

## NOTES ON RICHARD A. McCORMICK

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*[The death of Richard A. McCormick, S.J., on February 12, 2000, brought to an end the extraordinarily rich and productive ministry of the American moral theologian who for some 20 years published regularly in this journal the renowned "Notes on Moral Theology." In this testimonial, his long-time colleague and collaborator reviews the context in which McCormick's contributions to Catholic ethics developed, and he highlights his distinctive contributions to this theological discipline.]*

RICHARD A. McCORMICK contributed more pages to the journal *Theological Studies* than any other author. For 20 years from 1965 to 1984 Jesuit Father McCormick wrote "Notes on Moral Theology."<sup>1</sup> But the quality of McCormick's "Notes" was even more remarkable than their quantity. James M. Gustafson, the eminent Protestant ethicist, claimed that in the "Notes" McCormick left us "a model of scholarly comprehensiveness and precision to emulate" to such an extent that McCormick's "identification with 'Notes' will remain as long as moral theology in North American is given attention."<sup>2</sup>

Richard A. McCormick who was born on October 3, 1922, died on February 12, 2000, at age 77 after having suffered a severe stroke the previous June. It is fitting that on the occasion of his death *Theological Studies* devotes a short note to his work that was so intertwined with this journal.

### McCORMICK AND THE "NOTES"

McCormick did not invent the genre of "Notes on Moral Theology." From 1941 to 1954 Jesuits John C. Ford and Gerald A. Kelly wrote the

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<sup>1</sup> The "Notes" were subsequently collected without further editing and published in two volumes—Richard A. McCormick, *Notes on Moral Theology 1965–1980* (Washington: University Press of America, 1981) and *Notes on Moral Theology 1981–1984* (Lanham, Md.: University Press of America, 1984).

<sup>2</sup> James M. Gustafson, "The Focus and Its Limitations: Reflections on Catholic Moral Theology," in *Moral Theology: Challenges for the Future: Essays in Honor of Richard A. McCormick*, ed. Charles E. Curran (New York: Paulist, 1990) 189.

“Notes” for *Theological Studies*. Here they discussed, analyzed, and criticized recent writing in moral theology primarily as published in periodicals. From the beginning “Notes” addressed those who at that time were interested in moral theology, namely priests especially in their role as confessors. In the mid-1950s various Jesuits moral theologians succeeded Ford and Kelly. For one reason or another none of them was able to continue the “Notes” over a long period of time. Even in those days one wondered if there could ever be a successor to Ford and Kelly.<sup>3</sup>

McCormick had received his doctorate from Rome’s Gregorian University in 1957 and returned to teach moral theology at the Jesuit theologate at West Baden, Indiana. He joined the ranks of contributors to “Notes” in 1965. By this time two different authors were reviewing the literature every six months. A number of different Jesuit moral theologians were teamed with McCormick, but in 1977 he became the sole contributor to the “Notes” that appeared henceforth on an annual basis, usually in the March issue.

McCormick and the “Notes” were a perfect fit. He definitely gave the “Notes” a unique identity and prominence, but writing the “Notes” also honed and developed his own approach to moral theology. Four factors contributed to this unique partnership between McCormick and “Notes on Moral Theology”: the growing academic nature of moral theology and the importance of *Theological Studies*; contemporary developments within Roman Catholicism especially the impact of Vatican II and the encyclical *Humanae vitae*; the substantive positions developed by McCormick in the “Notes”; and above all McCormick’s method and approach.

### Academic Nature of Moral Theology

First, moral theology was developing academically and *Theological Studies* assumed an important role in this development. Before 1940 Catholic theology in the U.S. in general and moral theology in particular involved a seminary discipline found in the manuals. Students of theology were basically responsible for memorizing the one textbook. There were no outside readings, no classroom discussions, no papers to be written. Moral theology, closely associated with canon law, had as its the primary purpose the training of confessors for the sacrament of penance to determine what was

<sup>3</sup> Ford and Kelly subsequently published two volumes synthesizing and updating much of the material from the “Notes.” See, John C. Ford and Gerald A. Kelly, *Contemporary Moral Theology 1: Questions in Fundamental Moral Theology* (Westminster, Md.: Newman, 1958) and *Contemporary Moral Theology 2: Marriage Questions* (Westminster, Md.: Newman, 1963).

sinful and the degree of sinfulness. Seminary professors often did not even have an advanced degree in moral theology.<sup>4</sup>

The winds of change began to blow around 1940. Scholarly journals such as the *Jurist*, the *Thomist*, the *Catholic Biblical Quarterly*, and *Theological Studies* came into existence about this time. Academic societies such as the Catholic Biblical Association, the Canon Law Society of America, and the Catholic Theological Society of America also came into existence.<sup>5</sup>

Two significant factors supported the growing academic aspect of moral theology. One reason for this was the joint works of John C. Ford and Gerald A. Kelly who, together wrote the "Notes" in *Theological Studies* from 1941 to 1954 reviewing and commenting on the literature in moral theology. Although committed to the method and approach of the manuals, these two scholars shaped a more in-depth academic approach to moral theology and also introduced U.S. Catholic moral theologians to some new European currents.<sup>6</sup> Another reason was the arrival of Francis J. Connell, a Redemptorist priest, who began teaching moral theology at the Catholic University of America in 1940. During the Second World War, priest doctoral students could no longer go to Rome or other centers in Europe for their studies. Connell directed many important dissertations usually on particular quandary issues in moral theology. After the war, the reputation of Connell and the prominence of the Catholic University of America in moral theology continued to grow because of dissertations written and published there, which were read not only in the U.S. but also in Europe. However, Connell, like the Jesuits Ford and Kelly, was totally committed to the basic method and substance of the manuals of moral theology.<sup>7</sup>

Vatican II notably accelerated the shift of the academic setting of moral theology from the seminary to the college and university. As courses in theology in Catholic colleges and universities became more academically acceptable and rigorous they required academically prepared professors. Previously only the Catholic University of America offered doctoral de-

<sup>4</sup> Joseph M. White, *The Diocesan Seminary in the United States: A History from the 1780s to the Present* (Notre Dame: University of Notre Dame, 1989) 367–68, 380–81.

<sup>5</sup> Robert J. Wister, "Theology in America," in *Encyclopedia of American Catholic History*, ed. Michael Glazier and Thomas J. Shelley (Collegeville: Liturgical, 1997) 1382.

<sup>6</sup> Edwin L. Lisson, "The Historical Context and Sources of Moral Theology in the Writings of Gerald A. Kelly, S.J.," (S.T.D. diss., Gregorian University, 1975); Margaret Kelly Menius, "John Cuthbert Ford, S.J.: His Contribution to Twentieth Century Catholic Moral Theology on the Issue of Contraception," (Ph.D. diss., St. Louis University, 1998).

<sup>7</sup> William B. Smith, "Selected Methodological Questions in the Fundamental Moral Theology of Francis J. Connell, C.S.S.R.," (S.T.D. diss., The Catholic University of America, 1971).

grees in theology. Now many Catholic universities began to offer Ph.D. degrees in theology including moral theology. Religious women as well as lay men and women increasingly enrolled in these doctoral programs. This academic approach called for a greater scientific breadth and depth in the discipline of moral theology.

Richard McCormick's own vocational journey as a moral theologian illustrated this developing academic ethos. From 1957 to 1974, he taught moral theology in a Jesuit theologate but then became the Rose F. Kennedy Professor of Christian Ethics at the Kennedy Institute of Ethics at Georgetown University. In 1986 he became the John A. O'Brien Professor of Christian Ethics at the University of Notre Dame.

In the period from 1965 to 1984, moral theology became a more academic discipline developing a growing body of literature and a greatly increased and diversified professoriate and student body. The "Notes" in *Theological Studies* had already emerged as an important locus for the study of moral theology. With McCormick as their author, the "Notes" became even more important in guiding, directing, and deepening the discipline of moral theology.

### **Developments in Catholicism**

Second, developments were underway in the life of the Catholic Church. Significant changes in Roman Catholicism in the 1960s produced a great ferment that also affected moral theology. Vatican II called for greater emphasis on the scriptural and theological aspects of the discipline together with an approach that was more life-oriented rather than confessional-oriented. The narrow focus of the manuals of moral theology on training confessors for the sacrament of penance gave way to a broader study of Christian life in this world. Bernhard Häring and Josef Fuchs gained international recognition in developing new approaches to moral theology. The 1968 encyclical *Humanae vitae* reiterated the papal condemnation of artificial contraception for spouses. Moral theology then and in the future focused on the two primary issues raised by the encyclical—the role of hierarchical church teaching in moral matters and the existence, grounding, and role of absolute moral norms especially in issues of sexuality. These events within the Catholic Church, together with significant developments in society at large, created a climate of concern for and interest in moral issues facing the Church and the world and called for new approaches in dealing with these issues.

### **McCormick's Substantive Development**

Third, in and through the "Notes" McCormick became a leader in what has been called revisionist Catholic moral theology. Moral theologians read

the “Notes” not only to find out where the discipline was going but also where McCormick himself was going. The first 1965 “Notes” dealt with two issues that would often occupy its author in subsequent years, namely the role of the hierarchical magisterium and the grounding of norms. In the first “Notes” he argued for positions in accord with the neo-Scholastic tradition but later changed and developed different positions.<sup>8</sup> Reflecting back on his own development, McCormick listed ten areas in which he had changed—the nature of the Church, the importance of lay witness, ecumenism in the search for moral truth, the role of dissent, the changeable and the unchangeable in the Church, certainty and uncertainty, effective teaching in the Church, the imperative of honesty, the dynamic nature of faith.<sup>9</sup> Later I discuss some of McCormick’s significant substantive positions.

### Method and Approach

Fourth, without doubt McCormick’s acute intellect, his broad and deep knowledge of the tradition of moral theology, and his characteristic approach made him the master of the “Notes” and marked them with his distinctive method. These were not just bibliographical surveys. McCormick read thoroughly the pertinent periodical literature in moral theology from the previous year and selected the most significant authors and articles. He then analyzed, criticized, and compared different approaches but always ended with the development of his own position.

McCormick’s “Notes” exhibited both an impressive breadth covering all areas of moral theology together with a very obvious scholarly depth. He dealt with all areas of moral theology including issues of personal, sexual, bioethical, and social ethics. His command of languages was equally impressive. He was familiar with the periodical literature not only in English but also in all the major Western European languages. McCormick thus gained an international reputation for this work that was unique and not being done by anybody else in the Western world.

Above all, McCormick’s approach to the “Notes” made them so significant. No one was better at analyzing and criticizing work in moral theology. His incisive and penetrating intellect went to the heart of the problem, quickly bypassing peripheral issues. He dissected complex moral issues with the skill of a brain surgeon. His “Notes” involved the marvelous

<sup>8</sup> For a critique of the early McCormick on the magisterium, see Daniel C. Maguire, “Morality and Magisterium,” in *Readings in Moral Theology 3: The Magisterium and Morality*, ed. Charles E. Curran and Richard A. McCormick (New York: Paulist, 1982) 42–56.

<sup>9</sup> Richard A. McCormick, “How My Mind Has Changed,” *Christian Century* 107 (1990) 732–36.

combination of critical intelligence, deep knowledge of the tradition, perceptive analysis, and penetrating criticism.

Not only did McCormick possess a clear and uncluttered mind, but also he was a marvelous crafter of sentences and paragraphs. His writing was clear, crisp, succinct, respectful, always to the point, and often marked with a refreshing touch of humor. In the more than one thousand pages of "Notes," a scrupulous editor even today could find no excess wordiness in what McCormick wrote. Only such a concentrated and precise writing style, together with his uncanny ability to hone in on the central points, made it possible for him to cover so much material in such depth. McCormick brought to the "Notes" an ideal temperament for a moral theologian. He was judicious, objective, fair, calm, and a well-balanced analyst and critic. He exemplified the virtuous middle by his need to be convinced by reasonable arguments balanced by his willingness to change and accept new positions once he was convinced.

The method McCormick exemplified so superbly in the "Notes" is that of a casuist who examines a particular case, discerns the significant aspects, compares and contrasts them to other approaches, and proposes his own solution. Ironically, McCormick the casuist, who became a leader of the post-Vatican II revisionist moral theology, honed his skills in the pre-Vatican II moral theology of the manuals. The Jesuit tradition in moral theology had employed the casuistic method. McCormick's theological training and his sharp, perceptive, native intelligence made him a master of the casuist skills that he subsequently used to make the "Notes" a leading vehicle for the development of post-Vatican II revisionist moral theology.

The casuistic method of McCormick and the genre of the "Notes" contributed to their great success. However, like any approach this also has its limitations. The subject matter was definitely limited primarily to particular issues often called quandary ethics and the methods used in adjudicating such quandaries. McCormick and the "Notes" did not deal with broader methodological and systematic approaches to the discipline. The person, the virtues, and the positive actions of the Christian person called to live out the gospel received comparatively little attention. Social issues, except for some quandary ethics such as war or capital punishment, receded into the background. The cultural ethos and broader societal perspectives were generally not explored.

The limitations of McCormick's "Notes" came primarily from the nature and tradition of the discipline of moral theology and from the genre of the "Notes." When McCormick began writing the "Notes" the primary focus was still on the priest as confessor with the need to know what was sinful and what was not sinful. The "Notes" themselves dealt only with periodical literature and therefore did not deal with monographs that went more

deeply into questions of a methodological, theological, and systematic nature.

McCormick and the “Notes” became a partnership. Since McCormick retired in 1984 from doing the “Notes” on an annual basis many different authors have contributed. However, the “Notes” themselves have changed. No longer are they a review of the year’s periodical literature in moral theology, analyzing and criticizing the developments that have occurred while at the same time pointing out future paths for moral theology. Now they usually look at several particular issues but deal with them over a much longer period of time and by definition are not able to have the broad picture that McCormick brought to the “Notes.”

Times have changed. The discipline of moral theology has developed many specialities and sub-specialties with ever narrower concentrations. The days of the generalist in moral theology are over. The vast writings today, even if restricted only to the periodical literature, constitute such an enormous mass that no one person can read them let alone analyze, criticize, compare, and contrast them. Also, the discipline of moral theology has shifted from the primary concern of the confessional that still was the focus at least for the first decade of McCormick’s “Notes.” Even McCormick himself could no longer do the “Notes” as he had done them in that earlier period.

#### MCCORMICK’S ETHICAL VIEWS

McCormick wrote much more than just the “Notes.” He authored six other books, co-edited eleven volumes with me in the series *Readings in Moral Theology* (Paulist), and contributed numerous articles to theological and medical journals as well as to Catholic intellectual journals of opinion especially the Jesuit weekly *America*.<sup>10</sup>

He never wrote a systematic approach to moral theology. Systematization was not his forte. He approached all his writing with style and method found in the “Notes”—a crisp, insightful analysis and criticism of other positions and then the development of his own thought in the light of these

<sup>10</sup> Richard A. McCormick, *Ambiguity in Moral Choice* (Milwaukee: Marquette University, 1973); *How Brave a New World? Dilemmas in Bioethics* (Garden City, N.Y.: Doubleday, 1981); Richard A. McCormick and Paul Ramsey, ed., *Doing Evil to Achieve Good: Moral Choice in Conflict Situations* (Chicago: Loyola University, 1978); *Health and Medicine in the Catholic Tradition* (New York: Crossroad, 1984); *The Critical Calling: Moral Dilemmas Since Vatican II* (Washington: Georgetown University, 1989); *Corrective Vision: Explorations in Moral Theology* (Kansas City, Mo.: Sheed and Ward, 1994). These last two volumes are collections of his essays written during that timeframe.

other writings. This is not the place for a scholarly study of his contribution to moral theology. But a quick overview will point out the most significant areas of his work.<sup>11</sup>

McCormick wrote within the Catholic moral tradition and helped to develop it. The natural law with its theological acceptance of human sources of moral wisdom and knowledge and its philosophical emphasis on a somewhat realistic epistemology remained at the heart of his approach. However, as a leader in the revisionist approach to moral theology he proposed newer understandings of natural law involving a shift from classicism to historical consciousness with a greater emphasis on human experience; a move to the person and the subject away from the natural and the given; a development away from the teaching of neo-Scholastic manuals that tended to identify the human and the moral with the physical structure of the act; the replacement of a deontological model, and the need to incorporate both Scripture and systematic theology into moral theology. However, these last two aspects remained somewhat implicit and on the periphery of his work.

In the course of his academic career he challenged and disagreed with some of the magisterial teachings on aspects of contraception, sterilization, divorce, homosexuality, the status of the pre-embryo, and the solution of conflict cases. But he stoutly defended the very early beginning of the truly human life of the fetus and firmly condemned active euthanasia.

McCormick aptly described the attitude in the Church vis-à-vis moral theology in the 1980s as “the chill factor.”<sup>12</sup> Vatican intransigence and restorationist tendencies not only refused to accept any changes but took action against such changes and tried to discourage scholars from proposing changes. He progressively became even more pointed in his criticism of how the hierarchical teaching office functioned in the Church.

His more important substantive contributions deserve brief mention here. Beginning with his 1973 Père Marquette Lecture, *Ambiguity in Moral Choice*, in dealing with the problems of absolute norms in moral theology, McCormick developed his theory of proportionalism. Proportionalism rests on a distinction between physical or premoral evil (e.g. killing) and moral evil (e.g. murder). One can do premoral evil if there is a proportionate reason. Thus, every killing is not murder. Proportionalism consti-

<sup>11</sup> For scholarly studies and evaluation of McCormick’s thought with complete bibliography, see the 1990 Festschrift in McCormick’s honor, *Moral Theology: Challenges for the Future*, and Ikechukwu Odozor, *Richard A. McCormick and the Renewal of Moral Theology* (Notre Dame: University of Notre Dame, 1995). Further analysis and criticism of the positions mentioned in the next few paragraphs can be found in these two volumes.

<sup>12</sup> Richard A. McCormick, “The Chill Factor in Contemporary Moral Theology,” in *Critical Calling* 71–94.

tutes a middle position objecting on the one hand to neo-Scholastic natural law approaches and on the other hand, the newer approaches of Germain Grisez and John Finnis but also objecting to consequentialism and utilitarianism. In the light of this approach, McCormick challenged some of the existing absolute norms taught by the hierarchical magisterium as I have noted. Many have dialogued with McCormick about proportionalism.

Although a generalist in moral theology, McCormick specialized in bioethics. This specialization was first reflected in his doctoral dissertation on the removal of a probably dead fetus from the mother, and was fostered by his years at the Kennedy Institute of Ethics at Georgetown University.<sup>13</sup> He made significant contributions in dealing with bioethical problems and dilemmas including genetics, artificial reproduction, artificial nutrition and hydration, and experimentation on children.

Moral theology since *Humanae vitae* has had to deal with practical questions of ecclesiology regarding the role and function of hierarchical teaching on moral matters. With his characteristic clarity and incisiveness, McCormick insisted on the processive nature of the search for moral truth by all in the Church and he pointed out that the hierarchical Church has both a learning as well as teaching function. Thus, he firmly defended the possibility and even the need to dissent from some noninfallible church teaching.

Vatican II opened the door for Catholics to ecumenical dialogue. In Catholic moral theology, McCormick put theoretical ecumenism into practice. For the first time he opened up the "Notes" to broad ecumenical discussion often dialoging with non-Catholic authors. The late Paul Ramsey and McCormick often found themselves discussing moral issues. Together they edited a very important book *Doing Evil to Achieve Good* in which a number of different authors, both philosophers and theologians of all ecclesiastical stripes, commented on and criticized McCormick's Père Marquette Lecture. McCormick responded to the commentaries and further developed his own thought in a 75-page concluding essay.

McCormick not only helped to involve Catholic moral theology in a dialogue with other Christians and philosophers but he also participated in and reflected upon the role of the Catholic theologian as a public scholar, one who deals with issues facing society at large. He served on the Ethics Advisory Board for the Department of Health, Education, and Welfare; he also served on national committees of the American Hospital Association and the American Fertility Society. He defended the position that the Catholic approach to what all people are called to do in human society is inherently intelligible to all others and therefore capable of entering into

<sup>13</sup> Richard A. McCormick, "The Removal of a Fetus Probably Dead to Save the Life of the mother," (S.T.D. diss.: Gregorian University, 1957).

public dialogue. But he also acknowledged that others might disagree with his Catholic position. His approach steered a middle course between sectarian narrowness and blind consensus-making accommodation.

His pages in *Theological Studies* and his many other writings reveal McCormick the scholar. His colleagues also came to know and appreciate McCormick the person and the various roles he fulfilled as scholar, teacher, mentor, friend, priest, and Jesuit. Despite his worldwide reputation, McCormick did not have an enlarged ego or need to control or dominate. He was humble, honest, and forthright. His circle of friends included eminent public officials as well as waitresses.

Colleagues and moral theologians especially appreciated his concern for them and for moral theology in the U.S. When what he himself so aptly described as “the chill” descended on Catholic moral theology in the 1980s, McCormick gathered like-minded Catholic moral theologians across the country for annual get-togethers. As the oldest leader among us, he wanted to encourage and support his younger colleagues who were increasingly anxious about the future of their work. He particularly supported women working in his theological discipline and called attention to their work. Hearing of his death, many of these colleagues recalled how helpful he had been to them as a mentor and supporter.

What will be McCormick’s lasting contribution to moral theology? He has not left us a systematic approach to moral theology, but he has contributed much on specific issues. However, I do not believe that a generation from now these positions will be that well remembered with the exception of his work on proportionalism. Such is the fate of moral theologians who deal with the moral life in the times in which they live. However, the future should always remember him as a model of how to approach the discipline of moral theology. On many occasions McCormick referred to the approach of moral theology as “reason informed by faith.” In his writing and teaching, he superbly exemplified that method.

May he rest in peace.