

## NOTES ON MORAL THEOLOGY: MORAL THEOLOGY AND HISTORY

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*[In section one of Notes on Moral Theology the author describes writings by moral theologians who use history for a variety of purposes, at least five different purposes, from determining a critical identity for moral theology to supporting endangered ideas and directing future investigations. He concludes by noting that moralists have looked almost exclusively at the history of ideas; his hope for the future is that these researchers will turn to the history of practices as they continue to engage history so creatively.]*

**T**WENTY-FIVE YEARS AGO, the great moralist/historian Louis Vereecke, commenting on the growing number of studies dedicated to the history of moral theology, claimed: “It is no longer necessary to demonstrate the possibility of a history of moral theology.”<sup>1</sup> At that time, Vereecke reviewed nine, mostly French works. Yet this “young discipline,” as he called it, has been developing exponentially over the past 50 years. Because of the research brought to light by Vereecke and before him by Odon Lottin, moral theologians extending from Bernhard Häring to Jean Porter have been turning to history for a variety of reasons. In what follows I attempt to name some of those reasons, studying along the way the significance of those contributions.

### TO VALIDATE INNOVATION

At the beginning of Häring’s 1600-page magisterial manual, *The Law of Christ*, there is a slim 33-page “historical survey of moral theology.” Those pages serve as a sort of guarantee that what he presents in his three volumes will be within the tradition. In fact, he concluded his survey with a comment on the orthodoxy of Theodor Steinbüchel’s writings: “In all this

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<sup>1</sup> Louise Vereecke, “Histoire et morale,” *Studia Moralia* 12 (1974) 81–95, at 81.

a profound sense of tradition constantly keeps him safely in the sound Catholic center.”<sup>2</sup> Continuity with the moral tradition validates many Roman Catholic moral claims.

Häring’s decision to present a brief history was itself ingenious. Ingenious, because he used it to establish his own apparently innovative claims as traditional precisely as he broke with the theology of the historical period immediately before his, that is, the manualism of the 17th through the 20th century. Engaging history, Häring implicitly claimed that inasmuch as his theology squared well with several key periods in the Catholic tradition, he was more traditional than his predecessors.

Häring’s decision to invoke the authority of history finds some precedent in the writings of several earlier innovators who acknowledged their discontinuity with the manualists, while still claiming to be “traditional.” However, these moral theologians rather than turn to general historical claims turned either to Scripture or to Thomas Aquinas. Fritz Tillmann found authority for his moral theology in Scripture. He structured his popular work *The Master Calls* entirely according to the command to love God, neighbor, and self.<sup>3</sup> Gérard Gilleman, in his work on charity, also provided a counterpoint to the manualists’ occupation with external actions by studying the importance of the most internal and gracious of all virtues, charity. Gilleman did this by invoking the *Summa theologiae* of Aquinas.<sup>4</sup>

Invoking Aquinas clearly carries significant weight for validating an argument as traditional. Jean Porter relies on Aquinas in making the recovery of virtue worthwhile.<sup>5</sup> Stephen Pope turns to the ordering of love in Aquinas in part to substantiate his claims for more attention to social biology.<sup>6</sup> G. Simon Harak also places Aquinas at the center of his call to attend to the passions.<sup>7</sup>

In substantiating their claims by means of continuity with the historical tradition in general or in Aquinas specifically, these theologians implicitly recognize normative claims from the tradition. A recent debate between Brian Johnstone and Karl-Wilhelm Merks addresses this issue.<sup>8</sup> Merks,

<sup>2</sup> Bernhard Häring, *The Law of Christ*, 3 vols., trans. Edwin Kaiser (Westminster: Newman, 1961) 33.

<sup>3</sup> Fritz Tillmann, *The Master Calls: A Handbook of Christian Living* (Baltimore: Helicon, 1960).

<sup>4</sup> Gérard Gilleman, *Le primat de la charité en théologie morale* (Louvain: Nauwelaerts, 1952).

<sup>5</sup> Jean Porter, *The Recovery of Virtue* (Louisville: Westminster/John Knox, 1990).

<sup>6</sup> Stephen Pope, *The Evolution of Altruism and the Ordering of Love* (Washington: Georgetown University, 1994).

<sup>7</sup> G. Simon Harak, *Virtuous Passions* (New York: Paulist, 1993).

<sup>8</sup> Karl-Wilhelm Merks, “De irenensang van de tradities: Pleidooi voor een uni-

surveying a variety of harmful teachings from the tradition, holds that while “tradition is a means of moral education, of the communication of ethical values, it cannot be a foundation for ethics.” Merks contends that the tradition cannot promote an independent ethical truth criterion by which it is held accountable. Consistency with previous utterances, actions, or policies from the historical tradition is not in itself an ethical guarantee or truth standard for any claim.

Responding to Merks, Brian Johnstone acknowledges that the tradition provides a guarantee for a community’s historical identity but that such a guarantee needs to be distinguished from the question whether specific teachings from the tradition are ethically right. Johnstone offers two key insights: critical reason must be constitutive of tradition’s truth claims and, subsequently, any tradition must endorse those virtues that make possible the exercise of critical reason within the community. Critical reason and not consistency is the criterion by which the correctness of the tradition’s claims are established. As we shall see, a critical understanding of the tradition and how it should help define contemporary moral claims are overriding concerns of contemporary moralists.

Still, some observers dispute whether moral theology can even claim any continuity with the moral tradition. John A. Gallagher argues that Häring’s discontinuity with manualism is too great. He writes: “‘Moral theology’ is, I believe, no longer a helpful term with which to categorize the work of Curran, Schüller, McCormick, Fuchs, Häring or other revisionist theologians. Their theological positions and moral categories are simply too distinct from the prime analogue.”<sup>9</sup>

Gallagher believes that contemporary “moral theology” is really university theology or more specifically “Catholic theological ethics.” For Gallagher, the prime analogue for “moral theology” is the practical theological guidance that moral theologians gave to priests in their seminary formation.

But Gallagher’s analogues are too restrictive. Charles Curran, for instance, provides an illustration of how moral theologians deflect such limited identifications. He examines three moral theologians (Aloysius Sabetti, Thomas Bouquillon, and John Hogan) who taught and wrote in the United States at the dawn of the 20th century. He finds considerable diversity in their methodologies, in the audiences they served, and in the

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versele ethiek,” *Bijdragen* 58 (1997) 122–43; Brian Johnstone, “Can Tradition be a Source of Moral Truth? A Reply to Karl-Wilhelm Merks,” *Studia Moralia* 37 (1999) 431–51.

<sup>9</sup> John A. Gallagher, *Time Past, Time Future: An Historical Study of Catholic Moral Theology* (New York: Paulist, 1990) 270.

understanding of the proper domain of moral theology.<sup>10</sup> History conveys, then, a sense of the plurality of understandings about moral theology and its purpose.

### TO ASSERT THE PROGRESS OF MORAL TRUTH

Häring's break with his predecessors was not only about the matter and form of the manualists, but also about their use of history. The manualists presupposed that their teachings were universally true by virtue of their historical unchangeableness. In a way, they distorted and even attempted to destroy history's claims by insisting that nothing changes over the centuries. Three different but comparable types of responses have challenged this presupposition of unchangeableness: (1) critical reviews of particular moral teachings show considerable discontinuity and even incoherence; (2) studies of the manualists themselves demonstrate that inevitably the process of applying principles to cases prompts a developmental shift in any understanding of moral principles; and (3) theological arguments illustrate that moral theology must progress if it is to be faithful to its call to realize moral truth.

Several historical studies have confirmed moral teaching's discontinuity. Giovanni Cappelli illustrates the inconsistency of church teachings on masturbation through the first millennium. He argues in fact that, contrary to manualists' claims, church concern about masturbation was relatively insignificant.<sup>11</sup> More recently, Mark Jordan examines seven medieval texts on homosexuality and concludes that far from being consistent, the tradition's teaching is completely incoherent.<sup>12</sup> Bernard Hoose demonstrates that conservative claims to continuous church teaching on matters of life and death, sexuality, and even crime and punishment are not in fact accurate nor really traditional.<sup>13</sup> A new study betrays its very agenda in its long title: *Rome Has Spoken: A Guide to Forgotten Papal Statements and How They Have Changed through the Centuries*.<sup>14</sup> Behind these works are not simply claims of inconsistency, contradiction and

<sup>10</sup> Charles Curran, *The Origins of Moral Theology in the United States* (Washington: Georgetown University, 1997).

<sup>11</sup> Giovanni Cappelli, *Autoerotismo: un problema nei primi secoli cristiani?* (Bologna: Dehoniane, 1986).

<sup>12</sup> Mark Jordan, *The Invention of Sodomy in Christian Theology* (Chicago: University of Chicago, 1997).

<sup>13</sup> Bernard Hoose, *Received Wisdom?: Reviewing the Role of Tradition in Christian Ethics* (London: Geoffrey Chapman, 1994).

<sup>14</sup> Maureen Fiedler and Linda Rabben, ed., *Rome Has Spoken: A Guide to Forgotten Papal Statements and How They Have Changed through the Centuries* (New York: Crossroad, 1998).

even incoherence, but also again the insight of both Johnstone and Merks that continuity with the tradition is not itself the guarantor of the truth of any teaching.

Regarding the issue of the necessary development of the moral tradition, John T. Noonan, Jr., has set the standard for historical research in his studies of abortion, contraception, and usury.<sup>15</sup> Noonan understands that history cannot leave a teaching or principle untouched: every application of a principle to a situation affects our understanding of the principle itself. Inevitably these historical applications lead to developments in moral doctrines.<sup>16</sup>

In recent years moral theologians have been considerably influenced by Noonan's research. Charles Curran studies the logic of a particular manualist, Aloysius Sabetti, to see the varied ways by which the manualist "applies" a principle to a case.<sup>17</sup> Thomas Kopfensteiner, using the deductive casuistry of the manualists, illustrates the significance that hermeneutics serves in appreciating historical development.<sup>18</sup> Kopfensteiner's selection of the manualists' casuistry is important: unlike the high casuists of the 16th and 17th century who used their casuistry to open up moral teachings by entertaining a variety of previously unconsidered circumstances, their successors resisted assiduously the influence of circumstances and were convinced that moral truth standards were found in the unchangeable. Despite their convictions and resistance, inevitably their teachings developed over time. Raphael Gallagher takes up the claims of Noonan and Kopfensteiner and examines how the manualists engaged the principle of totality in their teachings on transplants and thereby demonstrates how and why the moral tradition necessarily develops in the field of medical ethics.<sup>19</sup>

Behind these claims of discontinuity and development, moral theologians have been asserting a third claim namely that not only does history inevitably necessitate development, but that moral theology must also occasion such a development. This was Häring's claim against the manualists: their resistance to development was a betrayal of moral theology's mission

<sup>15</sup> John T. Noonan, Jr., ed. *The Morality of Abortion* (Cambridge, Mass: Harvard University, 1970); *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge, Mass: Harvard University, 1965); *The Scholastic Analysis of Usury* (Cambridge, Mass: Harvard University, 1957).

<sup>16</sup> John T. Noonan, Jr., "Development in Moral Doctrine," in *The Context of Casuistry*, ed. James Keenan and Thomas Shannon (Washington: Georgetown University, 1995) 188–204.

<sup>17</sup> Charles Curran, "The Manual and Casuistry of Aloysius Sabetti," *ibid.* 161–80.

<sup>18</sup> Thomas Kopfensteiner, "Science, Metaphor and Moral Casuistry," *ibid.* 207–20.

<sup>19</sup> Raphael Gallagher, "Catholic Medical Ethics: A Tradition Which Progresses," *Catholic Ethicists on HIV/AIDS Prevention*, ed. James Keenan (New York: Continuum, 2000) 271–81.

which is simply the study of the pursuit of moral truth. Thus, Josef Fuchs writes that the Christian has received a new competency through Christ to overcome evil with good, and therefore is called continually to improve the human world through innovation.<sup>20</sup> Likewise, Klaus Demmer argues that the task of reversing bias and decline in human history shares analogously in the death and Resurrection of Christ.<sup>21</sup> Marciano Vidal studies recent papal statements to find an implicit endorsement of the necessity of moral development or what Vidal calls progress.<sup>22</sup>

No moral theologian has done more to enhance the relationship between moral theology and history than Dom Odon Lottin. Lottin made, I believe, two significant overarching contributions that dominate the shifts that we have seen over the 20th century. First, Lottin's eight-volume study of the morality and psychology of the Scholastics of the 12th and 13th centuries amply demonstrated that the history of ideas is complex, that some notions go forward while others are arrested, and that progress can never be fully adequately preconceived because the discourse of ideas is subject to a variety of historical variables, intentional and accidental.<sup>23</sup> Lottin rendered moral theologians historically sensitive to the development of ideas not simply across continents and centuries, but also within the thought of individual theologians. His claim, for instance, that Thomas Aquinas later in his life changed his position on the way that reason "moves" the will, challenges the belief that Aquinas's works can be studied and cited without any attention to dates of publication.<sup>24</sup> Inasmuch as many neo-Scholastic manualists insist on continuous universal claims regarding philosophical assertions, Lottin's historical claim that even Aquinas developed his own thoughts significantly challenged the notion of objective truth held by some of Lottin's contemporaries.<sup>25</sup>

On this first point, Lottin's work prompted a renaissance of studies on Aquinas. Dominicans in particular have been studying Aquinas in the

<sup>20</sup> Josef Fuchs, "Innovative Morality," *Moral Demands and Personal Obligations* (Washington: Georgetown University, 1993) 114–19.

<sup>21</sup> Klaus Demmer, "Die autonome Moral—einige Anfrage an die Denkform," *Fundamente der theologischen Ethik: Bilanz und Neuansätze*, ed. Adrian Holderegger (Freiburg: Herder, 1996) 261–76.

<sup>22</sup> Marciano Vidal, "Progress in the Moral Tradition," *Catholic Ethicists on HIV/AIDS Prevention* 257–70.

<sup>23</sup> Odon Lottin, *Psychologie et morale aux XII et XIII siècles* (Louvain: Abbaye du Mont César, 1942–1957).

<sup>24</sup> *Ibid.* 3.664 ff.

<sup>25</sup> See George Klubertanz's review of the neo-Scholastics' works in light of Lottin's assertion, "The Root of Freedom in St. Thomas's Later Works," *Gregorianum* 42 (1961) 701–4.

context of his own Dominican religious values. James Weisheipl paved the way here with his study of Aquinas's life and works.<sup>26</sup> Leonard Boyle examined the Dominican deliberations that led to Thomas's decision to write the *Summa theologiae*. He described the deeply pastoral agenda of the *Summa* that was written by Aquinas for the training of young Italian Dominicans who were not assigned to become university professors but simply theologically well-trained pastors.<sup>27</sup> Simon Tugwell, likewise, analyzed the influence that Dominican spirituality had on Aquinas's theology.<sup>28</sup> Two other Dominicans, Brian Davies and Jean-Pierre Torrell, in the light of this research present their comprehensive studies of Thomas Aquinas's work.<sup>29</sup> Several German writers—Wolfgang Kluxen, Karl-Wilhelm Merks, and Klaus Riesenhuber—have paralleled this research.<sup>30</sup>

Lottin's second claim was that, since ideas develop across time and culture, similarly individuals develop both in their ideas and in their whole person. He called therefore for a moral theology that would be sensitive to the historical development of the person.<sup>31</sup> Other theologians have built upon Lottin's insight.<sup>32</sup> For instance, Roger Burggraeve, a fellow Belgian theologian, proposes an ethics of realistic growth and applies this ethics historically to those living in a time of AIDS.<sup>33</sup>

<sup>26</sup> James A. Weisheipl, *Friar Thomas D'Aquino*, 2nd ed. (Washington: Catholic University of America, 1983).

<sup>27</sup> Leonard Boyle, *The Setting of the Summa Theologiae of Saint Thomas* (Toronto: Pontifical Institute of Mediaeval Studies, 1982).

<sup>28</sup> Simon Tugwell, ed., *Albert and Thomas: Selected Writings* (New York: Paulist, 1988).

<sup>29</sup> Brian Davies, *The Thought of Thomas Aquinas* (New York: Oxford University, 1993); Jean-Pierre Torrell, *Saint Thomas Aquinas* (Washington: Catholic University of America, 1996). Stephen J. Pope has recently edited a comprehensive collection of essays *Aquinas Reader* (Washington: Georgetown University, 2001).

<sup>30</sup> Wolfgang Kluxen, ed., *Thomas von Aquin im philosophischen Gespräch* (Munich: Alber, 1975); *Philosophische Ethik bei Thomas von Aquin*, 2nd ed. (Hamburg: Meiner, 1980); Karl Wilhelm Merks, *Theologische Grundlegung der sittlichen Autonomie* (Düsseldorf: Patmos, 1978); Klaus Riesenhuber, *Die Transzendenz der Freiheit zum Guten* (Munich: Berchmanskolleg, 1971). See also Bénézet Bujo, *Moralautonomie und Normenfindung bei Thomas von Aquin* (Paderborn: Schöningh, 1979).

<sup>31</sup> Odon Lottin, *Morale fondamentale* (Tournai: Desclée, 1954). See Mary Jo Iozzio, *Self-Determination and the Moral Act: A Study of the Contributions of Odon Lottin, O.S.B.* (Leuven: Peeters, 1995).

<sup>32</sup> See Philip Keane's survey of the discussion, "The Objective Moral Order: Reflections on Recent Research," *Theological Studies* 43 (1982) 260–78.

<sup>33</sup> Roger Burggraeve, "Une éthique de miséricorde," *Lumen Vitae* 49 (1994) 281–96; "From Responsible to Meaningful Sexuality," *Catholic Ethicists on HIV/AIDS Prevention* 303–16.

History leads us therefore to understand that moral theology must not only develop but also be sensible to the fundamental fact that norms need to be congruent with human maturation. Indeed, history affects the proprium of moral theology.

### TO SUPPORT ENDANGERED IDEAS

Historical investigation has served as a corrective. It has effectively repudiated the manualists' general claims regarding the unchangeability of moral truth. In this light, others have turned to history to reclaim specific foundational insights that have fallen prey to unexamined, harmful pre-suppositions. Here research has focused on casuistry, conscience, natural rights, and natural law.

Albert Jonsen and Stephen Toulmin, through their study *The Abuse of Casuistry*, have dramatically restored the credibility of casuistry by heeding the admonition of Anglican casuist, Kenneth Kirk that: "The *abuse* of casuistry is properly directed, not against all casuistry, but only against its *abuse*."<sup>34</sup> Jonsen and Toulmin argue that contrary to earlier held assumptions, casuistry is an inductive method that grounds its truth standards in well-solved, historical cases rather than in abstract principles with pretensions of universal claims.<sup>35</sup>

Interestingly, the investigations of Jonsen and Toulmin were prompted by their involvement with a national commission in which participants from various philosophical cultures present in the United States achieved consensus not by the use of principles but rather by paradigm cases. Their experience led them to investigate whether their inductive logic had historical precedence. In one sense, their investigation of high casuistry validated their own contemporary claims. But because contemporary pre-suppositions about casuistry are so strongly negative, they needed to investigate more accurately the nature of 16th-century casuistry.

Their ground-breaking work has generated other foundational investigations that have made the study of casuistry so remarkably rich. Edmund Leites provides a timely collection of essays from various academic disciplines that try to address the relationship of casuistry in mediating the tension between conscience and law that is found in a variety of cultures (both religious and civil).<sup>36</sup> John O'Malley's study of the Society of Jesus

<sup>34</sup> Kenneth E. Kirk, *Conscience and Its Problems* (London: Longmans, 1927) 125.

<sup>35</sup> Albert Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California, 1988).

<sup>36</sup> Edmund Leites, ed., *Conscience and Casuistry in Early Modern Europe* (New York: Cambridge University, 1988). Many moralists and historians have written on 17th-century English casuistry: Kevin Kelly, *Conscience: Dictator or Guide? A Study in Seventeenth-Century English Protestant Moral Theology* (London: Geof-



undoubtedly provides the most coherent foundations for further studies on Jesuit casuistry. He contends that Jesuit casuistry should be understood as a ministerial practice that seeks to provide not only the wisdom of a good physician in treating the disease of sin and the judgment of a good judge in assigning penance, but also the consoling care of a disciple of the gospel. While many have written on the casuistry of Dominicans, Jesuits, and Puritans, Antonio Poppi investigates the ethics of the early Franciscans and specifically on Franciscan casuistry.<sup>37</sup>

Others have built on these foundations. James Pollock studies the casuistry of François Genet.<sup>38</sup> Richard Miller investigates the casuistry of Jeremy Taylor and then the poetics of casuistry in light of its original rhetorical roots.<sup>39</sup> G. Scott Davis writes on Francisco de Vitoria, Domingo de Soto, and Juan Gines de Sepúlveda.<sup>40</sup> Julia Fleming is one of several emerging new scholars who are examining both historical and contemporary casuistry on such practices as lying, deception gambling, and detraction.<sup>41</sup> Toon van Houdt presents the economic casuistry of major 16th- and

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frey Chapman, 1967); Henry McAdoo, *The Structure of Caroline Moral Theology* (London: Longmans, 1949); John McNeill, "Casuistry in the Puritan Age," *Religion in Life* 12 (Winter 1942–43) 76–89; Elliot Rose, *Cases of Conscience: Alternatives Open to Recusants and Puritans Under Elizabeth I and James I* (New York: Cambridge University, 1975); Thomas Wood, *English Casuistical Divinity during the Seventeenth Century* (London: SPCK, 1952). More recently, Kenneth L. Parker and Eric J. Carlson, 'Practical Divinity': *The Work and Life of Richard Greenham* (Brookfield, Vt.: Ashgate, 1998).

<sup>37</sup> Antonio Poppi, *Studi sull'etica della prima scuola Francescana* (Padua: Centro Studi Antoniani, 1996).

<sup>38</sup> James Pollock, *François Genet: The Man and His Methodology* (Rome: Gregorian University, 1984).

<sup>39</sup> Richard Miller, "Moral Sources, Ordinary Life, and Truth-telling in Jeremy Taylor's Casuistry," in *The Context of Casuistry* 131–58; *Casuistry and Modern Ethics: A Poetics of Practical Reasoning* (Chicago: University of Chicago, 1996).

<sup>40</sup> G. Scott Davis, "Conscience and Conquest: Francisco de Vitoria on Justice in the New World," *Modern Theology* 13 (1997) 475–500; "Humanist Ethics and Political Justice: Soto, Sepúlveda, and the 'Affair of the Indies,'" *Annual of the Society of Christian Ethics* (1999) 193–212. See also his *Warcraft and the Fragility of Virtue* (Moscow, Idaho: University of Idaho, 1992).

<sup>41</sup> Julia Fleming, "By Coincidence or Design? Cassian's Disagreement with Augustine Concerning the Ethics of Falsehood," *Augustinian Studies* 29 (1998) 19–34; "Deception by Means of Incomplete Truth," *Josephinum Journal of Theology* 6 (1999) 21–30; "The Ethics of Lying in Contemporary Moral Theology: Strategies for Stimulating the Discussion," *Louvain Studies* 24 (1999) 57–71; "Gambling with the Common Good," ed. Michael Lawler and Gail Risch, *Practical Theology* (Omaha: Creighton University, 2000); "Reputation Reconsidered: The Contemporary Relevance of Casuist/Manualist Legacies Concerning Detraction," *Studia Moralia* 39 (2001) forthcoming.

17th-century thinkers.<sup>42</sup> Hubertus Lutterbach discusses the casuistry of sexual prohibitions in the penitentials.<sup>43</sup> Finally, I examine the relevance of casuistry for today<sup>44</sup> as well as the writings of particular individuals whose casuistry represents their historical culture: the Scottish nominalist John Mair, the English Puritan William Perkins, and the Spanish Jesuit Francisco de Toledo.<sup>45</sup>

Paul Valadier has taken on a number of historically unexamined presuppositions that are dangerous to the primacy of the conscience.<sup>46</sup> First, he admits that the postmodern world provides no moral tradition and leaves in doubt whether conscience can be properly formed to make its own moral judgments. But he asks whether communitarians such as Michael Oakeshott and Alasdair MacIntyre are correct when they suggest that the pretext of the liberty of conscience undermines moral traditions. Furthermore, he critiques their proposals that we ought to withdraw to moral communities in order to reconstruct those long neglected traditions and to enforce their values despite any claims of conscience. Valadier contends that throughout history the consciences of various communities' leaders have given shape and content to whatever traditions their communities developed. The consciences of individuals are themselves the sources of the teachings of any local tradition.

Valadier then turns to the charge that Enlightenment authors are animated by overblown claims of human capabilities. Valadier's historical examination helps us to see those authors' conviction that the human is caught within a profound yet natural conflict between the most basic tendencies between altruism and greed. For Enlightenment authors, con-

<sup>42</sup> Toon van Houdt, "Money, Time, and Labour: Leonardus Lessius and the Ethics of Lending and Interest Taking," *Ethical Perspectives* 2 (1995) 18–22; "Tradition and Renewal in Late Scholastic Economic Thought: The Case of Leonardus Lessius (1554–1623)," *Journal of Medieval and Early Modern Studies* 28 (1998) 51–75.

<sup>43</sup> Hubertus Lutterbach, "Die Sexualtabus in Bussbüchern," *Saeculum* 46 (1996) 216–48. See also Pierre Payer, *The Bridling of Desire* (Toronto: University of Toronto, 1993).

<sup>44</sup> James Keenan, "The Return of Casuistry," *Theological Studies* 57 (1996) 123–29; "Applying the Seventeenth-Century Casuistry of Accommodation to HIV Prevention," *Theological Studies* 60 (1999) 492–512.

<sup>45</sup> James Keenan, "The Casuistry of John Major, Nominalist Professor of Paris (1506–1531)," *Annual of Society of Christian Ethics* (1993) 205–22; "William Perkins (1558–1602) and the Birth of British Casuistry," *The Context of Casuistry* 105–30; "The Casuistry of Francisco de Toledo, (1532–1596)," *Mercurian Collection*, Thomas McCoog, ed. (Rome: Jesuit Archives, 2001) forthcoming; "How Casuistic Is Early British Puritan Casuistry? Or, What Are the Roots of Early British Puritan Practical Divinity?" *The Jesuits: Cultures, Sciences, and the Arts, 1540–1773*, ed. John W. O'Malley (Toronto: University of Toronto, 1999) 627–40.

<sup>46</sup> Paul Valadier, *Éloge de la conscience* (Paris: Seuil, 1994).

science was terribly divided and weakened by a nearly impotent inability to find moral resolution. If anything, their modern Christian counterparts esteem conscience more.<sup>47</sup>

Finally, with regard to the claims that modern moral disagreement reveals an underlying but avoidable moral chaos, Valadier argues that moral traditions, like consciences, have not been free of internal disparities and inconsistencies. Thus, though ethical principles are universal and make overriding claims on us, we cannot arrive at what is morally true by a simple deductive application of one claim (which one?) to a case at hand. Valadier argues, invoking Jonsen and Toulmin's *The Abuse of Casuistry*, that right moral reasoning cannot be deductive. To bring home his point, he takes aim at a French icon, namely Blaise Pascal whom he notes French intellectuals have notoriously failed to critique. Valadier argues forcefully that Pascal deceived many into assuming that moral truth is not like the practical world, but rather universal, simple, and perpetually consistent regardless of circumstances. At length, and with particular dexterity, Valadier also bares the naïve epistemological assumptions and dangerous theological beliefs that prompted Pascal's enormously popular attack on Jesuit casuistry.

Brian Tierney, through his investigation of medieval Church law, provides a vigorous defense of natural rights,<sup>48</sup> arguing that while the Stoics and Cicero defined *ius naturale* as the universal, objective natural law recognizable by all humans, 12th-century canonists described it as a force, faculty, or power inherent in individual human persons.<sup>49</sup> Concerned to protect individuals, these early canonists developed the first expressions of natural rights, not from voluntarist arguments invoking God's will, but rather from an anthropological vision of the person as rational, self-aware, and morally responsible. In fact, contrary to the claims of Michel Villey, Leo Strauss, Alasdair MacIntyre, and others, Tierney shows that "medieval society was saturated with a concern for rights."<sup>50</sup>

Tierney particularly criticizes Michel Villey's claim that Ockham's nominalism and voluntarism account for the foundations of natural rights. While Tierney does not deny that Ockham had an important role in the development of natural rights, he challenges its supposed connections with the Franciscan's nominalism and voluntarism. Regarding Ockham's nominalism, Tierney shows that there is no necessary connection between it and

<sup>47</sup> See Eric D'Arcy, *Conscience and its Right to Freedom* (London: Sheed and Ward, 1961).

<sup>48</sup> See also David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* (New York: Paulist, 1979).

<sup>49</sup> Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law* (Atlanta: Scholars, 1997).

<sup>50</sup> *Ibid.* 54.

natural rights. Regarding Ockham's voluntarism, Tierney makes two important points. He agrees with Marilyn McCord Adams who insists that Ockham presumes the divine will to be never capricious, but always reasonable and understandable.<sup>51</sup> Here Adams is contradicting Servais Pinckaers's exaggerated interpretations on Ockham's voluntarism.<sup>52</sup> Tierney also charges that to deduce a political theory from a theology of God's will is "a kind of imaginary extrapolation."<sup>53</sup> For Ockham, the divine and human wills are incomparable. In God, will and intellect are indistinguishable; all that God wills is just and right. The human will, however, can choose between good and evil, and so needs to be guided by reason. Thus, Ockham based his natural rights position on the human condition not on God's will. Ockham's teaching on God's absolute power was simply irrelevant to the arguments that he developed in his political writings.

When Ockham, along with other Franciscans, debated Pope John XXII over evangelical poverty, property rights, and later over political governance, he turned to the creative jurisprudence of the 12th century. As in the canonical works, the dictate of reason dominated Ockham's entire argument. Ockham in turn influenced Jean Gerson who believed that the reform of the Church as a whole depends on respect for individual members. Like Ockham and the canonists, Gerson presumed a correspondence and not a contradiction between an individual's natural rights and the common good. Tierney then through his historical research restores our appreciation of the deeply rational origins, the responsible nature, and the communal concerns of natural rights.

Finally, Jean Porter, against those who claim that natural law is theological neither in context or content, demonstrates convincingly that from the 12th century, the Scholastics' idea of the natural law is embedded in the world of theology.<sup>54</sup> In particular, the Schoolmen routinely turned to revelation in the pursuit of natural law: to justify their appeals to the natural law; to derive much of the concrete moral content of the natural law; and to employ their overall concept of the natural law as a framework for interpreting Scripture as a moral document.

<sup>51</sup> Marilyn McCord Adams, *William Ockham* (Notre Dame: University of Notre Dame, 1987); "The Structures of Ockham's Moral Theory," *The Context of Casuistry* 25–52.

<sup>52</sup> See Servais Pinckaers, *The Sources of Christian Ethics*, trans. Sr. Mary Thomas Noble (Washington: Catholic University of America, 1995) 240–53. Also his, "La théologie morale à la période de la grande Scolastique," *Nova et Vetera* 52 (1977) 118–31; "Ockham and the Decline of Moral Theology," *Theology Digest* 26 (1978) 239–41.

<sup>53</sup> Tierney, *The Idea of Natural Rights* 197.

<sup>54</sup> Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids: Eerdmans, 1999).

Through painstakingly thorough research, Porter helps us understand that the Scholastics were not at all harnessed by the need to compartmentalize sources of moral insight.<sup>55</sup> While they differentiated between the conventional and the natural, they saw no incompatibility between moral data emanating from rational insight or the natural order. Nor did they consider any difference between the rational and the prerational as more than one of degree. Rather, they recognized an affinity among rational reflection, the natural world, and the light of Scripture. Likewise, they did not exclude other sources of moral insight, e.g., from other religious and civil traditions; nor did they view their own findings as applicable exclusively to Christians. Finally, they would not have understood contemporary tendencies to bracket natural law theories from virtue ethics inasmuch as they understood the virtues as the right realization of natural inclinations.

The Scholastics' intensely practical process of reflection is built on long-held, fundamental values that animate Christian thought during the centuries before the rise of Scholasticism. Porter makes the case that two of these overriding interests are equality and non-maleficence. Holding that the test of any moral concept lies in its application, she brings into view these interests by specifically examining Scholastic natural law claims about marriage, sexual ethics, and social ethics.

Underlying all of these investigations are some remarkably similar claims. First, they are about fundamental moral concepts. These studies are not incidental investigations; they offer enormous foundational relevance for moral theology. Second, their concepts deal with methodological issues needed to ascertain moral truth. To some extent, we can see that conscience is the source, casuistry is the method, human rights and the common good are the stuff, and natural law is the context for moral reasoning. Third, each investigation asserts the theological relevance that these concepts enjoy: the historical research helps us to appreciate the congruence between these methodological insights and our own faith system. Fourth, these investigations for the most part are not about practices but about ideas. (One noticeable lacuna in contemporary research about moral theology is that we have little evidence about how effectively these ideas were appropriated by various members of specific cultures.) Fifth, inasmuch as these are the investigations of ideas, not surprisingly we find academicians investigating academicians. Tierney looks at 11th-century canonists, Porter at 12th-century Scholastics, Toulmin and Jonsen at 16th-century university

<sup>55</sup> While not specifically historical investigation, the feminist examination of natural law is an important development in the history of moral theology. Two important works are: Pamela Hall, *Narrative and the Natural Law: An Interpretation of Thomistic Ethics* (Notre Dame: University of Notre Dame Press, 1994); Christina Traina, *Feminist Ethics and Natural Law* (Washington: Georgetown University, 1999).

casuists, and Valadier at the Enlightenment. We are only at the dawn of understanding how moral theology has functioned over the centuries and how much research needs to be done about specific practices. Still, these investigations help us think more clearly not only about the past but also about the richness these concepts offer modern needs. By correcting earlier presuppositions, these authors effectively liberate the concepts from restricting interpretations that made them problematic for present-day research. Who would have thought, following the demise of manualism, that we would be embracing casuistry or natural law so quickly?

### TO ASCERTAIN A CRITICAL IDENTITY FOR MORAL THEOLOGY

One central concern for moral theology is its own critical identity. Whereas we conceive moral theology broadly as the study of moral truth and we recognize key concepts in its form of moral reasoning, others turn to its actual subject matter. John Mahoney's *The Making of Moral Theology* is a major attempt, not so much to provide a history of moral theology, but to explore the central themes associated with moral theology's proper concerns. He expresses the hope that we find a "cumulative treatment of the subject which at the same time conveys its historical progression, development and fortunes."<sup>56</sup> Mahoney's eight themes (the influence of auricular confession; the legacy of Augustine; nature and supernature; authority; subjectivity; law; the impact of *Humanae vitae*; and "patterns in renewal") provide a kaleidoscopic view of moral theology, by providing a series of filters to understand the primary concerns of ethics.

Mahoney does not simply narrate history. Rather, he critically assesses the significant passages of these themes as he weighs whether they contribute to our ability to understand and realize the moral truth. Mahoney's work establishes that the positive message of the gospel, as a Spirit-based call to discipleship to pursue a better world, has been deeply compromised by both the darkness of Augustine and the legacy of auricular confession. Even if his depiction of Augustine may be questionable, Mahoney's focus on auricular confession has irrevocably affected our understanding of the development of moral theology. Mahoney's study of the penitentials and the later confessional and moral manuals highlights their influence on Roman Catholic moral theology.<sup>57</sup> In those centuries when confession became the great preoccupation of Roman Catholic priests and laity, moral theol-

<sup>56</sup> John Mahoney, *The Making of Moral Theology* (New York: Oxford University, 1987).

<sup>57</sup> See Thomas Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton: Princeton University, 1977) and James Dallen, *The Reconciling Community* (New York: Pueblo, 1986); Bernhard Poschmann, *Penance and the Anointing of the Sick*, trans. Francis Courtney (New York: Herder and Herder, 1964).

ogy became primarily a sin-based ethics warning Catholics about wrongdoing and offering little by way of positive counsel for the pursuit of a rightly ordered life. The influence became particularly critical when Pope Innocent III in 1215 imposed the Easter duty, that is, the obligation to confess one's sins annually in order to receive communion at Easter. This obligation makes the turn to penance no longer a matter of spiritual election but a required practice. The 19th-century Church historian Henry Lea calls this "the most important legislative act in the history of the Church."<sup>58</sup> Mahoney counterbalances "this commitment to spiritual pathology"<sup>59</sup> with his own critical call to pursue a more positively oriented moral theology, one that witnesses to the conscience, recognizes diversity, liberates the oppressed, recovers mystery and promotes the love of neighbor and community.

J. Phillip Wogaman presents not a denominational history of moral theology, but an ecumenical one in his *Christian Ethics: A Historical Introduction*.<sup>60</sup> Following Troeltsch, he illustrates how theologians's thoughts drive the Church's self-understanding and mission vis-à-vis the world. Moreover, Wogaman proposes a decidedly social, personal ethics. In evaluating the contributors, he looks not only at their scriptural, philosophical, and theological presuppositions, but also at their concrete views on issues such as women, equality, violence, and wealth. Like Mahoney, Wogaman finds tensions in the history of Christian ethics such as: (1) the relationship between revelation and reason; (2) the appreciation of the material world and the life of the spirit; (3) the calls of universalism and fidelity to the local community; (4) the claims of grace and law; (5) the summons of love and the use of force; and, (6) the acknowledgment of preference in the face of equality.

Louis Vereecke dominated the last 30 years of the 20th century in the study of the history of moral theology. For the most part, he restricted his research to modern history, from the years 1300 to 1787, concentrating especially on the writings of moral theologians from William of Ockham to Alfonsus Liguori.<sup>61</sup> Vereecke's studies focus on diverse topics such as the

<sup>58</sup> Henry Lea, *A History of Auricular Confession and Indulgences in the Latin Church*, 3 vols. (Philadelphia: Lea Brothers, 1896; reprint: New York: Greenwood, 1968) 1.230.

<sup>59</sup> Mahoney, *The Making of Moral Theology* 29.

<sup>60</sup> J. Philip Wogaman, *Christian Ethics* (Louisville: Westminster/John Knox, 1993).

<sup>61</sup> Louis Vereecke, *De Guillaume d'Ockham à Saint Alphonse de Liguori* (Rome: Collegium S. Alfonsi de Urbe, 1986); *Conscience morale et loi humaine selon Gabriel Vasquez S.J.* (Paris: Desclée, 1957). On Liguori, a number of historical studies have recently appeared, especially, Marciano Vidal, *Frente al rigorismo moral, benignidad pastoral, Alfonso de Liguori (1696-1787)* (Madrid: PS, 1986); Frederick

relationship between law and morals in Jean Gerson, dominical observance and medical ethics in Antonin of Florence, the economic ethics in Peter of Palu and John Mair, and sexual and marital ethics throughout the modern period. Vereecke highlights an attentiveness to local claims, the influence of specific circumstances in moral reasoning, the significance of historical context, and the inevitable development of moral doctrine. But most importantly the human conscience stands as Vereecke's primary concern as he investigates how modern theologians discern the demands of the Word of God in the context of human responsibility.<sup>62</sup>

Finally, since much recent historical research of moral teaching has been documented by scholars in the United States, it is not surprising to find studies on the beginnings of American moral theology. Charles Curran launches this discussion in two ways, first by his *The Origins of Moral Theology in the United States* and more recently in the collection he co-edited with the late Richard McCormick, where they present their own and others' research on the historical development of fundamental moral theology in the United States.<sup>63</sup> Here Curran helps us see how moral theologians in this setting have critically defined their own enterprise.

#### TO DIRECT FUTURE DISCOURSE

Moral theologians study predominantly, for the most part, the development of ideas of a particular person, generation, or period. We have yet to take advantage of the works of social history in grasping whether historical ideas are ever accepted by the public or whether academic ideas themselves are congruent with contemporary practices, a distinction that historians raised years ago while reflecting on the use of the confessional.<sup>64</sup> We are only beginning to appreciate this possible "disconnect" between published ideas and public practices. Yet the disconnect is quite possible as Bryan Massingale has illustrated when he laments that for 50 years American Catholic moralists have shown hardly any interest in U.S. race rela-

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Jones, *Alphonsus de Liguori: The Saint of Bourbon Naples, 1696–1787* (Westminster, Md.: Christian Classics, 1992).

<sup>62</sup> See Réal Tremblay and Dennis Billy, ed., *Historia: Memoria Futuri* (Rome: Editiones Academicæ Alphonsianæ, 1991). On Redemptorist writings on the history of the conscience, see Marian Nalepa and Terence Kennedy, ed., *La Coscienza morale oggi* (Rome: Editiones Academicæ Alphonsianæ, 1987) 109–280.

<sup>63</sup> Charles Curran and Richard McCormick, *The Historical Development of Fundamental Moral Theology in the United States* (New York: Paulist, 1999).

<sup>64</sup> John Bossy, "The Social History of Confession in the Age of the Reformation," *Transactions of the Royal Historical Society* 25 (1975) 21–38.



tions.<sup>65</sup> The academy and the public do not always share the same discourse.

To appreciate where moral theologians might turn in the future, I suggest that we look at recent research by social historians and sociologists regarding public practices. These writings, like O'Malley's work on the practice of casuistry and confession, help us to understand how Christians put into action the central moral beliefs that they hold. Much of the research focuses on early Christianity. Rodney Stark argues that at its inception Christianity was an urban movement in dreadfully overpopulated cities.<sup>66</sup> Moreover, these cities were not settled places whose inhabitants descended from previous generations. With high infant mortality rates and short life expectancies, cities required a substantial stream of newcomers to maintain population levels. These strangers were hospitably treated by Christians who were not poor.<sup>67</sup>

The ethical demands imposed by the gods of the pagan religions, on the other hand, were substantively ritual. While pagan Romans practiced generosity, their generosity did not stem from any divine command. In fact, notes Stark, Roman philosophers opposed the practice of mercy. "Pity was a defect of character unworthy of the wise and excusable only in those who have not yet grown up. It was an impulsive response based on ignorance."<sup>68</sup> Against this background, Stark highlights the distinctive significance of mercy:

This was the moral climate in which Christianity taught that mercy is one of the primary virtues—that a merciful God requires humans to be merciful. Moreover, the corollary that *because* God loves humanity, Christians may not please God unless they *love one another* was entirely new. Perhaps even more revolutionary was the principle that Christian love and charity must extend beyond the boundaries of family and tribe, that it must extend to "all those who in every place call on

<sup>65</sup> Bryan Massingale, "The African American Experience and U.S. Roman Catholic Ethics: 'Strangers and Aliens No Longer?'" Jamie Phelps, ed., *Black and Catholic: The Challenge and Gift of Black Folk: Contributions of African American Experience and World View to Catholic Theology* (Milwaukee: Marquette University, 1997).

<sup>66</sup> Rodney Stark, *The Rise of Christianity: A Sociologist Reconsiders History* (Princeton: Princeton University, 1996) 149–50. For example, at the end of the first century, Antioch's population was 150,000 within the city walls or 117 persons per acre, compared to present-day New York City with its high-rise apartments at 37 persons per square acre.

<sup>67</sup> *Ibid.* 28–47. See also Robin Scroggs, "The Social Interpretation of the New Testament," *New Testament Studies* 26 (1980) 164–79; Marta Sordi, *The Christians and the Roman Empire* (Norman: University of Oklahoma, 1986).

<sup>68</sup> E. A. Judge, "The Quest for Mercy in Late Antiquity," *God Who is Rich in Mercy*, ed. P. T. O'Brien (Sydney, Australia: Macquarie University, 1986) 107–21, at 107, as quoted in Stark, *The Rise of Christianity* 212.

the name of our Lord Jesus Christ" (1 Cor. 1:2). . . . This was revolutionary stuff. Indeed, it was the cultural basis for the revitalization of a Roman world groaning under a host of miseries.<sup>69</sup>

Biblical scholars Wayne Meeks<sup>70</sup> and Abraham Malherbe,<sup>71</sup> along with Stark, direct us to the social research that highlights hospitality and mercy as central identifiable traits of early urban Christian ethics. Social historian Peter Brown likewise reflects on the first Christians and again addresses the urban context, the virtue of mercy, and the imaginative responses.<sup>72</sup> Elsewhere, Brown describes how the practice of perpetual virginity, another Christian invention, grew out of the ingenious, new Church whose women members preferred to become independent benefactors rather than surrendering their estates in marriage.<sup>73</sup>

Caroline Bynum has explored, on a different note, the self-understanding of medieval Christian women and given us an entirely new way of understanding how, regardless of church teaching, women find in their bodies the very medium for expressing their relationship with God.<sup>74</sup> Bynum's work has prompted considerable discussion among historians and moralists.<sup>75</sup>

## CONCLUSION

By acquiring a better idea of moral practices, we will better understand our own history. Behind all these studies is the sense that Christianity has developed through its practices and that these practices subsequently identify Christianity's fundamental moral concerns.<sup>76</sup> As John Kekes has taught

<sup>69</sup> Stark, *The Rise of Christianity* 212. See also John Elliott, *A Home for the Homeless: A Sociological Exegesis of I Peter, Its Situation and Strategy* (Philadelphia: Fortress, 1981).

<sup>70</sup> Wayne A. Meeks, *The Origins of Christian Morality* (New Haven: Yale University, 1993) and *The First Urban Christians* (New Haven: Yale University, 1983).

<sup>71</sup> Abraham Malherbe, *Social Aspects of Early Christianity* (Baton Rouge: Louisiana State University, 1977).

<sup>72</sup> *Late Antiquity: A Guide to the Postclassical World*, ed. G. W. Bowersock, Peter Brown (Cambridge, Mass.: Harvard University, 1998).

<sup>73</sup> Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York: Columbia University, 1988).

<sup>74</sup> Caroline Bynum, *Holy Feast and Holy Fast* (Berkeley: University of California, 1987); *Fragmentation and Redemption* (New York: Zone Books, 1991).

<sup>75</sup> See her interdisciplinary discussion in "Why All the Fuss about the Body?" *Critical Inquiry* 22 (1995) 1–33; see my "Christian Perspectives on the Human Body," *Theological Studies* 55 (1994) 330–46.

<sup>76</sup> This highly embodied, neighbor-oriented, mercy-based way of progress is caught by a recent article by Margaret Farley, "History, Spirituality, and Justice," *Theology Digest* 45 (1998) 329–36.

us, most principles are based after all on long-held practices.<sup>77</sup> Thus, after 50 years of studying the development of ideas, principles, and teaching, moral theologians now need to turn to study the normative significance of the development of these moral practices. In the light of the research now available, Vereecke's conviction has been vindicated. The history of moral theology is now possible.

<sup>77</sup> John Kekes, *The Examined Life* (Lewisburg, Penn: Bucknell University, 1988).