

Moral Theology for Pastors Today

Author: Dr. J. Charles Davis, Humboldt Research Fellow, University of Freiburg

The primary concern of theologians and pastors must be always pastoral. Good theologians would not stop with abstract reflections but involve themselves in the lives of the faithful. In fact, every branch of theology, including the canon law, has a single pastoral concern, namely, the salvation of human beings. Good pastors would not condemn people, rather guide the faithful and accompany them in their concrete situations. I am happy to write this article in honour of two good pastors: Fr. Thomas Macheril and Fr. Christudhas, who were inspiring teachers at the Oriens Theological College.

Moral Theology Prior to the Second Vatican Council

Prior to the second Vatican council, the manuals of moral theology were moral and legal guides. Manuals were traditionally deducted from the Ten Commandments and the Thomistic teaching on divine and natural law. The focus of manuals was on law and prescription of penalties for sins. Specially trained moralists used the manuals to train seminarians for the future task of hearing confessions, preaching on moral issues and interacting with the parishioners who might seek moral advice. The moralists played a significant role advising a variety of audiences both political and ecclesial and their conclusions influenced the public policies and decisions of catholic institutions.¹

In 1954, the publication of the book *The Law of Christ* by the German Redemptorist Bernard Häring became a watershed in the history of moral theology. Incorporating many biblical passages, Häring introduced a more systematic moral theological discourse, which gradually removed the manuals of moral theology from seminaries and moved academic moral theology from the seminary to the University, where more laity could become specialists in moral theology, which is no longer restricted to the ordained.

¹ Jeffrey L. Morrow, Cut off from its Wellspring: The Politics behind the Divorce of Scripture from Catholic Moral Theology, *The Heythrop Journal* LVI (2015) 547-558, 548.

The Franciscan Shift from a Doctrinal to a Conciliatory Pastoral Discourse

In the Apostolic Letter *Misericordia et misera* delivered at the conclusion of the Extraordinary Jubilee of Mercy on 20 November 2016, Pope Francis begins with the concrete story of the meeting of Jesus with the woman taken in adultery (cf. Jn 8: 1-11). The primary concern of Pope Francis is pastoral. His focus is on human beings. On matters of sexual ethics, Pope Francis takes the position of “Who am I to judge?” and on economic issues, he says, “The dignity of each human person and the pursuit of the common good are concerns which ought to shape all economic policies.”² He does not discuss the abstract norms, rather he expresses his deep compassion for the poor, the weak and the vulnerable. He avoids confrontational and doctrinal approach but applies reconciliatory processes. He does not want to be seen as a supreme judge, but comes across as a forgiving father. However, he is clear about the moral truths. In the Apostolic Exhortation *Evangelii Gaudium* (The Joy of the Gospel), Pope Francis says that every violation of the personal dignity of the human being cries out in vengeance to God and is an offence against the creator (no. 213). Similarly, while granting the faculty to absolve the sin of procured abortion extending to all priests after the Extraordinary Jubilee year, Francis writes in *Misericordia et misera* (no.12):

I wish to restate as firmly as I can that abortion is a grave sin, since it puts an end to an innocent life. In the same way, however, I can and must state that there is no sin that God’s mercy cannot reach and wipe away when it finds a repentant heart seeking to be reconciled with the Father. May every priest, therefore, be a guide, support and comfort to penitents on this journey of special reconciliation.³

The most fundamental good of human life is bodily life itself, without which an earthly life is not possible. It is in and through the physical body that a person can exist and act. That is why, the most fundamental human right is the inviolable right to (earthly) life. No science and not even any faith should go against the inviolable right to life. Rightly so, Pope Francis applies the natural law and the principle of vulnerability in protection

² Francis, *The Apostolic Exhortation Evangelii Gaudium*. Vatican City, Rome: Libreria Editrice Vaticana, 2013, Sec. 203.

³ Francis, *The Apostolic Letter Misericordia et misera*. Vatican: Libreria Editrice Vatican, 20 November 2016, no. 12.

of unborn, weak and poor humans. He is condemning abortion and other forms of killing in clear terms. However, he immediately acknowledges that we have failed to accompany women involved in abortion in very difficult situations and must be moved by their anguish (no. 214). Such statements clearly suggest a shift in the way how the Church should address the moral issues with gentle and merciful engagement with the people rather than with prescriptions and condemnations. Pope Francis does not reject any moral truth in the existing bioethical or sexual or social teachings of the Church, rather he situates the morality and ethics within the salvific action of Jesus. The change has taken place not really in the content of the moral teachings of the Church but in the attitude of applying them in concrete situations.

The character of the Catholic morality has certainly undergone a radical change with the Franciscan shift from a doctrinal to a conciliatory pastoral discourse. This is a shift from legalism to pastoral care. As Engelhardt remarks, “Such shifts in focus can in the end change doctrine without any doctrine having been officially and directly changed.”⁴ Often changes in Catholic doctrines take place silently without saying that a particular doctrine has been changed. Without reiterating the established moral principles, Pope Francis seeks to understand the concrete human conditions and offer practical solutions under the umbrella of God’s unconditional love and mercy. Of course, he is critiqued from many corners, but he seems to be convinced that dogma and doctrines are important to serve humanity and not vice versa. Mercy is the dominant virtue in his teaching that can fill the lacunae in moral imperfections. Calling forth for an inductive method, Pope Francis urges that the evangelizers “should take on the smell of sheep.” Knowing the faithful well would lead the pastoral ministers to become facilitators of deep compassion with God’s grace and unconditional love for the faithful in all real human conditions and problems.

Following the thinking of Pope Francis, moral theology should be not merely an abstract body of norms and principles, but a combination of tangible form of God’s compassion

⁴ H. Tristram Engelhardt, Jr., “A New Theological Framework for Roman Catholic Bioethics: Pope Francis Makes a Significant Change in the Moral Framework for Bioethics,” *Christian Bioethics* 21/1 (2015) 130–134, 131.

and mercy that would offer solutions to concrete problems and directives to the day-to-day lives of persons engaged in the concrete world. Moral theology cannot be merely a set of secular ethical norms, but primarily a theological ethics⁵ which cannot separate the aspect of faith and God. Pope Francis therefore wants the Christian moral teaching to be situated within the redeeming actions of Jesus and reminds that the primary goal of any stream of Christian theology is to find meaning and salvation for humanity. Pope Francis is unambiguous in his conviction and assertion that salvation of concrete persons has precedence over abstract principles and norms which are definitely directives for Christian moral living under normal circumstances.

The Role of a Pastor: Judicial or Pastoral?

Morality is larger than civil law. We do not learn morality from civil law. Civil law does not pronounce an act to be right or wrong. Civil law is neutral. It does not take moral decision. Civil law would only say whether legally an act is a crime or no more a crime. However, people are prone to learn morality from civil law. They think if civil law allows, then it is morally right. The civil law has primarily judicial functions than to play an ethical role, whereas the canon law which is largely based on Catholic theology and ethical traditions of plays the role of a moral norm. In the nation states, freedom should be given to religions to practice this law or not to practice it depending on their ethical convictions. Religions and traditions offer moral norms. Religion plays a primarily role and has a duty to instruct the followers of the norms for a rightful living. Religion cannot impose morality but can only offer ways and means for a rightful moral living. The universality of religious moral norms is debatable and are subject to critique. One of the foundational criteria to check whether there is truth in a religious or secular moral norm is the fundamental and inviolable right to life.

Catholic pastors should be well informed about the moral teachings of the Church and the law of the land, if they want to guide the faithful well. Pastors must be precise, distinct and clear while guiding the faith. There is always room for critique and disagreement, but they should not confuse the people with ones' own confused position.

⁵ Moral theology is also called theological ethics in many academic institutes and universities in certain countries.

If pastors are convinced of moral truths in Church's teachings, they must be faithful to them and should not relativize the position of the Church. Pastors must be compassionate and not rude or rigid to apply the moral norms blindly without taking into consideration the persons and their situations in which they are. The Church exists to serve individuals, families and communities in their concrete realities with moral issues. Since there exists a natural tendency to sin and make mistakes in the existential nature of humans who are endowed with freedom to act without predetermination, moral principles and guidelines are important to help humans to lead a moral life.

The faithful are expected to follow the moral teachings at utmost earnest. There will be disequilibrium in an individual without morality. There will be chaos in a society without ethics. A society will doom sooner than later without moral and ethical values. Thus, teaching of morality is ideal and essential, but at the same time compassion towards the penitent is equally important as we are dealing with vulnerable humans. Compassion for the sinners does not mean that immoral actions are generally excused or that morality is compromised. Therefore, we need moral principles and ethical norms for moral living individually and as a human community, as we need civil law to maintain law and order in the society. When a civil law is violated, the civil law will take its action with corrective measures. What are we to do when moral norms are violated? It is the particular religion that forms the conscience of their followers and outlines the norms for individual morality and social justice. Therefore, the same religion has the responsible duty to correct their followers. Should a religion punish the violators and punish them eternally?

On behalf of the Roman Catholicism, Pope Francis says, "Mercy is the very foundation of the Church's life. All of her pastoral activity should be caught up in the tenderness which she shows to believers; nothing in her preaching and her witness to the world can be lacking in mercy."⁶ Again he was categorical when he said, "The Church is not a tollhouse; it is the house of the Father, where there is a place for everyone, with all their problems."⁷ The unconditional love of God "offers us a framework and a setting which

⁶ Francis, The Papal Bull *Misericordiae Vultus* (11 April 2015) 12.

⁷ Francis, The Apostolic Exhortation *Evangelii Gaudium* (24 November 2013) 47.

help us avoid a cold bureaucratic morality in dealing with more sensitive issues. Instead, it sets us in the context of a pastoral discernment filled with merciful love, which is ever ready to understand, forgive, accompany, hope, and above all integrate.”⁸ Pope Francis wants definitely to move away from a legalistic towards a pastoral magisterium.

Moral life is essential for a Christian living, but the Gospel cannot be reduced a moral code. While natural law and morality can give normative directions for humans, it is God’s grace that saves them. Therefore, the virtue of mercy is central to the proclamation and evangelization of Christian faith in the light of Pope Francis. Thus, as Gaillardetz says, “Francis invites us to move beyond the rigorous application of juridical norms in favor of the primacy of personal moral discernment and conscience formation.”⁹ Yet, “A pastoral magisterium does not claim to have all the answers, nor does it provide definitive solutions to every controverted issue. Rather, it acknowledges the normative character of current church teaching but keeps open the possibility of further insight. It is committed to cultivating an ecclesial atmosphere in which controverted questions can be freely debated, new insights can emerge, and the Spirit can work through the shared discernment of the whole People of God.”¹⁰

To be pastoral is to be responding to the needs of the community, particularly of the people in distress. It is a call for moral theologians to attend to a reciprocal relationship between moral principles which are abstract and ideal and human experiences which are concrete and often dirty. Moral theologians are called to listen to the Spirit of the Lord to be able to respond pastorally to the concrete issues of people, which is the main objective of moral theology. There can arise moral conflicts due to the existing position of the Church, yet one can respond to the situations *pastorally* without compromising the moral teaching of the Church. Exceptions do not make norms. For example, how do we pastorally respond to the pandemic situation of HIV/AIDS, whereas we are not supposed to advocate contraceptives morally? How do we pastorally respond to the divorced and remarried, unless the Church modifies its stand on the indissolubility of

⁸ Francis, Post-Synodal Apostolic Exhortation *Amoris Laetitia* (19 March 2016) 312.

⁹ Richard R. Gaillardetz, *A More Pastoral Magisterium: Papal Authority in the Francis Era*. Commonweal (27 January 2017) 20.

¹⁰ Gaillardetz, *A More Pastoral Magisterium*, 21.

marriage and communion for the divorced and remarried? There are concrete dilemmas. Can we ignore these people forever? Should we apply the principle of epikeia in the pastoral care of “the divorced and the remarried,”?¹¹

What is Moral Theology actually?

Moral norms, theories and principles are helping tools to make decisions. There are at least three main areas of moral theology: (i) fundamental moral theology dealing with conscience, sin, etc. (ii) sexual moral theology which is an applied moral ethics dealing with family, sex, etc. (iii) biomedical ethics which deals with the issues of life and decision making in matters of dilemma regarding human life. In addition, social ethics can be also included into the area of moral theology, since it is not simply a body of guidelines in order to be applied to special cases of sinful acts at the confessionals, but it should be competent to respond to the social problems. Faith is not a private affair but necessarily involves in social action and political involvement. Often the socio-political structures are so unjust that individuals are trapped into such corrupt systems. For example, in a rampantly corrupt socio-political system, changes in moral behaviour of individuals are not enough but a collective revamp of the system is necessary to effectively bring about lasting change in a society. If we want to ensure social justice and establish a just society, we need a structural change and not just a change in individual attitudes.

¹¹ Günter Virt, Moral Norms and the Forgotten Virtue of Epikeia in the Pastoral Care of the Divorced and Remarried, *Melita Theologica: Journal of the Faculty of Theology University of Malta*, 63/1 (2013): 17-34. The virtue of epikeia played an important role in Greek culture. After the demise of the first democracy, the subsequent monarchic and often despotic political systems restricted epikeia to an occasional attitude of leniency on the part of the ruler. Epikeia is not a norm that goes against norms (many are anxious that epikeia is a contra-norm). But epikeia is the old and proven virtue to dare to act *praeter legem* in extraordinary situations. The justification for this is in St Thomas, who calls for reverting to the higher principle in extraordinary situations. The last canon in the Code of Canon Law specifically mentions *salus animarum* as the higher principle (1752). Epikeia is not the solution for all cases and it is not a contra-norm against the norm, but it could be suitable to evaluate particular extraordinary cases in an extra-judicial way. Epikeia would continue to be useful, because no law can include all the circumstances under which it is valid. Life is always richer than any law or regulation that can be formulated, and our God is a God of life.

In dealing with all these branches of moral theology, we need a consistent ethic. Application principles in isolation can contradict with each other and may not ensure lasting individual morality or social justice. The biomedical ethics has focused on four principles: (i) autonomy, (ii) beneficence, (iii) non-maleficence, and (iv) justice.¹² Such principles should be applied in complementarity and totality. People have tendency to use the moral principles in isolation leading to conflicts and inconsistent conclusions. For example, some argue that women have *autonomy* to decide the fate of the foetus in their womb. They neglect the autonomy of the growing foetus. The principle of autonomy makes sense only when it respects the fundamental and inviolable right to life of everyone. Hence, we need a consistent ethic to deal with all issues connected to human life. The foundation of all moral principles is the principle of human dignity, which can be an umbrella principle to deal with all human conditions consistently. In order to construct a consistent ethic for applied ethics, morality and social ethics, we need a sound anthropology of “what is human and what is not human?”

An individual human life begins at conception and has dignity and inviolable right to life till the natural death. Human life is a gift and not a right. A rightful marriage is possible only between a man and a woman. Only heterosexual marriages can naturally help continue the human race. Fertilization technologies in procreation would challenge the very aspect of natural conception. Surrogacy and single parenting deprive the right of children to natural parents. These are simple and plain moral truths that are not only theologically but also philosophically substantiated. People who suffer infertility and other forms of marital problems need pastoral as well as psychological support. A proper guidance in matters of moral truths can help the faithful understand and accept them. Impositions and condemnations should go away.

The philosophy of personhood by John Locke, Peter Singer, Michael Tooley, Tristram Engelhardt and others that makes a distinction between humans and persons has done a huge damage to the understanding of human beings. Humans grow as humans and unto humans or persons. The qualities that are used to distinguish persons from humans are

¹² Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 7th edition, 2012)

present from the beginning. Rationality that differentiates humans from other animals and renders them a unique value is present all the time in humans, sometimes dormant, sometimes injured and may at times be in coma. Do I become a non-person or non-human in coma? No. If I were not person from the beginning and through all stages of physical development, then when do I become a person? In fact, all humans are persons. The concept of personhood distinguishing humans and persons is illusory. In other words, person is a surplus word to understand humans. The identity of a particular human being is same all the time from conception to natural death. This understanding is vital in order to respond to the bioethical problems adequately.

All humans are image and likeness of God, thus sacred and have intrinsic moral dignity all the time. This could be a foundational principle to deal with all issues concerning human beings. Sinners and even criminals are with intrinsic dignity. What is the foundational and existential nature of human beings? It is sinful yet striving, and would never reach perfection while living. Humans are bound to make mistakes and fall back to sinful nature. There is a greater need of constant correction and strength to hold on to bitter, difficult but right thing. Pastors should respond to the situations pastorally while upholding the moral truths. Are we proclaiming good news of salvation? Or Are we condemning people? Some priests speak about justice but do not pay just wage to the domestic workers. Moral norms are not only for listeners but also for preachers.

In the last word, I would like to say that pastoral considerations do not dilute the moral norms of the Church. Special considerations are helpful to shepherd the vulnerable folk. Yet, considerations and emotions do not make norms.