

CONSCIENCE

Writings from
Moral Theology
by Saint Alphonsus

Translated by
Raphael Gallagher, CSsR

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521



Imprimi Potest:

Stephen T. Rehrauer, CSsR, Provincial
Denver Province, the Redemptorists

Published by Liguori Publications, Liguori, Missouri 63057
To order, visit Liguori.org or call 800-325-9521

Copyright © 2019 Liguori Publications

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means—electronic, mechanical, photocopy, recording, or any other—except for brief quotations in printed reviews, without the prior written permission of Liguori Publications.

ISBN 978-0-7648-2814-0

Cataloging-in-Publication Data
is on file with the Library of Congress

Liguori Publications, a nonprofit corporation, is an apostolate of the Redemptorists. To learn more about the Redemptorists, visit Redemptorists.com.

Printed in the United States of America

23 22 21 20 19 / 5 4 3 2 1

First Edition

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521

Contents

Acknowledgments	IX
Introduction	XI
Note on the Preface to <i>Theologia Moralis</i>	XVII
Historical Background to the <i>Treatise on Conscience</i>	XIX

PART ONE:

<i>Treatise on Conscience</i> by Alphonsus de Liguori	1
Preface of Alphonsus de Liguori to <i>Theologia Moralis</i>	3
Memo of Alphonsus de Liguori to the <i>Treatise on Conscience</i>	7

Chapter One:

The Meaning of Conscience	9
----------------------------------	----------

Article

1: The remote and proximate rule for human actions	9
2: Conscience and synderesis	10
3: Different types of conscience	10
4: Following a vincibly erroneous conscience	11
5: Following an invincibly erroneous conscience	11
6: Gaining merit	12
7: Answering some objections	12
8: Invincible ignorance regarding the precepts of natural law	14
9: Desire, actions, and sin	14
10: The perplexed conscience	16
11: The scrupulous conscience	16
12: The remedies for scruples	17
13: The importance of obedience	20
14: Use of general rules	21
15: Various fears of scrupulous people	21
16: Anxiety about confessions	22
17: Those who fear sin in every action	23
18: When there is actual fear	24
19: The basis of a proper judgment of conscience	25

Chapter Two:

The Indecisive Conscience 29

Article

20: What is an indecisive conscience?	29
21: Speculative and practical doubt	30
22: Acting with a conscience that is practically doubtful	30
23: Qualms about the type of sin	31
24: Solving practical doubts	31
25: Speculative doubts	32
26: Reflex principles	33
27: Doubt: promulgation and abrogation of law	34
28: Doubt and vows	35
29: Vows and probability	35
30: Fulfilling a vow carelessly	36
31: Obligations toward superiors	37
32: Doubts about various issues	37
33: Doubt about the validity of a marriage	38
34: Doubts about paying outstanding debts	38
35: Doubts about ownership	39
36: Different evaluations about the rights of ownership	41
37: Obligations of owners when there is a doubt	43
38: Doubts about receiving Communion	44
39: A further doubt	46

Chapter Three, Section I:

The Probable Conscience 49

40: The probable conscience in broad outline	49
41: Probability of fact and of law	50
42: Probability of fact and liceity	51
43: The opinion to be followed in matters of faith	51
44: The opinion to be followed by a medical doctor	52
45: Can a less safe medical practice be employed?	52
46: Distressing cases involving the seriously ill	52
47: The opinion to be followed by a judge	54
48: Ministers of the sacraments	54
49: In cases of necessity	55
50: When the Church supplies jurisdiction	55
51: Receiving the sacraments	56
52: Dealing with doubts of fact	57
53: Dealing with doubts of law	58

Chapter Three, Section II:

The Moral System 61

Article

54: Following a more probable opinion	61
55: The probable opinion	62
56: When opinions are equally probable	62
57: Law must be promulgated	63
58: Law must be promulgated as certain	66
59: Human will and conformity to divine will	69
60: A precept that is, strictly speaking, doubtful is not obligatory	73
61: Conclusion	77
62: An objection	79
63: Further objections	80

First Corollary:

A Doubtful Law Does Not Bind 85

64: A doubtful law does not bind	85
65: Two misleading principles of the probabilists	86
66: Proof from authority	89
67: Proof from reason	94
68: A first objection and response	97
69: A second objection and response	99
70: A third objection and response	101
71: A fourth objection: When is natural law promulgated?	109
72: A fifth objection	117

Second Corollary:

Uncertain Law Cannot Impose Certain Obligation 121

73: Law ought to be certain	121
74: A first objection and answer	123
75: A second objection and answer	126
76: A third objection and answer	131
77: A fourth objection and answer	136
78: Further responses	139
79: A fifth objection and answers	145
80: Another objection and a response	149
81: Further clarification	150
82: It is mistaken to make the law overly rigid	152
83: When to use the benign or the strict opinion	156

Liguori Publications • © 2019 All rights reserved.

Liguori.org • 800-325-9521

PART TWO:

Commentary on the *Treatise on Conscience* 161

Introduction to Commentary 163

Commentary on Chapter One 167

Articles

1-3: Conscience: definition and distinctions 167

4-5: Vincible and invincible ignorance 173

6-7: The question of merit 176

8-9: Clarifications on invincible ignorance 179

10: The perplexed conscience 183

11-18: Scruples 184

19: The foundation of a judgment of conscience 189

Commentary on Chapter Two 193

20-21: Conscience and doubts 193

22-24: Practical doubts 196

25: Speculative doubts 198

26-27: Reflex principles 199

28-30: Private vows 202

31-34: The resolution of various cases 203

35-37: Possession and ownership 204

38-39: Doubts about receiving Communion 205

Commentary on Chapter Three, Section I 207

40: The probable conscience 207

41-43: Probability of fact and of law 210

44-46: Medical issues 211

47: Judicial decisions 213

48-51: Sacramental questions 214

52-53: An example and a conclusion 215

Commentary on Chapter Three, Section II 217

54-56: The fundamental principles of the system 220

57: Law must be promulgated 223

58-60: Law must be certain before it can impose
an obligation that is certain 228

61-63: Final comments 234

Endnotes 237

Bibliography 251

Acknowledgments

When I began this project twenty years ago, a number of people were very supportive, and I am happy to acknowledge them here. Fr. J. Robert Fenili, CSsR, was patient in correcting my Latin errors. Dr. Francesco Bonomo worked with me as the initial idea was to have a bilingual translation into English and Italian. I hope he will be encouraged by the semi-completion of this initial idea and complete the Italian translation. Avvocato Riccardo Dalla Vedova was a mine of information on Italian jurisprudence. Being himself a Neapolitan, he had an innate sense of the factors that shaped Alphonsus de Liguori.

As a text began to emerge, I had the benefit of many insightful comments from Patrick Hannon, professor emeritus of St. Patrick's College, Maynooth, Ireland. My confreres, Fr. Con Casey, CSsR, and Fr. Terence Kennedy, CSsR, studied my text and offered me many wise suggestions.

My Provincial in the Dublin Province, Fr. Dan Baragry, CSsR, generously facilitated my retirement arrangements to give me the time and space I needed to complete this work. I lived in various Redemptorist communities since my retirement: Rome, Paris, Dublin, and Limerick. I benefited from the friendship of confreres, especially Fr. Brendan Callanan, CSsR, and Fr. Brendan McConvery, CSsR. They helped me realize there is more to life than worrying about probability.

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521

The bridge to a publisher was provided by Fr. John Kingsbury, CSsR, coordinator of the North American Conference of the Redemptorists, who agreed to bring my translation to the attention of the Spirituality Commission of the Conference. I am very grateful to the North American Conference for funding the project. When Liguori Publications agreed to publish this work, Máire Ní Chearbhaill provided professional help in preparing the manuscript for their consideration.

The president and publisher of Liguori Publications, Fr. Byron Miller, CSsR, helped me throughout. The same professional attention was afforded to me by the staff with whom I had contact, especially Mary Wuertz von Holt, director of sales, marketing, and product development; Chuck Healy, sales and customer service manager; and Tom Heine, developmental editor.

Fr. Michael Brehl, CSsR, the Superior General of the Redemptorists, has been a continuing personal support to me. His love for and loyalty to our founder strengthened my conviction that making St. Alphonsus better known was worthwhile.

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521

Introduction

I TAUGHT MORAL THEOLOGY FOR NEARLY FORTY YEARS. References to St. Alphonsus de Liguori were frequent, for the most part repeating what others wrote. The realization that I had not paid attention to his most distinctive text on moral theology began to bother me. For the past twenty years, occasionally during semester breaks when I was a teacher and more consistently since my retirement, I have studied that text.

His original *Treatise on Conscience* is the opening tract of his monumental *Theologia Moralis*, written in Latin. As I grew in appreciation of the original text, I developed an aspiration to share its approach with a generation who find Latin difficult to understand. The translation aims at accuracy rather than literary flourish. There are differing views about the theological merit of Alphonsus. The rationale of my translation progressively developed a limited focus: present what Alphonsus himself said, leaving what others say about him to another day.

Every translator is a traitor: *traductor traditor*. I have avoided a verbatim translation, preferring what flows better in English to a rigid transliteration. On occasion, I have changed verb tenses, transposed subjects and objects, divided sentences, and added a word here and there to make the reasoning clearer. The original uses ecclesiastical Latin. I am mindful that today's reader is not likely to be accustomed to the grammatical constructions of this

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521

genre. Some important words, such as *opinio* and *sententia*, allow for differing English translations. I have let the context of their use give me flexibility. There is a further problem with the Latin style. Some of the articles are dry and didactic, and they remain so in my translation. Other articles are more like narratives, stories, or cases. I have tried to remain faithful to that technique when Alphonsus uses it. For understanding the treatise, the most important articles are the legal arguments of the text and the theological interpretations of Thomas Aquinas in the corollaries. Words matter, both in the Latin original and in the English translation. Words that are suitable in the juridical language of the text are not always the words that are appropriate in the theological controversies of the corollaries. Nonetheless, I have tried to be as consistent as possible in the linguistic style.

Alphonsus wrote the treatise for students. The translation maintains this didactic focus. The textbook style is deliberate. The translation is based on what I consider the best available critical edition, that of Leonard Gaudé (1905). An updated critical edition is needed. Meanwhile, I am confident that the edition used here is of a sufficient scientific standard to merit presentation in an English translation. The other Latin edition that has been widely used is Michael Heilig's (1852). I believe it is of a lesser quality than the edition by Gaudé.

When I first gave serious attention to the translation of the text, I focused on being a trustworthy translator. My preoccupations were Latin grammar and syntax, the choice of the more felicitous phrasing, and a desire not to betray the thought of Alphonsus. I did not start with the idea of a commentary, envisaging an occasional footnote instead. This would have been simpler for me, but I would have run the risk of offering an eighteenth-century text to a twenty-first century audience in too bald a form. The commentary eventually reached a point where it had

become longer than the text, which would be disproportionate. The slimmer commentary printed here aims to give a scaffolding for the text, inviting the reader to enter the world of Alphonsus and offering indications for application today.

The novelty of this book is that it presents, for the first time, an English translation of a classic text of moral theology. I am not competing with the commendable historical-theological studies of L. Vereecke, S. Majorano, M. Vidal, L. Gaudé, D. Capone, or A. Amarante. I have benefited much from their research, incorporating some of it into my commentary. Alphonsus labored on this text over a thirty-year period. It is the part of the moral theology that is most noticeably stamped with his own style and convictions. I have the simple desire to present, in English, the Latin text of Alphonsus on conscience that is, beyond doubt, his most notable contribution to moral theology.

The confidence that the moral theology of Alphonsus is structured on a distinctive methodology matured as I worked on the text and commentary. Its historical significance is generally acknowledged. Can we learn from it now? The tedious work involved in the translation and commentary is my personal answer. Alphonsus presents, in the treatise on conscience, a distinctive way of understanding the moral judgment of conscience. Understandably, this is within the ecclesiology of his time. The demands of moral judgment are different in the Church that is emerging after the Second Vatican Council. Pope Francis is often mentioned for a remark he made in an interview (July 2013) about a young gay man who was a good person and doing his best: The Pope said, “Who am I to judge?” Nevertheless, someone has to judge, and the only one who can do this is the conscientious person. The treatise of Alphonsus retains an actuality in its insistence that the starting point of moral reflection is a consideration of how conscience decides.

Alphonsus intended this treatise as an introduction to moral theology. What conscience means for us, and what moral theology involves as a contemporary science, have changed appreciably. The commentary acknowledges these changes, suggesting analogous applications here and there.

While working mainly with the critical edition of Gaudé and consulting various editions of the moral theology printed during the lifetime of Alphonsus, I also took advantage of internet resources. I encourage readers of this text to do the same.

I made some editorial decisions for the exposition of this text. I present the first three chapters (up to Article 63) as a continuous text. There is a commentary on each of the articles. I present the two corollaries separately and offer no direct commentary on individual articles. I use the corollaries as the most substantial material for the commentary on Chapter Three of the text. The corollaries merit a separate commentary, article by article. My choice has been dictated by the scope of this book. The textual differences in the editions of Heilig and Gaudé are notable at this point, evident principally in the numbering of the articles. They take diverse approaches to the understanding of the sixth and later editions of Alphonsus, based on their understanding of the separate text of Alphonsus (*De usu moderato opinionis probabilis*) and the better way to incorporate it into the presentation of their own editions. The differences are more material than substantial.

This book, therefore, is not a critical edition of a classic text. I leave that exacting task to others. However, endnotes are offered for the contemporary reader to have an idea of the type of texts cited by Alphonsus. Here, too, I have made a personal editorial decision about how to do this. Alphonsus inserts his quotations into the body of the text itself. His manner of citing authors is inconsistent. Gaudé puts them in order in a series of footnotes, and adds some of his own where he was able to clarify what text

Alphonsus was referring to. In ordering my notes, I have followed the text of Alphonsus in the sixth edition of 1767 and compared it to the Gaudé edition of 1905 and the Heilig edition of 1852. I have standardized the methodology of the endnotes to fit the scope of this book, which is to present the text of Alphonsus as clearly as possible in English.

My purpose in the notes is simple: give the names of the authors, their dates, and the title of the main book cited in that note. I have not tried to establish the date of first publication or the edition cited by Alphonsus. A critical edition would evidently demand a very different approach. My references to the authors cited are to the principal work referred to at that location; other details are minimal. Notes should help a reader, and my presumption is that the readers of this volume will be primarily interested in what Alphonsus himself has to say. If my notes stimulate interest in further study, that would be a bonus.

Regarding detail in the endnotes, I have made an important exception, giving the precise textual references for Thomas Aquinas. These were the critical texts for Alphonsus. They are easily accessible today, unlike many of the obscure contemporary authors he cites.

The short bibliography of primary and secondary works refers only to works that I actually consulted. The internet has been an invaluable asset to me, but it can be unreliable as a primary source when dealing with a historical text.

Note on the Preface to *Theologia Moralis*

Alphonsus published the first edition of his moral theology in 1748. This was, in effect, a commentary on another work by a German Jesuit, Herman Busenbaum (1609-1668). In the subsequent eight editions, Alphonsus added a preface explaining his understanding of moral theology to which the tract on conscience was the entry point. He urged his readers to begin by reading the general preface in order to appreciate the sense of the complete work. It remains good advice.

Alphonsus accepts the legal nature of moral theology as it was understood after the Council of Trent (1545-1563). Law was the undisputed matrix.

In placing conscience as the entry point, Alphonsus is within the tradition of Catholic theology that was evolving since the thirteenth century. Law was considered to be the optimal guarantor of freedom. He was strongly aware of the fact that law-centered theology could degenerate into legalism. On the other hand, he did not accept the separation of law and freedom that was emerging in the Reformation churches. The dignity of conscience was, for Alphonsus, a personal one within an acceptance of the Church as guarantor of the interpretation of the law of God.

When Alphonsus says he is seeking a middle way between extremes, this is to be understood constructively. He was not

looking for a compromise that reduced tensions to the lowest common denominator. In moral decisions for Catholics, salvation is at stake.

The conception of moral theology as a law-based discipline is one aspect of the ministry of the Church at the time Alphonsus was writing. The careful way Alphonsus outlines the steps in reaching a moral decision within a system of principles guarantees the dignity of a personal conscience. The claim of law to its rights is relatively straightforward. The claim of conscience to its rights is more challenging. Equity in the application of the law is the lodestar to protect conscience from an overbearing legalism.

CHAPTER ONE ARTICLES

- 1. The remote and proximate rule for human actions*
- 2. Conscience and synderesis*
- 3. Different types of conscience*
- 4. Following a vincibly erroneous conscience*
- 5. Following an invincibly erroneous conscience*
- 6. Gaining merit*
- 7. Answering some objections*
- 8. Invincible ignorance regarding the precepts of natural law*
- 9. Desire, actions, and sin*
- 10. The perplexed conscience*
- 11. The scrupulous conscience*
- 12. The remedies for scruples*
- 13. The importance of obedience*
- 14. Use of general rules*
- 15. Various fears of scrupulous people*
- 16. Anxiety about confessions*
- 17. Those who fear sin in every action*
- 18. When there is actual fear*
- 19. The basis of a proper judgment of conscience*

CHAPTER ONE

The Meaning of Conscience

Different Aspects and the Order to be Followed

ARTICLE 1

The remote and proximate rule for human actions

There are two rules for measuring human actions. One is more distant; the other is more immediate. The *distant* or material way of determining is from divine law. However, the *immediate* or formally correct way is through conscience. Even though conscience ought to conform to the divine law in everything, the goodness or evil of human actions becomes known exactly in the way that conscience understands it. This is what St. Thomas teaches: “Human reason is the rule for the human will by which its goodness is measured.”¹ He is clearer in another work: “A human action is judged virtuous or wrong according to the good as properly understood: the will is directed to this, by itself, and not in accordance with the material object of the act.”²

We will firstly consider the proximate rule which is *conscience*, and then the remote one which obviously concerns *laws*.

ARTICLE 2

Conscience and synderesis

Conscience can be defined: it is the judgment or practical instruction of reason by which we judge what is to be done here and now because it is good or avoided because it is evil.

Conscience is called a practical directive, to distinguish it from *synderesis*, which is the speculative knowledge of the universal principles of the good life, such as: “God ought to be worshiped. What you do not wish for yourself, you should not do to another.” You will find this in St. Thomas.³

ARTICLE 3

Different types of conscience

Conscience can be categorized as *upright, erroneous, confused, scrupulous, indecisive, and probable*.

The *upright* conscience commands what is true. Therefore, a person who acts against a conscience in this sense commits a sin. The apostle states⁴ that “anything that does not come from faith” (namely, from the instruction of conscience), is a sin, as Estius⁵ and others explain.

Pope Innocent III supports this view: “Whatever is done against conscience builds the road to hell.”⁶

A conscience is definitely *erroneous* when it prescribes something false as if it were true. Moreover, this type of conscience can be either vincible or invincible. It is vincible when the person acting could or should have corrected the error. This can be the case either because one already notices the error, or at least has a doubt about it. The person is aware of the obligation to overcome the error but still neglects to eliminate it. Saint Antoninus,⁷

Navarrus,⁸ Suarez,⁹ and others like Silvius and Cajetan give this as the standard teaching from St. Thomas.¹⁰

However, the Salmanticenses¹¹ and Castropalaus¹² along with Azor,¹³ Suarez,¹⁴ Vasquez,¹⁵ Bonacina,¹⁶ and Wigandt,¹⁷ point out that, in the case of invincible ignorance, it is not required to take extraordinary care to overcome an error. Common ordinary care is enough. In the strict sense, ignorance is invincible when it is morally impossible to overcome it. No thought or doubt about the error enters the person's mind when acting, not even in a muddled way. This applies both while the person performs the action or determines a motive for doing it. The treatise *On Sins* in Book 5 will explain this more fully when we deal with the level of awareness needed to call something a sin.

ARTICLE 4

Following a vincibly erroneous conscience

Therefore, we assert that a person with a *vincibly* erroneous conscience *always* sins, whether acting in accordance with or against such a conscience. The person sins by acting against it, because one chooses an evil that is judged to be evil. There is evidently sin in acting in accordance with such a conscience, because a person who could and should overcome the error does not remove it and irresponsibly performs the act.

ARTICLE 5

Following an invincibly erroneous conscience

Secondly, we affirm that a person with an *invincibly* erroneous conscience not only does not sin by acting in accordance with it.

Indeed he is obliged to follow it in all circumstances. Here is the reasoning for both points. A person does not sin because, though the action in itself may not be good, nevertheless it is good according to the conscience of the person who acts. A person is bound to follow such a conscience (which is the proximate measuring standard) anytime it recommends the person to act in this way.

ARTICLE 6

Gaining merit

Not merely does the person who acts with an invincibly erroneous conscience not sin, but *more probably even gains merit*, as Fr. Fulgentius Cuniliati¹⁸ and others correctly think. Here is the reasoning. In order to call some action good, or at least not imperfect, it is sufficient that the action be guided by the directive of reason and prudence. Therefore, in acting, provided the person does so prudently, one undoubtedly ought to be rewarded in view of the good purpose for which the action is performed. This good purpose could be the glory of God or charity for the neighbor and the like. In the same way, a person who does something good but comprehends the action to be evil is deprived of merit because of the immoral purpose intended.

ARTICLE 7

Answering some objections

Franzoja¹⁹ objects that a bad action can never be a source of merit, and he quotes St. Thomas as support:

Liguori Publications • © 2019 All rights reserved.

Liguori.org • 800-325-9521

Good is caused by the integrity of factors, evil [is produced] by any single defect. Hence, for anything that the will seeks, it is enough for it to be either actually bad by its nature or to be understood as bad. To call it good, it must be good in both senses.²⁰

Regarding this view, it should be answered that the angelic doctor is speaking here about good understood absolutely and unconditionally, and not about good understood relatively or contingently. Such is precisely the case when conscience, as the proximate rule of action, is not culpable about how it understands something. That is what the angelic doctor teaches, as already indicated: “A human act is judged virtuous or immoral in the way the good has been apprehended, insofar as that is what the will is of itself directed to, and not according to the material object of the act.”²¹

Fr. Concina²² is now closer to our view, although he had argued earlier that actions based on an erroneous conscience (even an invincibly ignorant one) could not be capable of either goodness or merit. He writes:

It could happen that a person, while performing an action that is materially bad, also performs a number of good actions, undoubtedly with the intention of pleasing God.... We say that these actions are good and meritorious, although the act performed may be materially bad, it is not to be qualified as a guilty act.... The materially bad action, not being a voluntary one, is not a reason to ascribe evil to those actions.²³

Liguori Publications • © 2019 All rights reserved.

Saint Bernard endorses this more convincingly. He teaches that a subject who, with a good intention, obeys a superior, acts

with merit even though at the material level the action is unlawful. This is how he expresses it:

I would say that a person is praiseworthy on the sole basis of a religiously motivated intention. Clearly, a person will not be deprived of a just reward for an action that is some way not good, provided the will is good.²⁴

ARTICLE 8

Invincible ignorance regarding the precepts of natural law

There is an initial question: *Can a conscience be invincibly ignorant regarding precepts of the natural law?* The answer will be brief. This can happen in the case of intermediary conclusions and of those that are at some remove from first principles. It cannot happen in the case of immediate and proximate conclusions (from the first principles). Examples would be the case of taking an owner's property against their will, killing an innocent person, and such-like. This is the commonly accepted opinion, as we will prove later, using first and foremost the authority of St. Thomas. We will do this in the second treatise, *On Laws*, number 170.

ARTICLE 9

Desire, actions, and sin

There is a second question: *Can conscience be considered invincibly erroneous in a person who desires to accomplish evil*—take fornication as an example—*judging incorrectly that the simple desire of fornicating is not a mortal sin if, in fact, fornication does not occur?*

Sanchez²⁵ and Granado²⁶ propose this as the more probable view, asserting that the person sins only materially. Their reasoning is: although the person chooses a bad object, he still invincibly believes that the desire in itself does not inflict an injury on God. However, I would never hold this opinion to be probable. I could never believe such an opinion is sound. It would propose that a person who deliberately wishes to perform an action that he knows offends God could believe without guilt that God was not offended. Such a person effectively desires to carry out something which he certainly knows will turn him away from God.

You may say, however: How can a person sin formally by his desire if he is ignorant of its malice? Here is my answer: although it can be granted that the person is ignorant about the wrongness of the internal act, he surely recognizes the evil of the external act. If, therefore, a person wishes to carry out an act, already recognized as evil, in what way can he be excused from sin? Everyone can discern through the light of reason that they are bound to obey their Creator. Therefore, when a person deliberately wishes to do something that he knows God forbids him, at the same time he has to realize that he is acting wrongly. Although reflexively there is no sin, because he thinks that only the external act is a sin, in practice the person is already sinning. He desires to negate the obedience due to God at the time he is contemplating the sin to be completed.

You might continue to maintain that many rural people do not acknowledge this in the case of immoral desires. They believe that it is only sin when the external act is completed. My answer is that such people are quite deceived in believing that they are not bound to confess as sins something not completed in action.

Accordingly, the prudent confessor ought to judge that when a person consents to complete a sin, he truly and formally sins. He is turning away from God with a defective will. In view of all these

considerations I, along with other more recent experts, consider the opposite opinion to be not sufficiently probable.

ARTICLE 10

The perplexed conscience

We proceed to outline another type of conscience. A conscience is *perplexed* when a person is caught in the middle between two precepts. He believes he sins no matter which one he chooses. Take, for example, the case of someone who perjures himself in court to protect the life of a plaintiff. On the one hand, he is uneasy because the precept of religious respect for God forbids perjury. On the other hand, led by error, he is guided by the law of charity for a neighbor. He does not know what to do. How to proceed in this type of situation can be answered in the following way. If a person can postpone the action, he is bound to defer it while he gets the advice of well-informed people. If, in fact, he cannot postpone the decision, he is bound to choose the lesser evil, preferring not to break the natural law over not contravening human or positive divine law. If, however, the person cannot determine which might be the lesser evil, no matter which choice is made, a person does not sin. The reason is that, in such situations, the freedom necessary for formal sin is missing.

ARTICLE 11

The scrupulous conscience

Finally, we deal with the *scrupulous* conscience. It is necessary to treat this at greater length. A scrupulous conscience is one that, for a silly motive and without a reasonable basis, a person fre-

CHAPTER 2 ARTICLES

- 20. What is an indecisive conscience?*
- 21. Speculative and practical doubt*
- 22. Acting with a conscience that is practically doubtful*
- 23. Qualms about the type of sin*
- 24. Solving practical doubts*
- 25. Speculative doubts*
- 26. Reflex principles*
- 27. Doubt: promulgation and abrogation of law*
- 28. Doubt and vows*
- 29. Vows and probability*
- 30. Fulfilling a vow carelessly*
- 31. Obligations toward superiors*
- 32. Doubts about various issues*
- 33. Doubt about the validity of a marriage*
- 34. Doubts about paying outstanding debts*
- 35. Doubts about ownership*
- 36. Different evaluations about the rights of ownership*
- 37. Obligations of owners when there is a doubt*
- 38. Doubts about receiving Communion*
- 39. A further doubt*

CHAPTER TWO

The Indecisive Conscience

ARTICLE 20

What is an indecisive conscience?

A conscience is hesitant when it cannot come to a judgment between alternatives. As a result, it remains ambivalent and indecisive. There are two types of indecisive conscience. One is practically hesitant about which action to take; the other is speculatively unsure regarding the truth of the action. Indecision may also be classified as negative or positive. A doubt is called *negative* when neither side presents probable reasons, but only weak ones. A doubt is considered *positive* when both sides (or, at least, one side) offers a serious motive. This requires that it proposes a sufficient basis to form a probable conscience, even though some anxiety about the opposite view remains. Therefore, positive doubt almost always coincides with the probable opinion. This will be the topic of Chapter Three.

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521

ARTICLE 21***Speculative and practical doubt***

Hence, a doubt may be either speculative or practical. The doubt is *speculative* when it is about the truth of a matter; for example, whether a war is just or unjust, whether painting on a feast day is forbidden or permissible, whether baptism using distilled water is valid or null, and so on. A *practical* doubt concerns the moral uprightness of the action; for example, whether I may take up arms in a particular just war, whether I can paint on this particular feast day, whether I may baptize this child with distilled water. Thus, one must always distinguish between what is *true* and what is *permissible*. A speculative doubt can, at least indirectly, touch on what is permitted. For the most part, however, a speculative doubt concerns what is true, while a practical doubt is concerned about what is permissible.

ARTICLE 22***Acting with a conscience that is practically doubtful***

Having considered all of this, our first assertion is that it is never licit to act with a practically doubtful conscience. If a person acts in this way, he sins, and the sin is of the same species and gravity as the doubt. This is because those who leave themselves open to the danger of sinning, sin in doing so, in accordance with the Book of Ecclesiasticus 3:27: “Whoever loves danger will die in the danger.” Therefore, if a person doubts whether an action is a mortal sin, it is a mortal sin if it is chosen.

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521

PART TWO

Commentary
on the
*Treatise on
Conscience*

Liguori Publications • © 2019 All rights reserved.
Liguori.org • 800-325-9521

INTRODUCTION TO COMMENTARY

Alphonsus wrote a moral theology for the students of his recently founded Redemptorist Congregation, with a first edition in 1748 and a ninth in 1785. Moral theology had developed after the Council of Trent (1545-1563) as a practical-oriented science to prepare ecclesiastical students for their future ministry as priests. Particular emphasis was given to the administration of the sacraments, principally confession. The theoretic framework of moral theology during this period was a legal one: divine law, natural law, human law, positive law, ecclesiastical law. Alphonsus wrote within that context of law, using an easy-to-follow exposition that would help students understand complex material. He starts with two observations.

The first one has pivotal importance. The starting point for their study is conscience. The exit point in pastoral ministry will also be through conscience. Alphonsus' moral theology had begun as a commentary on the work of another theologian, Hermann Busenbaum (1609-1668). The evolution of Alphonsus' thought over a thirty-year period is crystallized in this deliberate choice. The study of moral theology involves the various and distinctive levels of law, but it begins with an exploration of conscience. This is the characteristic feature of the Alphonsian organization of moral theology.

Some background, historical and ecclesiastical, helps one understand how Alphonsus analyzes conscience. There is no agreed-upon definition of the meaning of conscience. Besides, it is not a specifically Christian concept. Cicero, in *Pro Milo*, refers to conscience as the principal theater of virtue in life (*theatrum virtutis*). One performs in that theater, for good or ill. Already recognized as a stimulus to action and an encouragement to

change one's life, it was readily adaptable to Christian aspirations and needs. The Church embraced the drama of conscience enthusiastically in explaining what is involved in being a Christian. In the acceptance of conscience within Christian conversation, a comparatively small decision continues to be historically important. Jerome (347-420), in his translation of the New Testament, chose the Latin word *conscientia* for the Greek word *syneidesis*. The Greek word has connotations of looking inward, while the Latin word considers what is outside oneself. The self-awareness of *syneidesis* and the shared knowledge of *conscientia* (*cum scientia*) are different ways of looking at the reality we now refer to as conscience.

The significance of Jerome's translation does not seem to have created noteworthy ripples in the centuries immediately following him. Conscience was not a matter of much discussion in either philosophy or theology. This alters when feudal law was gradually replaced in Western Europe by Roman law. The effect of this on theology was to introduce an explanation of conscience as already having a content of its own validated by those with the authority to lay down and interpret the law. This gave rise to two claimants for the allegiance of a person: the inner voice of conscience, and the external word of those who commanded conscience. A series of problems developed, and not just for theology. Where conscience resides and has its home was the great dilemma for the poet William Langland in *Piers Plowman*, and the predicament throws a long shadow over the political and religious controversies of the Reformation period. Erasmus, Luther, Thomas More, and Henry VIII can all invoke conscience.

For the purpose of understanding our text, we need to appreciate why Alphonsus takes a particular direction from the options available to him. The choice was not conscience or law, but conscience *with* law. *Mea conscientia*, for Alphonsus, is not the

lonely drama it was for Luther; it is played out within the community of the Church.

The second observation of the introductory memo is considerably more practical. Alphonsus quotes a lot of authors, and he outlines a procedure to distinguish their thinking from his own. Not all the references Alphonsus made are complete. His own thought evolved between different editions; printers were not always reliable. The text on which this translation is based (L. Gaudé, 1905) can, however, be taken as an accurate representation of Alphonsus' mature position on the question of conscience. The elimination of remaining errors can be left to future scholars prepared to dedicate themselves to a new critical edition. Meanwhile, the Gaudé edition is trustworthy for our purposes.

Commentary on Chapter One

ARTICLES 1-3

Conscience: definition and distinctions

AFFIRMING THAT THE STUDY OF MORAL THEOLOGY begins with the treatise on conscience is a comparatively straightforward claim. Understanding what Alphonsus recognizes as conscience will take us through the full journey of the treatise. He begins with three articles giving the basic terminology.

The moral life is a consideration of human actions. Moral theology is the professional science which trains us to do this. Human activity has many components, but Alphonsus' interest is in the moral decisions we take. There has to be a sure way of determining how these actions are to be considered good or evil. Of course, we have the eternal law of God. This could seem to be an adequate measure for deciding between good and evil actions. However, by placing conscience as the entry point for moral theology, Alphonsus insists on a second level for assessing the morality of human actions. They have to be looked at more closely, that is, from conscience. The two levels are connected in the sense that the divine law must be received by the individual conscience.

That is why the promulgation of the divine law in the individual conscience is a theological crux that will dominate the full treatise.

The *forma mentis* of Alphonsus was shaped by his training in jurisprudence. The law predates the case to be decided, and a final verdict of innocence or guilt is reached only after a consideration of all the circumstances. Here, of course, we are dealing with theology, not with jurisprudence, and the significance of the quotations from Thomas Aquinas should be noted. Conscience is not an alternative to divine law, but it is pivotal in deciding whether an action is to be considered good or bad. Alphonsus did not consider himself to be a commentator on Thomas Aquinas, like Cajetan or Suarez. The importance of Aquinas for him is to indicate the authority of his theological foundations. If there is support for the argument from Aquinas, Alphonsus is implying that his system can be trusted.

Alphonsus is considering one aspect of a complex question, the goodness or wrongness of a practical decision. This is decided on the basis of the good or bad will of the person acting. A moral judgment is based on the motivation within the particular action chosen. The acceptance of this point, in the first article of the treatise, is a noteworthy clarification of what Alphonsus means by taking conscience as the entry point for all moral theology. The citation from Aquinas indicates that Alphonsus considers his unfamiliar starting point to be coherent with the position of the most authoritative theologian in the Church.

The definition of conscience in Article 2 indicates where Alphonsus stands within the spectrum of other possible definitions. Conscience is a practical and reasonable judgment of what is to be done in the present moment. Calling it a practical judgment does not downgrade it, as if a conscience were merely practical and therefore not academically serious. The practical decision is, after all, something that is reached by reason, and Alphonsus

is firmly within the theological tradition which respects human reason (*ratio*). Where he differs from other theologians of his epoch is how he understands conscience as a different judgment to one reached through *synderesis*. This is a technical term from scholastic philosophy which refers to the inborn principle in the moral consciousness of every person. It directs the person toward good and restrains him from evil. Synderesis is a habit that shapes a person's general life. We can relate synderesis to the internal voice of conscience. The word is not much used now, and Joseph Cardinal Ratzinger suggested an interesting replacement in the idea of *anamnesis* (*On Conscience*, 1984) to indicate the memory of the voice of God in our heart. Alphonsus would have understood this. However, he chooses to define conscience as a separate act which is not to be confused with the habit-forming role of synderesis (or the memory-preserving role of anamnesis). The implication of the definition of conscience preferred by Alphonsus is that he neither considers the decision taken in conscience as a deduction from principles nor as an isolated inner light. Conscience occurs within the other aspects of life, but it is not to be confused with them. It is a separate act.

Generally speaking, a person must form the habit of thinking rightly. Synderesis is the technical term for doing this. Practically speaking, a person must take a decision in circumstances that are often far from ideal. Conscience is the guide for this. It is misleading to understand Alphonsus as saying that the theory learned by synderesis is then automatically applied to a particular situation. This impression has led some commentators to suggest that Alphonsus is proposing a double morality: one that is in accordance with theory, one that is tolerated in practice.

Alphonsus knew very well that theory and practice rarely coincide.

The difficulty is not with the truth of the morally right or wrong.

The decisive question for Alphonsus is with the goodness or evil

of the choice made by a particular person. When he insists that conscience is an act of practical judgment, as distinct from the speculative search for the truth of foundational principles, he is articulating a moral theology that can be serviceable in pastoral ministry. This is his purpose in writing his moral theology in the first place. He belongs to what we can generally call “the Thomistic tradition of theology.” His questions, however, come from a pastoral context not normally considered by academic schools. This is very clear from his preface to *Theologia Moralis*. The freedom of the person faced with a decision is as important for Alphonsus as the truth implied in the decision eventually taken.

Alphonsus’ personal approach becomes clearer in Article 3. Were he writing a moral theology for a specifically academic setting, this article would be about law and its many levels. Alphonsus, instead, outlines a sixfold division of conscience as he has defined it. His interest is in how the law is received and, pastorally speaking, this is determined in conscience.

Objectively, it is always a sin to act against a rightly formed conscience. Subjectively, it has to be established if the determination of sin applies in a particular instance. Analogous to the negative formulations in the Decalogue, it is easier to say what is forbidden (“do not kill”) than to explain what is practically involved in a positive prescription (“keep holy the Sabbath day”). The conviction that it is objectively wrong, indeed a sin, to act against a properly formed conscience, and the complexity of knowing whether this is actually and subjectively wrong, is a recurrent issue of the treatise.

Alphonsus is not innovative in repeating what was standard teaching in the high Middle Ages: there is a distinction between an objective description and a subjective judgment in the moral life. His contribution is in the thoroughness with which he applies this traditional doctrine to circumstances not considered by the

scholastics. He is concentrating on the subjective elements of morality within the ministry of the Church in the eighteenth century.

Though the language of Alphonsus about the types of conscience belongs to a different epoch, it is important to understand what the terminology would have meant for him. Only afterward can we assess whether the approach has relevance in a different era. Right conscience (*recta*) is based on the objectively proposed truth. The other five divisions proposed by Alphonsus are about the subjectively experienced states of the knowledge of the first truth. It is typical of Alphonsus to initially propose the ideal position and rather quickly move to the less-than-ideal situation. Law states the ideal to which one should conform. When this does not occur in practice, the solution is not to propose a new law but to seek a more precise understanding of why it was impossible in the first place for the person to have acted differently.

The truth that is given by the law is a truth that is clouded for a particular person. That is the logic of the presentation of the various states of conscience in Article 3. The Latin terms have a jurisprudential origin and are transposed here to a theological setting. Right (*recta*) gives the sense of being led along a correct path. That is the role of practical reason enabled by the law. Having stated that the ideal is that we would always lead an ordered life, Alphonsus turns his attention to a number of ways in which people may lose their footing on the preordained path. *Erronea* (translated as “erroneous”) means “wandering around” in the sense of mistaking the right path. This is different from being *perplexa* (translated as “confused”). The person has not wandered from the right path, but is in a muddled or ambiguous state of mind. *Scrupulosa* (translated as “scrupulous”) has its etymological origins in the idea of footwear being hampered by jagged stones. This will be treated at length in subsequent articles. Here the initial idea

communicated is that the person wants to walk properly, but the scruples (the irritating stones) make this impossible. Different again is the conscience that is *dubia* (which I usually translate as “indecisive”). The person wavers and procrastinates, not knowing what to do. The final type of conscience is *probabile* (translated as “probable”). In Article 3 the term is used as an adjective. Later in the treatise Alphonsus will deal more extensively with the theory of probabilism.

The terminology is dated, legal in origin, and tied to casuistry. However, if we accept that conscience is an act of judgment that is distinct from the habit of forming a right-thinking mind, the approach of Alphonsus can continue to be functional. When we are taking a moral decision, we are deciding what is the proper thing to do in the present moment. With hindsight, we may realize that we have taken a wrong decision, but the rightness of the first decision stands. Though Alphonsus uses the standard division of objective and subjective morality, this distinction may not be as important as it seems. It is always the one human act that is considered by Alphonsus. We can look at this “remotely,” as he suggests in the opening sentence of Article 1. We can also look at it “proximately,” that is, through the lens of the decision of conscience. When Pope Francis asks, “Who am I to judge?” he is respecting the conscience of the person who will make the judgment. The presumption is that a judgment has to be made, and the only person who can make that judgment is the person involved. That is the significance of conscience considered as an act of practical judgment.

Besides quoting, in rather literalist ways, Scripture and Pope Innocent III, Alphonsus refers to fourteen theologians. This should be taken in the obvious sense of the serious study involved in reaching his conclusions. The key text is from the *De Veritate* of Thomas Aquinas. The other thirteen references are to theo-

logians who wrote after Aquinas, many of them Jesuits. These statistical comments are indicative of the theological preferences of Alphonsus. He is more interested in recent theology because the problems he is dealing with are contemporary ones, and theologians of the Society of Jesus were among his favorites.

An erroneous conscience (that is, a conscience that is in error because it does not replicate in its decision the truth as given by the authoritative law) is a concept found in Thomas Aquinas. Alphonsus extends the understanding of Aquinas by giving lengthy attention to the reasons why one may act in error. The debate on the erroneous conscience in the last fifty years has not given much attention to this aspect of Alphonsus. The erroneous conscience is evidently connected with the truth of the matter. It is also related to the freedom of the person in making his or her choice, and it is the person's freedom that is of decisive import for Alphonsus. Some imply that the woes of the modern world are due to those who substitute the infallible (though erroneous) conscience for the clear objective teaching of authority. I have already given my view that Alphonsus' thinking is regulated by the framework of conscience-within-the-law. He pays proper attention to the erroneous conscience because it is simply a fact of life and has to be dealt with. In accepting the possibility of an erroneous conscience Alphonsus is also facing reality. He is not proposing an alternate and separate theory of morality outside the framework of law which dominates in his moral theology.

ARTICLES 4-5

Vincible and invincible ignorance

Liguori Publications • © 2019 All rights reserved.
Two short articles elaborate on the importance of a crucial distinction made in the previous articles. No other author is referred to.
Liguori.org • 800-825-9521