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CASUISTRY AND REVISIONISM:

STRUCTURAL SIMILARITIES IN METHOD AND CONTENT

INTRODUCTION

The threat posed to Christian moral teaching by pragmatic ethics still remains a principal concern for theologians who realize how far consequentialism, for example, distances itself from the authentic tradition of moral theology.(1) At the same time, the present controversy actually derives from more or less recent developments in the field of Christian ethics. In the United States, for instance, one author dates the beginning of the proportionalist movement from the publication in 1965 of Peter Knauer's "La détermination du bien et du mal moral par le principe du double effet."(2) Of course, it remains a matter of dispute, at least among theologians, whether proportionalism differs significantly from what, especially in philosophical circles, scholars prefer to call consequentialism. Although the lingering inclination, at least in the Anglo-American discussion, to designate revisionist theologians as consequentialists probably amounts to a candid intuition about the truth behind their

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theory.(3) In any event, current usage does favor the more generic phrase "revisionist theologians" to cover proportionalists and consequentialists alike. And although this practice admittedly resolves the question of nomenclature, it nonetheless leaves the truth of the matter a subject for further debate.

In all likelihood, however, only moral philosophers can definitively respond to the question whether the revisionists amount to real and authentic consequentialists, or whether they simply provide, as Peter Knauer suggests, a contemporary interpretation of the principle of double effect. Indeed, other revisionists also defend their ethical position and theological pedigree on the grounds that contemporary proportionalism embodies nothing more than the ordinary development of the principles which the classical doctrine on double effect already sanctioned.(4) To be sure, this question raises a matter of serious concern for moral theology, for Christian moral instruction has never accepted the weighing of good and bad results as the principal criterion for establishing the moral worth of an action. Now, as recent discussions demonstrate, moral theologians need to step back and take a larger look at the elements required for a complete moral

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theology. For at this moment, all will agree, I think, that we have reached an impasse in the discussion.

But from what different perspective might the moral theologian look at the present controversies in Christian ethics? Or, to put it differently, "What do revisionists revise?" In order to answer this question, the moral theologian must first consider the main structures and content of moral theology as proposed by the revisionists themselves. And, if we take Charles Curran's recently published *Directions in Fundamental Moral Theology* as representative of standard American revisionism, what do we find?(5) As a matter of fact, there we discover some remarkable structural similarities between revisionism and the earlier forms of moral theology which the revision-minded moralists purport to have revised. Now surely such a relationship, were it proven, would imply a certain irony. As everyone knows, moral revisionism takes its name from the declared goal and purpose of its practitioners to revise pre-Conciliar casuistry. But the hypothesis requires closer scrutiny. Thus, I would like to argue in this paper that authors such as Curran, Fuchs, and McCormick do not constitute a radical departure from pre-Conciliar casuistry. For contemporary revisionism still

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maintains substantial elements of the casuistic paradigm and emphases prevalent in moral theology before Vatican II.(6)

To be sure, revisionism considerably distances itself from many of the conclusions that casuistic moral theology allowed, especially during the period immediately preceding the Council. At that time, casuistry, at least as the more refined manualists practiced it, meant a tight code of moral restrictions. On the other hand, Curran, for example, flatly acknowledges that "most of the reforming authors in the Catholic tradition fit into the . . . position called mixed consequentialism."(7) Admittedly he prefers to describe the method as relational and responsible. Casuistry, on the contrary, strenuously sought to abide by the principle set down in Romans 3, 8, "Non faciamus mala, ut veniant bona." Still, notwithstanding the discrepancies between what the two approaches, revisionism and casuistry, allow for the Christian life, I contend that the revisionists have not succeeded in breaking entirely out of the perspectives and directions established by the casuist tradition in moral theology. In order to advance this proposal, I have divided the paper into two principal sections.

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The first half of the paper, then, considers the general conception and features of casuist moral theology. Because of the similarity I perceive between the casuists' *libertas indifferentiae* and the generic notion of freedom and responsibility advanced by the revisionists, I pay special attention in this section to how the casuists conceived the anthropological structure of human autonomy. The second half of the paper continues the comparison between casuistry and revisionism. There I examine seven features of casuist moral theology and suggest parallel instances in proportionalist/consequentialist/revisionist thought. Finally, by way of conclusion, I offer a brief suggestion for the renewal of moral theology which considers freedom from within a classical Christian tradition, one which recognizes moral theology as part of an even larger reality called *sacra doctrina*.

1. GENERAL FEATURES OF CASUISTRY

1.1 Law, Conscience, and Responsibility

Scholars usually date the beginnings of classical casuistry from the mid-16th century when Martin Azpilcueta,

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known as Navarrus, published his manual of moral theology, the *Enchiridion*.⁽⁸⁾ But even before the Renaissance, the general structures of casuistry reflect the historical fact that the field of moral theology since the late twelfth century had become dominated by men trained in both civil and canon law. As a result, the practices of jurisprudence highly influenced the development of moral theory.⁽⁹⁾ This in part explains why the casuist theologians elaborated a model which depended, for its essentials, on three principal constituents, namely, law, conscience, and responsibility. In brief, they adapted the norms for civil procedures in courts of law and equity to serve the purposes of saving truth and the return of the human person to God. First of all, then, law.

Students of Aquinas will recall the highly analogical use that he makes of law once the concept has been transposed from its original setting into the world of theological discourse. For the theologian, then, the concept of law extends, as Father Gilby reminds us, from the transcendent eternal law which governs the whole of the moral order to the steady beats of passion and lust which, in their own way, contribute to the rhythm of human life.⁽¹⁰⁾ Casuistry, on the contrary, progressively abandoned this broad theological vision of law, even though

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it harmonized well with the biblical usage. In its place the legalists embraced a narrow, wooly view of moral law. Thus they stressed, for example, such things as the codification of law, the requirements for lawmaking, and the conditions for enforcement. For example, in his 1923 *Manuale Theologiae Moralis secundum Principia S. Thomae Aquinatis*, Prümmer even suggests a comparison between Christian moral law and the *Bürgerliches Gesetzbuch* or the *Code civile*.⁽¹¹⁾ In short, then, the lawyer-theologians tended to restrict the profound implications of Christian morality to the categories supplied by the science of human positive law.

Accordingly, their tracts, *De legibus*, which admittedly distinguished between human and divine law, nevertheless continued to discuss the requirements of both as if the eternal law remained subject to the regulations of jurisprudence, instead of providing a norm for them. Again we find even in Prümmer, a professed adherent of Aquinas's moral theology, questions on the subjects of law; the promulgation and acceptance of a law; the cessation of law and so forth. Of course, St. Thomas treats these issues, but within the broader vision of his theological scheme. On the contrary, in the casuist construction, God

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inevitably holds the place of the supreme legislator, whose decrees differ from those of a human lawgiver only by reason of the omnipotent authority from which they issue. Nor can we overlook the suggestion, at least, implicitly raised in this construal of morality, that God also stands ready to implement omnipotent sanctions, if necessary, in order to insure the observance of his laws. To be sure, then, the casuists elaborated a significantly different conception of divine governance from that suggested by the medieval identification of the eternal law with the divine Logos, whose image marks all of creation and whose wisdom guides it to fulfillment.(12)

A second feature of casuist moral theology involves the high profile which the manualists gave to conscience in the moral life. As the development of jurisprudence indicates, the ambiguity and imperfections of finite existence require that both lawyers and moralists respect the particularities and partialities inherent in each individual. Thus, the axioms of positive law assume that the human subject remains liable to appropriate personally the truth which the law contains. Of course, the civil code recognizes any number of considerations which can render a subject incapable of exercising full personal

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responsibility. Likewise, the casuists developed ways to identify different kinds of conscience. These celebrated classifications play an indispensable role in the various schemes which the manualists devised for resolving conflictual situations in the formation of conscience. Concern for the formation of conscience, moreover, reflects the position that, above all, the human subject remained bound first to learn and then to obey the laws set forth for human conduct. As a result, one could find among any given community of believers a broad spectrum of consciences. That is, those who possessed either correct or erroneous consciences, but also those with a lax or even scrupulous consciences. In all likelihood, however, one would encounter a person with a doubtful conscience. In that all too frequent case, the individual believer who possessed a *conscientia dubia*, as it was called, remained under an obligation to search out the kind of certitude only a recognized moral theologian could provide.

In general, then, the casuists adopted the Reformation view that our consciences in fact function both as worm and judge in the direction of our moral life.⁽¹³⁾ The worm-conscience, of course, insures that one experiences sufficient remorse for evil done. But the judge-conscience

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functions in another capacity. In its judgmental role, conscience adjudicates the requirements of moral legislation for a given situation or case. In this process, conscience, especially in cases involving antipodean norms, eventually measures out the extent of independent autonomy that human freedom can achieve in any given situation. Theologians frequently compare the role of conscience in the casuist systems with that of prudence in the virtue-centered moral theology of St. Thomas. But those familiar with the function of prudence in Aquinas's moral theory, for instance, will surely recognize the significant differences between the medieval conception of prudence as a virtue shaping practical reason and the casuist conception of conscience as a judge arbitrating legal requirements. All in all, virtue remains ordered to the furtherance of freedom; but conscience, as employed by the casuists, results in a shrivelled and restricted exercise of personal liberty. Nevertheless, as the instance of moral doubt illustrates, a large part of the actual practice of casuist moral theology dealt with finding solutions to the different cases posed by individuals with disturbed consciences. One has only to recall the protracted discussions about the obligations incumbent upon a doubtful conscience to appreciate how

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quickly such a perspective led to useless discussions. For example, recall the dispute between Vincent Patuzzi and St. Alphonsus as to whether grave sin required virtual or actual reflection.(14)

A third element of casuistry offers another feature of the casuists' system of good behavior. In brief, personal responsibility supplies both the moral adhesive and the lubricant for casuist morals. As an adhesive, responsibility insures that conscience remains duty bound to observe the requirements of law. As a matter of fact, such a notion of moral responsibility places the casuist system within the general category of moral deontologies. In other terms, personal responsibility insures that the whole system holds together. Unfortunately casuist responsibility frequently appeared clothed in the forms of religious moralism. Thus, the casuist dynamism for pursuing the moral life progressively replaced the fundamental mysteries of Christian salvation. In place of the Trinity and the Incarnation, they substituted sermons and paranetic exhortations urging proper conduct.

Besides if responsibility provided the lubricant for the casuist moral life, it also insured that the moral

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agent would act upon his or her obligation to meet the requirements of the law. In other words, responsibility functions as a facilitator, urging the wayfarer safely through the moral dangers of this present life. And, if faithfully observed, this same responsibility would also safeguard the believer for arriving at a heavenly reward. Of course, not everyone bore up equally well under the weight of such an exalted burden of responsibility as that imposed by casuistry. Thus, the most common liability of the casuist epoch remained scruples, or the soul no longer able to discern between sin and what is not sin. Casuistry made it difficult even for experts to sort out all the requirements which the Christian life seemed to demand. This and other psychological disorders promoted by the casuist model clearly indicates that moral theology had lost both its focus and direction. In short, the casuists displaced Christ from his central role in the moral life of the believer. Afterwards and gradually they pushed the individual into the center of Christian existence, from where he strove to discharge the obligations of Christian life unaided.

1.2 The Liberty of Indifference

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This strange turn of events in the history of a gospel which proclaimed freedom from the excessive demands of the old dispensation clearly involves a series of complex history and hermeneutics. Nevertheless, in the history of theology, there does exist a central concept behind all casuist thinking which, as one author puts it, forms the hard and resistant core of the whole system.⁽¹⁵⁾ All in all, a particular conception of the human person and its created freedom, the "liberty of indifference", as it is called, provides the anthropological model for the casuist paradigm of the relationship between God and his creatures. To be sure, this view of human autonomy involves a well-articulated conception of what constitutes free choice as well as how we can include God among its objects. Here, however, we can only outline the general theory of the freedom of indifference common to the several schools of casuistry.

In brief, the freedom of indifference consists in a certain power attributed to the will which remains indifferent even in the face of a reasoned judgment about a proposed course of action. In other terms, the freedom of indifference identifies human freedom with the mere ability of the will to choose between contraries. This can occur,

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of course, either between a reasoned alternative and its contrary or between a commanded alternative, such as one enjoined by legal precept, and its contrary. In any event, freedom remains a product of the will alone. In fact, the requirement that freedom remain unaffected by, that is, "indifferent" towards reason accounts for an essential feature of this conception of human autonomy. A fortiori, of course, the liberty of indifference requires that the will remain isolated from other capacities of the human person, such as the sense appetites. Consequently, human freedom, in the final analysis, at least, amounts to nothing more than unaffected non-direction. As a result, the liberty of indifference effects a divorce in the person between free choice and the intellect, on the one hand, and between the rational appetite or will and the powers of sense appetite, on the other. Both separations, of course, pose serious problems for realizing authentic free choice in accord with the classical notion of liberty as boulesis, or deliberate choice in the context of both reason and appetite.

As a result, the synergy of will, intellect, and appetite, also characteristic of the classical conception of Christian freedom, as expressed, for example, in the

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West by Aquinas and in the East by St. John Damascene, disappears in the casuist system. In particular, the indispensable input from right reason (*recta ratio*) on human choosing suffers a crippling blow. For according to the casuists' view, there exists no reasoned appetite or appetitive reasoning--just naked free will. The Christian believer recognizes the incoherence of this position in the larger context of the New Testament message. There, of course, Jesus proclaims himself as the one who has come to reveal the truth about God's love for us. (Cf. John 14:24) At the same time, the Beatitudes describe a picture of Christian moral life in which all of our human powers, emotions, and feelings combine to achieve the perfection of Christian existence.(16)

It is true that one finds the historical roots of this conception of freedom especially in the *via moderna* and, in particular, in the thought of William of Ockham.(17) In fact, the conception reflects the nominalist suspicion concerning the intellect's ability to possess any kind of universal moral knowledge. And, consequently, nominalism supposes the ineffectiveness of *recta ratio* as a means for pointing the way towards the moral good. Gabriel Biel, for example, admitted the possibility that the will could

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remain entirely undecided before a moral object, thereby, in his view, sinning by omission without actually performing any determined action.(18) More recent views of freedom as self-determination and self-realization continue this nominalist construal of what constitutes human freedom. Simone de Beauvoir, for example, in *The Ethics of Ambiguity* wrote: "One of the chief objections levelled against existentialism is that the precept "to will freedom" is only a hollow formula and offers no concrete content for action."(19) She goes on to defend the existentialist view of freedom by explaining that "to will freedom" realizes itself only by engaging itself in the world. In other terms, freedom arises when the will actually makes a choice in the real world of options. Although generalizations about modernity remain risky, especially for the theologian, nevertheless this existentialist view exhibits a marked similarity with what the casuists understood by the liberty of indifference. Both reject a role for practical reason in human choosing.

All in all, then, the classical casuist model embraced three foundational elements: positive law, the liberty of indifference, and conscience. In addition, responsibility or moral obligation served as both the adhesive which held

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the system together and the lubricant which kept the mechanism ticking. As I have said, casuistry did not serve well the Gospels' teaching on the New Law. Instead it put the moral life into a context of ecclesiastical sanctions and divine retributions which left the individual standing over and against both God and the Church. The classical view, on the other hand, proposed that Christ, by means of the moral life and always working through the power of the Holy Spirit, continually drew men and women towards God as members of the one Church of faith and sacraments. Obviously, the ecclesiological implications of casuist moral theology require further study, but undoubtedly such an investigation will help explain the negative reaction on the part of many to the moral magisterium during the last twenty years. One could argue, moreover, that casuist moral extrinsicism, or the imposition of a moral norm on human freedom, provided the seed-bed for the complex tensions in moral theology today.

On the contrary, consider how the New Testament itself teaches the complementarity of God's law with human liberty. St. Augustine expresses this well in his *De doctrina christiana*.

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"From the law comes knowledge of sin; by faith the reception of grace against sin; by grace the soul is healed of the imperfection of sin; a healthy soul possesses freedom of choice; freedom of choice remains ordered to the love of righteousness; and, finally, love of righteousness results in the accomplishment of the law."(20)

On the other hand, the casuist view of Christian moral law considers human freedom, not as primarily ordered to evangelical justification, but rather as something which, above all, requires direction through constraint.(21)

It is within this context, then, that one should interpret the familiar adage of the casuist era, "Possidet lex, possidet libertas." On the other hand, since one achieves authentic liberty through "possessing" the law, it remains the case that sin, or the failure to possess the law, poses the greatest threat to Christian fulfillment. Of course, there exists a legitimate sense in which sin does destroy both human fulfillment and divine beatitude. But the casuist emphasis creates another scenario; for it points freedom towards a negative goal, viz., the avoidance of sin, rather than towards embracing the Uncreated Goodness of God. As a result, casuistry distances itself from the authentic tradition of Christian freedom which identifies freedom with the believer's possession of God.

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"But the Holy Spirit," writes Aquinas, "so inclines us to act that he makes us act voluntarily, in that he makes us lovers of God."⁽²²⁾ And he continues, "That is why the Apostle says in 2 Corinthians 3:17, 'Where the Spirit of the Lord is, there is freedom.'"

The plan adopted by moral theology textbooks of the era especially reflects this casuist conception of morality. A standard table of contents usually included the following points: (1) free (human) acts; (2) the moral law; (3) conscience; and, lastly, (4) sins. Indeed, the final section always constituted the largest section of the text, since each commandment of the Decalogue and of the Church required a codified exposition of which words, thoughts, and deeds the precept either forbade or enjoined. Historians of theology, moreover, note that the development of the casuistic mode of moral theology gained considerable impetus from the Council of Trent's directives for improving priestly formation. This, of course, reflected the concern of the Council that the faithful receive suitable instruction in matters that pertained to Christian doctrine and the moral life. Still, the focused concentration on identifying sins eventually proved counter-productive to this pastoral purpose. When the Fathers of

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the Second Vatican Council, therefore, asked for a renewal of moral theology based on the Scriptures, they undoubtedly sought to address the unhealthy imbalance generated by the casuist pre-occupation with sin as a violation of standard norms.(23)

On the other hand, realist moral theology, such as practiced by Aquinas, ultimately established the moral value of an action on the basis of how the action corresponded with the requirements of human flourishing. But casuistry ignored this classical intuition. Actually, one can measure the ultimate victory of Hume's critique of naturalistic ethics, his proposed divorce between fact and value, to the extent that Roman Catholic moral theology ran gunshy from moral realism during the casuist epoch. Failure, however, to take full account of the in-built teleologies of human nature in ethical matters always results, as Elizabeth Anscombe and others remind us, in some form of ethical idealism. Thus casuistry constructed an ideal moral world in which few, if any, believers discovered the loving Father of our Lord Jesus Christ.

Hence, we are not surprised to learn that the treatise on beatitude, usually found at the beginning of classical

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treatises in moral theology, where it served to remind readers that Christian morality transcends the limits set by ethical discourse, ordinarily disappeared in the casuist manuals. Or, if beatitude gained an entry in the table of contents, the casuist authors placed the section at the end of their sin-heavy treatises. As a result, the structure of the work, at least, implicitly suggests that beatific union with God only constitutes a reward for a morally good life. At the same time, the structure fails to communicate that the blessed Trinity also remains the principle in which all good moral action finds its beginning. Nonetheless, from within the logic of casuistry such an arrangement makes sense. For just as obligation enforces moral law, so likewise does beatitude reward the proper discharge of obligation. But the casuist distrust of nature, even as transformed by grace, left moral theology in a parlous situation. Indeed, the patristic doctrine of divinization, which animated the best of medieval moral theology, lost out to a moral legalism. Besides the Church's moral teaching also lost sight of the basic intuition contained in the *imitatio Christi*.

At the same time, casuistry engendered an excessive concern for morality as a private activity. Indeed, the

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triad of law, liberty, and conscience itself persuaded against the recognition that moral theology shares in the inherent social or ecclesial character of Christian life. In addition, the way casuistry instructed the faithful in matters of morals makes its preference for individual ethics perfectly clear. As I have said, the casuists gave undue attention to the unsure or doubtful state of conscience. A doubtful conscience occurred when an individual, in the words of the 18th-century Dominican casuist, C.R. Billuart, "suspended all judgment or assent and remained neutral towards both sides of a contradiction."⁽²⁴⁾ To put it differently, a doubtful conscience experiences uncertainty about what the moral law requires. To be sure, such a condition occurred quite frequently during a period when the diversity of opinions by moralists about serious issues for all practical purposes amounted to *toties capita quoties sententiae*. Furthermore, casuist moral theology promoted the practice of "consulting approved authors" as a required condition for accurately informing one's conscience. In effect, this meant that when a moral dilemma arose, the clergy urged individuals with doubtful consciences--or the "perplexed" faithful, as they were called--to research the opinions of approved authors as the first stage for resolving the moral

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dilemma. This practice inaugurated a trajectory which established the center of the moral life in the individual.

At the beginning of this century, Dominic Prümmer could draw up a list of nearly three hundred such recognized authorities whose advice had served the perplexed faithful since the 13th-century. Anyway, the orthodox schools of casuistry included Probabilism, Probabiliorism, and Aequiprobabilism. Laxists and Tutorists overstretched the system either by demanding too much (in the case of rigorism) or requiring too little (in the case of laxism). The Church rejected both extremes. All in all, the historical controversies which accompany this discussion stand outside of our present purpose.⁽²⁵⁾ Suffice it to observe, then, that any of the orthodox schools provided an accepted formula for resolving the doubtful conscience. Nevertheless, the casuist system had already turned the New Law of grace into something which very much resembled the Old Law of written precepts and punishments. Casuistry consequently recalls to our minds the Letter to the Hebrews and its description of the old dispensation: "For they could not endure the order that was given, 'If even a beast touches the mountain, it shall be stoned.' Indeed, so terrifying was the sight that Moses said, 'I tremble with

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fear."(26)

2. COMMON FEATURES OF CASUISTRY AND REVISIONISM

The first section of this paper presents a generally accepted analysis and critique of casuistry. To be sure, several centuries of historical development and over three hundred recognized authors provide the theologian with sufficient grounds and adequate material for making certain judgments about a moral theory. On the other hand, twenty years of tentative research and a handful of moral theologians hardly allow the responsible critic to define equally specific trends in the revisionist authors. Still, one can identify certain common features of revisionism. In 1982, for instance, Philip Keane provided a sympathetic but probing survey of (then) recent research on the objective moral order. He observed that the "thrust of the [revisionist] moralists referred to above [in the body of the paper] is that a more complete analysis of human persons and their actions is necessary before an adequate account of moral objectivity is possible."(27) And, of course, one could arrive at more specific details from this general observation. Thus, I accept as a working hypothesis that revisionism has developed enough of a common identity that one can point out some specific

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elements of its theory.

In this second section of the paper, then, I propose for consideration seven different categories which suggest common features of both revisionist and casuist moral theory.(28) Of course, the adage *qui bene distinguit bene cognoscit* urges a certain caution in treating individual authors as representative figures within broad movements. Indeed, Richard McCormick correctly draws our attention to the injustice of grouping theologians who often differ in significant ways under a single descriptive and misleading (to his mind) rubric, for example, "consequentialists" or "proportionalists."(29) Still, authors of diverse opinions on particular matters can share common paradigms and emphases. This section of the paper, then, seeks to suggest some elements common to the revisionists' work, which (however incoherently) remain identifiable features of revisionist moral theology. Still, the purpose of the paper remains to test the hypothesis whether standard revisionism, in fact, betrays certain hallmarks of casuistry. As a matter of interest, I owe a debt to Richard McCormick's *Notes on Moral Theology* for raising the hypothesis in the first place. Throughout his long and distinguished career as a reviewer of both moral theology and theologians, McCormick frequently upbraided authors who

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were critical of revisionist authors on the grounds that the objectionable elements which such authors censured actually formed part of the accepted Roman Catholic practice during the period of high casuistry.(30)

2.1 The Atomization of the Moral Action

First of all, then, we consider a fundamental feature of both revisionism and casuistry, namely, the breaking up of moral activity into discreet moments of choice. This atomization of moral action results, of course, from the liberty of indifference. Recall that for the casuists the liberty of indifference remains the principal expression of human autonomy. As a consequence, the casuist system paid little attention to a central teleological movement such as one finds, for instance, in Aristotelian ethics. In its place, the casuists sought to make universal law, whether divine or ecclesiastical, guarantee the coherence of the moral life.

As a consequence, there exists no continuum of action embodied through a series of moral objects--what Aquinas called the *ea quae sunt ad finem*. Such a series of actions shapes the moral life according to a pattern ultimately realized only in Christ through the power of the Holy

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Spirit. Thus, the prudential pursual of these moral objects can insure the progress of the believer towards a final goal which embraces both the goods of human flourishing and the divine Good of beatitude. Casuistry, on the contrary, observes each action as a practically independent moment within the moral life. As a result, the concrete unity of the moral life shaped by and centered in the moral and theological virtues gives way to episodic moments of choice bound together only by the common requirements of positive law.

Now revisionist theologians include a number of authors who insist, along with Franz Böckle, that a complete understanding of moral norms occurs only within the "conflict model" of human reality.(31) And this reflects, moreover, a general trend among those contemporary moral theologians who write as if they were first religious ethicists, instead of principally theologians. Recall that the moral theologian's principal concern always remains to show the coherence of the sacra doctrina, i.e., all that God has revealed about himself, with every feature of human life. The religious ethicist, on the other hand, seeks only to provide resolutions for ethical conflicts, albeit within a religious framework. To cite another example,

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Philip Keane speaks about moral imagination as an indispensable ingredient for moral decision-making, so as to emphasize creativity in moral choice.(32) In view of their concern for the particular in morals, we can ask the revisionist moralists what does insure the unity of the moral life in revisionist thought?

To be sure, revisionism does tend to place moral decision-making, especially in extraordinary or crisis situations, within the context of an atomized series of decisions. Others beside Keane, moreover, want to push moral theology towards being primarily responsive to the creative imagination of the moment. As a result, the mechanizing and quantifying of moral judgments that occurred during the several centuries of high casuistry risks making a dramatic comeback. We see this especially in the methods of those who view Christian ethics as principally concerned with cases of exception and conflict. Of course, in Aquinas's moral theory the cardinal virtue of prudence insured the unity of the moral life as well as the coherence of appetite and reason in a moral decision. But casuistry reduced prudence to a mere form of moral caution. Meanwhile, revisionist thinkers have generally failed to supply for an equivalent to this

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indispensable element of the moral life. And any response to a moral question remains incomplete unless larger theological issues, such as the unity and connection of the virtues or the relationship of action to human fulfillment and destiny figure adequately in the final resolution.

2.2 The Absence of a Final Cause

Secondly, the casuist conception of morals fails to account adequately for final causality. To be sure, this issue raises the basic and vexed methodological question concerning the relative merits of teleology, consequentialism, and proportionalism. But the absence of a final cause in morals raises an elementary question.

That is, given the importance of final causality, what kind of general theological structure does good moral theology require? For example, the exitus-reditus scheme employed by certain medieval authors envisions the human person as a moral agent set between God and God, the Alpha and Omega. Furthermore, only the end, as Aristotle reminds us, can draw something to itself. But the absence of an effective role for final causality, as I have noted, leaves the moral life without its intrinsic dynamism.

Consequently, one form or another of moral deontology

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usually emerges as a suitable replacement. And we know that historically the function of religious duty and moral obligation took on particular importance during the casuist epoch.

To be sure, facile and neat divisions between teleologists and deontologists, whether contemporary or classical, run the risk of obscuring the peculiar features of an author's particular syntheses. Nevertheless, the absence of any reference to final cause, exemplified in the casuist authors by the usual omission of the tract on Beatitude, risks the basic error which acknowledges the crucial importance of both basic human goods and Christian happiness in the moral life. Consequently, in the casuist explanation, obedience ranks as one of the fundamental virtues for the Christian believer. This partial virtue, of course, serves to supply for the missing *élan* which "tending toward the good" provides in authentic teleological systems. But obedience remains both a virtue of the will and a crucial disposition in voluntarist morality. Religious life, for example, suffered from this conception of obedience, which frequently generated an autocratic spirit especially among personal authorities. In addition, clerics and laypeople also grew accustomed to think of morality as a matter of obeying or not obeying.

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Of course, the spirit of dissent associated with certain moral theologians today leads one to suppose that no parallel to casuist obedience will be found in contemporary revisionism. Still, a curious paradox occurs. Namely, we find the same absence of direct reference to the role of final causality in many revisionists. Even when Louis Janssens includes "called to know and worship God" among his eight essential aspects of the human person, we have the impression that this aspect simply constitutes just another category along with the rest of those things which requires due attention for an adequate consideration of the human person.(33) Admittedly, the issue at stake here does not include whether one or another revisionist embraces teleology or not. Rather, we ask the question whether the revisionist theologians have located the dynamic of their systems in something other than the contemporary equivalent of casuist obedience. Appropriately enough, this transformed obedience could perhaps emerge as some form of blind adherence to the proposals of particular moral theologians. Or, frequently we hear the peculiar features of a national Church advanced as the essential element in moral argumentation, e.g. the practice of the American

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church. And the phrase of Pascal's *Pensées* (230) comes to mind: "On ne voit rien de juste ou d'injuste qui ne change de qualité en changeant de climat Vérité au-deçà des Pyrénées, erreur au-delà."

2.3 Disappearance of Virtuous Dispositions

Next, the casuists, as we recognize today with special clarity, did not develop a virtue-centered moral theory. Virtue, of course, implies a constant disposition or habitus which shapes an individual's character in a lasting way. Indeed, classical moral theology considered these good qualities (habitus) as stable dispositions of human character which make every action prompt, easy, and joyful. Further, the moral and theological virtues as well as the gifts of the Holy Spirit which aid them together form a truly evangelical way of life. But the virtues play a very secondary role in the casuist outlook on the Christian life. A principal reason for this lies in their conception of freedom, viewed as functional only at the moment of free choice. Recall the emphasis which casuists put on the "moment" of free choice. Thus, once a virtue-centered morality lost currency in Roman Catholic circles, even the states of life, such as matrimony and religious

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life, simply provided new occasions for added obligations, instead of opportunities to implement the stable patterns of a developing virtuous life.

The disappearance of virtue from a central place in Roman Catholic moral theology signals a sort of Copernican revolution in morals. This significant shift in the basic paradigm of moral theology, from a virtue-based model to a juridical one, accounts for much of the difficulty we experience in appropriating both biblical and patristic sources into systematic moral. Historians of theology, of course, remind us that the great medieval summae treated the whole of moral instruction within the framework of virtues and vices. The *secunda pars* of the *Summa theologiae* constitutes Aquinas's testimony to how successful such an approach can be. In fact, there exist historical grounds for supposing that the original interest in one of the more celebrated textbooks of the Catholic world stemmed from its initial success as a handbook of practical moral theology.(34)

In any event, whatever changes the revisionists may have accomplished in moral theology, a return to virtue-centered morality cannot be included among them. Again,

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Richard McCormick confirms this fact when he responds to the observation that those who rely on the principle of proportionate reason fail "to accord to the virtues (including the theological) any real significance in moral judgment."⁽³⁵⁾ In fact, the criticism comes from Servais Pinckaers. The Belgian Dominican argues that only moral virtue insures that concrete moral norms (always developed according to the norms of prudence) really serve the authentic finalities of the human person. In any event, McCormick replies that "proportionalists" are dealing with a different problem.⁽³⁶⁾ Whether McCormick's explanation adequately responds to Pinckaers' criticism or not, McCormick's reply indicates that the place of virtue in classical casuistry as well as in revised moral theology remains negligible. For whatever reasons, both systems fail to incorporate what the tradition regards as an essential element of Christian moral theory.

2.4 "Free Choice" and the Isolation of the Will

The neglect of virtue, especially prudence, in both casuistry and revisionism fosters a specific view of human autonomy. As I have said, casuistry stresses the act of will in moral choice, but at the same time it excludes its

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dynamic interplay with other human capacities, especially the intellect and the sense appetites. On the contrary, classical moral theory, undergirded by a realist anthropology, considered the whole person, with all of its powers, as the appropriate subject of moral action. Thus, as the scholastic adage puts it, *actiones sunt suppositorum*. In other words, virtuous and free activity always involves the whole person. Indeed, in the view of Aquinas, at least, even our emotional life participates in the act of free choice. Virtuous activity, therefore, does not simply result from the will's commanding other powers either to act in a certain way or to refrain from so acting. In such a case, Aristotle, for instance, would only recognize a disposition for virtue but not an authentic virtuous disposition. For Aquinas, also, continence and perseverance (as he called these efforts at self-control) do not measure up to the complete definition of virtue. Rather, virtuous choice results only from a synergy of activities in which the intellect, will, and the sense appetites remain mutually interrelated each with the other.

But the liberty of indifference implies an altogether different anthropological view. According to this

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conception, the will remains set over and against the other powers of the human person. For authentic freedom emerges only from an indifferent, that is, unaffected will. Thus, for example, we can explain the great concern which casuist moral theology exhibited in matters of sexual morality. Why? Because one could not imagine a more serious threat to the liberty of indifference than that occasioned by the sudden upsurge of lust. Accordingly, casuist authors urged every precaution to insure that such a compelling good as sexual gratification would not upset the serene "indifference" of the will required as a condition for authentic liberty. For this would mean that some factor outside of the will itself had actually affected the process of moral choice. Altogether we can grasp something of what Romano Guardini meant when he spoke of the moderns' "revolutionary faith in autonomy." (37)

To be sure, revisionism proposes a variety of ways to incorporate various human capacities, especially emotion and imagination, into the process of moral decision-making. The theory of compromise, for example, argues that even a person's emotional state can adjust the moral significance of certain actions, for example, homosexual activities. (38) And Philip Keane draws upon a number of

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experimental psychologists to support his view that human imagination (in ethics) involves sense and intellectualist elements as well as human will and discipline.(39) Nevertheless, to my knowledge, attempts to integrate *recta ratio* and sense appetite into the act of free choice have not succeeded in formulating a balanced account of integral human freedom. As a result, revisionism, as McCormick again admits, decides at a very concrete level of human relationships about what serves or detracts from our own good. The same author, further insists that the principal concern of revisionism remains the rightness or wrongness of human actions in themselves.(40) In fact, he insists that those who miss this point of the revisionist project commit an *ignorantia elenchi*, that is, they miss the whole point of the debate. But immediate focus onto the rightness and the wrongness of concrete actions isolates moral choice from all the other significant realities which form an essential element of human choosing. Christian morality must serve to integrate the whole person. Indeed, one can argue that unless moral choice emerges from within the total context of the human person's Godward movement, the resolution of the rightness and wrongness of human action remains incomplete as far as moral theology goes. For authentic freedom qualifies every distinctively human

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capacity, not just the will.

2.5 Extrinsicism and Moral Teaching

In addition, realist theology accepted the profound connection between Christian anthropology and moral science. This means that the classical tradition easily incorporated some version of natural law into the development of a moral theology. Aquinas, for instance, defined natural law as the imprint of the eternal law in the rational creature.⁽⁴¹⁾ Whatever other purposes natural law served in the whole system, for instance, the discrimination of a hierarchy of ends, this important element of Aquinas's thought also insured that moral theology preserved its link to the origins and purposes of the human person. Besides, the eternal law reminds the theologian of the Trinity, especially the divine Logos and Incarnate Son. Thus, the principal source of moral interiority remains the actual or virtual presence in each man or woman of the indwelling divine Persons. Christian moral theology, then, always embodies the truth about God's relationship with creation.

But this profoundly interior conception of the origins

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of morality finds no place in the casuist perspective. On the contrary, positive moral law necessarily embodies something extrinsic to the human person, thereby imposing an extrinsic limitation on human autonomy. In other words, law serves to manifest the "will" of another, whether the other be God, the Church, or some other superior moral authority. Of course, the eternal law also measures human activity; understood, however, as 'an impulse' from within the person, not as a force from without. Even so, the casuist conception of law, since it applies to God and the Church the image of a human lawmaker, thereby engenders a suspicious and critical attitude towards moral instruction. Thus, the New Testament view, which speaks about the law of divine grace principally as a movement from within, stands in sharp contrast to the actual practice of moral theology. In fact, during the period of casuistry theologians developed a sharp distinction between moral theology and Christian spirituality. All of this results, however, in an alleged Christian morality which stands much closer to the spirit of the old dispensation than to the actual teaching of the New Testament.

The revisionist project, of course, seeks to take full account of the individual determinations of the moral act.

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Concern for the individual character of each moral act, moreover, forms part of every adequate theory of moral action. Still, revisionism in various ways seeks to incorporate a concern for particulars at the level of the theory itself. As a result, especially in the writings of Charles Curran, we repeatedly find instances where the particular circumstances of an individual--"subjective" morality, if you will--provide the grounds for universal affirmations in morals. For example, Curran argues that the "constitutional" homosexual deserves a special moral classification. Why? Because the theory of compromise requires that when particular circumstances make the observance of a moral norm impossible, a new norm comes into existence, e.g. sodomy constitutes a neutral, if not virtuous, deed for the habitual homosexual. To be precise, Curran argues that sodomy becomes a right way of acting for such persons since revisionists generally prefer to describe the rightness and the wrongness of a moral action.⁽⁴³⁾ As a result, revisionism succeeds in enunciating an extrinsic morality. But such a purported moral principle, i.e. sodomy is right for such and such a person, prescind from whether non-heterosexual relations can in any way serve the designs and purposes of sexual activity in the human person. Rather it simply takes

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account of the fact that some individuals do by preference engage in homosexual actions. If the juridicism of casuistry turned moral theology over to the hands of lawyers and judges, then American revisionism runs the risk of turning moral theology over to psychologists and sociologists. For these latter provide the kind of data indispensable for the formulation of principles tailored to accommodate individual circumstances. Indeed, both revisionism and casuistry set aside an intrinsic morality in order to measure the person's development by something less than the uncreated goodness of God.

2.6 Individualism

Since the unity of the created order depends upon its movement from a single origin and towards a common goal, morality determined by either laws or circumstances develops an individualist temper. In other terms, casuistic juridicism eventually leads to an individualist moralism. This becomes particularly evident in the distinction drawn by the casuist authors between so-called "subjective" and "objective" morality. According to the casuist point of view, "objective" morality describes the universal requirements of law, whereas "subjective"

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morality evaluates the imputability of the law's sanctions. A great deal of pre-Conciliar Roman Catholic pastoral practice revolved around this simple distinction. To be sure, such an artificial protection against the stern objectivism of the law allowed pastors some measure of maneuverability in complex or difficult moral matters. But as a result of this moral dualism, both the Church and moral theory suffered.

Again, ethics of a situationalist cast advanced the view that "subjective" morality could actually provide a universal moral norm.⁽⁴⁴⁾ But situationalism cannot preserve the common bonds of charity and justice which mark the unity of the Church. Thus, the disintegration of common moral practice, as St. Paul warned the Corinthians, marks the beginning of a divided Church.

To be sure, American revisionism already exhibits some clear indications about its future directions. Indeed, as recent controversies between American academicians and Church authority make clear, the issue of freedom as a prerogative guaranteed by democratic conventions remains a fundamental point of controversy.⁽⁴⁵⁾ Furthermore, the repeated appeals to individual circumstances as principal

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criteria for moral decision-making points toward a sort of individualism which by its very nature erodes the moral unity of the Church. Of course, personal morality cannot suffer an artificial homogenization and still respond to the creativity the Christian life requires. Still, our common human nature establishes certain requirements whose fulfillment remains part of every human life. Christianity, above all, professes the truth that there can be no such thing as a private morality. And since Christian moral instruction forms part of the common teaching on faith and doctrine upon which the unity of the Church rests, such instruction insures that those who profess a common belief also maintain a common way of life.

2.7 Minimalism

Finally, all of the above features of casuistry result in a minimalist view of Christian life and perfection. Although it may not appear so in the more uplifted authors of the casuist tradition, casuistry rejects the life of the Beatitudes, set forth in the Sermon on the Mount, as the goal and standard of Christian existence. Rather, the concern of moral theology turns towards establishing the exact requirements of Christian life, thereby encouraging

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the person as it were to strain out the gnat and to swallow the camel. In other words, the human person, although formed as *imago Dei* and destined for the fullness of divine life, turns instead towards the minimalist claims which the legal system enjoins. Hence we who remain destined for seeking fulfillment in union with the blessed Trinity are reduced to the moral equivalent of barterers, those who seek out a compromise with casuist principles. As a first result of this view, the mystical element of moral theology, based on the union of the believer with Christ, loses its significance for moral theology. Why? Simply because we cannot discover a positive obligation for such elusive matters. And, indeed, still other practices, such as prayer, asceticism, even the love of God as manifest through grace, and faith, hope and charity remain foreign to the concerns of theology. Why? In general, because such actions likewise can place no determined demands on conscience--although admittedly some positive precepts can result from the theological virtues, e.g., to profess the faith.

One discovers a certain irony in this casuistic quest for the minimum. Since the fullness of the divine life and the energies which it supplies for the creature remain

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outside of their due position in moral theological discussion, we discover little motivation for a life of Christian perfection. Still, the New Testament constantly reminds the member of Christ to stay united with him for, as Jesus himself teaches, "Without me you can do nothing." (John 15:5) Furthermore, the teaching authority of the Church (magisterium) falls under an unfavorable light since it must function, when all else fails, in an authoritarian way. In this situation poor pastoral practice may content itself to explain "what the Church teaches." However, the faithful people still find themselves completely unprepared to grasp how a given regulation accords with human flourishing. Instead, they suppose that a given requirement simply serves as a condition sine qua non for being a good Catholic.

Thus, when certain teachers use the prohibition of artificial contraceptives, for example, to enforce an oppressive regime on married couples, such instruction grossly misrepresents what *Humanae vitae* intends, namely, to establish a marriage relationship liberated from the restrictions of self-interest and excessive self-gratification. To solve the question, as has been fashionable in recent years, by recourse to individual

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conscience remains unsatisfactory. Nonetheless, it becomes the way advocated by many, including, unfortunately, some well-intentioned but poorly informed priests. As a result, few consider recourse to a life of faith, or greater trust in the power of Christ to bring about a chaste marriage union. The which, after all, does reflect the chaste love of God for the Church.

Although it is too early to say whether the same minimalist direction will appear in the revisionist movement, nevertheless the beginnings of such a movement already appears in certain authors. To be sure, revisionist minimalism undoubtedly results from the fact that up to this point revisionism shares the same basic model as casuistry. It is true, revisionists already leave aside certain moral objectives, especially in the area of personal morality. But the greater danger lies in their conception of moral theory as a technical nominalism whose purpose remains to give the right direction to individuals. According to this conception, if moral theology embodies the ultimate expression of human doing, it rejects the integrity of virtue-centered praxis. On the other hand, the Christian tradition insists that in order for an individual to possess one moral virtue, he or she must possess them all. Aquinas argues this point on the

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basis of the role prudence plays in the moral life. But revisionism settles too easily for the happy masturbator or the contraceptive with a heart of gold. To paraphrase an American poet: "The imperfect is our paradise."

CONCLUDING PROPOSAL

This critical comparison of casuist and revisionist moral theology intends to provide more than an historical overview of two important eras in Roman Catholic moral practice. Of course, after the II Vatican Council casuist moral theology suffered a serious reverse, eliminating in two decades nearly four centuries of work in moral theology. This nonetheless surely reflects part of the renewing work of the Holy Spirit. However the re-building of moral theology, including the contributions of the revisionists, requires careful attention to the past errors of the casuists. For certain central elements of casuistry can reappear in modern form. Foremost among these, in my judgment, include the following: the appeal to conscience as a way to escape the obligations of the moral law; the tendency to examine each act within its immediate context; and the removal of moral theology from a unified

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theological life.

Above all, the moral life should be set forth as part of the believer's complete relationship to God in Christ and through the power of the Holy Spirit. No other setting other than the indwelling of the blessed Trinity can serve the purposes of Christian morality. In the *Summa theologiae*, in fact, Aquinas makes a point out of locating the practice and development of virtue within a trinitarian context. In so doing, he recognizes that the fundamental basis for all moral truth remains the Logos-structure of the created order. Moreover, the role of Christ in the moral life finds its ultimate meaning within the context of the invisible mission of the second Person of the Trinity.

In his discussion of the missions of the persons of the Trinity, Aquinas explains that an "invisible mission does take place in connection with growth in virtue or the increase of grace." Only growth in virtue insures that one's Christian life responds to everything God has created us to enjoy. Furthermore, this life of virtue remains profoundly Christocentric. In an earlier article in the same question, Aquinas asks about the invisible mission of the Son. There he explains the relationship between a

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virtuous soul and the image of the eternal Son:

That a divine person be sent to someone through grace, therefore, requires a likening to the person sent through some particular gift of grace. Since the Holy Spirit is Love, the likening of the soul to the Holy Spirit occurs through the gift of charity and so the Holy Spirit's mission is accounted for by reason of charity. The Son in turn is the Word; not, however, just any word, but the Word breathing Love. . . . Consequently not just any enhancing of the mind indicates the Son's being sent, but only that sort of enlightening that bursts forth into love.(47)

Christian moral theology, therefore, cannot meet its charter as part of the sacra doctrina without taking full account of the life of grace. The human person seeks fulfillment in the proper exercise of reason and love; but reason and love find their perfections in the operations of divine knowledge and loving established only in God.

The Christian vocation remains ordered to beatific fellowship with the blessed Trinity. No other explanation for moral activity than what divine grace provides will serve to account for the believer's following of that vocation. Yet, these are the very mysteries which both the revisionist theorists and the Catholic casuists habitually omit from their moral theology. Instead, they impose

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burdens: Casuistry imposes the burden of an extrinsic law; revisionism imposes the burden of personal autonomy. As a result, we can ask whether each of these alternatives recalls the serious warning which Jesus addressed to the Pharisees: "They bind heavy burdens, hard to bear, and lay them on men's shoulders; but they themselves will not move them with their finger."(Mt 23:4). On the other hand, authentic Christian morality discovers the fullness of expression imminent in *sacra doctrina* itself, confident that the love of God reaches its conclusion in us. (I Jn 4:12).

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FOOTNOTES

(1) The inaugural McGivney Lectures sponsored by the John Paul II Institute for Studies on Marriage and Family in Washington, D.C. provided John Finnis the opportunity to make this point with special clarity. The Fall 1988 lecture series will appear in a forthcoming edition.

(2) Knauer's original article first appeared in *Nouvelle Revue Théologique* 87 (1965), pp. 356-76. Two

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years later he published "Das rechtverstandene Prinzip von der Doppelwirkung als Grundnorm jeder Gewissensentscheidung," *Theologie und Glaube* (1967), pp. 107-33. A revised version of this article, "The Hermeneutical Function of the Principle of Double Effect," appeared in *Natural Law Forum* 12 (1967), pp. 132-162 and subsequently in *Readings in Moral Theology No. 1. Moral Norms and Catholic Traditions*, ed. by Charles E. Curran and Richard A. McCormick, S.J. (New York: Paulist Press, 1979). See the interesting discussion by Bernard Hoose, *Proportionalism. The American Debate and its European Roots* (Georgetown: Georgetown University Press, 1987), esp. c. 1 "How It Began."

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(3) For instance, the distinguished Jesuit moralist, John Connery, S.J., in "Catholic Ethics: Has the Norm for Rule-Making Changed?," *Theological Studies* 42 (1981), p. 232 first applied the term "proportionalist" to Peter Knauer, Bruno Schuller, Josef Fuchs and others only after Richard McCormick in his *Notes on Moral Theology* challenged Connery's earlier identification of their theories as "tending towards consequentialism."

(4) Brian V. Johnstone, C.S.S.R. provides a summary of this discussion in "The Meaning of Proportionate Reason in Contemporary Moral Theology," *The Thomist* 49 (1985), pp. 223-247.

(5) Charles E. Curran, *Directions in Fundamental Moral Theology* (Notre Dame: University of Notre Dame Press, 1985) actually provides an updated version of his earlier *Themes in Fundamental Moral Theology* (1977). Although five of the principal essays originally appeared in the earlier volume, *Directions* still enunciates Curran's major positions. I choose Charles Curran as a principal representative of standard American revisionism because his works have been very influential in American seminaries and schools of

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theology.

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(6) I use the term "revisionism" to avoid the terminological complexity described by Lisa Sowle Cahill in "Teleology, Utilitarianism, and Christian Ethics," *Theological Studies* 42 (1981), pp. 601-629. Who are the revisionist moralists? Richard McCormick supplies a sample list in *Notes on Moral Theology 1981 through 1984*, p. 64: "Schüller, Fuchs, Janssens, J.-M. Aubert, W. Molinski, Helmut Weber, K. Demmer, F. Furger, Dietmar Mieth, Daniel Maguire, Henrico Chiavacci, Marciano Vidal, Walter Kerber, Timothy O'Connell, and many others."

(7) *Directions*, pp. 188,189.

(8) Martin Azpilcueta (1439-1586), known as Navarrus because of his native region, distinguished himself both as a canonist and a moralist. He served several popes, including Pius V, Gregory XIII and Sixtus V, as a penitentiary and advisor in morals. His *Manuale sive Enchiridion Confessarum et poenitentium* (Rome, 1588) remains a significant example of classical casuistry.

(9) See Servais Pinkaers, *Les sources de la morale chrétienne* (Paris: Editions du Cerf, 1985), esp. cc. X, XI for a discussion of the theological and historical aspects

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of casuistry.

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(10) See Thomas Gilby, O.P., *Law and Political Theory*. (*Summa theologiae Ia2ae.90-97*), Vol. 28, (New York: McGraw-Hill Book Company, 1966) for a brief, but lucid account of this important issue in moral theology.

(11) Dominicus M. Prümmer, O.P., *Manuale Theologiae Moralis secundum Principia S. Thomae Aquinatis. Tomus I* (Friberg-im-B.: Herder & Co., 1923), *Tractatus III. De legibus*, p. 94. As a Dominican moralist, Prümmer tried to soften the strictly legal tradition of casuistry by reference to the teaching of Aquinas.

(12) See Oscar Brown, *Natural Rectitude and Divine Law in Aquinas* (Toronto: Pontifical Institute of Medieval Studies, 1981) suggests the profound implications of this medieval intuition for morality.

(13) See Jean Calvin, *Institutes of the Christian Religion* Bk. III, c. 19, n. 15 where he writes " . . . so also when men have a sense of divine judgment, as a witness joined to them, which does not allow them to hide their sins from being accused before the Judge's tribunal, this sense is called 'conscience'. . . . Therefore this

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awareness which hales man before God's judgment is a sort of guardian appointed for man to note and spy out all his secrets that nothing may remain buried in darkness."

(14) Vincent Patuzzi, O.P., an 18th-century Italian moralist, actually debated this point with St. Alphonsus in the course of the celebrated Dominican reaction to probabilism. From a later perspective, however, the issue appears moot.

(15) See Servais Pinckaers, *Les Actes Humains* Vol. II, traduction française *Somme théologique 1a-2a2, Questions 18-21* (Paris: Desclée & Cie., 1966), pp. 222 ff.

(16) St Augustine bequeathed a rich spiritual tradition to Western moral theology when he identified the Sermon on the Mount as a principal element in the moral teaching of the New Testament. See *De Sermone Domini in Monte*, esp. Book II.

(17) For example, in his *In IV Sententiarum*, q. 16 Ockham argues ". . . posito omni sufficienti et necessario requisito ad talem actum, puta ad actum voluntatis, si objectum cognoscatur et Deus velit concurrere cum voluntate

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ad causandum, quando placet voluntati, potest voluntas ex sua libertate sine omni alia determinatione actuali vel habituali actum illum eius objectum elicere vel non elicere. Et ideo respectu illius actus non oportet in aliquo quod determinetur voluntas nisi a seipsa." (Emphasis added). See Lucan Freppert, O.F.M., *The Basis of Morality* according to William of Ockham (Chicago: Franciscan Herald Press, 1988), esp. c. 3 "The human will and right reason."

(18) Gabriel Biel, for example, in his *Collectorium circa quattuor sententiarum Libros, II, dist. 41, question, 1, article, 3, dub. 3* explains ". . . licet raro contingat objectum aliquid apprehendere et voluntatem nullum actum circa ipsum elicere. Et ideo vix aut raro contingit cogitare quod nunc audienda est missa et stante cogitatione nec velle nec nolle audire missam. Et tamen possibile est; potest enim voluntas fluctuare circa hanc cogitationem donec tempus audiendi missam transiit."

(19) Simone de Beauvoir, *The Ethics of Ambiguity*, trans. B. Grechtman (New York, 1948), p. 78.

(20) "Sed per legem cognitio peccati, per fidem inpetratio gratiae contra peccatum, per gratiam sanatio

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animae a vitio peccati, per animae sanitatem libertas
arbitrii, per liberum arbitrium justitiae dilectio, per
justitiae dilectionem legis operatio." De doctrina
christiana 30, 52.

(21) Accordingly, casuist moral theology divided human actions between two categories. First, those actions controlled by law, either as enjoined or as forbidden, and, secondly, those actions which remained unregulated. These latter, the so-called "free" actions, occurred only because no existing law applied to them. Thus, casuistry placed "free" actions in a secondary place within the moral life. And, in fact, they occurred principally in the areas of piety and devotion.

(22) Aquinas, *Summa contra gentiles* IV, c. 22.

(23) See *Optatam totius* 16. Thus, the role of obligation attained a juridical importance hitherto unparalleled in Roman Catholic moral theology. Some authors point out that in casuistry obligation as a moral norm gained such prominence that duty-fulfillment even became a value in itself. Something similar happened in reformed morality too. In other words, the accomplishment

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of a good deed attained merit simply because the law commanded it. For instance, religious life held a more praiseworthy status not because the form of life itself constituted an expression of total dedication to divine service, but because its members lived under the obligation of the vows.

(24) Charles Rene Billuart, O.P. (1685-1757), *De conscientia*, diss. 5, a. 6.

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(25) In brief, the various schools of casuistry arose because of the different opinions scholars held as how to settle the case of the perplexed conscience. To be sure, since the method the believer employs requires weighing one moral opinion against another, a certain mathematical approach to morality is at work here. How one calculates opinions determines the school of casuistry. Thus, the most lenient school, Laxism, held that so long as at least one authority could be found to support a solution for a doubtful case, the course could be followed as morally justifiable. Although the Holy See condemned this position because of the obvious risk for abuse, nevertheless the position found supporters from among the clergy. For example, the tradition from St. Alphonsus on gave John Caramuel, O. Cist. the dubious title, "princeps laxistarum." Next comes Probabilism, the position generally associated with the Society of Jesus. Probabilism allowed its adherents to follow a probably justifiable course of action, even if a majority of recognized authors taught otherwise. Although the approach risked the premature validation of new solutions, nonetheless the school did prove helpful in meeting the needs of an emerging secular culture in the 18th-century. The Dominicans, on the other

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hand, recognizing the danger novel solutions, especially in morals, could pose for Christian souls, generally insisted on Probabiliorism. In brief, this position held that one should follow the more probable opinion on the presumption that such a course of action would reflect the longer and, therefore, more stable tradition of the Church. Eventually the conflicts between the Dominicans and the Jesuits grew sharper. Meanwhile St. Alphonsus Ligouri tried to overcome the difficulty by promoting a compromise position called Aequiprobabilism. Although a different name was employed to avoid the already hardened polemical aspects of the battle, his solution amounted, in principle, to that of the Dominicans. This did not, however, prevent the Dominican Inquisitor from blocking importation of the saint's theological works into the then independent Kingdom of Naples. Finally, at the other end of the spectrum of casuist systems, lies Rigorism or Tutorism. This allowed no room for independent maneuver, but obliged its frightened adherents always to take the strictest course of moral action. As with Laxism, Rome intervened to stop this misguided approach to morals and the serious psychological harm which it threatened for souls.

(26) Hebrews 12: 20,21.

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(27) Philip S. Keane, S.S., "The Objective Moral Order: Reflections on Recent Research," *Theological Studies* 43 (1982), p. 265.

(28) Servais Pinckaers, O.P. originally suggested these headings in his revised edition of *Somme théologique 1a-2ae, Questions 18-21, Les actes humains* (Paris: Editions du Cerf, 1966), pp. 324-335.

(29) See his *Notes on Moral Theology 1981 through 1984* (Washington: University Press of America, 1984), p. 59.

(30) For example, commenting on an excerpt from Lucius Rodrigo, S.J., *Theoria de conscientia morali reflexa*, McCormick writes: "Considerations like these make it clear that we are not dealing with some new system of establishing exceptions . . . when we use the notion ratio proportionata. The notion is utterly traditional. The only question, in my judgment, is: Why, if we are to be consistent, does such utterly traditional moral reasoning apply to all areas where moral norms attempt to state the rightness and wrongness of human action?" *Ibid.*, pp. 68,69.

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(31) Cf. Franz Böckle, *Fundamental Moral* (Munich: Kösel, 1977), p. 306 along with the treatment of this subject by Richard A. McCormick, S.J., *Notes on Moral Theology* 1981 through 1984, pp. 2-17.

(32) See Philip S. Keane, S.S., *Christian Ethics & Imagination* (New York: Paulist Press, 1984), esp. c. 5 for some interesting applications of the method. In the late 18th-century, Louise d'Albany, widow of Bonnie Prince Charlie, expressed the standard Enlightenment view on the relation of religion to morals. She pragmatically counselled a friend not to reject the New Testament teaching, declaring that "morality is more readily enforceable when based on religion." See James Lees-Milne, *The Last Stuarts* (New York: Charles Scribner's Sons, 1983), pp. 201ff.

(33) Cf. Louis Janssens, "Artificial Insemination: Ethical Considerations," *Louvain Studies* 8 (1980), pp. 3-29.

(34) See the argument of Leonard Boyle, O.P., "The Setting of the *Summa theologiae* of Saint Thomas," *The*

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Etienne Gilson Series 5, (Toronto: Pontifical Institute of Mediaeval Studies, 1982).

(35) Servais Pinckaers, O.P., "La question des actes intrinsèquement mauvais et le 'proportionalisme'," *Revue Thomiste* 82 (1982), pp. 181-212. Subsequently Pinckaers has enlarged his treatment of this central issue in *Ce qu'on ne peut jamais faire* (Fribourg: Editions Universitaires, 1986).

(36) McCormick, Notes on Moral Theology 1981 Through 1984, pp. 111-114.

(37) Romano Guardini, *The End of the Modern World: A Search for Orientation*, trans. Joseph Theman and Herbert Burke, ed. Frederick D. Wilhelmsen (New York: Sheed & Ward, 1956), p. 104.

(38) Charles Curran, *Directions in Moral Theology* (Notre Dame, IN: University of Notre Dame Press, 1987), p. 193 advances this position on the basis of the "sinfulness incarnate in the human situation."

(39) Philip Keane, op. cit., p. 85.

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(40) Richard McCormick, Notes on Moral Theology 1981 through 1984, p. 113,114.

(41) See Summa theologiae Ia-IIae q. 94, aa. 1-4.

(42) In fact, Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry. A History of Moral Reasoning* (Berkeley: University of California Press, 1988) argue that casuistry actually constitutes an earlier form of situationalism.

(43) See Charles Curran, "Dialogue with the Homophile Movement: The Morality of Homosexuality" in *Catholic Moral Theology in Dialogue* (Notre Dame, IN: Fides Publishers, 1972).

(44) In the United States, Joseph Fletcher's Situation Ethics still represents that form of unmitigated situationalism developed in Protestant circles at the time of the Second Vatican Council. See his self-review "Love and Utility," *Christian Century* 95 (1978), pp. 592-94 where he summarizes the situationist norm as follows: to "determine right and wrong quite practically in terms of gain or loss in human well being, in actual cases rather than broad generalizations or metaphysical-transcendental

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suppositions."

(45) See Romanus Cessario, O.P., "Get This Straight: America's a Democracy; the Church Isn't," *The Washington Post*, October 19, 1986.

(46) *Summa theologiae* Ia, q. 43, a. 6, ad 2.

(47) *Ibid.*, a. 5, ad 2.