

Book Symposium

Introduction to Moral Theology by Romanus Cessario, OP (*Washington, D.C.: Catholic University of America Press, 2001*)

Virtue and Moral Realism

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ROMANUS CESSARIO begins his *Introduction to Moral Theology* with a collection of assertions.¹ “The best introduction to a theological understanding of the moral life proclaimed in the name of Christ by the Catholic Church is one rooted in the moral realism developed, among others, by St. Thomas Aquinas.” This Thomistic moral realism distinguishes the ethical writings of Pope John Paul II, above all *Veritatis Splendor*, and it is this realism, once restored, that can save contemporary moral theology from many confusions and much vacuity (1). Of course, it is the phrase “moral realism” that stands out here. What does it mean? With these claims and promises made on its behalf one expects a definition, but all we get on page one is a warning in a footnote. Don’t think that the epistemologically obsessed and metaphysically skittish talk of moral realism among contemporary philosophers translates easily into Thomistic terms. As the pages go by the substance of this warning becomes obvious and the content of the concept emerges, but not in a definition. Instead, “moral realism” appears in Fr. Cessario’s treatment of every significant matter in moral theology—action, law, virtue, grace, freedom, incarnation, and happiness, among others—and every significant matter is treated either as an inference from its conceptual content or a commitment that comes packaged with the concept. That is, we come to understand the concept only as Fr. Cessario draws certain mate-

¹ Romanus Cessario, *Introduction of Moral Theology* (Washington, D.C.: Catholic University of America Press, 2001). Pages numbers that refer to this work will be given in the body of the text that follows.

rial inferences from it about other matters, only as he makes explicit the commitments that govern those inferences, only as he locates those commitments and inferential relations in theological context and defends them against objections.²

In what follows, I trace Fr. Cessario's practice. I consider some of the inferences and commitments that give his version of "moral realism" its substance and then ask whether he is entitled to all of them, and if so, under what conditions. My hunch is that, in a couple of instances, entitlement follows virtue, if it follows at all. Fr. Cessario resists this conclusion, and yet I think it comes packaged with the moral realism he so ably explicates and defends.

Objects

Moral realism is, above all, a metaphysical thesis about the moral content of being. Against Hume and all those who find the naturalistic fallacy compelling, moral realists insist that one cannot say what there is, one cannot get the facts right, without resorting to morally loaded descriptions (23, 46).³ In Aquinas's shorthand, the truth about being and the truth about goodness are really the same. They differ only *secundum rationem* (*ST*, I, q. 5, a. 1). It is a controversial thesis, of course, long in dispute and one might expect Fr. Cessario to weigh in, perhaps by spelling out Aquinas's argument from the *prima pars*, perhaps with a backward glance to Augustine's treatment of these matters or a forward look to Wittgenstein's updated version of the same.⁴ But wisely he does not march into this philosophical bog. Moral theologians, he insists, are not obliged to resolve this "*disputatio inter doctores* over metaphysics and ethics" (47), at least not directly. Distractions of this kind are best avoided and the confidence afforded by revealed truth should be

² Robert Brandom's inferentialist account of conceptual content stands behind this description of Fr. Cessario's efforts. See his *Making It Explicit: Reasoning, Representation, and Discursive Commitment* (Cambridge: Harvard University Press, 1994), 85–116.

³ Fr. Cessario is both forceful and generous as he discusses the influential views of the new natural lawyers, John Finnis, Germain Grisez, and Joseph Boyle (45–48, esp. 46, n. 17). Still, once moral realism is assumed, and once the fact/value distinction is softened up with arguments borrowed from Aquinas, it is no longer clear what fundamental problems remain for their innovations to solve.

⁴ Augustine's famous account of evil as privation turns on his prior commitment to the morally charged character of being. See *Confessions*. VII.x.16–xii.18. Wittgenstein's famous account of language-games is designed to show how concepts are embedded in activities and how descriptions entail judgments about the good. See *Philosophical Investigations*, part I, *passim*.

enjoyed. God made all things, distinguished each from each, and called them good (23–24). God made human kinds of things in the divine image and our reflection of that image becomes ever more precise through the right exercise of the internal sources of action, intellect and will. Through the love of some thing, some object whose goodness right reason discovers and describes, we exhibit our natural commitment to this realism at the very instant that we “incarnate a moment of divine love in the world” (47).

If Fr. Cessario has a philosophical argument in defense of this thesis, it lies here, embedded in his discussion of the objects that specify actions (153–74). If being, truth, and goodness are convertible, then not only do all things fall under a moral description, but human actions—what morality regards (*ST*, I–II, q. 1, a. 3)—have a kind of substance and fall into different species, just as things do. Bishop Butler’s dictum—everything is what it is and not some other thing—applies to actions, not just apples and oak trees.⁵ Of course, actions have no matter from which they are made. They are not things in this sense, but they do have a matter about which each regards, a *materia circa quam* (*ST*, I–II, q. 18, a. 2, ad 2). This is the object of the action, which, in each instance, comes loaded with moral content that specifies the action as this and not that and which gives it a certain incorrigible reality. Following Aquinas’s lead (*ST*, I–II, q. 18), Fr. Cessario contends that the object of an action “designates a specific reality which shapes the moral life and provides an identifiable description of a moral situation” (168–69). It is our task to get those descriptions right, to recognize those fixed moral realities, and to distinguish each from each by taking note of the matter about which each regards.

Consider an example from Michael Walzer’s discussion of the moral reality of war. “Here are soldiers lining up the inhabitants of a peasant village, men, women, and children, and shooting them down: we call this a massacre.”⁶ Walzer’s point here is roughly Cessario’s. Moral content must be included in the description of the action in order to get the facts right, in order to say what the soldiers have done, and once we get the facts right we cannot ignore or redescribe the moral content of the action without distorting those facts. Killing the innocent on a mass scale is the activity that occupies these soldiers, not “target practice,” not

⁵ A number of distinctions and qualifications need to be made at this point, mostly regarding those actions indifferent in their species (*ST*, I–II, q. 18, a. 9) and those things human beings do that are not, strictly speaking, human actions (*ST*, I–II, q. 1, a. 1 and ad 3).

⁶ Michael Walzer, *Just and Unjust Wars*, 3rd ed. (New York: Basic Books, 2000), 14.

“resettling villagers,” not “special handling.” This is the object of their action, not some other. We call the action a massacre, a term that carries its own moral weight, precisely because no other term gets the facts right. No other concept specifies what was done. It follows that we can no more say whatever we please about the matter than we can about apples and oak tress. We cannot “postulate private worlds of moral reasoning or act upon arbitrary norms for personal conduct” (164–65). “Moral talk is coercive; one thing leads to another.”⁷ One cannot call this action a massacre without calling it unjust. And if there are certain actions that are unjust in their species, then we must conclude that some actions “always possess a deformed moral character no matter what circumstances or intentions lie wrapped up in them” (174).

But, as I said, Fr. Cessario’s view is only roughly equivalent to Walzer’s and the difference lies in the inferences they draw from the moral realism they share. From the fact that certain actions, properly defined by their objects, are intrinsically unjust, Fr. Cessario thinks we can conclude that those same actions are absolutely prohibited, without exception. Any of us, all of us, can make this inference, and we do so as we recognize that intrinsically unjust actions deny us the happiness we all desire. These actions deny us the perfection that comes from acting in accord with our nature and all of us can see that they do once we note the injustice in their species (98, 116, 164, 171). How this inference from injustice to absolute prohibition is made and whether it is made well will occupy us below. For now it is enough to note that Walzer does not make it. Rather, he thinks that an action unjust in its species can, nevertheless, be done in certain circumstances. Massacring the innocent, while obviously unjust, can be imagined in wartime when our enemy poses an imminent and “ultimate threat to everything decent in our lives” and when no other means can prevent the reign of “evil objectified in the world.”⁸ Most Americans agree. Strike up a conversation about the obliteration bombing of German cities during the Second World War and you will find that most concede it was a massacre justified by the threat that Nazi aggression posed. Most see the injustice in the object of the action but resist the inference to a prohibition.

At this point, it is hard to know what to think about these competing moral realisms, largely because we have not yet filled out Fr. Cessario’s version. For that we will have to consider some of the other inferences he makes about a couple of other matters, inferences from the moral content of being.

⁷ *Ibid.*

⁸ *Ibid.*, 253.

Teleology

If the truth about some thing cannot be known without noting how it participates in the good, then it is the truth about a thing's agency that we will have to know in order to specify the kind and character of the thing. A Thomistic moral realism operates within the framework of this "highly refined teleology" (44). Everything is what it is and not some other thing because of the distinctive nature of its agency, because of the ends it pursues and the manner in which it pursues them. A swallow, for example, is the creature that it is, not an eagle, fish, or slug, precisely because its actions and passions are directed toward certain ends, such as nest building, by certain means, with mud and grass, not sticks and twine. And a swallow is a good swallow, a perfect instance of the sort of thing that it is, when it acts as swallows do and achieves the ends appropriate to its kind. By contrast, a swallow that did not act as swallows do would not be a very good swallow. It would hardly be a swallow at all. Nor would a swallow that acted for the sake of the ends characteristic of its kind but with little success. And of course, in each of these instances, the imperfect swallow would be cut off from the ends that satisfy it, cut off from the goods that alone bring it whatever happiness swallows are able to muster.

Human beings and human agency are similar. We act for the sake of certain ends but not others, and this particular collection ends—knowledge, friendship, the rearing of children, self-preservation, and so on—is one of the things that distinguishes our agency, our species (90, cf. *ST*, I–II, q. 10, a. 1; I–II, q. 94, a. 2). The other is the knowledge with which we act (*ST*, I–II, q. 10, a. 2). Acting with knowledge entails knowing the ends characteristic of our kind as a prelude to deliberation over the means that might achieve those ends (*ST*, I–II, q. 6, aa. 1–2). And since the ability to deliberate, to compare one course of action with another, entails a certain indeterminacy in agency, we are not bound to intend any one of the ends characteristic of our kind or choose any particular course as a means to any particular end we come to intend (*ST*, I–II, q. 10, a. 1; I–II, q. 14, a. 1). Indeed, it is precisely because knowledge mediates our relation to the human good, transforming it into the "the good-as-meant" (32), that we are able to act voluntarily and in all sorts of particular ways, while swallows have a small repertoire of actions that they must perform insofar as they are swallows (104–8).⁹ Our ability to act knowingly also

⁹ Fr. Cessario assumes an intellectualist account of the voluntary at every turn and resists all voluntarist accounts of the will's independent causality (32, 60, 76–78, 229–42).

explains why we are rational creatures and they are not (*ST*, I–II, q. 6, aa. 1–2; I–II, q. 91, a. 6). For when pressed we can provide reasons in defense of our intentions and choices, reasons that refer to ends and means that are known to be good and pursued because of that knowledge.

Human goodness and happiness follow suit. In fact, for Fr. Cessario, this is “the basic conviction of moral realism, namely, that the good we seek and embrace in love inescapably affects our personal being and goodness” (45). We become a good human being, a perfect instance of the kind of thing that we are, as we act for the sake of certain specific instances of those ends characteristic of our kind. When we act in this way with the consistency of habit and achieve those ends that alone can satisfy, happiness is ours (50). So far so good. But notice how the manner in which we act for the sake of these ends makes all the difference. Because our relation to the human good is mediated through our knowledge of it, and because this knowledge generates a certain indeterminacy in our agency, perfection in human action is not achieved simply by acting as human beings do. A swallow that acts as swallows do, and does so consistently, is a perfect instance of the kind of thing that it is. Not so for human beings. We can, and often do, act knowingly for the sake of some human good, and yet without knowing the specific instance of the good that can, in that circumstance, draw us closer to the living God. We can, in other words, act without knowledge of the “true good” (48–51). At other times, we know which specific instance of some human good is true, and yet we are unable to act according to that knowledge. We pursue some other good instead. The point is that sinful action remains human action despite its deformity (97–99). Thus, the question becomes, how do human beings come to know and love and act for the sake of the true good? How do we come to perform those actions that perfect our nature?

Natural Law

At this point, one might expect Fr. Cessario to follow the lead of so many others and address this question through appeal to the natural law’s precepts, but he doesn’t. Indeed, he explicitly resists every rationalist–deductive account of the natural law, every attempt to think that its precepts can, by themselves, direct us to the true good (91). By the same token, he thinks it is a mistake to suppose that Aquinas offers his remarks on the natural law in order to generate precepts of this kind, precepts that can supply the ultimate determination of every specific moral issue. He doubts that Aquinas’s efforts are designed to yield “a complete moral theory” of this sort (77). And he regards this common misconception about the natural law’s precepts and this misinterpreta-

tion of Aquinas's remarks as symptoms of moral realism's diminished standing in modern moral theology (229–42).¹⁰ What is needed then, and what Fr. Cessario supplies, is an account of the natural law and an interpretation of Thomas's texts that begin with the realism they both assume. Here, I can only trace the barest outlines of Fr. Cessario's careful exegesis and rich argument. What matters are his aims and what he takes the natural law to be. Following Aquinas's lead, his remarks on the natural law are designed to situate his moral realism in theological context, in the doctrines of creation, providence, and salvation, and thus ultimately in what the Church confesses about the Trinity (52–68). This is the proper context precisely because the natural law is, as Aquinas puts it, “nothing other than the rational creatures participation in the eternal law” (*ST*, I–II, q. 91, a. 2.), and the eternal law is, as Fr. Cessario puts it, nothing other than “how God knows the world to be” (60).

If everything is what it is and not some other thing because of the character of its agency, and if God creates and governs all things, then it is God's wisdom that distinguishes each from each as it directs all things to their proper ends (54–58). As a law is a dictate of practical wisdom (*ST*, I–II, q. 90, a. 1), a summary of a ruler's judgment about the ends his subjects must pursue, we can say that God creates and governs all things by framing laws (*ST*, I–II, q. 91, a. 1). We can say that the eternal law is an analogical expression of God's creative and ruling wisdom (59). And we can say that rational creatures fall under the eternal law's jurisdiction as they share in that wisdom, as they know what the eternal law demands. Aquinas calls this habitual participation in God's practical wisdom *synderesis* (*ST*, I–II, q. 94, a. 1, ad 2). Naturally, and thus necessarily, we share God's judgment about our good and we are inclined to that good because of that judgment (*ST*, I–II, q. 91, a. 2). The natural law is nothing but this sharing in God's judgment about our proper ends, nothing but this participation in “the divine government of our own actions,” the actions characteristic of our kind (64).

Thus to say that human beings act in accord with the natural law is to say something about human agency as such, created by God and governed by providence. It is to say, on the one hand, that it is knowledge of the ends to which we are naturally inclined that moves us to act in ways that are characteristically human. On the other, it is to say that human actions

¹⁰ After the Second Vatican Council and in the wake of the moral encyclicals of John Paul II, Fr. Cessario thinks that the ecclesiastical climate may once again be favorable for doing moral theology under the tutelage of Aquinas's moral realism (241). At the same time he concedes that theologians will have to strike out on their own, as most philosophers remain hostile to Thomistic moral realism (74, n. 57).

are rational precisely because of this knowledge, this judgment we share in common with God about our good. It follows that every human action, whether good or evil, participates in the eternal law and accords with the natural law in some minimal sense (*ST*, I–II, q. 91, a. 2, ad 1). Every human action is done knowingly and for the sake of a specific instance of one of the ends to which we are inclined naturally, one of the goods that we will simply and absolutely (62, 89). It might also be done to avoid the loss of one of these goods, but no matter. In all that we do the first principle of the natural law is fulfilled, the most basic requirement of rationality in human action is satisfied (86). Some human good is pursued or some evil is avoided (*ST*, I–II, q. 94, a. 2).

Thus, in the first precepts of the natural law, we have the starting points for “a moral life lived under the inspiration of the Holy Spirit” (67), we have the beginning of human conduct, the “foundation for right reason to operate” (76). The intellect perceives the goods characteristic of our kind, and does so *per se nota*. The will inclines to those goods naturally and necessarily (91), and together these “structural tendencies inherent in . . . (our) nature” (82) generate actions that are fully our own and yet fully under God’s jurisdiction.

Virtue

What does this account of the natural law say about our ability to know and love the true good? On the one hand, quite a lot, on the other, not nearly enough. It tells us there is a “God-given created order of reality, how God knows the world to be, [that] stands underneath the order that shapes moral reason” (184). It tells us that moral reason measures the rational good in the things God has created (184), and that “authentic moral value” is fully realized only as we act for the sake of that good, only as our “action fully participates” in that order, in that eternal law (155). It also tells us that full participation in the eternal law is not given with our nature. The “natural law quickens both the human cognitive and conative powers,” but it does not perfect them (100). For this, the virtues are needed, for it is only through the exercise of the virtues that our natural inclinations, captured in the first precepts of the natural law, are “rendered efficacious for the moral life. . . . In other words, the general precepts of the natural law are only the cognitive foundation for the morally significant knowledge achieved connaturally in a virtuous life, a life that perfects these precepts as it perfects the inclinations they govern” (91). We have, then, a kind of division of labor. Divine wisdom creates and governs the human intellect and will, the natural law’s general precepts describe how these internal sources of action fall under God’s rule, and

the virtues perfect those sources and that action. Intellect and will are ordered by divine wisdom to the human good, but only in general. The natural law's first precepts are but abridgments of God's judgment about that good. The virtues are needed to fill out those abridgments, specify "the moral truth in a particular situation" (94), and love the good that has been so specified. Add to this the fact that we have a natural obediential potency toward certain acts of intellect and will that can be achieved only through the active agency of God (29),¹¹ only through the gifts and the theological virtues, and we must conclude that "a full expression of natural law principles" occurs "only in a completely virtuous life" (95).

Of course, Aquinas admits that a small collection of secondary precepts can be derived immediately and with very little reflection from the natural law's most general principles (*ST*, I-II, q. 95, a. 2; I-II, q. 100, a.1). From this one might conclude that he imagines no precise division of moral labor between first and second nature. Virtue perfects nature, but nature appears to provide some moral wisdom on its own, without the assistance of the virtues. But this appearance deceives, and the fact that it does can be seen in Fr. Cessario's account of moral diversity, in this treatment of the various lists of secondary precepts one finds in various times and places. In some instances, the right principles are derived but habitually unruly passions make acting according to those principles unworkable (97). In other instances, failure to know certain "morally significant truths" makes it impossible to derive the right principles (98). In each case, the absence of virtue explains the deficiency of natural moral wisdom. The proper conclusion seems to be that we cannot regard human nature as an independent source of moral knowledge.¹² The secondary precepts that follow from the first principles of our nature, immediately and with little reflection, are derived with the assistance of the virtues or not at all. If most human beings manage to make the right derivations, then we must conclude that most have some measure of virtue. Those that have full measures not only make the right derivation of secondary precepts, but they are able "to discern well about the whole of the good life" (133). In each circumstance of choice, they are disposed to know and love and act for the sake of the true good. And of course, actions of this kind, performed

¹¹ Put another way, our nature does not dispose us to supernatural ends, and yet it does put us in passive potency to be so disposed. For an excellent treatment of these matters, see Steven A. Long, "Obediential Potency, Human Knowledge, and the Natural Desire for God," *International Philosophical Quarterly* 37 (1997): 45–63.

¹² Indeed, once we assume, as Aquinas does, that the natural law is a rational creature's participation in the eternal law, we must also regard independent human nature as an impossibility, as a fiction of moral theory.

regularly and consistently over the course of a lifetime, make them perfect instances of the kind of thing that we are.

This primacy of virtue, above all the primacy of prudence (128–44, 163, 172), is the most significant inference that Fr. Cessario draws from his Thomistic moral realism. The virtuous alone have knowledge of the relationship between our nature and the actions that perfect us. They know what virtue involves for creatures like us. They know what distinguishes true perfections from virtue's semblances, and they know what justice, courage, and the other virtues demand. They know what measures of goodness genuine virtues instantiate both as perfections in the soul and as actions in the world, and they know how these measures of goodness stack up against other measures, other goods. And, with their passions set in right order by habit, they act in accord with this knowledge and with the expectation of success, at least for the most part.

But notice how Fr. Cessario's conclusion here complicates his own account of moral diversity. By his lights, when the inhabitants of other times and places derive lists of secondary precepts that depart in some way from the list defended in the authoritative teachings of the Magisterium, it is the absence of virtue that accounts for the difference. But we might as well say that it is competing accounts of specific virtues that does. Consider justice. Surely the inhabitants of other times and places will know, more or less, what justice is, and presumably their conception of justice will be enough like our own for mutual understanding of words and deeds. At the same time, their account of what the virtue involves, what it demands, and how it is distinguished from its semblances will be somewhat different from ours, for it is *this* difference that accounts for their somewhat different list of secondary precepts. But here's the rub. If we say their departure from our list is explained by their misunderstanding of what justice involves, they are very likely to say the same thing about us, and with good reason.

To his credit, Fr. Cessario sees the problem, and he appeals to the relationship between true virtue, precept, and genuine flourishing—or, rather, between real vice and genuine decay—in order to address it. Still, I am not convinced his solution succeeds, largely because he overstates what judgment untutored by virtue can conclude about action and happiness. The argument goes like this. Just as genuine virtues generate real flourishing, vice “yields its own punishment” (98). Its “self-implosive” character appears most plainly in lives governed by secondary precepts derived by a people whose judgments have been corrupted by the absence of true virtue (98). Because the natural law's secondary precepts “regulate areas of human life that are indispensable to the preservation and development of the individual and of the species” (94), all of

us, any of us, should be able to see the dire effects of a life lived according to a collection of false precepts. This, in turn, should enable us to distinguish true virtue from its semblances. A time and place that regulates its conduct according to life-threatening precepts cannot be inhabited by a people whose passions and judgments have been tutored by right reason. Real virtues cannot yield precepts of this kind. And as all can see this relationship between habit, precept, and flourishing quite apart from right reason's tutelage, vicious actions and precepts must be considered irrational, if not unintelligible.

Consider, for example, those who act contrary to the secondary precept that forbids the choice of a sexual partner outside "the permanent and exclusive commitment between husband and wife" (98). Either they concede the authority of the precept even as their passions get the best of them, or they fail to derive the precept in the first place, largely because they have a different understanding of what proper sexual relations involve, presumably a vicious one. Either way, "broken relationships and hearts" are the consequence that all can see (98). And, it is precisely because all can see this fallout, no matter how they are positioned in time and place, no matter what habits inform their souls, that there is a kind of irrationality in what they do. Fr. Cessario invokes Newman to make the point. "Quarry the granite rock with razors, or moor the vessel with a silk of thread" and nature will display your madness in full color (98). Pursue sexual relations outside of monogamous marriage and the human nature you share with the rest of us will offer the same lesson. It will judge your actions irrational, unintelligible, "the moral equivalent . . . of a barking man" (164).

But this conclusion overreaches. Nature untutored by virtue does not speak in these clear tones, or, if it does, its message is other than Fr. Cessario supposes. In fact, it is not at all easy to see how adulterous actions of the vicious are equivalent the barking ravings of the mad. Indeed, most of us deny the equivalence. And while many count broken relationships and hearts among the ordinary consequences of sexual activities that take place outside the norms of Christian marriage, others do not, and even those that do are often willing to break hearts for the sake of other genuine human goods, other sources of human happiness. Both sorts of dissent may well be mistaken, but it is not untutored nature that displays the error. In fact, the very existence of this dissent is proof that nature does not speak so clearly, that it does not pick out virtue's precepts from among the rest. And, if untutored nature cannot do this work, then nor can it help us distinguish true virtue from its semblances. Of course, it might turn out that judgment perfected by true virtue will indeed confirm Fr. Cessario's conclusion about the irrationality of actions that transgress Aquinas's list of secondary

precepts. Perhaps genuine wisdom will see more bestial madness in these transgressions than rational humanity. But this doesn't save the argument. Fr. Cessario is trying to locate true virtue from among its semblances and this conclusion makes use of true virtue before it is found.

Fr. Cessario's disagreement with Michael Walzer about that status of actions unjust in their species follows a similar course. Fr. Cessario maintains that judgment untutored by virtue can recognize that the person who pursues a genuine human good by means of an action unjust in its species "has begun to walk down a path that leads to frustration, not perfection." Why? Because all can see that human beings cannot "incorporate such activity into a reasonable pattern of human living" (171). Our nature denies that possibility. This in turn enables us to separate wheat and chaff, true virtue from its semblances. Those like Walzer who say they know what justice is, who insist that killing the innocent on a mass scale is a course of action grossly unjust in its species and who nevertheless contend that injustice of this sort can be pursued in certain supreme emergencies, are deceived. They pose as persons of tragic but praiseworthy self-sacrifice, as men and women willing to ignore virtue's demands for the sake of the common good. But the fact that they are willing to forsake justice for some other good betrays the imperfect, if not counterfeit, character of their virtue. If all of us, any of us, can recognize that actions unjust in their species are incompatible with our rational humanity, with the happiness we desire according to our kind, then it cannot be judgment perfected by true virtue that generates Walzer's conclusion. He says he knows what justice is, what it involves, what it demands, but his conclusion betrays his virtue, if not his rationality.

But once again, this puts the cart before the horse. The fact that Walzer concludes as he does, and the fact that so many share his conclusion, indicates that human nature fails to provide unequivocal moral guidance about this matter. And of course, if nature's message is ambiguous, then it cannot be used to decide the matter. It cannot tell us whether the just include those who, on occasion, forsake justice for other human goods, or not.

Theory and Theology

What can decide the matter? Modern moral theorists imagined that they could through self-sufficient appeal to something that transcends the contingencies of time and place. This was their great hope. I use the past tense deliberately for, as everyone knows, this hope has been dashed by the critics of theory: MacIntyre, Baier, Williams, and the rest. Natural law theorists in the modern period thought that they could offer a Catholic

version of this hope, but again, I think the past tense is appropriate here, not because hope has died in every quarter, but because its critics have made this hope difficult to sustain. Among these critics are those like Fr. Cessario who encourage us to return our account of the natural law to its proper theological context.¹³ Once that is done, once that account is situated in the doctrines of creation, providence, and salvation, it is no longer clear how the natural law can bear the burdens of moral theory. Once we describe the natural law as how God knows human beings to be, it becomes difficult to regard the natural law's precepts and principles as sources of concrete moral guidance. This, in turn, makes it difficult to think that unperfected nature can stand in judgment over particular virtues and concrete choices.

But in an age of moral pluralism, the comfort natural law theory promises to provide and the authority it hopes to bestow on our favorite moral judgments are benefits not easy to forgo. They tempt even the critics of theory. Notice how Fr. Cessario introduces his efforts. The Catholic moral tradition finds itself in an "alien cultural environment" (xii), where talk of exceptionless precepts is difficult to sustain. "Because of this situation, the need for sound instruction in each branch of moral theology acquires a new urgency" (xiii). Relativism's specter haunts every precinct (or so it seems) and can drive even the foes of natural law theory into its arms. And why not? Without the benefits of theory, how can we locate and justify the list of secondary precepts that tracks the truth? How can we pick out true virtues from among the imposters? How can we know what true justice demands? And how can we resolve our disagreements with those who doubt its demands are absolutely binding?

Still, I think these fears are best resisted, not because I think we can leave these questions unanswered and rest easy in a breezy false tolerance, but rather because the relativism that haunts us is not as fearful as many think. It is all bark and no bite. Fr. Cessario agrees, and yet he comes to this conclusion by resorting to styles of reasoning borrowed from the natural law theorists. The questions I have posed here are designed to cast doubt on this resort. If my worries are sound, then it appears that this borrowing is incompatible with the rest of his moral realism, with the primacy he gives to the virtues, and with his determined and laudable

¹³ For another recent attempt to resist the temptations of theory and return the discussion of natural law to its proper theological context, see Russell Hittinger, *First Grace: Rediscovering the Natural Law in a Post-Christian World* (Wilmington, DE: ISI Press, 2002).

effort to situate every remark about the natural law in theological context. Indeed, the proper inference from his moral realism seems to be that human judgment perfected by the virtues will know what true virtue involves and demands, what precepts follow from our nature, and whether justice can be forsaken, or not.¹⁴ It is an inference that gives little comfort for it implies that nothing can resolve our disagreements about the character of a specific virtue or about the truthfulness of a secondary precept except more virtue. And even then, it is likely that our disagreements will remain until we return to our beginning and join the blessed in heaven (3–8). In the meantime, we pray for God’s assistance, for the moral gifts that grace brings, and for the confidence that true virtue provides in the midst of these disagreements. This is what John O’Callaghan calls the liturgical character of the virtuous life *in via*, which “starts on our knees with the acknowledgment” of our dependence upon an agency that exceeds nature’s reach.¹⁵ It is, I think, an inference that follows from the Thomistic moral realism that Fr. Cessario so ably sets before us. N V

A Return to Casuistry?

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A GOOD SADDLE. A *good* heart. A *good* horse. A *good* general. A *good* person. These examples, all drawn from Aristotle, point to something obvious: the use of the word “good” in all these examples is *eminently adjudicable*. These items deserve the appellation “good” because (but only

¹⁴ My own hunch is that Aquinas stands in a tradition that runs back to Plato and forward to Hume, a tradition that locates knowledge of what the virtues involve in the virtuous themselves. They are not the standard that measures and judges that knowledge, but rather the place where that standard, that knowledge, is incarnate *in via*. Their virtue comes packaged with conceptual mastery of specific virtues and the inferences they make from the concepts they know are often quite different from our own. One such inference is that virtue’s goodness trumps all others. It cannot be forsaken for other goods. And it is precisely because they make this inference that the virtuous find they cannot act contrary to the demands of virtue. Contra-Walzer, it follows that one cannot have perfect knowledge of what “justice” is without knowing that justice cannot be abandoned for other goods. For a defense of Hume’s place in this tradition see John Bowlin, “Sieges, Shipwrecks, and Sensible Knaves: Justice and Utility in Butler and Hume,” *Journal of Religious Ethics* 28 (2000): 253–80.

¹⁵ John O’Callaghan, “Creation, Human Dignity, and the Virtues,” *Nova et Vetera* 1 (2003): 140.

insofar as) they function as they are *meant to*. Admittedly, because of Darwinism (or rather of Darwinism as too often popularly conceived), this frankly teleological understanding of good has become controversial. There is no “meant to,” it is claimed, in the process of natural selection, and therefore the application of the word “good” can mean little more than the emotional approbation on the part of the *speaker* of the word: “good” refers to the speaker’s emotions (“values”), not to anything intrinsic in the things being called “good.”

A moment’s reflection, however, will demonstrate the absurdity of this point of view. Of course, a jockey (“emotionally”) prefers a good to a bad saddle, and so when he calls it “good” he certainly is indicating something about his state of mind, that is, his “values.” But that is not why he *calls* the saddle good. He does so because it functions the way it is supposed to. But because the heart, the horse, the human being, have all evolved by the impersonal forces of the allegedly blind processes of natural selection, we are now compelled to expunge teleological categories from our understanding, or so the elites tell us from their secular pulpits. In fact, however, in some ways the theory of natural selection gives new purchase to the teleological mode of understanding. Even Charles Darwin himself (at least in his better moments) knew as much. Try as he sometimes might (in his weaker moments) to expunge teleology from biological thought, he knew it couldn’t be done; so he ended up with a rather muddled ambivalence:

The term “natural selection” is in some respects a bad [!] one, as it seems to imply conscious choice; but this will be disregarded after a little familiarity. No one objects to chemists speaking of “elective affinity”; and certainly an acid has no more choice in combining with a base, than the conditions of life have in determining whether or not a new form be selected or preserved.¹

Well, a saddle has no choice either, nor does a heart or a horse. Ever met a human being who *chose* to be born? Choice and preference are not, despite what is too often presumed, the relevant categories in teleology. True, a saddle-maker presumably chooses to make a good saddle, but that hardly is what constitutes the goodness of the saddle; otherwise skill, talent and luck would have no role, and good products would emerge just by the mere intention to make them good.² Most generals,

¹ Charles Darwin, *The Variation of Animals and Plants under Domestication* (London: John Murray, 1868), Volume I, 6.

² The novelist Saul Bellow got that same point across in a more amusing way in one of his novels when he named a highway-construction firm the Good Intentions Paving Company.

one presumes, want to be called “good” (like most coaches). But that hardly is the governing issue, otherwise every *miles gloriosus* would be brave beyond all telling. Even a good a general will be called “good” for reasons exceeding his skill; for often victories in battle depend on a bizarre concatenation of events beyond his control; but no one calls a good general “bad” because he had such a string of good luck, like Dwight Eisenhower on D-Day, when the weather cooperated and the Germans mistook his intentions and sent their Panzer Divisions far from Normandy. Richard III was indeed a bad king, morally speaking, but he might have been called a good general but for lack of a horse.

These distinctions might seem oversubtle, but we make them all the time; for they are implied in our everyday use of ordinary language (among his other virtues, Aristotle is still the best ordinary-language philosopher around). And so we may conclude with all normal speakers of normal language that the use of the word “good” in the five examples given above pertains to the things (or persons) good *in and of themselves*, not (or not primarily) good in their intentions.³

We may also conclude that the application of the word “good” is, except in boundary cases, *noncontroversial*: saddles that keep slipping off their horses, hearts that give out in aerobics classes, horses that never make it to the finish line, generals who can’t fight their way out of a paper bag, people who make the lives of those around them miserable—none ever gets called “good,” even by spaced-out New Age gurus or speakers high on Prozac. But saddles that keep jockeys atop a horse, hearts that keep ticking in the marathon, horses that win their owners buckets of money in the Kentucky Derby, generals who win the Civil War, and persons who leave the planet a better place than they found it—all get called “good,” and no one ever claims to be puzzled at what is meant (outside of the philosophy seminar room, anyway).

These observations provide a useful setting for assessing the import of Father Romanus Cessario’s learned and lucidly written book *Introduction to Moral Theology*. For in our contemporary setting, the author must address two issues: One, he must address the continued confusion over the very role of teleology in coming to moral judgment; and two, once that is addressed, he must take up the crucial difference between Aristotle and Thomas Aquinas (or of Catholic moral theology generally) on the true ends of man. In his seminal book *After Virtue*, Alasdair MacIntyre

³ The fifth example, a good person, will need nuancing, for intention is crucial in making some acts moral or immoral. But popular wisdom has always recognized that mere intention is insufficient for a person to be called “good” in the moral sense, otherwise the road to hell would not have such classy asphalt.

famously claimed that all ethical debate in contemporary society can be siphoned off into the alternative between Aristotle or Nietzsche. In that sense, Father Cessario is very much an Aristotelian—but, crucially, a *Thomistic* one. Now the difference between a “pure” Aristotelian and a Thomistic one can be neatly summarized by the title of one of Cessario’s chapters: “Human Flourishing or *Beatitudo*,” or more abstractly, between a teleological ethic in which man’s ends are conceived in purely naturalistic terms and one in which man’s final end is the vision of God at the end of time. In other words, Cessario is an Aristotelian in general terms, but a Thomistic Aristotelian specifically.

As to the first part of his position, the author does not engage Nietzsche *per se* (the man is never mentioned in the book); rather, he sees that Nietzsche’s brand of “biological emotivism” has its sap-giving roots in the subjectivism of David Hume and Immanuel Kant. Now it must be said here that Cessario does not spend a lot of time or ink taking on the whole tradition of secular morality stemming from these two dominating thinkers, nor in my opinion does he need to, as MacIntyre has already performed that service. In a way, that whole school of moral thinking can be dispatched in the same way the Austrian-English philosopher Ludwig Wittgenstein once neatly dispatched solipsism in his short work *On Certainty*: Solipsism, he said, can be refuted by the simple expedient of getting up from one’s armchair, as sitting in an armchair is the only posture in which such a bizarre thesis can be entertained and maintained. Similarly, all forms of nonteleological, emotivist moralism can be refuted by careful attention to the way the word “good” is applied in ordinary language, including by professors outside the oxygen-deprived altitudes of the seminar room.

Much more important to his project—the gravamen of the book, actually—is the author’s insistence that moral *theology* must be teleological in the full *theological* sense: Moral theology deals with how Christians get to God by following “the way of the Lord Jesus.” Here the author refers the reader to a passage in Thomas (without, however, quoting it): “Final and perfect happiness can consist in nothing else than the vision of the Divine Essence” (*ST*, I–II, q. 3, a. 8). *This* is what makes Christian ethics thoroughly teleological. Admittedly, the word “teleology” itself was first coined, it seems, in the eighteenth century by Christian Wolff, Kant’s immediate predecessor, whose concern in coining the word was not to specify the position of Aristotle or Aquinas. For that reason and others, the term “teleology” is often confused with consequentialism (where the end in view is merely the consequences of the action, not the ultimate end of the doer). But as Cessario points out, the word is still useful

enough despite its provenance, and he ably demonstrates how a true teleology is incompatible with consequentialism. Note how in the five examples that opened this review, one can easily adjudicate whether a saddle, heart, horse, or general is good by *performance*. Similarly, with the last example: To call a person “good” is not to claim access to his inner soul, to the purity of his intentions, to what he thinks the consequences of his actions might be, and so forth, but to the consistency of his character and behavior. Even the inculcation of virtuous habits, which is so important to Thomistic ethics, indicates this as well. For the whole point of developing a habit is to make it “second nature,” that is, to make the behavior flow freely without having constantly to force the will to command a recalcitrant body into a painfully attained “rightness.”

All well and good. But for the same reason that one rarely writes a letter to the editor of some periodical merely to praise (disagreement usually being a more compelling provocation to sit down and write than simple agreement!), I presume the editors of *Nova et Vetera* did not invite me to join in this symposium merely to praise. For there is, if not a flaw, certainly a lacuna, in Father Cessario’s book. In fact, his failure in this regard is one that pervades the whole project of Catholic moral theology ever since Vatican II, and one that affects Fr. Cessario’s book as well: *Until Vatican II Catholic moral theology was always geared toward the confessional, but now it is geared to the academy* (from manual to discipline, so to speak). Admittedly, this was a trend long a-building, and began with Blaise Pascal’s scathing critique of Jesuit casuistry, which was so effective that it had the (perhaps unintended) effect of obliterating all forms of casuistry from moral reasoning. Note, for example, how Pascal, the Jesuits, and casuistry get so little treatment in MacIntyre’s *After Virtue* or *Three Rival Versions of Moral Inquiry*. In fact, most bizarrely, MacIntyre never so much as mentions Pascal, the Jesuits, or casuistry even once in his famous *Short History of Ethics*.⁴

⁴ MacIntyre famously began *After Virtue* with a scathing portrayal of contemporary ethical debate: Mention abortion, capital punishment, or income-redistribution, he says, and suddenly the conversation heats up and people begin to hurl moral absolutes at one another. MacIntyre rightly puts the blame for this on the developments in ethical thought that have drained the word “good” of its teleological context. But he could also have mentioned another factor: the complete absence of casuistical reasoning in contemporary debate about ethical issues. The fact that not even his history of ethics so much as mentions casuistry makes the reflective reader wonder if casuistry has not become the *pudendum* of moral vocabulary now. Lately ethicists have begun using the term “quandary ethics,” but the term refers to exactly the subject matter of casuistry, so nothing has changed in that regard. But if the change in terminology can bring respectability back to this form of discourse, so much the better.

Now Cessario himself *does* take up casuistry, but only in the Appendix and only to criticize it, and that mostly by caricaturing it. Here is his indictment: (1) casuistry atomizes moral actions; (2) it eschews teleology; (3) it ignores questions of character and virtue; (4) it valorizes will and intention over deeds and behavior; (5) it takes an extrinsicist view of law and liberty; (6) it is legalistic, juridical and easily descends into pettifoggery; (7) it is individualistic; and, finally, (8) it is minimalistic. Little wonder, then, that the author concludes his privately promulgated *syllabus errorum* with this judgment: “After the Second Vatican Council, casuistry suffered a serious reverse. This eclipse of the casuist model is one of the most remarkable signs of renewal effected by [Vatican II]” (241).

I do not wish to dispute the justice of this “dark side” of casuistry so scathingly depicted with the Cessario pen; anyone familiar with the history of moral theology since the Baroque scholastics will admit that this portrait bears an uncomfortable connection with reality. But to recognize the *decadence* of casuistry is not thereby to resolve the ethical dilemmas it was invented to address. Problems don’t just vanish “into air, thin air,” just because the history of the attempted answers to those problems has proved embarrassing. Dilemmas are not resolved by pointing out how everyone so far has failed to resolve them. And since casuistry was born from the recognition of certain (and really quite frequent) moral dilemmas, it must always form a part of any moral theologian’s reasoning, the decadence of its past history notwithstanding. In fact, Cessario’s book proves as much, for despite its consistent polemic against casuistry, the author cannot help but point to those factors that gave rise to such a science of moral reasoning in the first place, as in this indicative passage:

The wellspring of human activity is found in the voluntary, which, when impeded by opposing factors, inhibits the human person from acting in a fully moral way. Roman Catholic moral theology acknowledges that certain factors can inhibit the movement of authentic freedom in a human person and so result in a diminishment of culpability. Because they impede the full realization of human moral action, these factors are called the “enemies” of the voluntary. An account of these factors is indispensable to a *full* analysis of concrete human action, *which must observe the obvious circumstances of everyday life*, especially when persons do things that are difficult to reconcile with the choices of deliberate freedom. At the same time, realist moral theology does not make a judgment of culpability the final moment in its evaluation of a human action. Virtue perfects not only an action but also the character of the actor who performs the action. [xxi; emphasis added]

Father Cessario is quite correct that moral theology cannot terminate its analysis by mitigating its judgments simply because of the servility of the will, for as we saw, any true teleological understanding of moral action is deed-focused and not (or at least not primarily) intention-focused. But intention, culpability, circumstances of everyday life, personality, weakness of will—these are all certainly the main focus of attention *for the confessor*. One should always be suspicious of Catholics who claim to be traditional, for usually the tradition they are being so traditional about goes back only a few decades. Now obviously Father Cessario is not a traditionalist in the oddball sense, like the devotees of Our Lady of Bayside and the like. But in his defense of *Veritatis splendor* against liberal Catholic moralists, he certainly will be taken that way by some sectors in the Church. (Dollars to donuts says that some reviewer will call the book a defense of “heteronomous” ethics.) Here I hasten to add that in all that pertains to Cessario’s critique of the liberal Catholic’s fondness for proportionalism, probabilism, utilitarian consequentialism, and so forth, I am in agreement. I only wish to point out here how utterly *untraditional* is his book when set against the history of moral theology: Only since Vatican II has the reading public been offered so much moral theology with so little to say to the confessor or penitent, and in that regard *Introduction to Moral Theology* is hip with the hippies.⁵

No doubt, the history of casuistry proves the difficulty of reconciling the two points of view: On the one hand, the moral theologian must render true judgments about the good; on the other hand, he must help the confessor (and maybe judges, legislators, psychologists, social workers, and just plain ordinary folk seeking wisdom) render true judgments about moral failure. Liberal Christians often take the line from the Sermon on the Mount, “Judge not, lest ye be judged,” as a license for laxity (“Don’t lay your value trips on me, man,” to quote the old hippie line of the sixties). But what Jesus is referring to there is not the flexibility of the law (“not one jot or tittle” of which will be removed—so much for Jesus’s support for liberal laxity!) but precisely the inadmissibility of claiming knowledge about the state of another person’s

⁵ For an account of moral theology’s transition from the confessional to the seminar room, see John Mahoney, *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (Oxford: Clarendon Press, 1987). That the book mostly celebrates what in many ways could just as easily be deplored does nothing to undermine the fascinating tale told in this fascinating book. For a similar view, one that sees only good and no bad resulting from this transformation, see Richard A. McCormick, SJ, “Moral Theology in the Year 2000: Tradition in Transition,” *America* (18 April 1992): 312–18.

soul. In his book *The Concept of Sin*, Josef Pieper gets the distinction down exactly:

St. Thomas says “mortal” sin pertains to “the eternal” in man, *in suo eterno* [Commentary on the Sentences 2d, 42, 1, 5]. . . . This is why we can never know who has and who has not committed a mortal sin. Because human guilt in the full and strict sense takes place only in the most secret and silent cell of the deciding person, *in suo eterno*, for that reason “mortal” sin is a process hidden from nature. Nor does it matter how public the sin be: even if the sin is a blatantly public violation of lawful order, or a violation against the nature of things or the dignity of man, even if it goes against reason, perhaps even against a divine commandment;—none of this bears on the accessibility of mortal sin to human eyes. It stands in no man’s power to judge whether such violations entail a deliberate turning away from God Himself—sin, therefore, in the strict, unabbreviated sense. Maybe not even the sinner himself knows!⁶

Casuistry, however, is not merely a matter for the confessional. It first arose, in the West anyway, among pagan philosophers alert to certain *inherent* moral dilemmas that arise in everyday life. Cicero’s example has since become one of the most famous cases for the casuist: tyrannicide. Everyone admits, Cicero concedes, that it would be a terrible wrong to kill one’s friend, but if that friend proves to be a tyrant, then killing him is no crime but “the most splendid of noble actions.”⁷ Cicero also makes clear that what we now cover by the name of casuistry was the invention of the Stoics, but Aristotle was the first to bring ethics to the brink of casuistry in this crucial passage in the *Nicomachean Ethics*:

A law is always a general statement, yet there are cases which it is not possible to cover in a general statement. . . . This does not make it [the general statement] a *wrong* law: the error is not in the law, nor in the legislator, but *in the nature of the case*, the stuff of practical conduct being essentially variable. When the law lays down a general rule, and a later case arises that is an exception to the rule, it is then appropriate, where the lawgiver’s pronouncement was too unqualified and general, to decide as the legislator himself would decide if he were present on this occasion. . . . *The essential nature of “equity” is thus to correct the law in situations where it is defective on account of its generality.* Like the measuring rod made of lead used by the

⁶ Josef Pieper, *The Concept of Sin*, trans. Edward T. Oakes, SJ (South Bend, IN: St. Augustine’s Press, 2001), 71.

⁷ Cicero, *De officiis* [On Duties], III, 18. One cannot help but think in this context of Cicero’s approval of the assassination of Julius Caesar by, among others, Caesar’s friend Brutus. Cicero had no part in the assassination itself, but approved of it after the fact.

builders on Lesbos, which is not rigid but can be bent to the shape of the stone [while keeping its accuracy, like a modern tape measure], a ruling is thus made to fit the circumstances of the particular case.⁸

This notion of “equity” entered Christian thought early, and indeed, given the lack of knowledge of Aristotle in late Antiquity in the Christian West, without Aristotle’s influence (another testimony to the inevitability of this form of moral analysis). For example, Pope Gregory I (540–604), in his *Commentary on the Book of Job* at Job 40:17 (“the sinews of Behemoth’s testicles are tightly entwined”), notes that the word “entwined” (*perplexi*) shows that the Devil (Behemoth) often tempts by causing “perplexity” to good people *by making it appear that whatever a person does to resolve a moral conundrum will itself be immoral*. In each case, Gregory advises choosing the lesser evil.⁹ As the philosophers Albert Jonsen and Stephen Toulmin point out in their highly useful history of casuistry, the “advice is, in itself, less interesting than the appearance in these cases of the ‘perplexed person,’ who cannot help doing wrong, whatever course is followed: [in Gregory’s wake] the subject of the *perplexed conscience* was to become a common topic in later casuistry.”¹⁰

⁸ Aristotle, *Nicomachean Ethics*, V, x, 3–7 (1137b); emphasis added. Aristotle is reacting here to Plato’s rejoinder to the Sophists (whose moral relativism horrified him). To counteract the Sophists, Plato posited a univocal meaning to the word “good” applicable in all situations, once it is discovered.

⁹ Gregory the Great, *Moralium Libri XXXII*, chapters 16–20, 28–40. The cases Pope Gregory adduces are three: (1) Two men promise to be completely honest with one another, but to tell no one else what they share with each other; then one finds out the other is planning to murder someone: Does he break his promise or become an accessory to murder? (2) A man enters a monastery to avoid the temptations of secular life, but the abbot appoints him the monks’ negotiator with tradesmen: Does he disobey the order or, by obeying, expose himself to the temptations of secular life? (3) A priest gets a parish assignment through bribery but then repents of his sin: Should he give up his “ill-gotten gains” or keep the parish lest his parishioners go without spiritual care? These quandaries seem pretty mild in today’s age of nuclear weapons!

¹⁰ Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988), 95. But Gregory I was hardly the first authority in Christian antiquity to apply moral absolutes to hard cases by mitigating them. Despite the impression left by this otherwise fine book, the “wake” was really caused by St. Paul, not Pope Gregory. For we find the same casuistical reasoning in his letters, where he must deal with the married status of converts (1 Corinthians 7: 10–16): When both husband and wife convert, the pre-Christian vows are indissoluble (“this ruling is not mine but the Lord’s,” verse 10), but in the case where only one spouse converts and the other spouse leaves the marriage because of the conversion, separation is permitted (“these instructions

Thus Thomas Aquinas, building on centuries of reflection on this issue born in the confessional, will openly aver: “A thing taken in its primary consideration [*absoluté*] may be good or bad; yet *when additional considerations are taken into account it may be changed to the contrary*” (Thomas Aquinas, *ST*, I, q. 19, a. 6, ad 1).¹¹ It must be frankly said that Thomas’s assertion in no way influences either the structure or the positions of Father Cessario’s book. In fact, recapitulating his earlier review of the Jonsen and Toulmin book,¹² he has only this to say: “Foremost among [the] undesirable marks of casuistry are the appeal to conscience as a way to escape observance of the moral law and the tendency to evaluate moral acts only with reference to their immediate

are my own, not the Lord’s,” verse 12). Similarly in the next chapter Paul must deal with the thorny issue of food sacrificed to idols: Since temples at the time not only had their own butcher shops but had a virtual monopoly on the selling of meat (temples serving as a kind of ritualized slaughterhouse, as it were), Christians wondered if the purchase of meat there constituted collusion in temple worship. No, said Paul, but that general principle had to be mitigated in the case of delicate consciences, in which case even the “appearance of impropriety” (to borrow a contemporary tag-line) had to be avoided (1 Corinthians 8:1–13). Paul’s permission to let a converted spouse separate from a still non-Christian husband or wife, by the way, became the famous “Pauline privilege” in canon law, which allows for the annulment of a marriage on similar grounds, when one spouse converts and the other sues for divorce in civil court because of the conversion. When Europe was mostly Christian, the occasion for invoking the privilege rarely arose; but one imagines in a post-Christian and largely pagan society, where even nonchurchgoing Christians rarely bother to have their children baptized anymore (even for purely anthropological reasons, like keeping up appearances in society), the need to invoke the Pauline privilege will become more frequent.

¹¹ Emphasis added. Again, Jonsen and Toulmin provide a most lucid exegesis of Thomas’s use of the word *absoluté*: “The wrong of homicide or theft, for example, is a point of principle in one sense: It is a type of action whose presumable wrongness is not *generally* in doubt—*malum abstracte accipiendo, in se malum, simpliciter malum*. But it is not a universal and invariable axiom: Because of their special circumstances, a few particular acts of homicide or theft became pardonable, justifiable, or (at the very least) excusable. Medieval scholars, in fact, used the Latin words *absolutus* and *absoluté* much as we use the phrases “all other things being equal,” “in itself,” or even (in our modern “dog” Latin) *prima facie*. To say that theft (say) is wrong *absoluté* thus meant to them, ‘In the absence of exceptional extenuating circumstances, theft is wrong.’ In other words, ‘You should *presume* that any act of theft is wrong, unless and until those exceptional extenuating considerations come to your attention’” (ibid., 109). Thomas’s own example here in this article is capital punishment as an example of God’s consequent will: God antecedently wills all men to be saved but consequently condemns some to hell; so too a judge antecedently wills all men to live but condemns a murderer to death: “to kill him is a good, that he live is an evil” (*ST*, I, q. 19, a. 7 ad 1).

¹² Review of *The Abuse of Casuistry* in *The Thomist* 54 (1990): 151–54.

context" (241). Well, again I agree that is the *danger* in casuistry, but it can hardly represent its essence; otherwise one must abandon St. Thomas, for all the lip-service that might still be given him. As a matter of historical opinion, Cessario might well be right that "in the documents of [Vatican II and *Veritatis splendor*] we cannot find any warrant for new forms of casuistry" (xv). But that such a lacuna might represent a problem, not just for his own theology *but for these documents*, never comes up, even for debate.¹³

¹³ I hope the reader will excuse an excursus on dissent here, because I need to distinguish my critique of Fr. Cessario from the garden-variety dissent from magisterial teachings that followed in the wake of *Humanae vitae* in 1968. This detour of mine on what has become an institutionally embedded dissent has become especially exigent in the wake of an editorial in the *National Catholic Reporter*, which, in a typical bit of rhetorical vulgarity, accused such neoconservative luminaries like Father Richard John Neuhaus, George Weigel, and Michael Novak of "dissenting" from papal "teaching" on Gulf War II. First, it must be stressed that the raising of casuistical issues is not dissent, but merely the pointing out of certain quandaries that arise at times when certain general principles conflict. Secondly, a sure indication of a lurking problem in moral theology would be the presence of general principles that *in themselves* seem inconsistent (a bit later we will take up certain foreign-policy positions adopted by the Vatican that seem to operate out of conflicting principles). But this certainly does *not* hold true of Catholic teaching on sexual ethics, which, while certainly challenging and difficult to obey, is not inconsistent; in fact, it is the only form of Christian sexual ethics that both conforms to the New Testament and maintains consistency across the board, something that cannot be said of any form of Protestant sexual ethic, Karl Barth and a few other lonely voices excepted. Thirdly, *real* dissenters dissent from the teaching that something is or is not *objectively* moral or immoral. Casuists, however (at least the nondecadent ones) merely point to those circumstances that either mitigate guilt or (as in just war) that transform what would be immoral if undertaken privately but become a positive good when undertaken by public authority for the common good, as will be shown in the next few pages. This is why behavior *in re venerea* is taken more seriously, and more readily assumed to be grave sin, in Catholic moral theology than the behavior of statesmen (behavior that on the surface might seem much more "immoral" than the "loving" behavior of, say, two adulterers). But according to Pauline (and recent papal!) teaching, one is never more oneself than when one is expressing oneself sexually. That is why Paul insists that illicit sexual behavior is a kind of translation of one's body from the Body of Christ to the domain of sin: "Count yourselves as dead to sin, but alive to God in Christ Jesus. So do not let sin reign in your flesh so that you obey its evil desires. Do not offer the members of your body to sin, as instruments of wickedness, but rather offer yourselves to God as those who have been brought from death to life, and offer the members of your body [which in Pauline diction includes the sexual organs] to him as instruments of righteousness. For sin shall not be your master, because you are not under law, but under grace" (Romans 6:11–14). This is what makes

To see just how untraditional Father Cessario is in his moral theology, let us consider this passage from St. Thomas:

It would *seem* that theologians should not take note of the circumstances of human acts. Because theologians do not consider human acts otherwise than according to their quality of good or evil. But it seems that circumstances cannot give quality to human acts; for a thing is never qualified, *formally speaking*, by that which is outside it, but by that which is in it. Therefore, theologians should not take note of the circumstances of acts. . . . On the contrary, I answer that the theologian considers human acts according as they are found to be good or evil, better or worse; *and this diversity depends on circumstances*. [ST, I/II q. 7 a.1 obj. 1 *et respondeo*; emphasis added]

Similarly:

It would *seem* that an action is not good or evil from a circumstance. For circumstances “stand around” [*circumstant*] an action, as being outside it. But *good and evil are in things themselves*, as stated by the Philosopher in *Metaphysics* vi 4. Therefore an action does not derive goodness or malice from circumstances. . . . On the contrary I answer that . . . human actions are good or evil according to circumstances. [For] not every accident is present in its subject accidentally, for some are “proper accidents” [meaning both paradoxically extraneous and essential, like the hue of a Monet sunset]; and of these every art takes notice. And thus it is that the circumstances of actions are considered in the doctrine of morals. [ST, I–II, q. 18, a. 3, obj. 1, *respondeo*, and ad 2; emphasis added]

Aquinas is clearly building here on Aristotle’s notion of *phronesis* (prudence). In his famous reaction against Plato’s moral theory, Aristotle realized that *episteme* (apodictic knowledge) could not be the source of our knowledge of the good, at least as it applies to particular situations. No, prudence (a more error-prone form of knowledge) was essential. In other words, the combination of conscience and prudence shows that although completely general first principles of morality (“do good, avoid evil”) might be universally and ineradicably known, deliberation about the merits of particular actions moves on a much more obscurely lighted stage. Or as Jonsen and Toulmin put it in their exegesis of this passage:

dissent from what liberal Catholics like to call, in their sneering way, the “pelvic issues” so lethal to the holiness of the Church: Such dissent lures the unsuspecting faithful from the domain of grace to that of the flesh—and death. This is also what makes this rhetorical ploy of liberal Catholics in calling neoconservative demurrals of Vatican foreign policy not just vulgar, but also mendacious.

Circumstances, though extrinsic to the substance of an act, touch it (*attigit*) in important ways. From this metaphysical starting point Aquinas proceeds to design an elaborate scheme showing how the seven Ciceronian or eight Aristotelian circumstances “touch” the substance of acts. Circumstances enter into the evaluation of an act in two ways. Usually they affect the degree of seriousness attributed to the action and attenuate or augment the blame attached to it. The circumstances may also, however, change the very nature of the moral act: because reason determines the particular time and place of action, it may happen that these particular circumstances involve something so contrary to reason that they become an essential feature of the act.¹⁴

Take the issue of just war, a case for casuistry if there ever was one, involving, as it does, something, in the words of Jonsen and Toulmin, “so contrary to reason.” Given the horrors of war, in many quarters in the Church, representing what the journalistic world would represent as “right” (Germain Grisez) and “left” (James Keenan, Paul Griffiths), one can spot a default pacifism. But precisely because Aristotelian prudence and the Thomistic distinction between formal and material knowledge of moral norms have largely disappeared from the writings of contemporary moralists (lip-service doesn’t count), just-war theory must now resort to, bizarrely, the principle of double effect. Leaving aside the delicate irony that moral theology (and philosophy) is never more casuistical than when

¹⁴ Jonsen and Toulmin, 134. Nor will it do to claim that the doctrine of the Church from the time of St. Thomas until now has “developed” in such a way as to undermine these principles. On the contrary, they have been ringingly endorsed by the highest possible instance of the Catholic Church, an ecumenical Council, indeed the most recent one, the Second Vatican Council. In *Gaudium et spes*, the Church solemnly declares “Often enough, the Christian view of things will itself suggest some specific solution in certain circumstances. Yet it happens rather frequently, and legitimately so, that with equal sincerity some of the faithful will disagree with others on a given matter” (no. 43; emphasis added). And to the specifics of application of general moral norms, one notes echoes of St. Thomas here: “The Church, as guardian of the deposit of God’s word, draws religious and moral principles from it, but *does not always have a ready answer to particular questions*, wishing to combine the light of revelation with universal experiences so that illumination can be forthcoming on the direction which humanity has recently begun to take” (no. 33; emphasis added). And finally—almost as if in anticipation of those liberal Catholics who regard *Gaudium et spes* as the most crucial of the documents of Vatican II and as the touchstone of its right interpretation—the document itself, in an important footnote specifying its own authority says “Interpreters must bear in mind—especially in Part II [where special urgent moral problems are treated, like war, atomic weapons and socio-economic life]—the changeable circumstances which the subject matter, by its very nature, involves” (official footnote 1 to the name of the document, a “Pastoral Constitution”).

invoking the principle of double effect (and I do not mean that observation pejoratively), this principle, when applied to war (except in narrow circumstances) makes a utter mash of determining what makes a particular war just or not. Certainly, St. Thomas does not approach moral analysis of war that way! In what is perhaps the most shocking of his statements, at least to liberal ears so attuned to humanitarianism, Aquinas forthrightly asserts: "The dangers of death that occur in battle come to man directly *on account of some good*, because he is defending the common good by just war." [ST, II-II, q. 123, a. 5; emphasis added]¹⁵

No talk of double effect here! Our current confusions become especially obvious when one compares what Aquinas says about *jus ad bellum* (justification for initiating hostilities) to what so many contemporary theorists have to say. With precious few exceptions, such as Paul Ramsey and James Turner Johnson, most just-war theorists nowadays hold that only defensive wars are justified, never offensive ones (hence the strictures

¹⁵ "Sed pericula mortis, quae sunt in bellis, directe imminent homini *propter aliquod bonum*, inquantum videlicet defendit bonum commune per justum bellum." In this context Thomas is speaking here of military service from the viewpoint of the virtue of valor or courage (*fortitudo*). Thomas's point is that courage is virtuous only when a man risks death in the pursuit of a worthy good, for virtue must always tend toward what is good, never toward what is evil. He answers that, yes, courage pertains to valor in battle. But the crucial issue is the logic of his answer: Since protecting the common good in just war is unambiguously good, moral *virtue* is found in combat, which is why the martyrs can be called courageous above all, for they too died in a battle on the side of good, indeed the *summum bonum*, God himself. For that reason, they are the most courageous of all. But for precisely that same reason, soldiers too who die in a just cause are virtuous because of *their pursuit of the good*: "Martyrs face the fight that is waged against their own person, and this for the sake of the sovereign good which is God; wherefore their valor is praised above all. Nor is it outside the genus of courage to apply this virtue to wars and the life of the military" (ST, II-II, q. 123, a. 5, ad 1: "Nec est extra genus fortitudinis quae est circa bellica"). A moment's reflection will show that Thomas could hardly come to any other conclusion without becoming a proportionalist or consequentialist: Normally, the way just-war debate is framed, one must weigh the evils of going to war against the evils war is meant to prevent or correct. But once the decision is made that *proportionally* the evils of war are outweighed by the cost of doing nothing, and provided that decision is correct (insofar as that is given to mortal man to know), then war *itself* can hardly be an evil in itself (*per se malum*). For if it were, Thomas would be a proportionalist, obviously an absurdity. Thus what a soldier does, provided he is on the just side and provided his behavior conforms to the norms of *jus in bello*, must be in itself *good*, and not an evil tolerated under the principle of double effect. That is why Thomas can claim the same virtue of courage for both martyr and soldier (in a just cause): Both are fighting for a good cause, and both are sacrificing themselves for it.

against “preemptive” attacks, which by the nature of things must initiate an offensive war). Not for Aquinas. In fact for him wars to defend against aggression are *never* wrong and thus don’t even need a theory, any more than raising one’s arm to deflect a body-blow requires a theory: something so instinctively physiological will happen willy-nilly, no matter what the lucubrations of moralists might deliver in the way of judgment. Thus, the only question that a theologian, philosopher, statesman, general, or citizen need consider is whether *offensive* wars can be justified; and by Thomas’s norms, some are, some are not.

Crucial again for Aquinas is that only an offensive war must be waged by legitimate authority (*ST*, II–II, q. 40, a. 1). But no special appeal to legitimate authority is necessary when one is using force to ward off an unjust attack, for this is an option open even to private individuals (*ST*, II–II, q. 64, a. 7). For example, when Nazi Germany invaded Poland in 1939, defense of the Polish nation was automatically “permitted” even without a formal declaration of war by its parliament.¹⁶ Moreover, Polish defense against the invasion was even “permitted” despite the fact that classical just-war theory requires the *likelihood of success*, something quite impossible for Poland under Hitler’s blitzkrieg, inasmuch as Poland’s army collapsed in the first weeks of the war. Thus the norms for waging a just war come into force only in offensive wars. In other words, to cite the words of one very lucid Thomist on this issue, Gregory Reichberg, “Only when initiative is taken to use lethal force for the repression of wrongdoing—especially where there is a direct intent to cause serious harm or even to kill—does legitimate authority become a necessary (although not a sufficient) condition for a morally justified employment of armed force.”¹⁷

For the repression of wrongdoing: Here is the key to understanding St. Thomas’s treatment of war, especially that kind of proactive war called offensive, not defensive, war. Now because war obviously entails the disruption, even destruction, of concord, and since concord is the fruit of charity, Aquinas treats war under the rubric of all those evils that disrupt concord: Not just war, but acts like schism, strife, and sedition, all break the comity that should reign among nations and neighbors. But tellingly, schism, strife, and sedition are judged by Aquinas to be wholly impermissible and evil in themselves. As Reichberg explains, “Each of these three terms unequivocally names a sin; thus a negative moral appraisal is implied

¹⁶ I put the word “permitted” in scare quotes, because it is St. Thomas’s point that no one requires permission in the case of self-defense, any more than one requires “permission” to breathe, blink, or flinch from danger.

¹⁷ Gregory M. Reichberg, “Is There a ‘Presumption Against War’ in Aquinas’s Ethics?,” *The Thomist* 66 (2002): 337–67; here 341.

in their very meaning. . . . Hence, in contradistinction to the proper denotation of the term war, it would be oxymoronic to speak of a *just* schism, a *just* sedition, or a *just* strife.”¹⁸ But not so when it is a question of waging war. Here the morality of initiating hostilities depends not just on legitimate authority but above all on the existence or nonexistence of prior wrongdoing committed by another political entity, or on the provocation of a prior injustice requiring armed intervention.

But what then of the injustice to which sedition and domestic strife are intended as responses? Aquinas will allow tyrannicide (albeit rarely), but only because for him in that instance the tyrant is the one committing sedition (“It is the tyrant, rather, who is guilty of sedition, since he encourages discord and sedition among his subjects, that he may lord over them more securely,” *ST*, II–II, q. 42, a. 2, ad 3). Similarly, domestic strife is a “kind of private war” (II–II, q. 41, a. 1), which, since legitimate authority is lacking, is always sinful. But the defensive *response* to such domestic strife is not itself a species of strife (as just war is a species of war), but is called “self-defense,” not “strife,” and that is always permitted, even in the absence of validation from legitimate authority, for reasons explained above.

But Aquinas does *not* make such a terminological distinction with the term “war,” for example, by calling unjust war simply “war” (always evil in itself) and just war something else (like, as so often happens today, “legitimate self-defense”). No, the very act of going to war can be good, all depending on the circumstances, of course. As Reichberg, summarizing his argument, explains so well:

Thus, unlike sedition and strife, in the manner of its signification “waging war” (*bellare*) is not inherently evil. What determines its specific morality is the existence or nonexistence of prior wrongdoing committed by another polity. War is evil in species when undertaken without a just warrant. In this respect the term *unjust war* functions in very much the same way as *sedition* or *strife*. Inversely, war is said to be good in species when it is undertaken with due cause as a response to manifest injustice. . . . Thus, if “presumption against” is taken to mean the recognition that an act is inherently wrongful in kind (i.e., it represents the violation of an exceptionless moral norm), then for Thomas there is no presumption against war, as there is a presumption against schism, strife, and sedition.¹⁹

And that Thomas has in mind here offensive, not defensive wars becomes clear when he says that it is always wrong to disturb true peace

¹⁸ *Ibid.*, 355.

¹⁹ *Ibid.*, 357.

but that it is sometimes licit to disturb “false” peace: “Those who wage war justly aim at peace; thus they are not opposed to peace, except to an evil peace” (*ST*, II–II, q. 40, a. 1, ad 3). Readers will no doubt be reminded here of Jeremiah’s cry against the false prophets for placing their hopes for Israel in just such a false peace:

From prophet to priest, every one deals falsely. They have healed the wound of my people lightly, saying “Peace, peace” when there is no peace. Were they ashamed of this? No! They were not at all ashamed; they did not know how to blush. Therefore, they shall fall among the fallen; when I punish them, they shall be overthrown. (Jeremiah 6:13–15)

In times of false peace, not going to war is just as much of a morally ominous decision as going to war, and both decisions entail a toleration of injustice: Not going to war involves a *passive* toleration of injustice, while going to war will entail an *active* toleration of injustice—active, because all wars inevitably inflict injustice, even when waged justly; for wars inevitably bring undeserved suffering in their wake, to both soldier and civilian. The question then becomes solely which injustices to *inflict*, and which to *endure*—precisely the kind of question casuistry was invented to answer! And the endurance of injustice can sometimes be sinful, especially when the injustice is done to the neighbor and not to oneself. In that context, Aquinas quotes the famous remark of St. Ambrose: “Whoever does not ward off a blow being visited upon a fellow man, when he can, is at much at fault as the striker” (*ST*, II–II, q. 60, a. 6, ad 2, quoting Ambrose, *De officiis* I, 36).

One cannot help but suspect that the complete absence of any discussion of casuistry in *Veritatis splendor* has influenced Vatican foreign policy, but only to make it incoherent. In the debate leading up to Gulf War II the Vatican Secretary of State, Angelo Cardinal Sodano, said that nowadays only wars mandated by the United Nations could be considered legitimate. Yet the Pope opposed Gulf War I, which *had* such a mandate. But then, when the United Nations could not intervene in Bosnia in the first Clinton administration (because Russia supported Serbia and would have vetoed any authorization to send in U.N. troops to Yugoslavia), the Pope insisted that humanitarian intervention was a moral requirement.

Lurking behind this incoherence, I hold, is precisely the same airbrushing away of the whole tradition on casuistical reasoning that marks Father Cessario’s book (and Alasdair MacIntyre’s history and genealogy of ethics in his books, too). Not many commentators of the Pope have noticed this, but when they do, the criticism they level can be quite hard to answer. For example, in a mostly appreciative (and entirely brilliant) analysis of the

social teaching of this pontiff, Damon Linker makes the following points, which are both subtle and acute enough to bear quoting in full:

That the pope refuses to entertain the possibility that the individual as well as collective good can sometimes be brought about by means that, viewed in isolation, appear to be morally suspect is a sign of a larger problem in his political thought. Let's call it a lack of appreciation for the role of moral ambivalence in politics. Although the impulse to avoid Machiavellianism—the view that the end justifies the means—is a decent one, it is easy to take this aversion too far, to blind oneself to the fact that Machiavellian considerations aren't always altogether evil. When, for example, they alert us to the harsh fact that being a force for good in the world occasionally requires a willingness to transgress the bounds of ordinary decency, Machiavellian insights can actually contribute to realizing that good. The ends don't always justify the means, but they sometimes do.

Nowhere are the problematic consequences of John Paul's refusal to accept this fact more apparent than in his comments on foreign affairs. Embracing a view that comes perilously close to pacifism, he condemns virtually all uses of military force, including the “tragic war in the Persian Gulf.” Going further, he also denounces the “insane arms race” that was precipitated by the Cold War, thereby refusing to acknowledge the role it played in bringing down the Soviet Union. And as for those nations that have “an unacceptably exaggerated concern for security,” the pope has nothing but contempt, since, in his view, they are the primary obstacle to bringing about a situation in which all the nations of the world are “united [in] cooperation . . . for the common good of the human race.”

The problem with these views is not that they are based on a faulty assessment of the character of warfare. After all, who among us would deny that war is an evil—that, especially in the modern age, it “destroys the lives of innocent people, teaches how to kill, throws into upheaval even the lives of those who do the killing and leaves behind a trail of resentment and hatred”? But, at the same time, we are also entitled to ask if it is really true that warfare always “makes it more difficult to find a just solution of the very problems which provoked the war [in the first place].” History—and above all the bloody history of the twentieth century—proves otherwise.

It is a sad fact—but a fact nevertheless—that from time to time war is necessary, and that it can even further the cause of justice every once in a while, despite the orphans and widows it leaves in its wake. In proposing a political theory that fails to take account of this aspect of political life, the pope ends up in the same moral quandary as Kofi Annan, who advocates “humanitarian intervention” in the atrocities of the world while lacking the resources and the resolve to take brutal and decisive action—the only things that could make a real difference.

John Paul's view can hardly be said to lack foundation. Here, however, his philosophy and his religious faith collide, and where other religious thinkers have sought to distinguish between just and unjust wars, John Paul chooses to defer to the straightforward meaning of Jesus's words. As a statement of absolute moral purity, for instance, the Sermon on the Mount is unrivaled; it thus justly commands our respect and admiration. But as a proposal for political practice, it is a recipe for disaster. We might very well be moved by hearing that we ought to "love our enemies," but what if our enemy is Hitler, or Stalin, or Mao, or the Khmer Rouge, or machete-wielding thugs in Somalia or Sierra Leone? What if "turning the other cheek" means allowing evil to triumph in the world and the cause of human decency to be vanquished? What if acting as submissively as the "lilies of the field" leads to the victory of intolerant ideologies that would brutally stamp out freedom, as it surely would have if the West had laid down its arms in 1939, 1945, 1962, or 1981? The craving for consistency might lead us to think that "no man can serve two masters"—both "God and mammon"—but is it not our fate in this life to have to do just that?

In following Christ's most stringent teachings to the letter, John Paul ends up espousing a view that apparently would require him, as well as all truly righteous Christians, to resist some future tyrant seeking to wipe Christianity from the face of the Earth with no more than prayer and passive resistance. One wonders if this would be sufficient. The historical record suggests it would not.

None of these concerns should be taken as reason to call into question the overall depth and profundity of John Paul's intellectual contribution to our times. Like all genuine philosophers, his arguments and ideas are worth more as catalysts for independent thinking than as frozen and flawless creeds that must be swallowed whole or not at all. But John Paul's work is important for more than just the views he articulates on this or that subject. In an age when original, comprehensive reflection on the human condition and the political situation of mankind has all but died out, the pope's voluminous writings are also a reminder of the greatness of which the human mind is capable when it sets itself to the task of understanding. For this as well as the considerable wisdom contained in those writings, Pope John Paul II deserves to be judged among the most remarkable minds of the twentieth century.²⁰

Nor is just war the only case where casuistry is required by the situation.²¹ There can be no doubt that liberal moralism frequently appeals to the

²⁰ Damon Linker, "John Paul II, Intellectual," *Policy Review* 103 (October 2000), available online at: www.policyreview.org/oct00/Linker.html. Only the most meretricious would call this brilliant analysis "dissent."

²¹ I will leave aside the question of capital punishment here, since the laws pertaining to the death penalty vary in the countries of the world too widely to justify

(alleged) purity of someone's intentions to mitigate, if not entirely absolve, a person from the wrong deed he or she has committed, as when appeal is made to economic hardship to "justify" or at least "explain away" abortion. Father Cessario quotes effectively from Pascal's *Provincial Letters* attacking the position of some Jesuit moralists of his day who held that to be culpable a person had to be informed completely of the sinful nature of the acts and advert to that wrongness in the acting of doing the deed. A position easy to satirize, to be sure, and we are not surprised that Pascal rises to the challenge brilliantly:

Blessings on your head, Father, for justifying people in this way! Others teach how to cure souls by painful austerities, but you show that the souls which one would have believed to be the most desperately ill are in the best of health. What an excellent path to happiness in this world and the next! I had always thought that the less one thought of God, the more sinful one was. But, from what I can see, once one has managed to stop thinking of Him altogether, the purity of one's future conduct becomes assured. Let us have none of these half-sinners, with some love of virtue; they will all be damned. But as for these avowed sinners, hardened

comment in this review. But one should note that in *Evangelium vitae* the Pope did not say, as he did of slavery and torture, that the death penalty was *per se malum*, only that social circumstances have evolved to the point where capital punishment is no longer necessary. In other words, practical not principled reasons dictate the reason for advocating abolition of the death penalty—a position which must reintroduce, willy-nilly, casuistical norms. Moreover, the Holy Father's position brings with it a whole series of questions not at all addressed in the encyclical, such as: What are these circumstances that have now rendered capital punishment moot? Do these conditions prevail only in Europe, or everywhere? Can the situation ever change so that capital punishment once again becomes necessary? If so, what would those changes be? And who decides: a government, its people, the pope of the time? And assuming a country does reinstate the death-penalty, would the Vatican have to approve of that step before it could be judged, once again, moral? The *Catechism of the Catholic Church* explicitly leaves the decision to go to war up to civil authorities (the position of the Vatican against Gulf War I and II to the contrary notwithstanding). Will this also hold true of capital punishment? Nor, come to think of it, is the situation of torture as self-evident as it seems. Surely, torture, when defined as the deliberate infliction of intolerable pain, either to punish or to elicit information, is inherently wrong. But what counts as torture *in that sense*? And does the definition of "intolerable" vary with the information being sought? If one can ward off a terrorist attack by getting timely information, how much pain can be inflicted to force out the information? Sleep deprivation? Threats of pain? Recorded screams next door? None of the questions can be answered using self-evident principles, precisely because they conflict. See Mark Bowden, "The Dark Art of Interrogation," *The Atlantic Monthly* 292 (October 2003): 51–76, for a nuanced examination of this difficult question.

sinners, unadulterated, complete and absolute sinners, hell cannot hold them; they have cheated the devil by surrendering to him.²²

Very clever, that; but as with all of the *Provincial Letters*, too clever by half. What? Is intention to count for nothing? Consider the following cases: A man otherwise in good health (or so he thinks) has a heart attack or stroke behind the wheel, falls unconscious and slams his car into a mother crossing the street with her baby in a stroller, killing both mother and child; two underage teenagers get drunk and drive home around midnight at 80 miles an hour and plow into a car occupied by four college students, killing two and permanently injuring the other two; a hit-man is hired by the Mafia to kill a man, which he does by running him down with his automobile, along with some hapless bystanders. All three events result in multiple vehicular deaths; all are equally tragic to the loved ones left behind; and all are equally catastrophic to the victims. But the law makes a distinction in all three cases, for the same reason that moral reasoning instinctively does: because each event must be evaluated according to the intentions of the respective drivers. Just as the law regularly distinguishes between vehicular manslaughter, vehicular homicide, second-degree murder, and first-degree murder, all according to the intention and state of mind of the perpetrator, so too must the moral philosopher and theologian distinguish deeds, at least in part, by the intentionality of the perpetrator of those deeds, just as a judge does come sentencing time.²³

But to say that circumstances alter moral evaluation on a case-by-case basis sounds like situation ethics, where, in its most extreme versions, *only* intention counts: provided one merely is a “loving person” at the time, the deed is by that fact alone moral. Such a position is almost laughably absurd, and can be easily enough refuted. A guard at a concentration camp can hardly be absolved because he loves his family and “needs the job.”²⁴ But

²² Blaise Pascal, *Provincial Letters* (Letter IV), trans. A. J. Krailsheimer (Baltimore, MD: Penguin Book, 1967), 65; cited in Cessario at 186.

²³ One notes here that the Council of Trent described the role of the confessor as judge in Session 14 (25 November 1551), Chapter 6: “. . . sed ad instar actus judicialis, quo ab ipso velut a iudice sententia pronunciat” (DS 1685). Father Cessario quotes the line (239), but he clearly doesn’t like it: “the metaphor by itself risks a distorted image of the purpose of the sacrament in the Christian moral life” (239–40).

²⁴ Make no mistake about it—the dilemma inherent in casuistry is real, as its history so embarrassingly shows. In other words, “quandary ethics” finds itself in a quandary of its own: On the one hand, moral norms are *real* (saddles that slip off when the jockey mounts the horse are objectively bad, no matter what the post-modernists might say); but when these absolute norms are applied to concrete

even there, situations do affect moral guilt. I am thinking here of Bernhard Schlenk's minor masterpiece of a best-selling novel *The Reader*, about a teenage girl in Nazi Germany who signs up for guard-duty at a concentration camp and whose prisoners are engulfed in flames at the end of the war because the guards locked them inside a church, which is then set afire. In the seventies, the crime comes to light, and she and the other guards are put on trial. About midway through the process, the woman in question adopts a defense strategy that allows the others to be acquitted, but she is convicted—for reasons utterly unrelated to her behavior and even though the others were the ones responsible. In prison she then begins to read (hence the title of the novel) everything she can on the Holocaust and in that way comes to see how the collective guilt of her nation has become, in a way legitimately, her own. The narrator of the novel happened to be a law student during her trial and is assigned by one of his professors to attend the proceedings. But because, by a coincidence, he had known her when he was growing up in the sixties in Berlin, only he knows what really drove her to take the job during the war, and what drove her to her self-defeating defense at the trial (to give the reason here would be to give away the plot, which bears certain formal resemblances to a police procedural).

My point here is simply this: that the insight a novelist working at the height of his powers can provide of a situation often far exceeds even the best of moral theologians. In that regard, I must say that reading moral theology and philosophy is often irksome to me. On both right and left (to use the conventional and tediously shopworn terms), one gets the feeling one is reading moral analysis done by a Turing Machine. Don't these people ever read novels, I frequently ask? Take Somerset Maugham's aptly titled novel *Of Human Bondage* (a phrase taken from Spinoza's *Ethics*), about a medical student with a clubfoot, a wound that crippled not only his leg but his psyche, a wound that caused havoc on his life and quite vitiated all attempts to love others, especially women. Or Sophocles's tragedy *Philoctetes*, about the attempt of Odysseus to get Neoptolemus to lie to Philoctetes, the owner of a sacred bow that infallibly hits its every target, which the Greeks need in the closing year of the Trojan War as their

situations (perhaps the squire didn't fasten the saddle on the horse properly), the absoluteness of the norms seems to get bleached away of its absoluteness, which introduces moral relativism, leading to the contemporary chaos we know so well: suicide bombers, "holy war" waged with Islamic atomic weaponry, reluctance to call even the most bizarre behavior wrong ("don't lay your value trips on me, man"), contemporary drug culture, Columbia guerillas lobbing rockets into a church killing 117 people, rampant pornography, sleaze everywhere. A quandary of its own, one might say.

“secret weapon” that would alone guarantee victory.²⁵ Or E. M. Forster’s *Howards End*, about the damage that can be wreaked on lives precisely by the efforts of others to do good: Two young women of wealthy parents decide to “adopt” a working-class man in London and give him the aesthetic education he always lacked; but their efforts come crashing down on them and him (literally) when he dies by accidentally tipping over a bookcase upon himself.

The last case brings up the final dilemma one rarely finds treated in most works of moral theology or philosophy: the realization that life is tragic and that best efforts to be moral often backfire. Odd how so many of our best moral theologians continue to skirt around Nietzsche, for whatever the massive incoherence of his own moral prescriptions, he at least foresaw the central dilemma of the twentieth century—that *the more humanitarian our values, the more monstrous world politics would become*: “Then the concept of politics will be completely dissolved in a war between spirits, all authority structures of the old society will be blown into the air—one and all, they rest upon a lie; there will be wars the likes of which have never been before on earth. From my time onward earth will see Great Politics.”²⁶

Sophocles, William Shakespeare, Fyodor Dostoevsky, George Eliot, Somerset Maugham: They all know that human life is constituted in its warp and woof by an endless series of *dilemmas*. Since human history has done nothing else but verify their art, it is long past time for moral theologians and philosophers to learn—and teach—the same lesson as well.²⁷ N V

²⁵ When Philoctetes finally realizes what has happened to him, duped for the second time (the first time was when Odysseus abandoned him on the island of Lemnos—a way-station on the way to the Trojan War—after a serpent bit him in the foot, causing in incurable fester), he bitterly accuses Neoptolemus of betraying him to which the latter replies, “I cannot [give back the bow]. There’s a cause, a plan, big moves. And I am a part of them. I’m under orders.” Seamus Heaney, *The Cure at Troy: A Version of Sophocles’ Philoctetes* (New York: The Noonday Press, 1991), 53. But far from “excusing” Philoctetes, the playwright makes clear the cost of his perfidy when Neoptolemus accuses Odysseus in these terms: “This boy. He’s your accomplice but he was my friend. With you he does what he is told, with me he did what his nature told him. I made him free, you only fouled him up. Look at him there, he can’t look me in the eye, he knows he’s contaminated. My body may be corrupting, but with him it is the mind” (56). The casuistry involved in lying during wartime has never received better treatment than here.

²⁶ Friedrich Nietzsche, *Ecce Homo*, in *Sämtliche Werke*, Kritische Studentenausgabe, ed. Giorgio Colli and Mazzimo Montinari (Berlin: de Gruyter, 1988), 6:365.

²⁷ Small portions of this review-essay appeared in *The Bridge* (Spring 2003), used by permission.

An “Introduction”

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WHAT KIND of help is promised by an “introduction”? It may be an *in*-duction, which will steer us step by step into the practice of Christian deliberation about what we are to do, exploring the goods that are open to pursue—ecological, domestic, political, and so on—and directing us to the authoritative guidance that has been given us. Alternatively, it may be a systematizing reflection on this deliberative practice, an introduction in the sense of a conceptual survey, marshalling and explaining its recurrent categories and the forms of its practical logic. And there is a third possibility, which is that the “introduction” is less an *Einführung* than a *Grundlegung*. That will take reflection right back behind the practice to its presuppositions, to the truths about God, mankind and salvation that make it conceivable.

Romanus Cessario, though with significant gestures toward the second of these paths, has largely followed the third. His introduction presents a sophisticated set of claims (which one would be wise not to try out on beginners!) about how moral deliberation is grounded in theological truths. A prominent concern is the unity of *sacra doctrina*, on which he advances the strong thesis (echoing, in Protestant ears, Barth’s “Ethics is dogmatics, dogmatics ethics”) that “only the purposes of academic organization or pedagogy require drawing a distinction between moral and dogmatic theology” (17). This is what Cessario means by championing “realism,” for “Christian theology is synonymous with Christian realism” (6). It is a legitimate emphasis—one, indeed, on which I have tried to insist myself. It requires some care, however, over the precise shape of the foundation that is to support the building.

For Cessario this shape is given in the Thomist dynamic of nature and grace, which provides the outline of a teleological moral psychology. The active human mind, made in the image of God, pursues its own beatitude with the assistance of the Holy Spirit. The role of the Spirit is patent of an extensive Trinitarian elaboration, and Cessario will actually say that “the regulative pattern for all human conduct ultimately lies within the divine Trinity” (56). In this way he makes good a double boast, to stay closely within the Thomist paradigm, on the one hand, and to be associated with the evangelical renewal of moral theology, on the other.

For me, however, the question is raised whether nature and grace, even when scripted in this Trinitarian way, form too narrow a dogmatic

platform to support Christian moral deliberation. A Trinity without an economy will not yield much in the way of a Christology. Though regularly referred to as “the Incarnate Christ,” it is not clear to me why the Second Person of the Trinity *needs* to be incarnate to do any of the work Cessario has in mind for him, which is largely to be present as revealer to the contemporary believer. The *historical* incarnation, which is, after all, the only incarnation worth talking about, is largely absent from moral theology as Cessario conceives it. He has little time, for example, for the suggestion that “the incarnate Son offers an example of good behaviour for his followers to imitate” (57). And there is not much greater interest in his role as moral teacher.

And where is the creation, apart from the human personality of the agent? The Lutheran theologian Oswald Bayer once commented on the transcendentalist turn in postconciliar Roman Catholic moral theology that “the gospel, as a gift, and God who comes to us in the giving word are reduced to being conditions for the possibility of human freedom.”¹ A similar tendency is evidenced in the rather different approach of Cessario. “Freedom,” to be sure, he rightly understands as more than a negative notion: not only the nonviolation of the human by the divine helper, but the fulfilment of the human in its perfection. Yet consider such a statement as the following: “[T]he realist moral theologian prefers to interpret natural law precepts as inclinations” (91). Here the whole order of creation seems to fold up into the created impulses of the “human voluntary.” The “human voluntary,” so called to escape certain voluntarist psychological simplifications, is something of a hero in Cessario’s narrative. And he does not shy away from the modern habit of referring to its exercise as “choices.”

And so the determined defense of teleology, which is such a welcome feature in the work, remains one-legged, never advancing beyond the anthropological. “The Church still asks that moral theologians still take full account of the design and ends of human nature” (69), we are told, in reproof of “the Protestant Reform”; but does the Church, both Cessario’s and mine (Anglican), not ask us also to take account of the design and ends of the created world? A world that existed essentially as a vehicle for the pursuit of human perfection would be a world that demanded no particular attention or respect on our part. But if it is a destined world that we act into, a world with its own perfection promised by God and not merely the crown of our voluntariness, then we shall require a moral realism of a tougher stamp. Let us turn the sentence about

¹ *Freiheit als Antwort* (Tübingen: Mohr, 1993), 232.

natural law and inclinations inside out, as follows: "Because of the essential dependence of virtue upon created order, the realist moral theologian insists on interpreting inclinations as the indicators of natural law precepts." That would be to find the test of our inclinations in a real world, in forms of created order that afforded external conditions and terms for our actions.

Such a realism would supply what is most startlingly absent from this introduction, which is a serious account of moral laws, in all their complexity, specificity and difficulty. (Here we remember that Cessario first came before the public as a virtue-theorist.) Laws may indeed be manifestations of created teleology, as he tells us; but theirs is the teleology of the *other* created being, a rational order in which we do not directly participate through our own being, but only as we learn to recognize and obey what God has decreed apart from us. I find little appreciation here of how our actions must be *worked at*, in obedience to moral laws that reveal the grain of things—not our own grain, that is, but the grain of what God has set before us in the world, human and nonhuman. Cessario's virtuous agent could seem to float serenely down the stream of human destiny, dipping the paddle of his choice into the waters of the Spirit from time to time with calm and easy regularity. But moral laws direct us to the resistance we constantly encounter—not only the resistance in ourselves, from sin, which is another matter, on which Cessario has helpful things to say, but the resistance presented by the created world, by what we were not expecting to meet there, by all those God-destined beings with which our actions have somehow to come to terms, forging from the encounter a toughly wrought artifact of praise.

To find in recent Roman Catholic moral theology some of the things I do not find in Cessario's *Introduction*, I have only to turn to the document for which Cessario and I share an equal admiration, Pope John Paul's *Veritatis Splendor*. Out of it Cessario has drawn much, but there is much he has passed over. In particular, perhaps, John Paul conceives that moral theology must *begin from* the existential question by which every human being is beset: "Master, what good must I do . . . ?" It is perhaps significant that Cessario comes to this memorable opening motif of the Encyclical on his closing pages!

Response

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IT HONORS ME that the editors of *Nova et Vetera* (English) have invited distinguished scholars from the United States and England to comment on my *Introduction to Moral Theology*. Each of the three commentators has pointed out different lines of theological inquiry that he judges would complement what I have written in *Introduction*. I am deeply grateful, then, to Professors O'Donovan, Bowlin, and Father Oakes for taking the time to provide this useful service. Their discussions will help those who take up *Introduction* to comprehend better the elements that I consider necessary to introduce the moral theology of the New Evangelization. It is not my intention to reply exhaustively to each of the interventions printed in this issue of the review. I would, however, like to propose some resources that may prove beneficial to those who may be tempted to think, "Oh yes, why didn't Father Cessario talk about that. . . ."

Professor Oliver O'Donovan questions why I do not dwell more on the *imitatio Christi*. In fact, as O'Donovan points out, I rather suggest that relying on moral exemplarism of the Christological kind carries with it certain risks. The history of theology instructs that not every example that has been read off the pages of the New Testament faithfully transmits the full truth that Christ himself reveals about godly loving. Still, Professor O'Donovan's question is well taken. My reply is simple. Roman Catholic practice trusts that saints better than theologians communicate the lessons of the infant, suffering, and glorious Christ. With this in mind, I wrote *Perpetual Angelus. As the Saints Pray the Rosary*, which comments on some of the important lessons, including moral instruction, that one can learn from the "historical incarnation."

Secondly, Father Edward Oakes of the Society of Jesus wonders why my book appears to contain so little that, to his mind, would be helpful to confessors and penitents. Although he does not say as much, I suspect that Father Oakes would like to ask me, "Where are the opinions about concrete cases . . . ?" To give a fully reasoned account of why I remain skittish about casuistry risks drawing me into discussions that have fueled exchanges, at times heated, between Jesuits and Dominicans since the former came into existence in the sixteenth century. The short response to Father Oakes's complaint, including how he exemplifies it in a long excursus on just-war theory, resides in the moral and theological virtues. I consider the specifics of these virtues in my *Virtues, or the Examined Life*.

The “Introduction” to this book, which forms part of the AMATECA series of theological textbooks, was written by a New England Jesuit, who reports that St. Ignatius himself learned his moral theology by studying the virtues treated in the *secunda pars*. It may further console Father Oakes to learn that Dominicans consider that even the *perplexus* may find direction and perfection by having recourse to the virtuous life, as I explain in my “Epieikeia and the Accomplishment of the Just” in *Aquinas and Empowerment: Classical Ethics for Ordinary Lives*, ed. G. Simon Harak (Washington, D.C.: Georgetown University Press, 1996), pp. 170–205.

Thirdly, Professor John Bowlin rightly reminds me that I supply no definition for moral realism. The reason that I do not is the same reason that Aquinas does not define God at the beginning of the *Summa theologiae*. Recall that the question at I, q. 2, a. 1 asks “An Deus sit,” not “Quid est Deus?” Moral theology concerns what exists, both what God has created and what God has elevated. Christian virtue shapes man to conform to the exigencies both of human nature and divine sonship. Does the Christian life exist? Visit any Church on Sunday. Of course, Professor Bowlin may want to reply, “Sure enough, but among Sunday churchgoers there may be a sinner or two who remain unpersuaded of the preacher’s message.” Further, Professor Bowlin thinks that logic fails me when I try “to locate true virtue from among its semblances” since, he suggests, “this conclusion makes use of true virtue before it is found.” Although I would rather address him in one of the elegant Tulsa sports’ bars to which John Bowlin in the past kindly has invited me, for now I must rest content to speak in this forum: “The Gospel makes one thing evident: God owns it all, reality, grace, and human freedom.” Human nature is ordered toward perfective ends. These ends and their hierarchy are knowable, and such knowledge of the normative hierarchy of ends is the root of right appetite: It is in relation to this natural ordering of ends and appetites that virtue and practical wisdom are identifiable. While such knowledge is natural, this does not render human freedom indefectible. Nonetheless it is God Who orders human persons both naturally and through grace, and this ordering is not vain. Nature does speak clearly, and enables the development of true virtue even in the man whose appetites may here and now persuade him that another course of action would make him happy. I have pointed out this important feature of Aquinas’s moral realism in *The Moral Virtues and Theological Ethics*, especially pp. 136–38, where I discuss how God has arranged that man not find himself caught in the putative vicious circle of prudence: “non est necesse in infinitum procedere in virtutibus, quia mensura et regula intellectualis virtutis non est aliquod aliud genus virtutis, sed ipsa res” (*ST*, I–II, q. 64, 3, ad 2, emphasis added). In other

words, *res*—all that exists—efficaciously points toward the discovery of the full truth about good human conduct.

Of course I fully agree with Professor Bowlin that many people continue to make mistakes about what will bring them happiness. That is why Christian moral realism welcomes the Magisterium. To receive infallible instruction about what constitutes good human conduct means that more people will learn moral truth sooner rather than later, and that they will be spared enduring a painful period of trial and error in discovering the *res*. Let me conclude on this note. I think that the moral realist who cherishes fidelity to the Magisterium will authentically imitate Christ, discover the answers even to the most difficult and potentially perplexing moral questions, and above all, learn at the heart of the Church, as Thérèse of Lisieux so beautifully teaches, everything that a human being needs to know about virtuous loving. The best news is that this approach to discovering what comprises moral realism remains available to even the littlest souls among us (see Mk 10:13–16). N·V