

The Historical and Ecumenical Value of Kenneth Kirk's Anglican Moral Theology

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Theological Studies
2018, Vol. 79(4) 801–817
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DOI: 10.1177/0040563918801191
journals.sagepub.com/home/tsj



Abstract

Anglican moralist Kenneth Kirk is an early twentieth-century forerunner of Catholic revisionism. Kirk critiques the moral manuals and defends a historicist, biblically grounded virtue ethic forty years prior to Catholic figures like Bernard Häring. Kirk also utilizes inductive casuistry in analyzing concrete cases to the end of promoting Christian freedom and mature Christlike character. For these reasons his moral theology has historical and ecumenical importance.

Keywords

casuistry, charity, Gilleman, Häring, historicism, manuals, revisionism, practice, virtue, worship

Anglican bishop and moral theologian Kenneth E. Kirk (1886–1954) is an important but neglected ecumenical voice in the history of moral theology in the early twentieth century. During a distinguished career as Regius Professor of Moral and Pastoral Theology at the University of Oxford and then Bishop of Oxford, Kirk critiques the Catholic moral manuals and develops an ethic that resembles Catholic revisionism in many respects. In fact, he is one of the first moral theologians in the twentieth century to synthesize biblical, moral, and ascetical (or spiritual) theology with inductive casuistry. Since Anglican moral theology is, in the estimation of James Gustafson, the “closest kin to Catholic moral theological literature to be found in Protestant Christianity,” it is worth exploring Kirk’s account in detail.¹ To this end, I explicate the main features

1. James M. Gustafson, *Protestant and Roman Catholic Ethics: Prospects for Rapprochement* (Chicago: University of Chicago, 1978), 3.

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of Kirk's moral theology, make comparisons and contrasts with his manualist and revisionist contemporaries, and finally highlight his enduring value for ecumenical ethics.

Historical Context

Today Kirk is cited primarily as an authority in the revival of inductive casuistry,² but few recognize that he situates casuistry within a moral theology that is revolutionary in its era. Beginning in 1920 with the publication of *Some Principles of Moral Theology and Their Application*,³ Kirk develops a historicist, biblical, charity-centered, and casuistic virtue ethic. Kirk explains his work as “an attempt to bring together, from the Bible and from Christian experience, the principles which have guided the church in dealing with individual souls; to test those principles by the light of modern knowledge; and to apply them to present-day conditions and needs.”⁴ This method shapes mature and virtuous disciples of Jesus who freely love and serve God and neighbor.⁵

Importantly, Kirk writes in the era of the neo-Scholastic moral manuals.⁶ In 1906—just fourteen years before the publication of Kirk's first book—Thomas Slater produces the first manual written in English.⁷ Slater and his fellow Jesuit Henry Davis construe moral theology entirely in terms of obeying God's laws and avoiding evil, and cast the lay conscience as pathologically sinful.⁸ Their manuals help priests hear confessions and assign appropriate penance for wrongdoers. Slater explains the manualist project as follows:

... manuals of moral theology are technical works intended to help the confessor and the parish priest in the discharge of their duties. They are as technical as the text-books of the lawyer and

2. See, for example, James F. Keenan, SJ, *A History of Catholic Moral Theology in the Twentieth-Century: From Confessing Sins to Liberating Consciences* (New York: Continuum, 2010), 36, 159; Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988), 16.
3. Kenneth E. Kirk, *Some Principles of Moral Theology and Their Application* (London: Longmans, Green and Co., 1920). I cite the 1948 reprint of this text.
4. Kirk, *Some Principles of Moral Theology and Their Application*, vii.
5. Kirk, *Some Principles of Moral Theology and Their Application*, 1–2.
6. Influential critical discussions of the manualists include: Eric Marcelo O. Genilo, *John Cuthbert Ford, S.J.: Moral Theologian at the End of the Manualist Era* (Washington, DC: Georgetown, 2007); James F. Keenan, *A History of Catholic Moral Theology in the Twentieth Century*, and “Raising Expectations on Sin,” *Theological Studies* 77 (2016) 165–80; John A. Mahoney, *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (Oxford: Clarendon, 1987); and Servais Pinckaers, *The Sources of Christian Ethics* (Washington, DC: Catholic University of America 1995). Recently, Julie Hanlon Rubio has taken a more sympathetic approach to the manualists, and critically retrieved their principle of cooperation in “Cooperation with Evil Reconsidered: The Moral Duty of Resistance,” *Theological Studies* 78 (2017) 96–120. More will be said about Hanlon Rubio's views below.
7. Thomas Slater, *A Manual of Moral Theology for English Speaking Countries* (New York: Benziger Brothers, 1906).
8. Henry Davis, *Moral and Pastoral Theology in Four Volumes* (New York: Sheed and Ward, 1934). I cite the revised and enlarged fourth edition of Davis's *Moral and Pastoral Theology*, published in 1943.

the doctor. They are not intended for edification, nor do they hold up a high ideal of Christian perfection for the imitation of the faithful. They deal with what is of obligation under the pain of sin; they are books of moral pathology. They are necessary for the Catholic priest to enable him to administer the sacrament of Penance. . . . Moral theology proposes to itself the . . . task of defining what is right and what wrong in all the practical relations of the Christian life.⁹

To this end, the manualists practice a deductive form of casuistry, according to which moral reasoning moves from unchanging universal truths to conclusions about how to act in concrete cases. This deductive movement gives manualist moral theology its distinctive shape as a “juristic” discipline that takes its cue from canon law, such that the goal of the moral life is avoiding evil by obeying “the laws of the Church.”¹⁰ Accordingly, Slater states that if one wants to grow as a disciple, one should read works of ascetical theology rather than moral theology.¹¹

Beginning in the late 1930s, the revisionists reject the manualist approach in favor of forming virtuous disciples of Christ. Odon Lottin returns to historical sources to demonstrate the development of moral understanding; Fritz Tillmann recovers Scripture as a resource for moral formation and deliberation; Gerard Gillemann centers moral theology in the virtue of charity; and Bernard Häring synthesizes these insights.¹² The revisionists, however, hold that casuistry constrains the formation of virtue and the conscience. For example, Gillemann argues that by using casuistry, the manualists restrict “the object of their study to the consideration of sin,” and elaborate “a moral theology far too negative and concerned chiefly with minimal obligations; virtues [are] passed over in favor of commandments and law.”¹³ Similarly, Häring condemns casuistry as “a mechanical employment and application of a formula,” that is “bereft of vital nourishment” and leads “to a rather general disregard of the unique character of Christian morality.”¹⁴ The revisionist condemnation of casuistry for its focus on sin, abstract analysis, and avoidance of character formation, persists for decades. It is not until the 1990s—seventy years after the publication of Kirk’s first book—that the revisionist program of historical, biblical, and charity-centered morality comes to include a form of inductive casuistry that considers concrete cases.¹⁵ When revisionists realize that casuistry fits within a robust moral theology, they turn to Kirk for guidance.¹⁶

9. Slater, *A Manual of Moral Theology*, 5–6.

10. Davis, *Moral and Pastoral Theology*, vol. I, 2–4.

11. Slater, *A Manual of Moral Theology*, 6.

12. Dom Odon Lottin, *Principes de Morale* (Louvain: Abbaye du Mont César, 1946) and *Morale Fondamentale* (Belgium: Tournai, 1954); Fritz Tillmann, *The Master Calls: A Handbook of Morals for the Layman* (Baltimore: Helicon, 1961), originally published in 1937; Gerard Gillemann, *The Primacy of Charity in Moral Theology* (Westminster: Newman, 1959); Bernard Häring, *The Law of Christ*, 3 vols. (Paramus: Newman, 1961–1966) and *Free & Faithful in Christ*, 3 vols. (New York: Crossroad, 1978–1981). Häring’s *The Law of Christ* was originally published in 1954. An excellent account of this history is found in Keenan, *A History of Catholic Moral Theology in the Twentieth-Century*.

13. Gillemann, *The Primacy of Charity*, xxx.

14. Häring, *The Law of Christ*, vol. I, 20–1.

15. James F. Keenan, “The Return of Casuistry,” *Theological Studies* 57 (1996): 123–39.

16. Keenan, *A History of Catholic Moral Theology in the Twentieth Century*, 159–62.

Given this historical context, Kirk's work is groundbreaking. As a forerunner of the revisionist critique of manualism and synthesis of biblical, moral, and ascetical theology, Kirk is an important ecumenical voice in the history of Catholic moral theology in the twentieth century. It is unfortunate, then, that Catholics ignore Kirk until after Vatican II. John Mahoney summarizes the general attitude of the pre-Vatican II church in these words: "the enterprises of [non-Catholics] were of little, if any, concern to Roman Catholic moralists . . . unless to condemn them."¹⁷ In such an indifferent and polemical environment, ecumenical engagement is not possible. Today, however, Catholic moralists have traded polemics for ecumenical dialogue. Those who read Kirk will identify five important features in his moral theology.

Historicism and Tradition

The first feature of Kirk's moral theology is his historicist understanding of the Christian tradition. Bernard Lonergan contrasts a classicist account of truth as universal and unchanging with a historicist conception of truth that emerges as human understanding changes overtime.¹⁸ In a similar fashion, Kirk recognizes developments in the Christian tradition, and is open to hearing new guidance from God in the concrete circumstances of life. His historicist account predates the work of revisionists like Lottin and John Noonan by several decades.¹⁹

First, like many of the revisionists, personal experience shapes Kirk's conception of moral theology and priestly ministry. Serving as a chaplain in the battle of the Somme in World War I gives Kirk the conviction that priests are "an antidote against strain, friction, weariness and depression," for soldiers look to the priest not for "a momentary and elusive forgiveness, but one that would give a permanent inspiration."²⁰ Kirk develops this insight in his moral theology, holding that priests should not be content to issue penance, but should instead direct laypeople to Christ, and inspire love and service of God and neighbor. Likewise, personal experience in World War II catalyzes the revisionist critique of the manuals. James Keenan writes, "The evident failure of

17. Mahoney, *The Making of Moral Theology*, xiv.

18. Bernard Lonergan, "Transition from a Classicist World View to Historical Mindedness," *A Second Collection* (Philadelphia: Westminster, 1975), 1–9.

19. Dom Odon Lottin, *Psychologie et morale aux XII et XIII siècles*, 8 vols. (Louvain: Abbaye du Mont Cesar, 1942–1957); John T. Noonan, Jr., *The Scholastic Analysis of Usury* (Cambridge: Harvard University Press, 1957); *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge: Harvard University Press, 1965); *The Morality of Abortion: Legal and Historical Perspectives* (Cambridge: Harvard University Press, 1970); *Power to Dissolve: Lawyers and Marriages in the Courts of the Roman Curia* (Cambridge: Harvard University Press, 1972); "Development in Moral Doctrine," *Theological Studies* 54 (1993): 662–77.

20. Eric Waldram Kemp, *The Life and Letters of Kenneth Escott Kirk Bishop of Oxford 1937–1954* (London: Hodder and Stoughton, 1959), 29. The first quoted phrase is from one of Kirk's letters, the latter is a statement by Kemp summarizing Kirk's conviction.

the manuals in shaping Catholic consciences capable of resisting rather than participating in the barbarism of Fascism and Nazism throughout Europe led to their complete rejection immediately after the war.²¹ In place of the manuals, the revisionists develop a moral theology premised on freedom and growth in Christlikeness.

Second, Kirk parallels the revisionist critique of the manuals by identifying development in the Catholic tradition.²² On the one hand, Kirk argues that the manualists depart from, rather than follow, the methods of Thomas Aquinas. Aquinas “has a value for the Christian student of morals second only to that of the Bible and the Fathers,” because he reconciles individual liberty with obedience to the law.²³ In contrast, the manuals are characterized by an “almost fatal” form of legalism, and an “almost complete authoritarianism” that dictates the actions of laypersons.²⁴ A true follower of Aquinas, like Richard Hooker and the other seventeenth-century “Caroline Divines,” promotes freedom that respects the law, and accounts for the fact that local customs and traditions shape how law is applied to cases.²⁵ Revisionist Kevin Kelly agrees with Kirk’s assessment that the Caroline Divines—not the manualists—are the true post-Scholastic successors of Aquinas.²⁶ On the other hand, Kirk highlights changes in the church’s moral teaching on topics such taking communion, receiving absolution, fasting, celibacy, contraception, gambling, lying, labor strikes, marriage, and divorce.²⁷ The manualists are, therefore, incorrect to hold that church teaching has not changed.

Third, along with Häring, Kirk holds that moral theology refines general principles drawn from Scripture and the tradition in order to promote genuine freedom in Christ.²⁸ The insights Kirk recovers from the early church, Aquinas, and the Caroline Divines allow him to plot a middle way between the authoritarian manuals and antinomian individualism.²⁹ He writes:

Moral theology must . . . steer a course between over-rigidity of definition on the one hand and the vagueness of individualism or unthinking piety on the other. It requires such a degree of exactness as will ensure to the priest clear guidance in dealing with the problems that beset human conduct, without giving him the arrogance and obstinacy which are bred by a sense of absolute rightness. It must emphasize the value of revealed truth and of fully substantiated experience without denying the possibility of further revelation or new experience. It must neither be slave to precedent, nor yet an opportunist deciding each new question without

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21. James F. Keenan, “Vatican II and Theological Ethics,” *Theological Studies* 74 (2013): 162–90, at 164.
 22. For example, Häring briefly surveys the history of this development in *The Law of Christ*, vol. I, 3–33. Noonan’s work addresses developments on concrete moral issues.
 23. Kirk, *Some Principles of Moral Theology and Their Application*, ix.
 24. Kirk, *Some Principles of Moral Theology and Their Application*, x.
 25. Kirk, *Some Principles of Moral Theology and Their Application*, xi.
 26. Kevin Kelly, *Conscience: Dictator or Guide? A Study in Seventeenth-Century English Protestant Moral Theology* (London: Geoffrey Chapman, 1967).
 27. Kirk, *Conscience and its Problems*, 240–54, 275–86, 290–306, 306–19, 337–54, 354–62, 383–90.
 28. This is, for example, one of the themes in Häring’s *Free & Faithful in Christ*.
 29. Kirk, *Some Principles of Moral Theology and Their Application*, x.

reference to the dictates of faith and history. Such is its ideal character: the combination of certainty as to some things with an open mind as to others.³⁰

Kirk's middle way gives moral theologians liberty to evaluate church teaching, and adapt it where necessary, before applying it to contemporary issues. This position contrasts sharply with a manualist like Davis, who describes the moral theologian as "indebted beyond measure to the labour of past writers, for the matter is one that has been treated with the greatest acumen and scholarship during well-nigh three centuries, and there is no room for originality."³¹ Kirk believes his method is superior to manualism, because it fosters Christlike character and mirrors the ethic found in Scripture.

Scripture

The second noteworthy feature of Kirk's moral theology is his use of Scripture.³² Kirk views the Bible not as a source of law and rules as the manualists did,³³ but as the primary witness to Jesus Christ, who exemplifies the life of virtue and calls his disciples to love God and neighbor. In these respects, Kirk defends the themes that Fritz Tillman would make famous seventeen years later in *The Master Calls*.

Scripture gives Kirk's ethic its distinctive shape in several ways. First, Kirk argues that a biblically informed ethic should be premised on discipleship rather than precise act analysis. Biblical treatments of human nature reveal it to be "infinitely too vast, complex and surprising a thing to be confined within the limits of strict and exhaustive analysis and definition."³⁴ Because of this, Kirk cautions against the "mathematical accuracy" of manualist moral theology, and instead champions an ethic of general principles that promotes discipleship.³⁵ Tillman's ethic is based on this very point. Rather than engage in act analysis, a disciple chooses Jesus as a model, shapes his or her life according to his example, and grows in Christlikeness by means of grace.³⁶

Second, Kirk takes the basic principles and practices of moral theology from the teaching of Jesus. The heart of Jesus' teaching is the love commands. Kirk writes, "To love God and to serve [God]; to love [others] and to serve them; this is the essence and

30. Kirk, *Some Principles of Moral Theology and Their Application*, 7.

31. Davis, *Moral and Pastoral Theology*, vol. I, vii.

32. In addition to his treatment of Scripture in his books on ethics, Kirk wrote a commentary on St. Paul's Epistle to the Romans that emphasized the value of historical scholarship for understanding biblical theology and ethics. See his *The Epistle to the Romans with Introduction and Commentary* (Oxford: Clarendon, 1937).

33. Davis, for example, devotes eighty-five pages to law, fifty pages to sin, and one hundred pages to the virtues in *Moral and Pastoral Theology*, vol. I, and then dedicates the entire second volume to issues of command and law, using the Decalogue as a template. See *Moral and Pastoral Theology, Volume 2: Commandments of God, Precepts of the Church*.

34. Kirk, *Some Principles of Moral Theology and Their Application*, 3.

35. Kirk, *Some Principles of Moral Theology and Their Application*, 6.

36. Tillmann, *The Master Calls*, 4–5.

the whole of the Christian duty—the purpose of [one's] life."³⁷ These commands are the basic principles of moral theology. To help disciples fulfill these commands, Kirk draws practices such as worship, prayer, and service from the Sermon on the Mount and Jesus' parables. Together these principles and practices promote human freedom. Kirk writes that Jesus "enunciated the great outlines of the eternal will of God for [humanity]. . . but He would not violate the conscience of the individual Christian or the Church by laying down a cast-iron code of minutiae. He 'taught in parables' instead."³⁸ Similarly, Tillmann structures his moral theology around the love commands, and encourages the imitation of Jesus' humility, self-denial, and piety as the best ways for disciples to live freely and fulfill the commands.³⁹

Finally, Kirk defends a virtue ethic based on the New Testament's presentation of Jesus as the moral exemplar. To explain the central dispositions of Jesus' character, Kirk utilizes the classical cardinal virtues, but redefines them in light of the Beatitudes, 1 Corinthians 13, and the fruits of the Holy Spirit.⁴⁰ The resulting account holds that prudence is practical reason that consults God's will; justice shows gratitude to God and compassion to the neighbor; temperance is the purity and humility of self-control; and courage overcomes temptations and trials.⁴¹ The theological virtues of faith, hope, and love further shape character and conduct by ordering the intellect, will, and desires according to the example of Jesus.⁴² The revisionists agree with this approach. For example, Häring and Tillmann confirm that these virtues foster the interior dispositions one needs to imitate Christ and fulfill the love commands.⁴³

Kirk concludes that moral theology must take its cue from Scripture in general and Jesus in particular. This judgment coheres with Häring's statement that "The principle, the norm, the center, and the goal of Christian Moral Theology is Christ."⁴⁴

Moral and Ascetical Theology

The third feature of Kirk's ethic is his account of the interconnection of moral and ascetical theology, such that love, the vision of God, and worship form the heart of the subject. This is a sharp contrast with the manualist view that moral theology concerns avoiding evil and doing penance, while ascetical theology helps one to become good. Davis's treatment of the virtue of charity is a case in point, as he devotes more space

37. Kirk, *Some Principles of Moral Theology and Their Application*, 30. Compare this with Gilleman, *The Primacy of Charity*, xxiv–xxvi.

38. Kenneth E. Kirk, *Conscience and its Problems: An Introduction to Casuistry* (London: Longmans, Green and Co., 1927), 79. I cite the reprinted edition of *Conscience and its Problems* (Louisville: Westminster John Knox, 1999).

39. Tillmann, *The Master Calls*, 57–62, 85–316.

40. Kirk, *Some Principles of Moral Theology and Their Application*, 32–33.

41. Kirk, *Some Principles of Moral Theology and Their Application*, 34–35.

42. Kirk, *Some Principles of Moral Theology and Their Application*, 41–42.

43. Häring, *The Law of Christ*, vol. I, 497–586 and vol. III, 3–56. Tillmann, *The Master Calls*, 35–38, 97–141.

44. Häring, *The Law of Christ*, vol. I, vii.

to the principle of cooperation in wrongdoing than to growing in Christlikeness.⁴⁵ Kirk's reintegration of moral and ascetical theology predates Gerard Gilleman's *The Primacy of Charity* by 25 years.

Kirk follows Jesus, Augustine, and Aquinas in making moral theology about developing our capacity to respond to God's love for us. In so doing, he affirms the traditional ordering of the theological virtues, such that love (or charity) is supreme, for it fulfills the law, establishes bonds of friendship, directs the will to God's service, and results in union with God.⁴⁶ This is the main theme in Gilleman's project as well. Gilleman argues that charity is the heart of moral theology because it "permits us to love, that is, to enter into communion with God and with others, not in our own limited way, but with God's love itself."⁴⁷ Indeed, he critiques the manualist preoccupation with "the exact recognition of sins, the solution of cases, [and] the verification of guilt" on the grounds that "a moral theology which takes sin as its starting point does not feel any need of relating its object to charity-love."⁴⁸

Kirk holds that Christian love is inspired and animated by the vision of God. He distinguishes the unmediated beatific vision of the Eschaton, with mediated glimpses of this vision here and now in worship, nature, art, and the like. "Whenever [one's] mind has been uplifted," Kirk writes, one's "temptations thwarted, [one's] sorrows

45. Davis, *Moral and Pastoral Theology*, vol. I, 345–53. Julie Hanlon Rubio explains that the principle of cooperation is concerned with "the possibility that one's action, while morally neutral, assists someone who is sinning and may lead others to sin" ("Cooperation with Evil Reconsidered," 104). Although this principle can be "understood as over-scrupulosity or perhaps just misplaced worry," Hanlon Rubio claims it is actually an attempt to consider the complexity of particular moral circumstances, the reality of power differentials, and the ways in which acting under duress alters moral responsibility. For these reasons, Hanlon Rubio argues that the principle of cooperation "can provide a framework for thinking clearly about the connection to evil that many people experience as morally troubling but difficult to escape" (98). Nevertheless, the manualist account of cooperation centers on avoiding evil and sin, not doing the good and growing in virtue. In order to correct this weakness, Hanlon Rubio situates cooperation within a moral theology informed by womanist considerations of social structures, sinful complicity, and the need to resist evil by doing the good. Consequently, her critical retrieval is similar in certain respects to Kirk's engagement with the manualists. Kirk critiques the manualists on fundamental conceptual matters, yet draws upon them "in matters of *practice*," such as their methods of casuistic reasoning about cases, which Kirk adapts to fit within a virtue ethic (Kirk, *Some Principles of Moral Theology*, xi). Thus, both Kirk and Hanlon Rubio refine practical principles developed by the manualists in order to foster good action and virtue. The main differences between them are that Kirk's primary purpose is to critique the manuals—as they constituted the only major Catholic moral tradition in his era—and the tone of his retrieval is strictly cautious. One strength of Hanlon Rubio's account is that she connects casuistry with social ethics; this is an area that Kirk could improve upon, as I argue below.

46. Kirk, *Some Principles of Moral Theology and Their Application*, 42.

47. Gilleman, *The Primacy of Charity*, 156.

48. Gilleman, *The Primacy of Charity*, 50.

comforted, [one's] resolutions strengthened, [one's] aberrations controlled, by the sight of purity, innocence, love or beauty . . . [one] has had in part the mystical experience. Dim though the mirror may have been, [one] has yet seen God."⁴⁹ Centering moral theology on the vision of God is essential given the end of human nature in God and the reality of human sin. Kirk affirms the traditional Christian anthropology that human beings were created good and subsequently fell into sin, with the result that the human will, reason, and affections were disordered, although the goodness inherent in human nature was not destroyed. Sin makes humans self-centered and selfish, such that we often fail to love God and neighbor. But the vision of God transforms the human heart, and directs attention from the self to God and the neighbor in God. The result is a "conversion" that sets one free to love and serve rightly.⁵⁰ Gilleman's account of the vision of God is similar. He argues that God's gracious love transforms us and makes us new, such that the beatific vision does "not suppress liberty," but "leads it to its perfection," because it "is a participation in life and happiness proper to God."⁵¹

Kirk's account is, therefore, distinct from the formalism and rigorism of the manualists. Formalism is Kirk's term for an ethic that promotes following rules and duties, not for the sake of their content, but of their form—namely, a rule should be followed because it is a rule.⁵² Slater, for example, reduces moral theology to framing rules that guide moral action in light of canon law and church teaching.⁵³ Rigorism is Kirk's term for an ethic that champions "rigorous self-denial, self-mortification and otherworldliness" as "the sole ideal of life worthy of the name of Christian."⁵⁴ Manualists exemplify this rigorist tendency in their standards of Christian conduct and requirements for penitents. The problem, in Kirk's view, is that a formalist ethic is dogmatic and legalistic, while a rigorist ethic fosters scrupulous attention to and self-righteous obsession with one's actions. Those unable to shape their actions according to the manualist ideals often end up in a state of despair that curbs human freedom.⁵⁵ In contrast, Kirk claims that law, rules, and duties are not the central themes of moral theology, but are instead means to the end of union with the triune God. Gilleman agrees, holding that love motivates rule following and shapes self-denial, for "the Christian life is . . . a cross carried in the wake of love."⁵⁶

Ultimately, Kirk contends that moral theology should be concerned with worship. He writes, "The doctrine that the 'end of [humanity] is the vision of God', as a practical maxim for life implies that the Christian should . . . first of all . . . focus [one's]

49. Kenneth E. Kirk, *The Vision of God: The Christian Doctrine of the Summum Bonum*, abridged edition (New York: Longmans, Green and Co., 1934), 193.

50. Kirk, *The Vision of God*, 73.

51. Gilleman, *Primacy of Charity*, 107, 157.

52. Kirk, *The Vision of God*, 4.

53. Slater, *A Manual of Moral Theology*, 18.

54. Kirk, *The Vision of God*, 5.

55. See, Keenan, *A History of Catholic Moral Theology in the Twentieth Century*, 9–34.

56. Gilleman, *The Primacy of Charity*, xxvi.

thought upon God in the spirit of worship.”⁵⁷ Worship—which consists in corporate reading of Scripture, prayerful meditation, confession of sin, participation in the sacraments, and so on—is the best way to foster love of God and neighbor.⁵⁸ In worship, disciples are inspired to imitate Jesus’ love, and equipped to do so by the grace of the sacraments. Worship also shapes a spirit of humble zeal for the neighbor’s good, and encourages acts of service out of gratitude for grace.⁵⁹ Gilleman supports this view, noting that worship—especially participating in the Eucharist—shapes disciples who imitate Christ’s love of God and neighbor.⁶⁰ This emphasis on worship’s changing character is a hallmark of Catholic revisionism,⁶¹ and is a counterpoint to the manualism of Kirk’s day.

Virtues and Practices

The fourth feature of Kirk’s moral theology is his account of practices that shape Christian virtues and promote love of God and neighbor. For Kirk, moral growth results from practices that “direct the Christian’s attention more to Christ than to sin; more to God than to self; more to the living future than the dead past; more to the joys of righteousness than to the punishment of evil.”⁶² On this score, Kirk is once again a critic of the manualists and a forerunner of the revisionists.

To chart the growth of Christian character, Kirk borrows the three stages of Christian mysticism from ascetical theology, and further shows how these stages are made possible by the gift of the theological virtues. Rightly understood, these are not disconnected stages, but simultaneous processes of character formation that involve human effort and divine grace leading to union with God. The first stage of purification shapes one’s desire to love God by means of the virtue of hope, which inspires a spirit of penitence to amend one’s life. Acts of penitence are properly motivated not by fear of punishment, but by love of God and an accurate understanding of the ways sin harms the self, neighbor, and one’s relationship with God.⁶³ The second stage of illumination involves directing the mind to focus on God through the gift of the virtue of faith. Faith convinces one of God’s providence and goodness, shapes a life of simplicity and joy, and enflames a desire to know God’s truth.⁶⁴ The final stage of union is when the will rests in God by means of the virtue of love (or charity), which fosters gratitude to God, and zeal to do justice to the neighbor.⁶⁵ By means of these three stages, one is

57. Kirk, *The Vision of God*, 182.

58. Kirk, *Some Principles of Moral Theology and Their Application*, 165.

59. Kirk, *The Vision of God*, 184–85.

60. Gilleman, *The Primacy of Charity*, 232–33.

61. See also Häring, *The Law of Christ*, vol. I, 92–97.

62. Kirk, *Some Principles of Moral Theology and Their Application*, 142.

63. Kirk, *Some Principles of Moral Theology and Their Application*, 65–70.

64. Kirk, *Some Principles of Moral Theology and Their Application*, 104.

65. Kirk, *Some Principles of Moral Theology and Their Application*, 105–13.

conformed "into the image of Christ."⁶⁶ This is the same method that Gillemann proposes for developing Christian character.⁶⁷

Following this mystical way, one can grow in Christlikeness by adopting a rule of life, complete with ideas that illuminate the mind, and practices that shape the affections and will.⁶⁸ The ideas Kirk recommends foster several key dispositions. To develop hopeful penitence, one can reflect on the sacrifice of Jesus on the cross, which convicts one over sin and makes one grateful for God's redeeming grace.⁶⁹ Faith is strengthened by thinking of God's love in the incarnation and daily gifts of grace.⁷⁰ Zealous love is inspired by the lives of the saints, the reality of forgiveness, and the benefits of God's kingdom.⁷¹ To these ideas, Kirk adds three practices that are drawn from the example of Jesus. These practices shape responses to God, self, and neighbor, respectively. First, prayer influences attitudes about God, and involves meditating on the ideas mentioned above, offering thanksgiving for God's blessings, and awaiting the vision of God through various contemplative practices.⁷² Second, fasting impacts attitudes about the self by giving up resentful and self-defeating thoughts, or taking up regular practices of self-denial.⁷³ Third, almsgiving affects attitudes about the neighbor, and includes the spiritual and corporal works of mercy, such as teaching, praying for others, feeding the hungry, clothing the naked, visiting the sick, and so on.⁷⁴ Over time, those who reflect on these ideas and engage in these practices mature as disciples of Jesus.

This account of moral growth contrasts with the manualists and coheres with the revisionists in several respects. On the one hand, Kirk's presumption that moral theology properly aims at the moral growth of all people is distinct from the manualist construal of morality in terms of avoiding evil. Tillmann agrees with Kirk's assessment, and affirms that "Christian perfection consists in the religious and moral fullness attainable by the individual Christian here on earth. The more [one] seeks to fulfill the will of God . . . so much the more perfect [one] will be."⁷⁵ On the other hand, Kirk and the revisionists defend similar methods of forming character. For example, Häring fosters penance by reflecting on ideas like the promises of God, the sacrifice of Christ, and God's love for us.⁷⁶ And he enjoins prayer, fasting, and almsgiving as central practices of discipleship.⁷⁷ So the revisionists and Kirk agree

66. Kirk, *Some Principles of Moral Theology and Their Application*, 50.

67. Gillemann, *The Primacy of Charity*, 243–46.

68. Kirk, *Some Principles of Moral Theology and Their Application*, 26.

69. Kirk, *Some Principles of Moral Theology and Their Application*, 149.

70. Kirk, *Some Principles of Moral Theology and Their Application*, 149–50.

71. Kirk, *Some Principles of Moral Theology and Their Application*, 151.

72. Kirk, *Some Principles of Moral Theology and Their Application*, 155–65.

73. Kirk, *Some Principles of Moral Theology and Their Application*, 168.

74. Kirk, *Some Principles of Moral Theology and Their Application*, 169 n.1.

75. Tillmann, *The Master Calls*, 47.

76. Häring, *The Law of Christ*, vol. I, 468–78; vol. II, 8–13.

77. Häring, *The Law of Christ*, vol. I, 135, 475, 533. See also Gillemann's discussion of these practices at *Primacy of Charity*, 291–92, 309–10.

that anyone—lay and cleric alike—can become mature by following Jesus' way of relating with God and neighbor.

Inductive Casuistry

The fifth feature of Kirk's moral theology is his use of inductive casuistry, which refines and applies principles to cases, instead of deducing how to act from a set of universal rules.⁷⁸ True to form, Kirk finds inductive casuistry in his main sources: the Caroline Divines, Aquinas, and Jesus, whom Kirk regards as "the greatest of casuists."⁷⁹ Unlike the manualists and revisionists, Kirk holds that inductive casuistry is "a natural and necessary branch of the pastoral office" because it fosters Christian freedom in the complexities of contemporary life.⁸⁰ His account is unique in the early twentieth century for several reasons.

First, Kirk's conception of the freedom and reliability of conscience differs sharply from the manualist view that the lay conscience is pathologically sinful and totally dependent upon the priest for guidance. For example, Davis explains how the lay conscience can be false, doubting, perplexed, scrupulous, and lax, and Slater argues that laypeople are obligated to go to confession to receive penance for sin and guidance on how to act.⁸¹ In contrast, Kirk stresses the freedom and goodness of conscience, and reworks the priest–penitent relationship.

Kirk defines conscience as the mind making prescriptive or permissive moral judgments about voluntary and responsible action in concrete cases.⁸² Conscience directs the rational, emotional, and intuitive elements of human cognition "to seek unsparingly for satisfaction in the good, the beautiful and the true," and then shapes right action in imitation of Jesus.⁸³ Kirk regards conscience as the voice of one's true self, which possesses binding authority—once conscience has reached a judgment, it must be followed.⁸⁴ In this respect, conscience is fundamentally a principle of freedom, for it may form a judgment that runs counter to custom or established church teaching. Kirk is clear that conscience is reliable, but not infallible, for one can make errors of judgment.⁸⁵ Practices like those noted above can form the conscience and help the casuist listen to the voice of conscience, instead of improper self-interest and excessive self-love.⁸⁶ A fully developed conscience, therefore, follows the example of Jesus by freely obeying the law and loving God and neighbor.⁸⁷ In these ways, Kirk's account

78. For more on the distinction between inductive and deductive casuistry and the implications for moral reasoning, see Jonsen and Toulmin, *The Abuse of Casuistry*.

79. Kirk, *Conscience and Its Problems*, 150.

80. Kirk, *Some Principles of Moral Theology and Their Application*, 13.

81. Davis, *Moral and Pastoral Theology*, vol. I, 67–78; Slater, *A Manual of Moral Theology*, 5–6.

82. Kirk, *Conscience and Its Problems*, 39.

83. Kirk, *Some Principles of Moral Theology and Their Application*, 177.

84. Kirk, *Conscience and Its Problems*, 9.

85. Kirk, *Some Principles of Moral Theology and Their Application*, 179–180.

86. Kirk, *Conscience and Its Problems*, 115.

87. Kirk, *Some Principles of Moral Theology and Their Application*, 184.

shares much with Häring and Gillemann. "In the depth of our being," Häring writes, "conscience makes us keenly aware that our inner self is linked with Christ; and it in turn is enlightened and formed through the imitation of Christ."⁸⁸ Gillemann agrees and holds that conscience is "the voice of the great law of love . . . inscribed by God in our very being which dictates our attitudes . . . and reminds us that our principal duty is to love ever more purely and freely."⁸⁹

This account allows Kirk to defend a classically Anglican conception of the priest-penitent relationship. Kirk holds that priests give wise guidance rather than commands and, as such, laypeople can use their consciences to discern how to act in dialogue with their priest. Moreover, the sacrament of confession is not obligatory, but "open to all, advisable for some, demanded of none."⁹⁰ The contrast with the manualists is clear.

Second, Kirk's inductive casuistry differs from manualist casuistry, which begins with the law and deduces moral action from it. Davis explains this procedure as follows: "Casuistry is merely the reasoned application of law to concrete cases, and it determines, with all possible exactitude, the limitations of law, or the bearings of law in particular cases."⁹¹ Inductive casuistry, however, begins not with the law but with the new case. The particulars of the new case determine the relevant moral principles to consider—such as the natural law, the virtues, and the example of Jesus—and they lead casuists to refine the meaning and scope of these principles.⁹² This process involves considering paradigm cases and applying precedents to the new case, in order to determine the scope of freedom and one's obligation to the law. For example, Kirk's discussion of contraception begins with the experience of married couples who are trying to plan their families, rather than with the principle that contraception is always and everywhere wrong. After considering relevant moral principles and paradigm cases, Kirk concludes that contraception is permissible in some, but not all, situations.⁹³ Conclusions such as this lead him to reject the principle of intrinsically evil actions on the grounds that the best we can determine is that a certain action is very often or almost always wrong, not intrinsically evil.⁹⁴ This judgment predates Josef Fuchs's influential argument about intrinsic evil by forty-four years.⁹⁵ Inductive casuistry, then, is a process of "continuous revision, amendment and extension of the Christian code" that clarifies the meaning of the law and guides moral action.⁹⁶ Kirk believes this approach promotes human freedom and preserves the integrity of the law, while manualist casuistry undermines freedom by deducing moral action from the canons instead of shaping conscience to discern the law.

88. Häring, *The Law of Christ*, vol. I, 135.

89. Gillemann, *Primacy of Charity*, 252–53 n.

90. Kirk, *Some Principles of Moral Theology and Their Application*, 23.

91. Davis, *Moral and Pastoral Theology*, vol. I, 2–3.

92. Kirk, *Some Principles of Moral Theology and Their Application*, 181–83.

93. Kirk, *Conscience and Its Problems*, 290–306.

94. Kirk, *Conscience and Its Problems*, 328–37.

95. See Josef Fuchs, "The Absoluteness of Moral Terms," *Gregorianum* 52 (1971): 415–58.

96. Kirk, *Conscience and Its Problems*, 108–9.

Third, Kirk diverges from the early revisionists in holding that inductive casuistry supports moral growth and freedom in Christ. On the one hand, casuistry promotes moral growth by encouraging an examination of conscience. Kirk teaches that one should be suspicious of a conscientious judgment when: (a) one refuses to attend to the particulars of the case, (b) one consults particulars only to support preconceived notions, or (c) one decides on a course of action that is pleasurable or serves self-interest.⁹⁷ By examining conscience it becomes clear whether one is following the example of Jesus or not. On the other hand, casuistry enhances freedom by inviting one to discern right action rather than rely on a priest to declare it. To this end, when making a conscientious judgment one should consider the particulars of the case along with moral insights from Scripture, church teaching, and one's neighbors.

One example of this freedom is Kirk's account of dissent from church teaching. Kirk thinks there is scope for a certain conscience to dissent from church teaching in instances when: (a) the act in question is "indifferent" rather than unlawful, (b) the teaching of Scripture needs to be applied to cases it does not consider, or (c) when the principles derived from Scripture have not met with unanimous agreement.⁹⁸ Dissent in these cases is legitimate, for church teaching has developed over time through contextual reflection on moral cases. Yet loyalty to the church demands "a long and anxious weighing of all the issues involved" before one can dissent in freedom.⁹⁹ Loyalty has its limits though, for no one can conform to church teaching when one believes doing so is a sin. Yet "where no sin is involved, but only inconvenience or discomfort of greater or less degree, conformity will often be a duty demanded by loyalty."¹⁰⁰ This approach shares much with some contemporary revisionist accounts of loyal dissent that liberate the conscience without promoting antinomianism.¹⁰¹

Stated simply, Kirk thinks inductive casuistry fits within a virtue ethic ordered to love of God and neighbor because it enables disciples to grow in freedom and Christlikeness instead of simply avoiding sin.¹⁰² On this score, Kirk fleshes out Gillemann's undeveloped notion that "a morality of charity can solve the apparent antinomies of law and liberty, obligation and counsel" by employing probabilistic moral reasoning in "a morality of perfection rather than . . . a casuistry of minimum obligations."¹⁰³

Kirk's Historical and Ecumenical Value

In light of the above, it is clear that Kirk is an important historical and ecumenical figure. Indeed, his critique of manualism and constructive moral synthesis make him

97. Kirk, *Some Principles of Moral Theology and Their Application*, 188–91.

98. Kirk, *Conscience and Its Problems*, 71–77.

99. Kirk, *Conscience and Its Problems*, 63.

100. Kirk, *Conscience and Its Problems*, 65.

101. See, Charles E. Curran, *Loyal Dissent: Memoir of a Catholic Theologian* (Washington, DC: Georgetown University Press, 2006).

102. Likewise, Keenan argues that casuistry is best situated in a virtue ethic, in "The Return of Casuistry," 138–39.

103. Gillemann, *Primacy of Charity*, 252 n.

an Anglican forerunner not only of Catholic revisionism, but also of the moral and ecumenical vision of Vatican II.

This can be seen by comparison with two major documents produced during the council. First, *Optatam Totius* holds that moral theology should be “nourished more on the teaching of the Bible,” grounded in the history of theology—especially “the Fathers of the Eastern and Western Church” and “St. Thomas”—and cognizant of the “interconnections” of moral theology with biblical, systematic, and ascetical theology.¹⁰⁴ Kirk's ethic satisfies each of these criteria. Second, *Unitatis Redintegratio* argues that the church should be open to ecumenical dialogue. Accordingly, Catholics are encouraged to avoid the extremes of indifference and polemical engagement with other traditions by engaging Orthodox and Protestant theologians charitably, and by using biblical and patristic terminology that non-Catholics readily understand.¹⁰⁵ Kirk's methods and approach also satisfy these criteria. As a result, Kirk shows why *Unitatis Redintegratio* concludes that “the Anglican Communion occupies a special place” in ecumenical dialogue since “Catholic traditions and institutions in part continue to exist” therein.¹⁰⁶

It is, therefore, unfortunate that none of the revisionists engaged Kirk, and very few contemporary Catholics read anything other than Kirk's casuistry. A broader appreciation of Kirk's moral theology reveals three areas of potentially fruitful ecumenical engagement between Catholics and Kirk.

First, Kirk shows that an ecumenical ethic will develop the wisdom of the past in responding to contemporary issues. Kirk recovers ideas and concepts from previous generations of Orthodox, Catholic, and Protestant theologians, and updates these teachings to address his context. The result is an account of liberty of conscience, loyalty to the church, and obedience to the law that avoids the extremes of rigid authoritarianism and vague individualism. Nevertheless, Kirk's conception of development can be improved and expanded through greater consideration of social ethics, social structures, and social transformation. For example, Kirk does not develop a detailed social ethic beyond defending conscientious dissent and recognizing that custom shapes character. Moreover, he neither addresses the negative effects customs and unjust social structures have on human beings, nor does he show how these structures can be transformed. Amending Kirk's framework with a more robust social ethic, and an account of social structure reform, is one way that Catholics can engage him fruitfully.¹⁰⁷

104. *Optatam Totius* (October 28, 1965), 16; http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_optatam-totius_en.html.

105. *Unitatis Redintegratio* (November 21, 1964), 4, 9–11; http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html.

106. *Unitatis Redintegratio*, 13.

107. To this end, the following sources are germane: David J. O'Brien and Thomas A. Shannon, eds., *Catholic Social Thought: The Documentary Heritage*, expanded edition (Maryknoll: Orbis, 2010), and Gustavo Gutierrez, *A Theology of Liberation: History, Politics, and Salvation*, revised edition, trans. Sister Caridad Inda and John Eagleson (Maryknoll: Orbis, 1988).

Second, Kirk demonstrates that an ecumenical ethic can be built around the virtues. Importantly, by returning to Scripture and the tradition, Kirk defends virtue in an era when it had fallen out of fashion in Catholic and Protestant circles. Like many recent Catholics and Protestants,¹⁰⁸ Kirk operates under the conviction that moral theology must be rooted in Jesus Christ, and that moral practices form Christian character. Yet aspects of Kirk's account are dated, culturally conditioned, and androcentric. For example, Kirk relies on Galen's four temperaments in his account of the psychological dimensions of virtue, and he believes the cardinal virtue of temperance shapes traits an early twentieth-century English gentleman would value, such as "meekness" and "thrift."¹⁰⁹ His account can be updated in light of contemporary psychological research, and broadened to include a more refined conception of the virtues attuned to feminist concerns.¹¹⁰

Third, Kirk shows that casuistry is an ecumenical method of moral reasoning that forms one's capacity to make moral choices and love God and neighbor. He finds casuistry in Scripture and major theologians in each branch of the Christian tradition, and his account has inspired important work in recent ecumenical ethics.¹¹¹ Improvements can be made to Kirk's perspective, however, by incorporating Catholic principles that respect liberty of conscience and shape love away from self-interest, such as justice in loving, the order of love, and the common good.¹¹² The reason for this addition is as follows. Joseph Fletcher took Kirk's casuistry as inspiration for his "situation ethics," according to which genuine love is a necessary motive for right action, while principles and unchanging moral norms constrain how love can act in concrete cases.¹¹³ Fletcher's ethic is notoriously slippery, however, and can justify a range of questionable behaviors as potentially loving responses to one's circumstances.

108. See, for example, Daniel J. Harrington and James F. Keenan, *Jesus and Virtue Ethics: Building Bridges between New Testament Studies and Moral Theology* (Lanham: Sheed & Ward, 2002), and Stanley Hauerwas and Charles Pinches, *Christians among the Virtues: Theological Conversations with Ancient and Modern Ethics* (Notre Dame: University of Notre Dame, 1997).

109. Kirk, *Some Principles of Moral Theology and Their Application*, 212–15, 34–35.

110. Among others, see James A. Van Slyke, Gregory Peterson, Warren S. Brown, Kevin S. Reimer, and Michael L. Spezio, eds., *Theology and the Science of Moral Action: Virtue Ethics, Exemplarity, and Cognitive Neuroscience* (New York: Routledge, 2013); M. Shawn Copeland, *Enfleshing Freedom: Body, Race, and Being* (Minneapolis: Fortress, 2009); and Anne Patrick, "Narrative and the Social Dynamics of Virtue," in Charles E. Curran and Lisa A. Fullam, eds., *Virtue: Readings in Moral Theology*, no. 16 (Mahwah: Paulist, 2011), 79–92.

111. For example, Nigel Biggar, "A Case for Casuistry in the Church," *Modern Theology* 6 (1989): 29–51; Keenan, "The Return of Casuistry"; James F. Keenan and Thomas A. Shannon, *The Context of Casuistry* (Washington, DC: Georgetown University, 1995).

112. See Stephen J. Pope, *The Evolution of Altruism and the Ordering of Love* (Washington, DC: Georgetown University Press, 1995); David Hollenbach, *The Common Good & Christian Ethics* (New York: Cambridge University Press, 2002); Margaret Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2008).

113. Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster, 1966).

In contrast, Margaret Farley's account of justice in loving establishes concrete principles, such as do no unjust harm and free consent, that can be utilized in an examination of conscience and casuistic analysis of cases.¹¹⁴ These principles, along with the order of love and the common good, can promote right reason, moral growth, and freedom in imitation of Christ.

In summary, Kenneth Kirk is an important but neglected figure who deserves more attention and critical engagement from Catholics interested in the history of revising moral theology away from the moral manuals in the early decades of the twentieth century. Not only is Kirk historically important, he is also an ideal ecumenical partner, who models an ecumenical method, and whose errors can be corrected through dialogue with Catholics.

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114. Farley, *Just Love*, 215–32.