for creative non-violence, and for care “for the life of all people now, in view of life everlasting.”⁵⁹

With implicit critical reference to pre-Vatican II Catholic experience, Häring speaks of achieving a “liberation from a system of religion that is built too much on sanctions, laws, controls: a system that unavoidably creates fearfulness, scrupulosity and lack of loving trust.”⁶⁰ More explicitly, he bemoans the fact that the Church, which ought “to be a sacrament of the history of liberation,” has often failed

⁵⁷ Häring, *Free and Faithful in Christ*, 122.

⁵⁸ Häring, *Free and Faithful in Christ*, 128.

⁵⁹ Häring, *Free and Faithful in Christ*, 143. He recognizes that given human fallenness, political and economic liberation movements can be deceiving, but he argues that such liberation must nonetheless be assiduously sought. In this regard, he comments, “Wherever there is fanaticism, intolerance, inclination to use violence, or where people are used as tools, there will be no valid objectivation of freedom, no matter what changes of structures may be made. Therefore, our partnership in liberation movements cannot be other than discerning or critical. Nevertheless, a clear awareness of the ambiguity of history does not allow us to stay on the sidelines. There are historical moments where non-involvement can mean a tragic failure. When history offers the possibility for truly noble projects, sloth and flight can be great sins against the embodiment of freedom. Liberation is an ever unfinished task. Our best efforts are frequently marked by unsuccess. Yet, as Christians, we will never give up our efforts to live according to the gift of freedom and to embody it in the economic, cultural and political structures as well as in our Church” (*Free and Faithful in Christ*, 155).

⁶⁰ Häring, *Free and Faithful in Christ*, 134; cf. 160. See also *Free and Faithful in Christ*, 153: “Freedom is endangered whenever laws and the various societal structures are preserved for themselves without attention to how they influence human relationships. In this perspective we can think also of Paul’s gospel of liberation from ritualistic and juridical conditions, remembering how frequently, in the Church’s history, rituals and laws were kept when they could no longer serve the growth of personal freedom or benefit interpersonal relationships.” See also Häring’s sharp critique of some of his theological colleagues: “Sinful man, shackled by selfishness and sloth, can gradually accept the split between moral knowledge and his will. Such a person can become a moralist in a legalistic and ritualistic sense. He can fight for minutiae and can deliver talks on moral theory without being moved or touched in his heart to act on the Word. He will, however, become more and more blind to the great gift and law of love of God and neighbour. He will know many laws with which to deceive himself and others about his lack of knowledge of the supreme law in which the heart of the healthy person rejoices. He will deceive himself by being zealous and even scrupulous about a few small things while at the same time disregarding love, mercy and justice. His moral discourse can take on more and more the character of moral insanity” (*Free and Faithful in Christ*, 261).

to mirror Christ the Liberator and instead has shown “a defensive, intolerant attitude towards others,” not least by burning heretics and showing no respect for freedom of conscience.⁶¹ Notably, Häring conceives of Jesus’s own relationship to his past—Israel’s past—as marked most centrally by a critique of Jewish legalism, for the purposes of liberating God’s people.⁶² Häring concludes that today “a common profound devotion to responsible freedom and unconditional respect for the dignity and conscience of all people help more than anything else to lead us to Christ the Liberator.”⁶³

We are created with a desire for God, but we are also fallen. If children are born into a good environment, Häring anticipates that they will be able to grow into adults who decide in favor of God; if their environment is bad, then it may be that they never really find themselves able to make a free choice (and thus may not be morally accountable for bad choices). Häring speaks of a “fundamental option” or a “basic intention” or a “continuing free activation that is inherent in all our important choices.”⁶⁴ For a “fundamental option” to be good and ordered to salvation, it cannot be egoistical; it must be cooperative and open to others, above all God. It can be weakened, but not destroyed, by “superficial inconsistencies” at the level of action.⁶⁵

⁶¹ Häring, *Free and Faithful in Christ*, 158-159.

⁶² Thus Häring states, “Jesus does not follow the rules of the priestly tradition in his interpretation of the Bible. His use of the Old Testament is creative. His teaching about the Sabbath and the law, his opposition to meaningless traditions that hinder freedom for God, and especially his protest against a religion that would attribute such pettiness to God, is in itself manifestation of God’s gratuitous freedom, an undeserved gift of himself” (*Free and Faithful in Christ*, 117). The last sentence here could stand as a description of how Häring conceives of his own work, but it cannot stand as an accurate description of Jesus’s own relationship to Judaism. Häring comments in a similar vein that Jesus “died his redemptive death because of his battle against the powers, and especially against the abuse of power in organized religion” (*Free and Faithful in Christ*, 137). In criticizing the manuals for their fixation on personal sin and their defensive posture vis-à-vis the world, Häring urges the Church to encounter the world on more positive terms. At the same time, he recognizes that “[t]he sickness of sinful man is very deep. He sees in God a threat to his autonomy; and since he is chiefly concerned with his own rights and freedom, he is in constant conflict with his fellowmen” (*Free and Faithful in Christ*, 131). Häring concludes that “[t]he bondage of both law and lawlessness is rooted in this self-centred, self-concerned existence” (*Free and Faithful in Christ*, 131). Further on in his book, he adds that “[s]ome repressions that block the normal functioning of conscience and liberty can be due to oppressive authority. But nothing can so much damage one’s own liberty, especially one’s creative liberty for the good, as habitual sin” (*Free and Faithful in Christ*, 262).

⁶³ Häring, *Free and Faithful in Christ*, 160.

⁶⁴ Häring, *Free and Faithful in Christ*, 167. Häring connects his account of the “fundamental option” with the Thomistic emphasis on “the basic decision for the ultimate end” (*Free and Faithful in Christ*, 164).

⁶⁵ Häring, *Free and Faithful in Christ*, 167. In elucidating this concept, Häring draws upon psychologists and theorists such as Erik Erikson, Edward Spranger, Viktor Frankl, and Erich Fromm. The fundamental option has to be with our deepest heart,

Häring argues that actions such as navigating a “test of deep and true friendship” or choosing to become a physician or a politician in order to serve others can expose one’s fundamental option. The sacraments strengthen our fundamental option; otherwise the sacraments have failed to have their effect. Gradually, as we become mature adults, our fundamental option will manifest itself in “fundamental attitudes” that will show whether we have chosen for or against God and neighbor.⁶⁶ Even if we sin in particular acts, however, this generally means that our fundamental attitudes have not yet matured to the level of our fundamental option; it does not mean that we are in “mortal sin.”

On this basis, Häring approves of Kant’s definition: “Virtue is moral strength in pursuit of its duty which should never become a habit but always spring from the spirit as entirely fresh and creative.”⁶⁷ Ultimately, the necessary thing is not a habituation in acts, but rather constant “renewal of the all-embracing intention” and “vigilance to keep the fundamental intention alive and to relate it vitally to one’s activities and decisions.”⁶⁸ A mortal sin is any act or decision that completely destroys “the fundamental option for the good self-commitment to the service of God and love of neighbour”; other sins are venial or gravely venial, and they are serious to the degree that they threaten to erode the fundamental option.⁶⁹

According to Häring, the work of the Holy Spirit in us is most clearly found in the realm of the fundamental option. As befitting and strengthening the fundamental option for God, he especially praises gratitude, humility, hope, solidarity, vigilance (which involves discernment), serenity, joy, and commitment to peace and justice. He calls these “eschatological virtues,” flowing from the Spirit’s work in us.⁷⁰ He warns against a focus on beatitude, because this focus can turn

the core of our being. Häring considers that “[w]hen there is a firm fundamental option for the good, man’s heart is filled with the *pneuma*, filled with the Holy Spirit (Eph 5:18)” (*Free and Faithful in Christ*, 185).

⁶⁶ See Häring, *Free and Faithful in Christ*, 193-195.

⁶⁷ Häring, *Free and Faithful in Christ*, 196; citing Immanuel Kant, *Anthropology from a Pragmatic Point of View*, trans. M. J. Gregor (The Hague: 1974). He notes debts to Theodor Steinbüchel, *Philosophische Grundlagen der katholischen Sittenlehre*, 4th ed. (Düsseldorf: Patmos, 1950), II, 136; as well as Max Scheler, “Zur Rehabilitierung der Tugend,” in Scheler, *Vom Umsturz der Werte* (Leipzig: Der Neue Geist, 1919), I, 14. Häring adds, “We can conceive virtues as specific attitudes in response to particular spheres of values. These virtues manifest and promote wholeness and salvation to the extent that they are rooted in the fundamental option of faith” (*Free and Faithful in Christ*, 197).

⁶⁸ Häring, *Free and Faithful in Christ*, 197.

⁶⁹ Häring, *Free and Faithful in Christ*, 211.

⁷⁰ Häring, *Free and Faithful in Christ*, 208. With regard to “eschatological virtues,” he warns against conservatism, the danger of “clinging to the past and the present situation” and seeking “assurance over and against truth, over and against sincerity and freedom in the search for ever better knowledge of God and man” (*Free and*

us toward self-actualization in a manner that detracts from enabling us to see that the true goal must be self-transcendence.⁷¹

Häring locates his lengthy chapter, “Conscience: The Sanctuary of Creative Fidelity and Liberty,” directly after his crucial discussion of the fundamental option (and immediately prior to his chapter on law). He argues at the outset of the chapter that “conscience makes us aware that our true self is linked with Christ,” and he notes that “[t]he sensitivity and truthfulness of our conscience grow in the light of the divine Master who teaches us not only from without but also from within by sending us the Spirit of truth.”⁷² Similarly, he argues that the truth that comes to us through conscience is the truth of the divine Word, the same Word who became incarnate for our sake and to whom we are expected “to listen with all our being.”⁷³

Reaching back to the prophets of Israel, Häring holds that the prophets’ sense of hearing God’s voice was an experience of conscience. Conscience here is “a person’s innermost being” and “the spirit within the person who guides him if he is willing to open himself to it.”⁷⁴ Conscience functions as a divine guide. It does not simply pass

Faithful in Christ, 210). He clearly has his Catholic co-religionists in view here, at least those among them who do not share his critique of the preconciliar Church or his understanding of the proper implementation of the Second Vatican Council. On “eschatological virtues,” see also *Free and Faithful in Christ*, 253.

⁷¹ See the comments of Kathleen Cahalan: “Häring, unlike the manualists, draws upon several sources in addition to Aquinas to define virtue, especially Augustine and Max Scheler, and thereby draws virtues into his larger theological and moral framework. In defining virtue, Häring emphasizes three main points: Christian virtue is distinct from Greek and Stoic virtue because it is ordered and unified by divine love; Christian virtue is christocentric; and, Christian virtue requires not mere repetition of good habits, but free, conscious response to the divine word.... Häring shares the Greek understanding of virtue as the power to do good, but rejects the end and purpose of virtuous action as self-fulfillment, harmony, and happiness” (*Formed in the Image of God*, 148-149). Cahalan here draws much more upon Häring’s earlier *The Law of Christ* rather than upon *Free and Faithful in Christ*. In a footnote, she addresses the latter work and sums up Häring’s position thusly: “In *Free and Faithful in Christ* (1:201-202) Häring includes a brief examination of the moral virtues but introduces the category of the ‘eschatological virtues.’ These include gratitude/ humility, hope, vigilance, and serenity/joy. According to Häring, these virtues are the true biblical foundation of the Christian moral life, rather than the four cardinal virtues borrowed from the Greeks” (*Formed in the Image of Christ*, 151 fn 66). She goes on to explain: “Despite Häring’s integration of virtue theory into his overall theological and moral scheme, the category of moral virtue is not central in his work after *The Law of Christ*. In fact, moral virtue is briefly considered at the end of the first volume and the introduction of the third volume. It is replaced with what Häring terms the biblical or eschatological virtues in later writings” (*Formed in the Image of God*, 151). Cahalan intentionally does not discuss Häring’s emphasis on “the role of conscience and freedom in the moral life,” because her purpose is to set “forth the relationship between worship and morality” in his thought (*Formed in the Image of God*, 228).

⁷² Häring, *Free and Faithful in Christ*, 224.

⁷³ Häring, *Free and Faithful in Christ*, 224.

⁷⁴ Häring, *Free and Faithful in Christ*, 225.

judgment on the morality of past or future acts, though it does do this. Rather, it is the place where an extensive dialogue with God occurs. Conscience is the very deepest core, the “heart,” of the person. At this core, God’s voice does judge one’s past deeds. But God’s voice does much more than this, if we will only listen. At the core of our being that is our conscience, we must “listen to the prompting of the Spirit.”⁷⁵ This listening involves a creative path, an invitation to journeying with God and neighbor; it does not merely involve the identification of our acts (whether past or planned for the future) as good or bad.

When the prophets promised that God would give his people a new heart in which the law is interiorly inscribed, this new heart is the Spirit’s renewal of conscience. Häring maintains that when Paul mentions “conscience” (the Greek word *syneidesis*, rooted in Stoic anthropology), Paul has in view the Old Testament’s “heart.” According to Häring, Paul “explicitly broadens the understanding of conscience in the light of the prophetic tradition,” and thus goes well beyond the Stoic role of conscience as that which interiorly identifies a particular action as evil.⁷⁶ Even if conscience is what interiorly judges the goodness or wickedness of our action, conscience is also “constructive” and “creative” in its search for the truth.⁷⁷

On the one hand, Häring holds that a Christian understanding of conscience must come from Scripture as interpreted in the Church. But on the other hand, he notes that in the history of the Church, a presupposed philosophical anthropology inevitably shaped how theologians understood conscience. For that reason, we cannot simply reiterate what past theologians have said about conscience, given that their anthropological presuppositions befit their own context, not ours. He praises Aquinas’s account of conscience, with its relationship to synderesis and prudence, including practical reason’s ordering to goodness and truth and including the role of the gifts of the Holy Spirit in producing connaturality to the good.⁷⁸ He finds the thirteenth-century Franciscan conception of synderesis as primarily involving the will (rather than the intellect) to be complementary with the thirteenth-century Dominican view, but he considers that “as soon as the two schools became antagonistic [beginning in the fourteenth century], there was a militant emphasis on one aspect as against the other, and thus the wholeness was shattered.”⁷⁹

⁷⁵ Häring, *Free and Faithful in Christ*, 226.

⁷⁶ Häring, *Free and Faithful in Christ*, 228. He cites various passages from Pauline and non-Pauline letters, including Titus 1:15-16; Hebrews 9:14; Hebrews 13:18; 2 Timothy 1:3; 1 Corinthians 4:4; and 1 Corinthians 10:25-29.

⁷⁷ Häring, *Free and Faithful in Christ*, 228.

⁷⁸ Häring, *Free and Faithful in Christ*, 231.

⁷⁹ Häring, *Free and Faithful in Christ*, 232.

The retrieval of the wholeness cannot be done by minimizing the place of conscience in moral theology, but by maximizing it, though now on new grounds. We must recognize that “[c]onscience has to do with man’s total selfhood as a moral agent.”⁸⁰ Conscience is not the mere means by which *synderesis*’s first principles are applied to past and future actions, in service of practical reason (or the virtue of prudence). Instead, a healthy conscience involves the emotions, intellectual powers, and volitional energies all “functioning in a profound harmony in the depth of one’s being.”⁸¹ In addition to being the place of harmonious union of all human powers, conscience is where the Spirit’s creativity touches us and perfects us. It is where God’s Word speaks to us; and it is where we respond in the wholeness, the totality, of our personhood. Conscience is powerfully present in both the intellect and will because it is located “in the deepest reaches of our psychic and spiritual life,” “[t]he deepest part of our being,” where “intellectual, volitional and emotional dynamics are not separated; they mutually compenetrates in the very depth where the person is person to himself.”⁸² Conscience takes on a maximal role because it involves a coming together of the key human dynamisms and because it is the place where personhood is located. Conscience therefore can judge what is life-giving and what is not, when presented not only with our actions, but also with teachings and experiences that come to us from the Church or from the depths of other consciences. Häring observes that “[t]he deepest part of our being”—namely, conscience—“is keenly sensitive to what can promote and what can threaten our wholeness and integrity.”⁸³ A healthy conscience ensures the “wholeness and integrity” of the person by affirming what contributes to such integrity and rejecting what does not contribute. Häring does not leave prudence out of the equation, but he makes clear that conscience is in the driver’s seat as we “dynamically decipher and experience the good to which God calls us in the particular situation.”⁸⁴

The Christian, therefore, is called to stand forth boldly upon the ground of a free and healthy conscience, where intellectual, volitional, and emotional energies join together in harmony at the depth of our being. Häring states, “In the wholeness and openness of our conscience we are a real sign of the promptings of the Spirit who renews our heart and, through us, the earth.”⁸⁵ The fullness of Christian life, obedient to Word and Spirit, shines forth in those whose consciences

⁸⁰ Häring, *Free and Faithful in Christ*, 235.

⁸¹ Häring, *Free and Faithful in Christ*, 235.

⁸² Häring, *Free and Faithful in Christ*, 234-235.

⁸³ Häring, *Free and Faithful in Christ*, 234.

⁸⁴ Häring, *Free and Faithful in Christ*, 235.

⁸⁵ Häring, *Free and Faithful in Christ*, 235.

are whole, integrated, healthy, open, and free. Certainly, as fallen creatures, we can experience opposition between intellect and will at the depth of our being; when this happens, the Spirit reaches to the rift in our conscience (our deepest personhood) and brings healing. Conscience's work ensures the integration of our powers, not least because it is our conscience that leads us to hear the truth and love of God and neighbor.⁸⁶ As Häring puts it, "The call to unity and wholeness pervades our conscience. It is a longing for integration of all the powers of our being that, at the same time, guides us towards the Other and the others."⁸⁷

In guiding us toward covenantal union with God and neighbor, the key aspect of the conscience—according to Häring—is openness. This openness is first and foremost an openness to the light of the Word. It is also an openness to the insights of our fellow human beings, as these insights have developed in the great cultures of the world. Our conscience sees in others' consciences the "same longing for dignity and wholeness."⁸⁸ We ask others to respect and love us "as persons with consciences," and when they love us, we open ourselves and our conscience creatively to their consciences, in a fashion which shows us more clearly the "depth and dynamics of our conscience."⁸⁹ Häring sees this point instantiated in the New Covenant. In Jeremiah, the promise of the new covenant entails a new heart in which the law is written; this is quite simply a renewed conscience, enabled to know and love the Word. The golden rule and the New Commandment of love that we find in the New Testament are further expressions of a renewed conscience. This is made possible when in our conscience/heart "we receive the Spirit and are open to him," and when we give ourselves (in Christ) in perfect openness and service to others, thereby reaching "wholeness in our conscience and unity with our fellowmen."⁹⁰

According to Häring, the primary task of conscience is to choose our fundamental option, for or against God. When this has been rightly chosen (in the Spirit), we can trust "the creative judgment of conscience," in which its intrinsic yearning for wholeness is confirmed.⁹¹ Häring also recognizes the value for a healthy conscience of "the dispositions towards vigilance and prudence and all the other dispositions that embody a deep and good fundamental option."⁹² No conscience, moreover, is an island, and so each conscience must rely upon its openness to "the mutuality of consciences in a milieu where creative

⁸⁶ Häring, *Free and Faithful in Christ*, 236.

⁸⁷ Häring, *Free and Faithful in Christ*, 236.

⁸⁸ Häring, *Free and Faithful in Christ*, 236.

⁸⁹ Häring, *Free and Faithful in Christ*, 236.

⁹⁰ Häring, *Free and Faithful in Christ*, 237.

⁹¹ Häring, *Free and Faithful in Christ*, 238.

⁹² Häring, *Free and Faithful in Christ*, 238.

freedom and fidelity are embodied and there is active and grateful dedication to them.”⁹³ In addition, the conscience must never rest statically on a set of truths, but must constantly renew its “actual fidelity, creativity and generosity in the search for truth in readiness to ‘act on the word.’”⁹⁴ Häring emphasizes the creativity and freedom of conscience in its connatural or intuitive knowledge born of love. With respect to conscience’s dynamic creativity, he states, “It is the conscience itself that teaches the person to overcome the present stage of development and to integrate it into a higher one,” so that the conscience grows “into new dimensions.”⁹⁵

Häring accepts, of course, that a sincere conscience can err. Drawing upon Newman and Alphonsus de Liguori, he adds that when it does so, it does so sincerely in the quest for truth and thus without personal culpability. In directing the person’s quest, the sincere conscience is undeniably journeying “towards ever fuller light,” even when the conscience is in error due to defective knowledge.⁹⁶ The point is that there can be deviations on the path, but so long as the conscience is sincerely open, the path is oriented toward the increasing light of truth and goodness. Häring notes that for Aquinas, a person is bound to obey an erring conscience, even though such obedience—due to the objective error—is sinful and the person must pursue the formation of conscience.⁹⁷ For Häring, by contrast, there is no sin or personal culpability, so long as “the person is sincerely seeking the truth and is ready to revise the decision as soon as he realizes that new pertinent questions call for his consideration.”⁹⁸

Häring affirms that Christian faith marks the Christian conscience in distinctive ways. He states, “A salvific knowledge of Christ”—a knowledge that “is a gift of the Holy Spirit who reaches into the innermost depths of our soul”—“includes confirmation of our fundamental option that gives us wholeness of conscience and a knowledge by connaturality.”⁹⁹ In faith, we receive Christ as the one sent by the Father, and we surrender in friendship to him. Faith gives firmness to Christian conscience; in faith, Christians place the moral life on firm footing. Häring notes that “St. Paul sees the human conscience and the conviction of conscience illumined and confirmed by faith. Especially

⁹³ Häring, *Free and Faithful in Christ*, 238.

⁹⁴ Häring, *Free and Faithful in Christ*, 238.

⁹⁵ Häring, *Free and Faithful in Christ*, 239.

⁹⁶ Häring, *Free and Faithful in Christ*, 240.

⁹⁷ As an example, Häring gives Aquinas’s view that a person cannot profess faith in Christ *against* his or her sincere conscience without this profession being a sin—but if a person came to believe in sincere conscience that he or she must leave the Church, this too would be a sin, implying personal culpability for failure to form conscience adequately.

⁹⁸ Häring, *Free and Faithful in Christ*, 242.

⁹⁹ Häring, *Free and Faithful in Christ*, 247.

in his Pastoral Epistles, “faith” and “conscience” have almost the same meaning.”¹⁰⁰ Häring adds that it is a mistake to think of either faith or conscience as simply entailing propositional knowledge. On the contrary, “A mature Christian conscience will not think of faith as a catalogue of things and formulations.”¹⁰¹ Indeed, merely communicating doctrines to conscience does not help to form Christian conscience at all. Häring holds that overemphasizing doctrine actually obstructs the formation of mature conscience and faith. What is needed instead is an attitude of openness, the attitude that characterizes the integrity of conscience and that corresponds to conscience’s (and faith’s) longing for wholeness and relationship with God and neighbor. Häring comments, “What shapes all the moral dispositions, gives wholeness to the conscience and firmness to the Christian’s fundamental option is the profound *attitude* of faith and its responsiveness.”¹⁰² Not a carefully controlled cognitive content, but rather the stance of responsive openness, is what mature conscience and faith require for Häring. Similarly, law and obligation are not central to authentic Christian conscience; what is central is Christ’s grace and our gratitude for what he has given us, including his renewal of our hearts/consciences by his Spirit.

In identifying conscience as the animating center of Christian life and personhood, whose wholeness and integrity are the true marks of the interior presence of the Word and Spirit, Häring offers a critique of legalism, both in its laxist and its rigorist forms. It is only when we are moved by love rather than by legalism that we can truly live for Christ and our neighbor. He remarks that “[t]o live under grace means a shift from the prohibitive laws [i.e. the Decalogue] to the orientations of the goal-commandments, the affirmatives presented in the whole gospel, in the words of Christ and the Letters of St. Paul.”¹⁰³ He warns against what he sees as the pre-Vatican II split between “a static moral theology” and “a lofty ascetical and mystical theology,” and he finds that in the pre-Vatican II period “[t]he beatitudes, all the goal-commandments and the ‘harvest of the Spirit’ were considered as a mere ideal or as *parenesis* and, therefore, not as a part of normative Christian ethics.”¹⁰⁴

Among the major “sins against liberty and sanity,” Häring lists first the sin of not overcoming “a static view of life, norms, rules and conscience.”¹⁰⁵ He goes on to condemn such acts as supporting “centralism and authoritarian forms of government that stifle subsidiarity and

¹⁰⁰ Häring, *Free and Faithful in Christ*, 248. He cites Romans 3:31 and 14:23, along with 1 Timothy 1:5, 1:19, 3:9, and 4:2.

¹⁰¹ Häring, *Free and Faithful in Christ*, 248.

¹⁰² Häring, *Free and Faithful in Christ*, 248.

¹⁰³ Häring, *Free and Faithful in Christ*, 250.

¹⁰⁴ Häring, *Free and Faithful in Christ*, 252.

¹⁰⁵ Häring, *Free and Faithful in Christ*, 263.

collegiality, and favour uncritical obedience;” dividing “religion into a separated dogmatic (abstract doctrines not concerned with man’s wholeness and salvation) and morals proposed without a convincing value system”; and advocating “an ethics of prohibitions and controls to the detriment of an ethics of creative liberty and fidelity.”¹⁰⁶

Exploring the reciprocity of consciences, Häring underlines the profound respect we owe to another person’s conscience. He explores Paul’s account of such respect in Romans 14 and 1 Corinthians 10. He also sets forth a history of debates over freedom of conscience in religious matters, culminating in Vatican II’s *Dignitatis Humanae*. He emphasizes the need for the state to “protect and promote people’s right and readiness to search freely for truth and thus become capable of genuine cooperation.”¹⁰⁷

In accord with his vision of the role of the state, he sees the Church’s role vis-à-vis theologians as one of protecting freedom to search for truth. In neither case, however, is this a matter of “indifference in matters of morality or truth.”¹⁰⁸ Rather, it is about recognizing that Christian freedom is opposed to an atmosphere of manipulation. Häring argues that there has been a “paralysis of theology since the seventeenth century,” due to “the oppressive spirit of the Inquisition that expected the Catholic theologian to commit no error in the search for truth.”¹⁰⁹ As a result, errors built up without being “creatively corrected.”¹¹⁰ He expresses the hope that the Church will today embrace a newly prophetic morality that will enable people, in the context of our “new historical situation (*kairos*)” and without turning to individualism, “to realize something new, to grow in liberty, in goodness and truthfulness.”¹¹¹ In accord with true reciprocity of consciences, there must now be “freedom of inquiry and freedom to speak out even in

¹⁰⁶ Häring, *Free and Faithful in Christ*, 263.

¹⁰⁷ Häring, *Free and Faithful in Christ*, 274. Linda Hogan observes more broadly, “Vatican II encouraged moral theologians to continue the process of renewal, already begun by theologians like Rahner, Doms and Häring.... [Yet] the documents of the Council themselves give out contradictory messages. As a result it is often hard to discern precisely what the Council has mandated. My suggestion is that where ambiguities exist these should be interpreted in light of the spirit and objective of the Council. In relation to moral theology this means a determination to develop a paradigm dominated by the concerns of persons rather than laws” (Hogan, *Confronting the Truth*, 118). See also Josef Fuchs, S.J., “A Harmonization of the Conciliar Statements on Christian Moral Theology,” in *Vatican II: Assessment and Perspectives*, ed. Rene Latourelle, S.J. (Mahwah, NJ: Paulist Press, 1989), 479-500.

¹⁰⁸ Häring, *Free and Faithful in Christ*, 277.

¹⁰⁹ Häring, *Free and Faithful in Christ*, 277.

¹¹⁰ Häring, *Free and Faithful in Christ*, 277. He praises “the prophetic ministry of dissent within the Church,” which, he argues, was what led to the development of the teaching of *Dignitatis Humanae*; those who dissented from the Church’s teaching against religious freedom eventually were shown to be right (*Free and Faithful in Christ*, 280).

¹¹¹ Häring, *Free and Faithful in Christ*, 278-279.

dissent from official documents,” a freedom exercised precisely in service to the Church.¹¹² The result, says Häring, will be a deepening and renewing of the Church’s faith as we encourage “each other to ever greater depth of conscience” and as we listen to “the prophetic people who are always vigilant for the coming of the Lord and can communicate to our conscience their experience.”¹¹³

Häring adds a brief reflection on the controversies surrounding probabilism in the sixteenth through eighteenth centuries. He thinks that the present controversies over moral issues are indeed in certain ways a return of the probabilist controversies, but he is generally sanguine about this situation. For Häring, the probabilists had the correct side of the argument then, and their heirs are even better positioned today when legalistic assumptions no longer need set the terms for the debate. On the one hand are those who cling to law, authority, tradition, past documents, and control; on the other are those who respect the creative freedom of conscience and who understand that new historical contexts require new norms. Häring considers his perspective on conscience to be what the Jesuit probabilists would have said had they not been themselves “partially caught in the system of conventional morality, at least regarding the methods by which they wanted to free the overburdened conscience.”¹¹⁴ As a Redemptorist priest, he places himself firmly in the tradition of Alphonsus de Liguori, concerned to combat an unlivable and soul-crushing rigorism and also concerned to build Christian community upon the reciprocity of sincere consciences. Citing the case of the reception of the sacraments by divorced and civilly remarried people, which he favors, he argues that

¹¹² Häring, *Free and Faithful in Christ*, 281.

¹¹³ Häring, *Free and Faithful in Christ*, 282. He adds, “Only where and when this reciprocity of consciences comes to its full bearing will magisterial interventions and the ongoing research of theologians strengthen the teaching authority of the Church.... The magisterium of the Church, in all its forms and on all levels, is authentic and faithful to Christ when the overriding concern is not for submission but for honesty, sincerity and responsibility” (*Free and Faithful in Christ*, 283-284).

¹¹⁴ Häring, *Free and Faithful in Christ*, 287. He comments (implicitly with his side of contemporary debates in view), “Great Christians, totally dedicated to the Church and to the dignity of consciences, were frequently considered less faithful to the Church because their explanation of formulations of doctrine and laws was less rigoristic and less adequate for complete control. Their intentions could not be understood by those who were only concerned for the upholding of traditions, of order and discipline in a sometimes self-defensive Church” (*Free and Faithful in Christ*, 287-288). He goes on to argue, “Classical probabilism does not at all condone an arbitrary decision of conscience. Arbitrariness contradicts conscience in its dignity. The purpose of probabilism is to allow a careful evaluation of the present opportunities, of the needs of fellowmen and community in view of God’s gifts, and always in the light of our vocation to holiness. Such an evaluation and sincere judgment of conscience cannot be hoped for if there is a system that constantly produces legalistic scrupulosity or looks more for conformism than for a deepening knowledge of God and of man” (*Free and Faithful in Christ*, 292).

“[c]lassical probabilism is still of great actuality. There are many important issues that can be divisive for the Church if we do not meet in that dialogue and mutual respect which can manifest creative fidelity towards tradition and creative responsibility for the here and now and for the future of humankind and the Church.”¹¹⁵

III. Evaluation

Häring and Pinckaers agree that the legalism and obligation-focus of the preconciliar moral manuals were bad. In response, Pinckaers urges a return to the perspective of Scripture, the Fathers, Aquinas, and virtue theory, with the desire for beatitude and Christ’s eschatological outpouring of the Holy Spirit at the center and with the natural inclinations, natural law, New Law, virtues, gifts, beatitudes, and fruits as the path.

For his part, Häring also urges a return to Scripture, but his focus on Christian freedom severed from the specific norms one finds in Scripture serves as the basis for a renewed probabilism, this time stripped of a legalistic framework. For Häring, then, the main solution consists in expanding and renewing the role of conscience in accord with Christian freedom. Häring identifies conscience as the very heart of personal freedom, where we are open to the enlightenment of the divine Word and to the creativity of the Holy Spirit. Conscience is the place where the person determines his or her fundamental option, which unfolds in the person’s fundamental dispositions. In Häring’s theology, freedom describes the conscience’s fundamental stance of openness to the illumination and promptings of the Word and Spirit and to the dignity and truth of other persons’ consciences. For this reason, conscience has a central place, one that is justified by the New Testament’s statements about Christian freedom as well as by Jesus’s putative example of repudiating strict adherence to Jewish law.¹¹⁶ Häring thinks that a number of the Church’s moral teachings, particularly in the realm of sexual ethics, are mistaken. In his view, this unfortunate fact becomes apparent through the reciprocity of consciences, that is, when we allow our consciences to be faithfully and

¹¹⁵ Häring, *Free and Faithful in Christ*, 293. He urges, “Have we the courage to study, for instance, the problem of enforced celibacy under the grave sanction of lifelong exclusion from the sacraments for divorced people who have struggled sometimes heroically to save their marriage? While we must be faithful to the Lord’s severe condemnation of ruthless divorce in order to marry another person, should there not be a greater fidelity towards the goal-commandment, ‘Be compassionate as your heavenly Father’ (Lk 6:36)?” (*Free and Faithful in Christ*, 293).

¹¹⁶ Understandably—and in a way that somewhat applies to Pinckaers as well, as noted above—Siker raises the concern that Häring’s approach to the Bible lacks an integrated vision of how the Old Testament continues to function along with the New Testament as Scripture that is useful for constructing Christian ethics (Siker, “Bernard Häring,” 79).

creatively instructed by the experience and reflection of other consciences.

Pinckaers does not deny conscience's importance, but he considers conscience to derive from synderesis and to be in the service of prudence. He holds that conscience's true role is in passing judgment on past and future acts rather than, as in Häring, creatively steering the entire moral organism. Connecting Christian freedom with the human person's ordering by nature and grace to full flourishing, Pinckaers focuses especially upon the beatitudes of the Sermon on the Mount, and also upon the moral instruction given by Paul. In Pinckaers's theology, Christian freedom is never simply receptive to God's Word and Spirit, but is always and already constitutively moving toward the goal of happiness, which can only be found by embracing Christ and his commandments of love, possible for fallen humans through the Spirit who heals and elevates us. Especially in *The Sources of Christian Ethics*, the natural inclinations also receive a great deal of attention, because they show how the human person is created with an ordering to the true and the good.

For Pinckaers, human agency and personhood are most deeply expressed not in the choice of one's fundamental option, but in the virtuous perfecting of the image of God, including all one's intellectual, volitional, and emotional energies. The goal is not an intensified openness, but rather, more specifically, a virtuous prudence and charity. Pinckaers emphasizes that a prudent and charitable Christian will live a self-sacrificial life in all areas of his or her being. Sustained by prayer and the sacraments, he or she will perform the works of mercy and will bear the cross even unto martyrdom.¹¹⁷ Insofar as the Christian moral tradition emphasizes this self-sacrificial life, Pinckaers considers that truly prophetic moral teaching today means reaffirming rather than rejecting the tenets of Christian morality as developed from the New Testament onward, because these tenets are expressive of real charity. **M**

¹¹⁷ See Servais Pinckaers, O.P., *The Spirituality of Martyrdom: To the Limits of Love*, trans. Patrick M. Clark and Annie Hounsokou (Washington, DC: Catholic University of America Press, 2016).