

DEVELOPMENT IN MORAL DOCTRINE*

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THAT THE MORAL teachings of the Catholic Church have changed over time will, I suppose, be denied by almost no one today. To refresh memories and confirm the point, I will describe four large examples of such change in the areas of usury, marriage, slavery, and religious freedom, and then analyze how Catholic theology has dealt with them.

Usury

The first is the teaching of the Church on usury. Once upon a time, certainly from at least 1150 to 1550, seeking, receiving, or hoping for anything beyond one's principal—in other words, looking for profit—on a loan constituted the mortal sin of usury. The doctrine was enunciated by popes, expressed by three ecumenical councils, proclaimed by bishops, and taught unanimously by theologians. The doctrine was not some obscure, hole-in-the-corner affectation, but stood astride the European credit markets, at least as much as the parallel Islamic ban of usury governs Moslem countries today. There were ways of profiting from the extension of credit, ways that were lawful; but these ways had been carefully constructed to respect the basic prohibition; and it was a debated question at what point they crossed the line and were themselves sinfully usurious. The great central moral fact was that usury, understood as profit on a loan, was forbidden as contrary to the natural law, as contrary to the law of the Church, and as contrary to the law of the gospel.¹

All that, we know, has changed. The change can be exaggerated.

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¹ On the whole topic, see John T. Noonan, Jr., "Authority on Usury and on Contraception," *Tijdschrift voor Theologie* 6 (1966) 26–50, republished in *Cross Currents* 16 (1966) 55–79 and *The Wiseman Review* (Summer, 1966) 201–29. The standard definition of usury was given by Gratian, *Decretum, Corpus iuris canonici*, ed. E. Friedberg (Leipzig, 1879–1881) 2.14.3.1. The Second Council of the Lateran condemned usury (G. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio* [Paris, 1901–1920] 21.529–30); the Third Council of the Lateran declared usury to be condemned "by the pages of both Testaments" (Mansi 22.231). The Council of Vienne declared that anyone "pertinaciously affirming that to practice usury is no sin should be punished as a heretic" (Clement, *Constitutiones* 5.5, *Corpus iuris canonici*, ed. E. Friedberg).

Even at the height of the prohibition of usury not every form of credit transaction was classified as a loan from which no profit might be sought. The idea of legitimate interest was also not absent. Formally it can be argued that the old usury rule, narrowly construed, still stands: namely, that no profit on a loan may be taken without a just title to that profit. But in terms of emphasis, of perspective, of practice, the old usury rule has disappeared: the just title to profit is assumed to exist. The centrality of "Lend freely, hoping nothing thereby," construed as a command, has disappeared. We take interest as profit on our banking accounts. We expect our banks to profit from their lending business. Our entire financial world is built on profitable charges for credit. The idea that it is against nature for money to breed money, or that it is contrary to church law to deposit in a savings institution with the hope of a profit, or that hoping for profit at all from a loan breaks a command of Christ—all these ideas, once unanimously inculcated with the utmost seriousness by the teaching authority of the Church, are now so obsolete that one invites incredulity by reciting them.

Marriage

Usury was a moral doctrine dependent on economic conditions that could change. Let us now consider, as something related to fundamental unchanging human nature, moral doctrine on adultery, bigamy, and marriage. Monogamy without divorce is the law of the gospel, established by words attributed to Jesus himself and related by him to the primordial order established by God (Matt 19:2–9). Within the New Testament, however, a perceptible change occurs. If, of two married unbelievers, one converts and the other does not but deserts the convert, St. Paul teaches that the convert is free: "Neither a brother nor a sister is a slave in these matters" (1 Cor 7:10–16). The implication, teased out in patristic times, is that the convert can commit what otherwise would be adultery and bigamy and enter a second marriage in the Lord.²

Until the 16th century, this so-called Pauline privilege remained the solitary exception to Christian monogamy. Then, on behalf of African slaves torn from their African spouses and shipped to South America, the privilege was radically extended. The slave who wanted to convert could not know whether his absent spouse would abandon him or not. No matter, Gregory XIII ruled in 1585, it was important that such converts be free to remarry "lest they not persist in their faith." On their behalf, the pope dissolved their old marriages and declared them

² See John T. Noonan, Jr. *Power to Dissolve* (Cambridge: Harvard Univ., 1972) 343.

free to enter a second marriage that would otherwise have been adulterous and bigamous.³

The next step in this direction was taken under the impetus of the great canonist Cardinal Pietro Gasparri in the 1920s. In a case from Helena, Montana, Gerard G. Marsh, unbaptized, had married Frances F. Groom, an Anglican. They divorced; Groom remarried. Two years later Marsh sought to marry a Catholic, Lulu La Hood; Pius XI dissolved Marsh's marriage to Groom "in favor of the faith" of Miss La Hood. Apparently exercising jurisdiction over the marriage of two non-Catholics (Groom and Marsh), the Pope authorized Marsh to marry a Catholic under circumstances that but for the papal action would (morally, not civilly) have constituted bigamy for Marsh and adultery for La Hood.⁴ Prior to 1924 the teaching of the Church, expressly grounded on both the commandment of the Lord and on the natural law, was that marriage was indissoluble except in the special case of conversion of an unbeliever. The teaching was unanimously expressed by papal encyclicals and by the body of bishops in their universal ordinary teaching. Then, in 1924, by the exercise of papal authority, the meaning of the commandment against adultery was altered; what was bigamy was revised; and a substantial gloss was written on the Lord's words, "What God has joined together let no man put asunder."

Slavery

Let us now examine two examples taken from an area more fundamental than justice in lending, more fundamental than rectitude in sexual relations—examples that bear on the basic conditions of moral autonomy. I mean moral doctrine on human liberty. And first, moral doctrine on a human being's right to be free from ownership by another human being.

Once upon a time, certainly as late as 1860, the Church taught that it was no sin for a Catholic to own another human being; to command the labor of that other human being without paying compensation; to determine where he or she lived and how much he or she was fed and clothed; to restrict his or her education; to pledge him or her for a loan, forfeit him or her for a default, sell him or her for cash; to do the same as to his or her offspring; and to discipline him or her by physical punishments if he or she were rude or boisterous or slack in service. I refer, of course, to some of the features of chattel slavery as it existed in the United States, as it was upheld by American law, and as it was

³ Ibid. 356, citing Gregory XIII, *Populis et nationibus*, reprinted as Document VII in the appendix to *Codex iuris canonici* (Rome: Vatican, 1917).

⁴ *Power to Dissolve* 370–371.

applied by Catholic laymen, bishops, and religious orders with the approval of ecclesiastical authority. No qualm of conscience troubled that leading Catholic jurist, Chief Justice Roger Taney, as he wrote *Dred Scott*, or disturbed the slaveholding Maryland Province of the Society of Jesus.⁵ That loving one's neighbor as one's self was observed only in a Pickwickian way by holding one's neighbor in bondage was not a commonplace of Catholic moral thought.

It was Catholic moral doctrine that slaves should be treated humanely, and that it was good to give slaves freedom. With some qualifications it was Catholic moral doctrine that slaves should be allowed to marry.⁶ But Catholic moral doctrine considered the institution of slavery acceptable. St. Paul had accepted it, returning Onesimus to his master (Phlm 11–19) and instructing the Christian slaves of Corinth to obey their masters (1 Cor 7:21).

The premier moralist of the West, St. Augustine, said succinctly that Christ "did not make men free from being slaves." The greatest of reforming popes, Gregory I, accepted a young boy as a slave and gave him as a gift to another bishop; his famous decision to send missionaries to England is said to have arisen from his musings as he browsed in a slave market in Rome.⁷

The greatest of Catholic jurists, Henri de Bracton, thought slavery was contrary to natural law, but accepted it as an institution of the law of nations; he merely copied the great Catholic lawgiver, Justinian. St. Antoninus of Florence followed St. Thomas in acquiescing in the civil law permitting slave status to follow birth to a slave

⁵ According to Ambrose Maréchal, Archbishop of Baltimore, the province in 1826 owned as personal property "about 500 African men" (Maréchal to Cardinal Della Sogmaglia, January 15, 1826, in Thomas Hughes, S.J., *History of the Society of Jesus in North America: Documents* [New York: Longmans, Green, 1908] 1.1.544). Anthony Kohlmann, S.J., commenting on this assertion, put the number of slaves at half this figure; he added that their value was less than Maréchal supposed because "those over 45 cannot be alienated," the clear inference being that those under 45 could be sold (*ibid.* 545).

⁶ Gratian, *Decretum* 2.29.2.8 upheld the validity of slave marriages but required the consent of the slaves' owners. In the U.S., Bishop Francis Kenrick thought that "the majority" of slave agreements did not have "the force of marriage" since "the intention of contracting a perpetual bond is lacking to them" (Francis P. Kenrick, *Theologia moralis* [Philadelphia, 1843] 3.333).

⁷ Augustine, *On Psalm 125* no. 7 (J. P. Migne, *Patrologiae cursus completus. Series latina* [hereafter *PL*] (Paris, 1844–1891) 37.1653; Gregory, *Epist.* 7.30 (*PL* 77.887 [accepts slave]). For the story of the slave market, see Bede, *Historia ecclesiastica gentis anglorum*, ed. George H. Moberley (Oxford: Clarendon, 1869) 2.1; cf. Anon., *The Earliest Life of Gregory the Great*, ed. and trans. Bertram Colgrave (Cambridge: Cambridge Univ., 1968) 91.

woman. Paul III praised the benevolent effects of slavery on agriculture while approving the traffic in slaves in Rome. The eminent Jesuit moralist Cardinal Juan De Lugo was in harmony with the moralists' tradition when he found slavery "beyond the intention of nature," but "introduced to prevent greater evils." Near the end of the seventeenth century, the master French theologian, Bishop Bossuet, declared that to condemn slavery would be "to condemn the Holy Spirit, who by the mouth of St. Paul orders slaves to remain in their state."⁸

In 1839 Gregory XVI condemned the slave trade, but not so explicitly that the condemnation covered occasional sales by owners of surplus stock.⁹ In the first treatise on moral theology written for Americans, Bishop Francis Kenrick in 1841 declared it no sin against nature to own slaves treated in a humane way and added that, even if Africans had been brought to America unjustly, long lapse of time had cured any defect in title on the part of those who had inherited them.¹⁰ Up until actual abolition occurred, the Church was mute on the institution. Or, rather, the Church endorsed the institution as compatible with Christianity, indeed as Bossuet observed, expressly approved in Christian Scripture.

Again, all that has changed. In the face of the repeated teachings of modern popes, beginning with Leo XIII, on the rights of labor, uncompensated slave labor is seen as a moral outrage. In the light of the teachings of the modern popes and the Second Vatican Council on the dignity of the human person, it is morally unthinkable that one person be allowed to buy, sell, hypothecate, or lease another or dispose of that person's children.¹¹ And all the usual and inevitable corollaries of

⁸ Henri de Bracton, *De legibus et consuetudinibus Angliae*, ed. S. E. Thorne (Cambridge: Harvard Univ., 1970-77) 2.30, following Justinian, *Digesta* 50.17.32; Antoninus, *Summa sacrae theologiae* (Venice, 1581-82) 3.3.6; Paul III, *Motu proprio*, November 9, 1548, trans. in John F. Maxwell, *Slavery and the Catholic Church* (Chichester: Ross, 1975) 75; Lugo, *De iustitia et iure* 6.2, *Disputationes scholasticae et morales* (Paris, 1899) vol. 8; Jacques B. Bossuet, *Avertissement sur les lettres du Ministre Jurieu*, in Bossuet, *Oeuvres complètes* (Lyons, 1877) 3.542.

⁹ Gregory XVI, *In supremo apostolatus, Acta*, ed. Antonio Maria Bernasconi (Rome: Vatican, 1901) 2.388. Bishop John England was at pains to explain to Secretary of State John Forsyth that none of the bishops at the Provincial Council of Baltimore thought that Gregory XVI's condemnation affected the American institution of slavery; see John England, *Works*, ed. Ignatius A. Reynolds (Baltimore: J. Murphy, 1849) 3.115-119. The Holy Office in 1866 ruled that the buying and selling of slaves was not contrary to natural law (Holy Office to the Vicar Apostolic of the Galle tribe in Ethiopia, June 20, 1866, *Collectanea S. C. de Propaganda Fide* [Rome, 1907] I n. 1293).

¹⁰ Kenrick, *Theologia moralis*, vol. 2, tract 5.2.6.

¹¹ E.g. Vatican II, *Gaudium et spes* no. 67, in *Decreta, Declarationes*, ed. secretaria gen-

chattel slavery (the denial of education, the denial of vocational opportunity, the destruction of the family) have been so long and so vigorously denounced by bishops and moral theologians that today there is a rampart of authority condemning the conditions without which such slavery could not exist. Slavery has disappeared from most of the world. The Catholic Church stands as one of the great modern teachers excoriating it as evil.

Religious Freedom

Finally, I turn to moral doctrine on the freedom that should attend religious belief. Once upon a time, no later than the time of St. Augustine, it was considered virtuous for bishops to invoke imperial force to compel heretics to return to the Church. Augustine's position was expressly grounded in the Gospels.¹² At a later point in time (the rule is well-established in St. Thomas Aquinas) it is doctrine that a relapsed heretic will be judged by the ecclesiastical authorities and remanded to the secular authorities for execution. Forgers are put to death for debasing the currency. Why should not those disloyal to the faith be killed for falsifying it? God may pardon them; the Church and the State should not.¹³

For a period of over 1,200 years, during much of which the Catholic Church was dominant in Europe, popes, bishops, theologians regularly and unanimously denied the religious liberty of heretics; no theologian taught that faith may be freely repudiated without physical consequences, no pope extended the mantle of charitable tolerance to those who departed from orthodox belief. On the contrary, it was universally taught that the duty of a good ruler was to extirpate not only heresy but heretics.¹⁴ The vast institutional apparatus of the Church was put at the service of detecting heretics, who, if they persevered in their heresy or relapsed into it, would be executed at the stake. Hand and glove, Church and State collaborated in the terror by which the heretics were purged.

Nor did doctrine change markedly as the Protestant Reformation led to the acceptance not of religious liberty but of religious toleration in

erali concilii oecumenici Vaticani II [Rome: Typis polyglottis Vaticanis, 1966] 790 (*Constitutiones* 790).

¹² Augustine to Boniface, *Epistula* 185, *PL* 33.803.

¹³ Thomas Aquinas, *Summa theologiae*, ed. Pietro Caramello (Turin: Marietti, 1952), 2-2, q. 11, a. 3 (death penalty; comparison to forgery); q. 11, a. 4 ad 1 (Church "cannot imitate" God in reading hearts and so does not keep relapsed heretics "from peril of death" imposed by the state).

¹⁴ Lucius III, *Ad abolendam* (*Decretales Gregorii IX*, 5.7.9).

parts of Europe. Tolerance is permission of what is frankly described as an evil, but a lesser evil. Eventually, as religious peace became the norm in 18th- and 19th-century Europe, the hypothesis was advanced and accepted that in such circumstances it was for the common good to refrain from religious persecution.¹⁵ The thesis required that in ideal circumstances the state be the physical guarantor of orthodoxy.

All that changed quite recently—only 28 years ago. Then the Second Vatican Council taught that freedom to believe was a sacred human right; that this freedom was founded on the requirements of the human person; that this freedom was at the same time conveyed by Christian revelation; and that the kind of respect that must be shown for human freedom of belief had been taught from the beginning by Jesus and his Apostles, who sought not to coerce any human will but to persuade it. No distinction was now drawn between the religious freedom of infidels (in theory always respected) and the religious freedom of heretics, once trampled on in theory and practice. Now each human being was seen as the possessor of a precious right to believe and to practice in accordance with belief. Religious liberty was established. The state's interference with conscience was denounced.¹⁶

The minority in opposition strenuously maintained that the teaching of the magisterium was being abandoned; they cited express texts and hitherto unchallenged papal statements. Archbishop Marcel Lefebvre, a leader of the minority, debating the document at the council, said sarcastically that what was proposed was "a new law," which had been condemned many times by the Church. What was being taught did not come from the tradition of the Church, but from "Hobbes, Locke and Rousseau," followed by rejected Catholic liberals such as Lamennais. Pius IX had rejected it. Leo XIII had "solemnly condemned it" as contrary "to Sacred Scripture and Tradition."¹⁷ A commentator after the fact calmly observed that the Council had "reversed the teaching of the ordinary papal magisterium."¹⁸ The doctrine regnant from 350 to 1964 was, in a cryptic phrase, reclassified as conduct occurring through "the vicissitudes of history."¹⁹

¹⁵ John A. Ryan and Francis J. Boland, *Catholic Principles of Politics* (New York: Macmillan, 1940) 317–21. The same teaching appears in John A. Ryan and Moorhouse F. X. Millar, S.J., *The State and the Church* (New York: Macmillan, 1924) 35–39.

¹⁶ Vatican II, *Dignitatis humanae personae* no. 2, Second Vatican Council, *Constitutiones* 55.

¹⁷ Lefebvre, Intervention, Sept. 20, 1965 (*Acta Synodalia Sancti Concilii Oecumenici Vaticani II* [Rome, 1976] 4.1, p. 409).

¹⁸ J. Robert Dionne, *The Papacy and the Church* (New York: Philosophical Library, 1987) 193.

¹⁹ *Dignitatis humane personae* 11.

ANALYSIS

Enough has been said, I trust, to suggest the nature of the problem. Wide shifts in the teaching of moral duties, once presented as part of Christian doctrine by the magisterium, have occurred. In each case one can see the displacement of a principle or principles that had been taken as dispositive—in the case of usury, that a loan confers no right to profit; in the case of marriage, that all marriages are indissoluble; in the case of slavery, that war gives a right to enslave and that ownership of a slave gives title to the slave's offspring; in the case of religious liberty, that error has no rights and that fidelity to the Christian faith may be physically enforced. These principles were replaced by principles already part of Christian teaching: in the case of usury, that the person of the lender, not the loan, should be the focus of evaluation; in the case of marriage, that preservation of faith is more important than preservation of a human relationship; in the case of slavery, that in Christ there is "neither free nor slave" (Gal 3:28); and in the case of religious liberty, that faith must be free. In the course of this displacement of one set of principles, what was forbidden became lawful (the cases of usury and marriage); what was permissible became unlawful (the case of slavery); and what was required became forbidden (the persecution of heretics).

It is true that the moral doctrine of the Catholic Church can be seen as *sui generis*; it belongs to no type and so yields no laws. Change depends on two free agencies: human will and the Holy Spirit. No a-priori rules can bind or predict their course.²⁰ Nonetheless, when a palpable change has taken place (and surely usury, slavery, religious liberty, and divorce are cases in point) it should be possible to look back and determine what the conditions of change were; to observe the extent of the change that was possible; and to construct a provisional theory as to the limits to change. At least, in Newman's words, one might propose "an hypothesis to account for a difficulty."²¹

While a large literature exists on the development of doctrine, examination reveals that this literature is focused on changes in theological propositions as to the Trinity, the nature of Christ, the Petrine office, or Marian dogma. I have found no well-known writer on development who has addressed the kinds of change I have described above; no great theologians have immersed themselves deeply in these mutations of morals. One exception, as will be noted below, is Bernard

²⁰ See Karl Rahner, S.J. *Theological Investigations I*, trans. C. Ernst (Baltimore: Helicon, 1961) 41.

²¹ John Henry Newman, *An Essay on the Development of Christian Doctrine*, ed. Charles Frederick Harrold (New York: Longmans, Green, 1949) 28.

Häring, but he does not theorize at length. But perhaps we can profit by analogy if we look at what theologians have had to say about changes in propositions of faith.²²

One approach, of which Bishop Bossuet and Orestes Brownson are representative, has been to deny that any real change has ever occurred; there has only been an improvement in expression. For Bossuet and Brownson the invariance of Catholic teaching was a mark of the true Church, to be triumphantly contrasted with "the variations" found among Protestants. A second approach, of which Spanish 17th-century theology affords an example, took the position that it is possible for the Church to work out the logical implications of Scripture and so reach, and declare as true, propositions not contained in Scripture; real advances occur.²³

A third, and highly influential theory, was put forward in 1843 by John Henry Newman. Writing still as an Anglican, yet as one about to become a Catholic, Newman produced a work that is part detective story (what is the true Church?) and part apologia (all the apparent defects of the true Church are defensible). His mind, teeming with images, offered a variety of ways of understanding how the Church's doctrine of today was not literally the same as the Church's doctrine of yesterday, but yet the Church was faithful to her Founder. Doctrine, he declared, developed. In the later *Apologia pro vita sua*, development became one of the "principles" of Catholic Christianity.²⁴ What was meant by development was illustrated in the *Essay on Development* by analogy: by analogy to the beliefs of a child as these beliefs matured in the mind of the child become adult; by analogy with the thought of a poet, whose verse contained more than was explicit in his mind as he

²² Consider as representative of recent work, Jan Hendrik Walgrave's *Unfolding Revelation: The Nature of Doctrinal Development* (London: Hutchinson, 1972). It has no discussion of moral doctrine. Jaroslav Pelikan's massive work, *The Christian Tradition: A History of the Development of Doctrine* (Chicago: Univ. of Chicago, 1971–1989) does not deal with any of the four changes used as examples here; in other words, the development of moral doctrine is no part of his comprehensive treatment of "the development of doctrine." A recent sensitive account of the history of moral theology offers no theory of development; see John A. Gallagher, *Time Past, Time Future: A Historical Study of Catholic Moral Theology* (New York: Paulist, 1990). But John Mahoney, *The Making of Moral Theology* (New York: Oxford/Clarendon, 1987) 320 observes that "the Church has a great difficulty . . . in handling the subject of change as such." Mahoney goes on to note that change is "an unavoidable element of human existence" and to suggest that change in moral doctrine is sometimes the right response to changed conditions (326–27).

²³ See Owen Chadwick, *From Bossuet to Newman: The Idea of Doctrinal Development* (Cambridge: Cambridge Univ., 1957) 20 (Bossuet); 171 (Brownson); 25–44 (Spanish).

²⁴ Newman, *Apologia pro vita sua*, ed. Charles Frederick Harrold (New York: Longmans, Green, 1947) 79.

composed; by analogy with any organic life as it grows from bud to flower; and by analogy to the course of an idea embraced by a society, an idea whose detailed consequences can be grasped only as the idea is lived out in the society. By all these comparisons Newman confessed that changes had occurred in the doctrine of the Church but maintained that the changes had been rooted in the original revelation and were a perfection, not a distortion, of it. True development, he wrote, "corroborates, not corrects, the body of the thought from which it proceeds."²⁵

The Modernists took the idea of development and ran away with it. Doctrine became the projection of human needs, changing in response to those needs. Control of doctrine by the objective content of revelation disappeared.²⁶ The Church rejected Modernism and retained Newman's conclusion that there was genuine growth in doctrine from unchanged foundations. Vatican II put it tersely: "Insight grows both into the words and the realities that have been handed on."²⁷ Change, that was in fact doctrinal progress, was celebrated. The central reality, in relation to which insight grew, was Jesus Christ, himself "both the mediator and the plenitude of the whole revelation."²⁸

How would any of these approaches work if applied to moral doctrine? To deny that real change had occurred, as Bossuet and Brownson did, would be an apologetic tactic incapable of execution and unworthy of belief. To say, as did the 17th-century Spanish, that the unfolding had been by logical implication would be equally incredible: the acceptance of slavery did not imply freedom, the endorsement of religious persecution did not entail respect for religious freedom. The method might indeed be used if the most basic principles, such as "Love your neighbor as yourself," were the starting point. But would logic alone suffice?

Newman's complex set of analogies is different. At one level of doctrine, of course, one cannot maintain that the Church's present championing of freedom, personal and religious, "corroborates" an earlier stage in which the Church defended chattel slavery and religious persecution. At another level, Newman's notion of an idea maturing can

²⁵ Newman, *Essay on Development* 2.5.6, p. 186. Newman wrote as an Anglican but did not amend the quoted passages when he revised the *Essay* as a Catholic. On the analogies, see Chadwick 151, 155. Aidan Nichols sees Newman's fundamental metaphor as that of a seal cutting a design of wax (*From Newman to Congar: The Idea of Doctrinal Development from the Victorians to the Second Vatican Council* [Edinburgh: T. & T. Clark, 1990] 44).

²⁶ See John T. Noonan, Jr., "The Philosophical Postulates of Alfred Loisy" (M.A. thesis, Catholic University of America, 1948).

²⁷ Vatican II, *Dei verbum* 8, Second Vatican Council, *Constitutiones* 430.

²⁸ *Ibid.* 8, p. 424.

be criticized by taking his analogy with organic life literally; he can then be caricatured as supposing that spiritual growth is similar to vegetative growth.²⁹ But Newman's rich range of arguments and metaphors cannot be so neatly written off. In a passage dealing with the nature of development in general that I read as decisive, he declares:

The development then of an idea is not like an investigation worked out on paper, in which each successive advance is a pure evolution from a foregoing, but it is carried on through and by means of communities of men and their leaders and guides; and it employs their minds as its instruments and depends upon them while it uses them. . . . It is the warfare of ideas under their varying aspects striving for the mastery. . . .³⁰

This passage acknowledges an objectivity in the idea or ideas at issue; at the same time it fully recognizes that development occurs by conflict, in which the leading idea will effect the "throwing off" of earlier views now found to be incompatible with the leading idea more fully realized.³¹ Principles, broadly understood, underlie and control specific changes.³² Newman's approach is adaptable to the development of moral doctrine.

The Modernist position that human needs will shape doctrine carries the cost of eliminating any objective content; it is, as Pius X put it, "the synthesis of all the heresies."³³

Finally, there is the position of Vatican II: there can be and is a growth in insight into a reality that is Jesus Christ. It comes from "the contemplation of believers, the experience of spiritual realities, and the preaching of the Church."³⁴ As Bernard Häring has amplified the words of *Dei verbum*: "Christ does not become greater through ongoing history, but our knowledge of the plan of salvation which is revealed in the world in Christ does become more complete and close to life in our hearts through the working of the Spirit in the history of the Church and above all in the saints."³⁵

To hold that moral doctrine changes with increased insight into

²⁹ Compare the criticism of Newman's metaphor by Ambroise Gardeil, *Le Donné révélé et la théologie* (Paris: J. Gabalda, 1910) 156, noting the difference between "la vie d'un végétal et la vie d'un esprit."

³⁰ Newman, *Essay on Development* 1.1.6, p. 74.

³¹ *Ibid.*

³² *Ibid.* 2.5.2, p. 167.

³³ Pius X, *Pascendi dominici gregis*, Sept. 8, 1907 (*Acta sanctae sedis* 40.632; Eng. trans. in *All Things in Christ*, ed. Vincent A. Yzermans [Westminster, Md: Newman, 1954] 117).

³⁴ Vatican II, *Dei verbum* no. 8, Second Vatican Council, *Constitutiones* 430.

³⁵ Bernard Häring, *My Witness for the Church*, trans. Leonard Swidler (New York: Paulist, 1992) 122.

Christ is an attractive proposition. It entails one obvious danger. When one sees more deeply into Christ, is one looking into a mirror merely reflecting one's own deepest feeling? The answer must be that the Church has the mission of determining what is only the projection of subjective feelings and what is an authentic response to Christ as revealed.

If insight into Christ is taken from the realm of faith to that of morals and applied to our four examples, it will be found to afford at least partial explanation of what has happened. On the great question of religious liberty, a stronger appreciation of Christ's own methods has led to repudiation of all violence in the enforcement of belief. On the great question of human slavery, a better grasp of the fellowship effected by Christ has made the holding of any person in bondage intolerable.

In the other cases one factor facilitating change was a deeper, less literal reading of the words of Christ. Where "Lend freely, hoping nothing thereby," had been understood as a peremptory command, it came to be understood as an exemplary exhortation.³⁶ Where "What God has joined together, let no man put asunder" was read as absolute, the possibility of exception has been eventually envisaged and expanded. In these cases, too, one could say that the reality of Christ was better reached by the abandonment of the letter.

Yet it would be preposterous to imagine that all these profound changes occurred simply by the acquiring of deeper insights into Christ. Human beings do not reach moral conclusions in a vacuum apart from the whole web of language, custom, and social structure surrounding them. A society composed entirely of free human beings was unknown in the Mediterranean world of the first centuries; a society where the state did not support religion was equally unknown. Only as social structures changed did moral mutation become possible, even if the change in social structures, as it might reasonably be argued, was owed at least in part to the perception that structures fostering liberty were more congruent with deeper insight into Christ.³⁷

Those structures could not have shifted without experience. The central European experience leading first to religious tolerance and then to religious liberty was the experience of the evil of religious persecution. The experience was long and bloody and sufficient to demonstrate

³⁶ Urban III treated the words of Christ on lending as mandatory (Urban III, *Consultit, Decretalia Gregorii IX* 5.19.10, *Corpus iuris canonici*, ed. E. Friedberg). Domingo de Soto is the first major scholastic theologian to challenge this interpretation (*De iustitia et iure libri decem* [Lyons, 1569] 6.1.1).

³⁷ Cf. Louis Vereecke, *Storia della teologia morale moderna* (Rome: Lateran, 1979) 1.4-5 (moral theology is where the unchanged gospel encounters changing cultures).

how demoralizing the enforcement of religion by force was. Equally, I would argue, it was the centuries-old experience of slavery that led to the conclusion that slavery was destructive both for the slaves and for the masters.³⁸

Experience as such, taken as "raw experience," the mere participation in this or that phenomenon, is, however, not the key. Raw experience carries with it no evaluation. But experience, suffered or perceived in the light of human nature and of the gospel, can be judged good or bad. It was the experience of unfreedom, in the gospel's light, that made the contrary shine clear.³⁹

The negative experience of religious persecution was reinforced by the American experience of religious freedom, for America launched the great experiment of a nation committed to the nonestablishment of any national religion and the free exercise of religion. The American experiment had blemishes, such as the persecution of the Mormons and of the Jehovah's Witnesses, and the denial of constitutional freedom to conscientious objectors to unjust war. But the American ideal, and its relative success, were clear, and taught to Europe by Tocqueville, Lamennais, and Lacordaire. In the end, the theologians built on the American experience, guided in no small part by an American theologian, John Courtney Murray. Finally, sealing all by fire, was the experience of religious unfreedom under the terrible dictatorships of the 20th century. Without those experiences, negative and positive, and without the elaboration of the ideal by Tocqueville and Murray, the changes made by Vatican II could not have occurred.⁴⁰

The advance on slavery also depended on articulation by individuals who were ahead of the theologians and the Church. In Catholic France, Montesquieu challenged the morality of slavery, writing with fine irony of blacks: "It is impossible that we should suppose those people to be men, because if we should suppose them to be men, we would begin to believe that we ourselves are not Christians."⁴¹ It was 18th-century

³⁸ See Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden (Chapel Hill: North Carolina, 1955) Query 18.

³⁹ See Roger Williams, *The BLOODY TENENT, of Persecution, for Cause of Conscience, discussed, in A Conference between TRUTH and PEACE* (1644), reprinted and ed. Samuel L. Caldwell, *The Complete Writings of Roger Williams* (New York: Russell & Russell, 1963) 3.3-4.

⁴⁰ See Alexis de Toqueville, *Democracy in America*, trans. Henry Reeve, rev. Francis Bowen (New York: Alfred A. Knopf, 1945) 308-9; John Courtney Murray, "Governmental Repression of Heresy," *Proceedings of the Catholic Theological Society of America* 3 (Washington: Catholic Theological Society, 1948) 161.

⁴¹ Charles de Secondat, Baron de Montesquieu, *L'Esprit des lois*, in his *Oeuvres complètes* (Paris, 1843) 5.309.

Quakers and Baptists and Methodists and 19th-century Congregationalists who led the fight against slavery in the English-speaking world, and it was the French Revolution that led to its abolition in the French empire. The gospel, as interpreted by Protestants and as mediated by Rousseau and the revolutionaries of 1789, achieved much.⁴² Only after the cultures of Europe and America changed through the abolitionists' agency and only after the laws of every civilized land eliminated the practice, did Catholic moral doctrine decisively repudiate slavery as immoral. Only in 1890 did Pope Leo XIII attack the institution itself, noting that slavery was incompatible "with the brotherhood that unites all men."⁴³ At the end of the argument and articulation and legal upheaval that had gone on for two centuries, the requirement of Christ was clear.

In contrast, the change regarding divorce and remarriage, adultery and bigamy, appears to have been almost entirely an internal process. But was it? St. Paul's original modification of monogamy responded to conditions he encountered affecting conversion. His rule worked well enough until the extreme conditions of African slavery in South America suggested the need for radical expansion. And that change was not improved upon until, in modern religiously mixed societies, it became common for unbaptized persons and Catholics to fall in love and want to be married. Then a new expansion was made. Canonistic ingenuity and exaltation of papal power played a dominant part. The canonists responded to changed external conditions as they discovered the true meaning of Christ's command.

The change with regard to usury, basically effected in the course of the 16th century although formally acknowledged only in the 19th, came from the convergence of several factors. Europe moved from an agricultural to a commercial economy. Moral theologians began to give weight to the experience of otherwise decent Christians who were bankers and who claimed banking was compatible with Christianity. The morality of certain types of credit transactions (the so-called triple contract and the personal annuity and the foreign exchange contract) were all re-examined and re-evaluated in the light of credit transactions already accepted as legitimate. Perhaps above all, the perspective of moral analysis shifted, from focus on the loan in itself to focus on the lender and the investment opportunity the lender lost by lending. All these factors—commercial developments, attention to experience, new analyses, shift in perspective—produced a moral doctrine on

⁴² See David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell Univ., 1966) 291, 333, 401.

⁴³ Leo XIII, *Catholicae ecclesiae*, November 20, 1890 (*Acta sanctae sedis* 23.257).

usury that was substantially different from that taught throughout the Middle Ages and substantially similar in practice to what is accepted today. All these factors, plus re-evaluation of the words of Christ, created the new moral doctrine.⁴⁴

CONCLUSION

Where morals are at issue, the process of change requires a complex constellation of elements. Every society, including the Church, lives by rules that keep its vital balance. Change one, and the balance is jeopardized. Hence there is a conservative tendency to keep the rules as they are, there is fear when they are given up, and sometimes nostalgia for the loss.

Change is also resisted for other reasons. There is a praiseworthy desire to maintain intellectual consistency. There is a longing in the human mind for repose, for fixed points of reference, for absolute certainty. There is alarm about the future: What else can change? There is the theological conviction that as God is unchanging, divine demands must also be unchanging. How could one have gone to hell yesterday for what today one would be held virtuous in doing? How could one have done virtuously yesterday what one would be damned for doing today? How could one once have been bound to a high and demanding standard that later is said to be unnecessary? How could one once have been permitted to engage in conduct that is later condemned as uncharitable? A mutation in morals bewilders. Hence there is a presumption of rightness attending the present rules, and authority is rightly vigilant to preserve them. Not every proposed mutation is good; the majority, it could be guessed, might be harmful.

But a new balance can be struck. The consistency sought should not be verbal nor literal; nor can conformity to every past rule be required. The consistency to be sought is consistency with Christ. The human desire for mental repose is not to be satisfied in this life. One cannot predict future changes; one can only follow present light and in that light be morally certain that some moral obligations will never alter. The great commandments of love of God and of neighbor, the great principles of justice and charity continue to govern all development. God is unchanging, but the demands of the New Testament are different from those of the Old, and while no other revelation supplements the New, it is evident from the case of slavery alone that it has taken time to ascertain what the demands of the New really are. All will be judged by the demands of the day in which they live. It is not within

⁴⁴ See John T. Noonan, Jr., *The Scholastic Analysis of Usury* (Cambridge: Harvard Univ., 1956) 199-201.

human competence to say with certainty who was or will be saved; all will be judged as they have conscientiously acted. In new conditions, with new insight, an old rule need not be preserved in order to honor a past discipline.

Another response to change is to ignore it, to deny explicitly or implicitly that it has occurred, to be aware of the mutations described here and find them without significance—just so many well-established and well-known historical facts. Denial of that sort also betrays fear of change, fear that change is simply chance. Mutations are muted. But why should believers in Christ have such a fear? The Spirit guides the Church. The acts of development have a significance beyond themselves. “The idea of development was the most important single idea Newman contributed to the thought of the Christian Church.”⁴⁵ The idea of development had this importance because it contained an explanation of the passage from the past and a Delphic prophecy of the future.

In the Church there can always be fresh appeal to Christ, there is always the possibility of probing new depths of insight. To grow is to change, and the gospel parable of the mustard seed promises growth (Matt 13:31–32). The kingdom of heaven, we are told, is like a householder who from his storeroom brings forth things old and new (Matt 13:52). Our world has grown by mutation, should not our morals, especially when the direction and the goal are provided by the Lord? “[H]ere below to live is to change. And to be perfect is to have changed often.”⁴⁶ Must we not, then, frankly admit that change is something that plays a role in Catholic moral teaching? Must not the traditional motto *semper idem* be modified, however unsettling that might be, in the direction of *plus ça change, plus c’est la même chose*? Yes, if the principle of change is the person of Christ.

⁴⁵ Owen Chadwick, *Newman* (Oxford: Oxford Univ., 1983) 47.

⁴⁶ Newman, *Essay on Development* 1.1.7, p. 38.