

Reappraising the Manual Tradition

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Abstract. Following the Second Vatican Council, the predominant trend in Catholic moral theology has been decidedly antagonistic toward the tradition that dominated moral theology before the Council, namely the use and formulation of ecclesiastically-approved “manuals” or “handbooks” of moral theology, the contents of which chiefly involved general precepts of morally good and bad behavior as well as the extension of those precepts to particular cases. In this paper, I will oppose the dominant anti-manual trend. More particularly, I will first sketch what I take to be the central aspects of the manual tradition. Second, I will provide several arguments in favor of this tradition. Last, I will raise and respond to objections to this tradition that feature prominently in the works of Pinckaers and Cessario.

I.

Introduction. Following the Second Vatican Council, the predominant trend in Catholic moral theology has been decidedly antagonistic toward the tradition that dominated moral theology before the Council, namely the use and formulation of ecclesiastically-approved “manuals” or “handbooks” of moral theology, the contents of which chiefly involved general precepts of morally good and bad behavior as well as the extension of those precepts to particular cases. The popular rejection of the manual tradition seems to have been the consequence of at least two converging movements. One source of antagonism seems to have arisen in the midst of

a more general opposition to the traditional moral conclusions drawn by the manuals, particularly amongst moral theologians—such as Charles Curran, Bernard Häring, and James Keenan, S.J., among many others—who dissented from the moral conclusions defined by the Magisterium. Yet, not all opposition to the manuals arose from this “revisionist” movement.¹ A second source of antagonism seems to have arisen from the orthodox branch of the ressourcement movement of the *Nouvelle Théologie*, which gained considerable influence after the Council. Most notably, the combined work of Servais Pinckaers, O.P., and later, Romanus Cessario, O.P., seems to have done much to undermine the manual tradition amongst Catholic moral theologians faithful to the Magisterium.² In this paper, I will oppose the dominant anti-manual trend. More particularly, I will first sketch what I take to be the central aspects of the manual tradition. Second, I will provide several arguments in favor of this tradition. Last, I will raise and respond to objections to this tradition that feature prominently in the works of Pinckaers and Cessario.

II.

¹ To use Keenan’s term; see his “Bernard Häring’s Influence on American Catholic Moral Theology,” *Journal of Moral Theology* 1 (2012): 29.

² Among others, see Reinhard Hütter and Matthew Levering, eds., *Ressourcement Thomism: Sacred Doctrine, the Sacraments, and the Moral Life: Essays in Honor of Romanus Cessario, O.P.* (Catholic University of America Press, 2010); Craig Steven Titus, “Servais Pinckaers and the Renewal of Catholic Moral Theology,” *Journal of Moral Theology* 1 (2012): 43–68. Cessario attributes much of his opposition to the manual tradition to the work of Pinckaers, see for instance Romanus Cessario, O.P., *A Short History of Thomism* (Catholic University of America Press, 2005), 78–79 and Romanus Cessario, O.P., *Introduction to Moral Theology* (Catholic University of America Press, 2001), 229–230. One further influence against the manual tradition may ironically have been Elizabeth Anscombe “Modern Moral Philosophy,” *Philosophy* 33 (1958): 1–19, who argued that the concept of moral law (and duty to obey the law) requires belief in a God who is a law-giver, such that jettisoning the latter requires also giving up on the former and developing instead an ethical theory devoid of duty, which takes virtue as central, *ibid.*, 6, 14ff. Of course, Anscombe did not suggest that those who endorse a law-giving God must also give up the notion of duty and focus instead on the virtues, and some see her argument as not so much suggesting a giving up on moral duty as a return to belief in God among ethical theorists, cf. Julia Driver, “Gertrude Elizabeth Margaret Anscombe,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2011, sec. 5.1, <http://plato.stanford.edu/archives/win2011/entries/anscombe/>.

The Manual Tradition. In the preface to his highly-popular manual of moral theology (the first available in the English language), Thomas Slater, S.J., provides a useful starting point:

[W]e must ask the reader to bear in mind that manuals of moral theology are technical works intended to help the confessor and the parish priest in the discharge of their duties. They are as technical as the textbooks of the lawyer and the doctor. They are not intended for edification, nor do they hold up a high ideal of Christian perfection for the imitation of the faithful. They deal with what is of obligation under pain of sin; they are books of moral pathology.³

Reginald Garrigou-Lagrange, O.P., reacting against a conflation of moral theology with some of the more “pathological” manuals, provides a useful sketch of the latter:

Moral theology has thus become, in several theological works, the science of sins to be avoided rather than the science of virtues to be practiced and to be developed under the constant action of God in us.⁴

Among its other goals, the manual tradition involved the formulation of precepts (or norms, or rules of conduct) regarding the morality of a wide range of actions, usually with the explicit or implicit form of “ ϕ is to be done” and “ ψ is to be avoided.” These norms were most often in the form of mid-level principles, thus “For Catholics, it is a matter of religious obligation to love, reverence, and obey those who wield civil power” or “When a man by his labour has produced something which serves his wants and convenience, he has a right to the fruit of his toil; this is

³ Rev. Thomas Slater, S.J., *A Manual of Moral Theology*, 5th ed., vol. 1 (New York: Benziger Brothers, 1925), v, http://archive.org/details/MN5034ucmf_1.

⁴ Reginald Garrigou-Lagrange, O.P., *Christian Perfection and Contemplation* (St. Louis, MO: B. Herder Book Company, 1937), 13. This quotation should make clear that resistance to moral theology as a mere science of sins to be avoided was not particularly indebted to the *Nouvelle Théologie*, for Garrigou-Lagrange was one of the latter’s chief opponents; see for instance William F. Murphy, “Thomism and the Nouvelle Théologie: A Dialogue Renewed?,” *Josephinum Journal of Theology* 18 (2011): 12–14.

his property, and he cannot be deprived of it without injustice.”⁵ Sometimes these mid-level principles were inferentially applied in more concrete ways. Thus, the principle just provided regarding property can be extended to the ownership one has over intellectual works, such as what’s contained in articles, or even to one’s personal reputation. Often, as Garrigou-Lagrange points out, actual formulations focused on negative precepts rather than positive precepts—although, as his comment suggests, this emphasis was not universal and thus appears accidental to the manual tradition.⁶ For simplicity, we can call this task the *Codification of Morality*. The satisfaction of the task requires, minimally, the formation of a more or less comprehensive moral “code” that classifies many act-types into the categories of good, bad, or permissible, and is usually accompanied by—though the task does not strictly require—the most relevant principles that govern this classification, especially oriented toward their practical application to concrete cases.

The first task characteristic of the manual tradition had a natural orientation to the second task. That is, the manual tradition ordinarily involved an analysis of highly concrete, often complex cases; this analysis went by the name of “casuistry.” Casuistry had two goals. First, the determination of what ought to have been done or not done in the case, and what was permissible. Second, the determination of whether individuals centrally involved in the case committed any sin.⁷ The inclusion of an actually considered casuist case may be a useful illustration:

⁵ Slater, S.J., *A Manual of Moral Theology*, 1925, 2: 193, 226.

⁶ For instance, the Decalogue seems to contain seven negative precepts, although presumably Garrigou-Lagrange was not intending a derision of this moral code. However, as Aquinas points out, there is considerable overlap between the moral precepts of the old law, and the directives of the new law of grace, cf. Thomas Aquinas, *Summa Theologiae*, trans. Fathers of the English Dominican province (New York: Benziger Brothers, 1920), I–II, q. 108, a. 2. It would thus be surprising if the new law of grace did not share with the Decalogue fewer positive precepts than negative precepts.

⁷ Timothy Brosnahan, “Casuistry,” *The Catholic Encyclopedia* (New York: Robert Appleton Company, 1908).

A father wished to have his son who was not in very good physical condition, insured in his labor union, and fearing he would not be passed by the examining physician, sent another son to undergo the physician's examination, and a policy of several thousands of dollars was taken out. After paying premiums on this policy for several years, the father became worried about the honesty of his method of procuring the policy. He says that in his anxiety he went to a priest and told him the whole story of the policy and the priest told him it was all right. Recently the son died and the father applied for the money, but has received none as yet, and it is rumored that on account of the great number of recent labor troubles, the union in question will, in all likelihood, be unable to satisfy the claim. In case the union does settle the claim, either in whole or in part, will the father not have to forfeit all that he paid in for premiums, as he paid the premiums to perpetuate an evident fraud? And what responsibility rests on the priest, to whom the father says that he went for advice, and who told him that it was all right to continue the payments of the premiums?⁸

It might seem *prima facie* plausible for the contemporary reader to think that there is not much in the second casuist goal that is not already contained in the first; however, casuists were keenly aware that sin committed in a state of innocent ignorance mitigates culpability⁹ and aware that conflicting opinions regarding the permissibility or wrongness of particular acts were often given to individuals from persons whose positions and training strongly suggested ethical expertise.

⁸ Stanislaus Woywood, O.F.M., *The Casuist: A Collection of Cases in Moral and Pastoral Theology*, vol. 1 (New York: Joseph F. Wagner, 1906), 31. The author answers the first question negatively; i.e., if the union settles the claim, then the father may keep the money he paid in as premiums and should give the rest back to the union as restitution for the injustice. However, in response to the second question, if the union does not settle, the priest who gave the bad advice owes the father restitution in the amount of the premiums paid after the bad advice was given, since "Whoever, *by virtue of his office*, is authorized to give advice, and through culpable ignorance, or evil intent, gives counsel that proves harmful either to the person seeking the advice or to a third person, he is bound in conscience to repair all the damages that result from his wrong advice" (emphasis original; *ibid.*, 1: 33–34.).

⁹ See, for instance, Aquinas, *ST* I–II, Q.6, a. 8.

Consequently, casuist analysis of the objective moral aspects of the case (i.e., whether a deed that formed part of the case was permissible or not) was independent of, and often just as sophisticated as, the analysis of the culpability of the agent involved.

The latter analysis was further complicated by disagreement amongst casuists regarding the principles that governed innocent ignorance (or error). Casuists could agree that an agent must never act upon a course of action unless she was practically certain it was morally permissible. However debates raged, peaking in the 17th century (and tamed by both direct Papal intervention and later by the Magisterial approbation of the casuistry of St. Alphonsus Liguori), regarding the necessary and sufficient conditions for the practical certainty that would excuse an individual from at least mortal sin if it turned out that the course of action was objectively wrong. To give a simple example, the Papally-condemned theory of the rigorists (or “tutorists”) held that one is obligated to always follow what one perceives to be the morally “safest” course of action, otherwise sin is committed. Following the late Scholastic penchant for catchy and informative names, other casuist systems included Liguori’s equiprobabilism, as well as probabilism and probablism, among others. We can call the task of casuistry, including both of its subsidiary goals, the *Analysis of Cases*. The *Analysis of Cases* minimally involves applying mid-level moral principles to some concrete examples of particular acts done, in particular circumstances, with the goal of getting as clear as possible on the morality of the acts and the goodness or guilt of the agent(s)—satisfying the casuist’s first and second goals, respectively. These cases were often complicated so that the budding casuist could learn and practice the science of applied ethics well; for one will scarcely learn this science by analyzing particular cases of, say, obvious and uncomplicated murder.

In a moment, I will provide a more thorough defense of both the *Codification of Morality* and *Analysis of Cases*, but it is important here to identify what these tasks did not involve—at least not essentially—despite popular abuse to the contrary. To take the latter task first, casuistry was not an enterprise of excuse-making, nor a pursuit of a freedom from the “constraint” of the moral law under the auspices of an inchoate moral particularism.¹⁰ On the contrary, the casuist analysis of a person’s goodness or guilt in a particular case was genuinely meant to discover the agent’s actual culpability, given what pertained to the person’s more or less well-formed conscience in those circumstances. Nor was the goal to *keep* any conscience in a state of poor formation, for as casuists properly pointed out, such “affected” ignorance does not mitigate culpability¹¹ and encouraging it can be gravely wrong, especially for those who have a responsibility for the moral formation of those under their care.¹² Any casuist “excuses” that sanctioned acts willfully contrary to the moral law arose not from casuistry as such, contra Pascal’s influential criticisms, but rather from the inadequacy of the particular casuist’s necessary and sufficient conditions for identifying innocent ignorance (or other conditions of involuntariness).¹³ Hence, the presence of actual cases for which a system of casuistry failed to judge properly the genuine culpability of the relevant agent (e.g., by sanctioning willfully-done evil acts as permissible) could be taken by other sensitive casuists as counterexamples to the inadequate conditions of that system, thereby providing impetus for proper revision.

With respect to the first task, the *Codification of Morality* was not concerned to foster legalistic rigor, through which moral clarity could be provided by a largely arbitrary system of

¹⁰ cf. Jonathan Dancy, *Ethics without Principles* (Oxford University Press, 2004).

¹¹ See, for instance, Aquinas, *ST I–II*, q. 6, a. 8; Slater, S.J., *A Manual of Moral Theology*, 1925, 2: 11–13.

¹² Slater, S.J., *A Manual of Moral Theology*, 1925, 2: 32.

¹³ For the historical background and context of these criticisms, which were more against the probabilism as practiced by the Jesuit order of the time (and in favor of casuistic rigorism) than against casuistry as such, see Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988), 231–249.

moral rules—a sort of “heaven’s red tape”—at the expense of the development of genuine sanctity. Rather, the principles enumerated were intended as true and practicable guidelines for avoiding evil and pursuing that goodness involved in doing one’s duty. Put differently, these norms were intended as analyses of many acts constitutive of the virtues and vices. Any positively arbitrary precepts would have raised the hackles of other, more competent, moralists and would consequently have been subject to the oft-notorious Scholastic (and Neo-Scholastic) debate. Moreover, manualists would have rightly recognized, and discouraged, a pathologically rigorist conception of morality as arising from “scrupulosity.”¹⁴

The manual tradition evidently was committed to both the *Codification of Morality* and the *Analysis of Cases*. In other words, those who were involved in and supported the manual tradition thought that both of these tasks were, to varying degrees, necessary and important. Setting the pro-manual thesis down may be useful for getting clear over what’s at stake in this debate.

Manualism: the *Codification of Morality* and *Analysis of Cases* are necessary and important tasks to be undertaken.

This is not to say that those who supported manualism universally agreed about the relative merits of each task. For instance, Garrigou-Lagrange may well have held the *Analysis of Cases* in relatively low esteem, but not so low as to dismiss its importance and necessity.¹⁵ Conversely, many contemporary moral theologians at least appear to dismiss the importance and necessity of both tasks; thus, they seem to deny manualism. For instance, Cessario conflates both tasks under the title of “casuistry,” and triumphantly explains that “After the Second Vatican Council,

¹⁴ Rev. Thomas Slater, S.J., *A Manual of Moral Theology*, 5th ed., vol. 1 (London: Burns Oates & Washbourne Ltd., 1925), 43–45.

¹⁵ He defends both tasks (particularly as they were developed by St. Alphonsus Liguori), in his *Reality: A Synthesis of Thomist Thought* (St. Louis, MO: B. Herder Book Company, 1950), chap. 46, and *Beatitude* (St. Louis, MO: B. Herder Book Company, 1956), 13.

casuistry suffered a serious reverse. This eclipse of the casuist model is one of the most remarkable signs of renewal effected by the Second Vatican Council.”¹⁶ In this spirit, he devotes an appendix to dismissing the manual tradition (entitled “Flight from Virtue”) and concludes this appendix by implicating those in the tradition of being guilty of some of the same sorts of sins for which Jesus condemned the Pharisees.¹⁷ Later in the paper—while responding to objections against the manual tradition—I will try to show that this abuse is misplaced. However, it is important to note here the prominent opposition to manualism in order to properly motivate the positive defense of that position, which I shall now put forward.

III.

Arguing for the Manual Tradition. Given the venerable intellectual heritage supporting manualism, it would be surprising if there were not weighty arguments in favor of its respective tasks. I will thus have to confine myself to those arguments that seem to me the most pressing. I will offer one argument in favor of each of the manualist tasks, and one argument in favor of manualism as a whole. In order to argue for the *Codification of Morality* and *Analysis of Cases*, I will assume (as at least highly plausible) a Thomistic framework. This is not to suggest that manualism is wedded to Thomism, but rather that Thomism makes manualism highly plausible—and Thomism is itself highly plausible.

In order to properly defend the *Codification of Morality*, I must begin with an account of the virtues and the natural law. According to St. Thomas, the habits of virtue and vice are caused

¹⁶ *Introduction to Moral Theology*, 241. Elsewhere he defines casuistry (or “casuist systems”) as “a morality based on the formulation of precepts, the formation of conscience, and the obligation to obey duly established norms” *ibid.* 229. It seems important to note here that many reversals can be observed after the Second Vatican Council, but it would be a post hoc fallacy to suggest that the Council itself was the cause in all cases, particularly as many reversals (e.g., regular Mass attendance) seem to be quite negative.

¹⁷ Cessario, O.P., *Introduction to Moral Theology*, 242.

chiefly by acts.¹⁸ Consequently, if one wants to cultivate the virtues, or eliminate any vices, the main way to do so is by *acting* in accord with the relevant virtue. Now, not all the virtues fit this picture precisely. The efficient cause of the theological virtues is simply an infusion by God.¹⁹ Yet, once possessed, even the theological virtues can be increased (indirectly by meriting a deeper infusion) by the right actions, namely those to which these virtues are oriented.²⁰ Right action is thus at least a practical efficient cause for all the virtues. Nor is acting rightly merely the efficient cause of the formation of the virtues; for Aquinas, it is also the efficient cause of the virtues' preservation.²¹ Moreover, virtuous acts are the goal or end of the virtues; hence, virtues are called by Aquinas “operative habits” that are ordered to good acts.²²

Virtue is thus very closely connected to right action, such that any comprehensive analysis of right action will double as a comprehensive analysis of the efficient and (proximate) final cause(s) of the virtues.²³ Put differently, an account of right action provides an accurate functional explanation of the virtues, providing their characteristic ‘inputs’ and characteristic ‘outputs.’ Consequently, if one wants to determine whether one has a virtue or not, one needn’t introspect into the various powers of one’s soul in order to see if they have been perfected in their dispositions—as if such perfections could be introspectively discovered—rather, one can

¹⁸ Aquinas, *ST I-II*, q. 51, a. 2–4. This is not to say that the virtues are *only* caused by acts, for they can also be directly infused by God. In this section, I intend to show how a moral “atomism,” or an act-centric ethics, is complimentary to a Thomistic understanding of virtue, indirectly arguing against claims to the contrary, cf. Servais Pinckaers, O.P., *The Sources of Christian Ethics* (Washington, D.C: Catholic University of America Press, 1995), 336–338.

¹⁹ Aquinas, *ST I-II*, q. 62, a. 1.

²⁰ Aquinas, *ST II-II*, q. 24, a. 6.

²¹ Aquinas, *ST I-II*, q. 53, a. 3.

²² “Virtue denotes a certain perfection of a power. Now a thing's perfection is considered chiefly in regard to its end. But the end of power is act. Wherefore power is said to be perfect, according as it is determinate to its act. ... But the rational powers, which are proper to man, are not determinate to one particular action, but are inclined indifferently to many: and they are determinate to acts by means of habits ... Therefore human virtues are habits” Aquinas, *ST I-II*, q. 55, a. 2, cf. q. 50, a. 1, q. 55, a. 4.

²³ It should be clear that the ultimate final end to which the virtues tend is happiness; but their proximate final ends are those acts constitutive of the relevant virtue.

tell whether (and to what degree) one's powers have been perfected in their dispositions by observing to what degree they accord with the best account of right action. For example, one can tell whether one's pro-social dispositions approximate to the virtue of justice by observing whether those dispositions involve connatural inclinations to ends such as repairing those injustices one has perpetrated or cooperated in, among other ends.

The precepts of the natural law provide the account, for Aquinas, of those right actions to which virtue is ordered and from which virtue arises. Hence, Aquinas explains that all virtuous acts belong to and are prescribed by the natural law²⁴ and, conversely, all sins "being against reason, are also against nature."²⁵ This is not to say that one is bound to follow the general precepts of the natural law alone, which are the same for all humans, in all circumstances.²⁶ For one has special duties too that arise from positive human law.²⁷ It's just that positive human law only imposes itself as a duty in conscience because it involves a practical application of the natural law (promulgated by the right authority, for the right end).²⁸ Thus, for instance, in most circumstances in the United States, I have a moral duty not to drive on the left-hand side of the road. This is of course somewhat arbitrary, but the rule nonetheless "binds me" with a duty to avoid driving on the left-hand side of the road because the precept ultimately derives from natural-law duties I have to preserve my own life and not to put others' lives at unnecessary risk. Thus, the cultivation, preservation, and examination of our dispositions as comprising virtues (or

²⁴ Aquinas, *ST I-II*, q. 94, a. 3.

²⁵ Aquinas, *ST I-II*, q. 94, a. 3 ad2.

²⁶ Aquinas, *ST I-II*, q. 94, a. 4. This should not be taken to imply that circumstances are irrelevant in the determination of the morality of an act. But the principles that govern how circumstances are relevant are themselves true for all agents, in all circumstances. Individuals sometimes have special duties dictated by the natural law. For instance, a father has a special duty to provide for the care of his children (duties that do not extend in the same way to his neighbor's children). These sorts of special duties arise in the same way for all those to whom the precepts apply, regardless of facts such as where the agents live. Positive law extends only to those under its jurisdiction.

²⁷ Aquinas, *ST I-II*, q. 96, a. 4.

²⁸ Aquinas, *ST I-II*, q. 90, a. 1.

not) must not only take into account the precepts of the natural law, it must also take into account positive human laws that apply to an agent, as well as the latter's relative importance and function in promoting the common good.²⁹

Treating the natural law as a mere test of the virtues may make it seem as though the virtues and the precepts of the natural law are no more than functionally related. That is at least slightly misleading. The precepts of the natural law—which ultimately derive from and are a human participation in the divine law—involve reason's ordering of the soul's powers to pursue appropriately their respective proper ends, ends to which they are naturally inclined.³⁰ Virtue is the habituation of reason's order. Hence, a virtue is a quality of the power perfected, but that quality exists because the power has been properly ordered by reason, by acting in accord with the precepts of the natural law as imposed on it by reason.³¹ In some sense, then, the rational “plan” in which the precepts of the natural law consist³² and through which one properly orders one's powers to their proper ends, is the *form* of virtue's substance, since virtue is a perfection of a power, and powers are perfected by being ordered to their appropriate ends, in action.³³ There is a real distinction between form and substance, but the distinction should not be overstated.

Now as each individual human person partakes of the same human nature, and therefore has the same stock of human faculties and ends appropriate to those faculties, so too can it be specified in advance which types of acts are good, which types of acts are not, and which types

²⁹ In an emergency, Aquinas believes that we may—and indeed should—act beside the letter of positive human law when the observance of the positive human law would be detrimental to the common good, cf. Aquinas, *ST I–II*, q. 96, a. 6. Thus, one must not only know the precepts of the positive human law, in order to determine one's duties, but one must also have a right judgment about how those laws function to promote the common good.

³⁰ Aquinas, *ST I–II*, q. 94, a. 2–3, cf. q. 93, a. 3.

³¹ Aquinas, *ST I–II*, q. 56, a. 1.

³² Aquinas, *ST I–II*, q. 93, a. 3. Thus “the law denotes a kind of plan directing acts towards an end.”

³³ Aquinas, *ST I–II*, q. 55, a. 1, 4.

of acts are permissible. Aquinas explains the formulation of the precepts of the natural law in this way:

[G]ood has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law.³⁴

As Cronin explains, “Those objects or acts to which we are directed by natural appetites are good—they lead us to our final end, and what is necessary for the attainment of these objects is also good. Actions that oppose our natural appetites and their objects are bad.”³⁵ One can enumerate the ends to which we have genuine natural inclinations (or appetites) by prior consideration of the various powers (or faculties) that the virtues perfect; hence, even though humans are generally inclined to pursue pleasure, the end of pleasure is not as such the object of a natural inclination and thus a good, for as the hedonistic paradox makes clear, we have no faculty whose object is pleasure. If we had such a faculty, the acquisition of pleasure would be straightforward; as it happens, pleasure must always be pursued indirectly.³⁶

As the virtues perfect the operations of our faculties, so that these latter are used in such a way as to achieve the ends to which they have natural inclinations, so too can the precepts of the natural law be formulated according to the natural and unnatural use of a faculty. That is to say, the natural use of a faculty is *ceteris paribus* good (or at least, abstractly permissible), while the unnatural use of a faculty is always wrong. Cronin again usefully explains, “A faculty is used

³⁴ Aquinas, *ST I–II*, q. 94, a. 2, cf. Matthew Levering, *Biblical Natural Law: A Theocentric and Teleological Approach* (Oxford University Press, 2008), 140–188.

³⁵ Michael Cronin, *The Science of Ethics*, 3rd ed., vol. 1 (Dublin: M.H. Gill and Son, Ltd., 1930), 133.

³⁶ Henry Sidgwick, *The Methods of Ethics*, 3rd ed. (London: Macmillan and Company, 1884), 47f, cf. Aquinas, *ST I–II*, q. 34, a. 1.

naturally when it is used in such a way as is conducive to the realisation of its own end”—that is, the end to which the faculty has a natural inclination—“In order that a faculty be used unnaturally two conditions must be fulfilled, viz.—(1) *the faculty itself must be used, and (2) it must be used for an unnatural end.*”³⁷ As an example, it is always wrong to lie. For, Aquinas explains, “as words are naturally signs of intellectual acts, it is unnatural and undue for anyone to signify by words something that is not in his mind.”³⁸ Alternatively, my choosing to pursue intimacy with God in prayer is good, insofar as that does not involve the neglect of my other duties, because I am using my will properly to pursue a good constitutive of happiness and happiness is the end to which the will has a natural inclination.³⁹ Of course, as the faculty of the will is always operative in our morally-evaluable acts, in order for our free acts to be good they must all be properly ordered to the successful pursuit of happiness, our final end.

For Aquinas, the precepts of the natural law constitute principles that can be enumerated, described, and known. For instance, as explained before, Aquinas argues that it is always wrong to lie. The proposition that it is always wrong to lie is a mid-level principle, one very similar to the sorts of principles one will find in the manuals. For Aquinas, the further one descends from the self-evident, universal principles of right action (known through the habit of *synderesis*⁴⁰) to

³⁷ Emphasis original, see Cronin, *The Science of Ethics*, 1: 133–134. The language of “conductive” here might be misleading. A faculty is used in a way conducive to the realization of its own end when it is used in that way with which it has been imbued by nature to achieve that end. Additionally, an unnatural end is an end distinct from the end to which the faculty has a natural inclination.

³⁸ Aquinas, *ST II–II*, q. 110, a. 3. In other words, a lie always involves an unnatural use of the natural power of speech, making it wrong irrespective of the broader intention or circumstances.

³⁹ Aquinas, *ST I–II*, q. 1, a. 4–7. Following Aquinas, I will assume there are no particular actions that have an “indifferent” moral character (though there are some act-types that are morally “indifferent” or permissible), cf. Aquinas, *ST I–II*, q. 18, a. 8–9.

⁴⁰ See Eric D’Arcy, *Conscience and Its Right to Freedom* (Sheed & Ward, 1961), chap. 1–2, Douglas Langston, “Aquinas on Conscience, the Virtues, and Weakness of Will,” in *Twentieth World Congress of Philosophy*, 1998, 47–50; Douglas Langston, *Conscience and Other Virtues: From Bonaventure to Macintyre* (Pennsylvania State University Press, 2001); Daniel Mark Nelson, *The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas*

the detailed “secondary” principles, the greater the likelihood that a principle will be merely an approximation to the moral facts, a principle that is true in the majority of cases but that allows for rare exceptions.⁴¹ Yet Aquinas, in contrast perhaps to Aristotle⁴², does not think that there is some moral “territory” of actions that cannot be properly evaluated using the precepts of the natural law. If there were such a territory, then the *Codification of Morality* would be a largely impossible task (at least if the classification of act-types was to be comprehensive). Rather, there are for St. Thomas some actions that are not covered by the *common* rules, but which nevertheless are properly evaluated by the higher principles of the natural law. Such cases demand withdraw from the highly concrete secondary precepts of the natural law toward the more universal principles from which these secondary precepts were derived. It takes a special virtue (dubbed “*gnome*”) related to the virtue of prudence in order to properly evaluate—at least in a habitual way—when an act falls outside the common rules, and to comprehend which of the higher principles of the natural law apply to the act in question, allowing it to be properly evaluated.⁴³ For example, it is a “common rule” of morality never to get intentionally drunk. However, as many moralists after Aquinas had suggested (prior to the advent of modern anesthesia), it may be permissible to become intentionally drunk if this is the only way of undergoing important and necessary surgery, since getting drunk is not intrinsically evil (i.e., it does not involve the unnatural use of a faculty) and in such a case the act of getting drunk

and the Implications for Modern Ethics (University Park, PA: Pennsylvania State University Press, 1992); Timothy C. Potts, ed., *Conscience in Medieval Philosophy* (Cambridge University Press, 1980), chap. 4.

⁴¹ Aquinas, *ST* I–II, q. 94, a. 5.

⁴² That is, assuming Hursthouse’s reading is correct in “What Does the Aristotelian Phronimos Know?,” in *Perfecting Virtue: New Essays on Kantian Ethics and Virtue Ethics*, ed. Lawrence Jost and Julian Wuerth (Cambridge: Cambridge University Press, 2011), 43–50. She suggests that for Aristotle there is at least some special knowledge involved in prudence (phronesis) that “is not susceptible of codification in rules that are both action-guiding and fully comprehensible to those lacking virtue” *ibid.*, 48.

⁴³ Aquinas, *ST* II–II, q. 51, a. 4.

presumably best serves the end of reason's ultimate preservation, so there is no disorder in the will of loving more the lesser good.⁴⁴

Knowledge of the precepts of the natural law is indispensable for the cultivation and preservation of the virtues, particularly because this knowledge is indispensable, according to Aquinas, for the exercise of prudence and prudence is the “auriga virtutum” or driver of the moral virtues.⁴⁵ The chief and characteristic role of prudence is deliberating, judging, and acting on the best means to pursue those goods proposed by one's inclinations as they have been perfected by virtue (a role described as “micro-prudence” by Irwin).⁴⁶ However, prudence also has a broader role in the cultivation of the virtues (a role Irwin dubs “macro-prudence”). In its broader role, prudence involves properly deliberating, judging, and acting in pursuit of the ends constitutive of the moral virtues—ends that one does not yet naturally apprehend or pursue because one does not yet have the virtues.

For example, suppose I know the precept of the natural law that overeating is bad. By prudence, I moreover realize that declining to eat this particular dessert in front of me is good, because to eat this dessert in the circumstances would count as overeating. I nevertheless have a strong weakness for the particular dessert and am disposed to eating it all the same, ignoring my conscience, out of a habitual and disordered concupiscible appetite. A prudent judgment that eating this dessert is not good aids my apprehension of the general sorts of ends constitutive of a

⁴⁴ cf. Aquinas, *ST I–II*, q. 78, a. 1.

⁴⁵ Thomas Aquinas, *Scriptum Super Sententiis*, ed. Roberto Busa, S.J. (Parma, 1858), bk. 4 d. 17 q. 2, a. 2 qc. 4 co. In this section, I will largely ignore the exercise of the theological virtues, focusing instead on the moral virtues. However, prudence seems capable of being an indirect driver of the theological virtues as well, insofar as prudence recognizes how to act in accord with the divine law (bearing on the exercise of the theological virtues), and directs one to act accordingly, thereby meriting a deeper infusion of the theological virtues. Note also that in this treatment conscience does not replace prudence, an error ascribed to manualism by Pinckaers *The Sources of Christian Ethics*, 268.

⁴⁶ T. H. Irwin, “Practical Reason Divided: Aquinas and His Critics,” in *Ethics and Practical Reason*, ed. G. Cullity and B. Gaut (Oxford: Oxford University Press, 1997), 210–211, cf. Aquinas, *ST II–II*, q. 47, a. 8–9.

rationally ordered appetite, thereby facilitating the development of the virtue in which this particular rationally ordered appetite consists. Of course, virtue requires action. Acting in accord with the judgment not to eat the dessert would contribute toward the cessation of gluttony and the formation of the virtue of temperance. This is the role of macro-prudence. Now if I had previously formed the virtuous disposition of temperance, I would have ceased to have the weakness that disposed me to ignore my prudent judgment and, qua temperance, would have naturally apprehended how much is good for me to eat and have been inclined to eat only that much. In this latter case, prudence would be limited to discovering the best means to the particular temperate end, which would be exceedingly simple, namely not putting the food into my mouth (or perhaps excusing myself from the table, if necessary). Once the appropriate moral virtues have been developed, their activity shapes and perfects the ends toward which I am inclined.⁴⁷ This is the job of micro-prudence, considered by Aquinas to be prudence's more characteristic role.

Both micro and macro prudence require knowledge of, and conscious advertence to, the precepts of the natural law. Aquinas identifies eight "quasi-integral" parts of prudence, parts always necessary for the proper exercise of the virtue. One of these parts is understanding.⁴⁸ As Aquinas explains, the "whole process of prudence must needs have its source in understanding." Understanding involves knowledge of the precepts of the natural law, as well as knowledge of a concrete action demanding moral evaluation. The paradigm of this process he likens to the

⁴⁷ Strictly speaking, the virtues do not incline one to goods; this is the role of one's natural inclinations as *perfected* by the virtues, cf. T. H. Irwin, "The Scope of Deliberation: A Conflict in Aquinas," *The Review of Metaphysics* 44 (1990): 24–28. This account should not be taken to imply that the virtue of prudence is inversely proportioned to the other virtues, such that one needs prudence less once other virtues have been acquired. On the contrary, pursuing goods toward which we are inclined by virtuous inclination is quintessentially prudent. Yet the development of moral virtues buoys the activity of prudence because one's appetites (broadly speaking) influence the ends that seem to one to be good. When the appetites are not functioning as they ought, the work of prudence is more difficult, since it involves sorting through a broader range of non-veridical, seemingly good ends.

⁴⁸ Aquinas, *ST* II–II, q. 49, a. 2.

sylogistic deduction of a conclusion from major and minor premises.⁴⁹ Employing the Aristotelian model of logic Aquinas had in mind, such a syllogism would have looked something like this:

- (1) It is wrong to tell a lie. (Major Premise)
- (2) Telling my wife that we've won a free trip to Bermuda is a lie. (Minor Premise)
- (C) Telling my wife that we've won a free trip to Bermuda is wrong. (Conclusion)⁵⁰

At least one premise in an Aristotelian syllogism is always a universal proposition⁵¹; yet, since the conclusion of a practical syllogism must pertain to some particular act in prudent deliberation (as such deliberation is always oriented toward action), the minor premise will always be particular, and the major premise universal.⁵² For a valid syllogism, the major and minor premises must share a term (dubbed the “middle term”⁵³) and in a practical syllogism this term must be an act-type in order for the conclusion to be about a particular act. Hence, the sort of knowledge required in understanding—that is, the sort of knowledge which Aquinas calls the “source” of the process of prudence—is the knowledge of universal moral principles about act-types, principles that classify the act-types according to the salient moral categories of good, bad, or permissible. This is precisely the sort of knowledge that the manuals espouse, and the sort of knowledge that requires the *Codification of Morality*. In other words, if prudence is worthwhile to pursue—and it certainly is—then the *Codification of Morality* is a necessary and important task.

⁴⁹ Aquinas, *ST* II–II, q. 49, a. 2 ad 1.

⁵⁰ cf. George Hayward Joyce, S.J., *Principles of Logic*, 2nd ed. (London: Longmans, Green and Co., 1916), 181. Aquinas uses a similar example, “a man is restrained from an act of parricide, by the knowledge that it is wrong to kill one's father, and that this man is his father” Aquinas, *ST* q. 76, a. 1.

⁵¹ Among others, see Joyce, S.J., *Principles of Logic*, 170.

⁵² *Ibid.*, 169–173.

⁵³ *Ibid.*, 170.

Several other quasi-integral parts of prudence are relevant to the importance of the *Codification of Morality*, namely memory, docility, and caution. Memory is an essential part of prudence, Aquinas argues, for if one cannot remember the precepts of the natural law, then they cannot be applied to the consideration of particular actions.⁵⁴ Hence, conscious advertence to the precepts of the natural law is a necessary part of the virtue of prudence. This advertence is not merely necessary as one seeks to cultivate the virtues, exercising the role of macro-prudence, but is enumerated as necessary to prudence as such. Yet, knowledge of the precepts can be difficult to come by. Consequently, Aquinas also takes docility to be a necessary part of prudence. Docility involves being teachable regarding the proper moral evaluation of actions. This pertains particularly to the assertions of those who are wise in practical matters, whose assertions chiefly involve moral principles and their application (with or without arguments).⁵⁵ It is hard to imagine what sorts of moral principles could be asserted that have a direct bearing on action other than the sorts of mid-level principles regarding act-types constitutive of the *Codification of Morality*. For instance, if we assume that the manualists were indeed wise on moral matters, then Thomistic prudence requires docility to the assertions contained in their handbooks of moral theology.

Finally, prudence requires caution, since in practical matters evil is often mixed with good or has the appearance of good, and as a consequence, the prudent agent must in some sense “second guess” particular ends and means even when they arise from virtuous connatural inclinations, consequently analyzing them despite their apparently good origins, using the

⁵⁴ Aquinas, *ST I-II*, q. 49, a. 1 ad1. Aquinas also explains here that memory is necessary for the codification of the precepts of the natural law. One needs experience and memories thereof to observe natural inclinations and to thereafter derive appropriate moral principles from them.

⁵⁵ Thus Aquinas quotes Aristotle approvingly, “It is right to pay no less attention to the undemonstrated assertions and opinions of such persons as are experienced, older than we are, and prudent, than to their demonstrations, for their experience gives them an insight into principles” *ST I-II*, q. 49, a. 3.

precepts of the natural law in order to discover if such ends and means are in fact good or only appear to be so.⁵⁶ In other words, the precepts of the natural law—not to mention validly applicable positive human laws—must be continually kept in mind and used to evaluate the morality of particular actions, even if one already is a virtuous agent, according to St. Thomas. This is only possible through the *Codification of Morality*, which provides a comprehensive set of the precepts of the natural law (and the relevant higher principles for the sake of application). Moreover, even if one were to assume, pace Aquinas’s presentation to the contrary, that once one has the moral virtues, one will always be connaturally inclined to the virtuous ends such that no “second guessing” is necessary, prudence still minimally requires determining at least morally permissible means to the ends proposed, which appears to require the same sort of codification of the precepts of the natural law constitutive of manualism. I thus conclude my argument that this manualist task is both necessary and important. I will return to defend this task later in the paper, when providing an argument for the manual tradition as a whole.

I will now turn to defending the *Analysis of Cases*, and in order to do so, I will rely heavily upon the Thomistic schema just sketched. Defense of the *Analysis of Cases* requires defending two subsidiary tasks, namely applying mid-level moral principles to some concrete examples of particular acts done, in particular circumstances, with the goal of getting as clear as possible (1) on the morality of the acts and (2) the goodness or guilt of the agent(s) involved. I will begin with a defense of the first task, before moving on to defend the second.

As illustrated above, prudently analyzing the morality of a concrete, particular act involves a rather heavy burden, according to Aquinas. In order to analyze the act itself, not to mention the intention of the agent or the circumstances, one must not only know and remember all the relevant precepts of the natural law and any relevant binding positive human laws (such as

⁵⁶ Aquinas, *ST I-II*, q. 49, a. 8.

canon law or the laws of the land under consideration), but one must also see correctly how those general principles bear on concrete acts while keeping in mind that some universal moral principles allow for rare exceptions and positive human laws can be permissibly broken in certain rare circumstances. Moreover, the tasks just enumerated leave out those required by prudence's other four quasi-integral parts (namely, reason, shrewdness, foresight, and circumspection). Prudent analysis is hard work.

As for the other virtues, practice—of the right acts to which a virtue tends—makes perfect. Hence, the best way to gain prudence (and *gnome*) is to practice the analysis of particular acts, which took place in particular circumstances, with the end in mind of judging properly the morality of the acts considered.⁵⁷ Now Aquinas explains that not all acts contribute equally to the production of a virtue; in particular, arduous or intense acts contribute more to the cultivation of the relevant virtue than less-demanding acts.⁵⁸ Consequently, the best way to acquire the virtues of prudence and *gnome* is not to consider and analyze simple and straightforward moral cases, but rather concrete acts that demand a greater intensity of deliberation and reflection upon the relevant precepts of the natural law and positive law (as well as possible exceptions). In other words, the best way to acquire prudence and *gnome* is to analyze the very sorts of cases to which the casuists were inclined to consider, the sorts of cases constitutive of the first subsidiary task of the *Analysis of Cases*. This practice also harmonizes with Aquinas's practical suggestions for acquiring the memory necessary for prudence, which involves being “anxious and earnest” about knowing and remembering the precepts of the natural law and thereafter reflecting upon these

⁵⁷ In both the foregoing and present analysis of prudence, I have conflated the virtue whereby one prudently deliberates with one of the quasi-potential parts of prudence, namely the special virtue of “*euboulia*” whereby one deliberates well, cf. Aquinas, *ST* II–II, q. 51, a. 1–2. Though this conflation simplifies the presentation, it may also fail to bring out just how fitting it is to analyze arduous concrete cases, since these cases seem to require precisely the sort of intense analysis that gives rise to the virtue of *euboulia*.

⁵⁸ Aquinas, *ST* I–II, q. 52, a. 3.

precepts frequently.⁵⁹ Again, if prudence and relevant virtues are worthwhile to pursue—and they certainly are—then the first subsidiary task of the *Analysis of Cases* is necessary and important, particularly for those who have a special duty to give proper counsel to others on moral matters (such as parish priests, confessors, and moral theologians).⁶⁰ For this sort of analysis of cases paradigmatically leads to an increase in the relevant virtues, much more than thinking merely about simple moral cases, or not analyzing cases at all (besides those that involve one’s own decisions).

The second subsidiary task of the *Analysis of Cases* to defend is the analysis of a concrete individual’s culpability, given the state of the person’s conscience during the time of an act considered. Many of the principles regarding the importance of analyzing concrete cases of action also apply indirectly to the importance of analyzing concrete cases of conscience. For, understanding when (and to what degree) an agent is morally culpable for an act has bearing on the practical moral duties of the agent after the act. One must know, for instance, whether one has in fact wronged another in order to know whether one ought to apologize or to make some restitution. However, the principles governing the proper concrete analysis of consciences are somewhat different from those governing the concrete analysis of acts; the latter is governed by the precepts of the natural law, the former is more directly governed by an analysis of the will and the conditions for free choice. More concretely, for Aquinas an act is capable of moral evaluation insofar as it is a free (or voluntary) act of the will. Hence, involuntary acts are not culpable acts. Now the will is a rational appetite. Put differently, the will is a desirous inclination

⁵⁹ Aquinas, *ST II–II*, q. 49, a. 1 ad2.

⁶⁰ In the language of St. Thomas, these professions seem to generate special duties to develop the virtue of *euboulia*, cf. *ST II–II*, q. 51, a. 1, since “each individual is bound to know matters regarding his duty or state,” *ST I–II*, q. 76, a. 2.

to pursue an object (or end) apprehended by reason as good.⁶¹ A choice of the will is free insofar as the will has, when making a choice, a natural degree of appetitive indifference toward all goods apprehended by reason as having some imperfection(s).⁶² Moreover, to have freely chosen a good, one must possess relevant knowledge.⁶³

Since there is a close connection between reason and the will, impediments to the former are also impediments to the culpability of the latter. Thus for Aquinas, when reason errs or is in ignorance, one's moral culpability for resulting choices can be diminished or eliminated entirely.⁶⁴ Of course, as Aquinas points out, not every type of ignorance excuses an agent from being morally culpable. If I purposely leave myself in the dark about the contents of the moral law in order to violate that law without nagging qualms of guilt, then I am no less culpable for my violations than if I knew the contents of the law in detail.⁶⁵ In order to diminish or eliminate one's moral culpability for some choice, ignorance must itself be involuntary and be at least partially the cause of the choice made, such that had the agent known better, a different action would have been chosen.⁶⁶ Consequently, for Aquinas one is only bound to follow precepts that one knows to be true (or should know to be true).⁶⁷ Moreover, even when one's conscience errs, one is bound to follow it.⁶⁸ In other words, if one's conscience erroneously dictates that ϕ is obligatory, then one sins when one does not ϕ and does well when one ϕ s. Alternatively, if one's

⁶¹ Aquinas, *ST I-II*, q. 8, a. 1. As Pinckaers *The Sources of Christian Ethics*, 332–333, points out, freedom thus proceeds from natural inclinations and presupposes intellect and will. Reason's apprehension can of course err, which is why we can pursue goods that are merely apparent but not actual.

⁶² Aquinas, *ST I-II*, q. 13, a. 6.

⁶³ Aquinas, *ST I-II*, q. 6, a. 1–2.

⁶⁴ Aquinas, *ST I-II*, q. 6, a. 8. and *ST I-II*, q. 19, a. 5–6.

⁶⁵ This is an "affected" or "consequent" ignorance, cf. Aquinas, *ST I-II*, q. 6, a. 8.

⁶⁶ *Ibid.*

⁶⁷ Thomas Aquinas, *De Veritate*, ed. Roberto Busa, S.J., Leonine, 1972, q. 17, a. 3 co. Thus "Unde nullus ligatur per praeceptum aliquod nisi mediante scientia illius praecepti." This principle follows from the principle that laws must be promulgated to be valid, see Aquinas, *ST I-II*, q. 90, a. 4.

⁶⁸ Aquinas, *ST I-II*, q. 19, a. 4–6.

conscience erroneously dictates that ψ ing is evil, then one sins when one ψ s and does well when one avoids ψ ing.

Much like analyzing particular moral actions, the principles that Aquinas sets down regarding culpability and innocent ignorance are complicated. One must examine, in any particular case, whether the person's ignorance was somewhat deliberate, or if seeking knowledge about the morality of the action was obligatory given a person's normal or special responsibilities; one must also investigate (insofar as possible) how the agent would have acted, had he known better, among other factors. Judging properly in this domain is difficult, demanding practice.

Discernment becomes even more complex when one considers the potential errors and ignorance introduced when the agent has encountered a variety of expert opinions that apparently conflict regarding particular precepts of the natural law and their application. For again, one of the parts of prudence is docility; that is, one ought to be intellectually docile toward assertions from the wise concerning the precepts of the natural law and their applications, even when these assertions lack articulated arguments.⁶⁹ When the wise disagree, the result is perplexing. For instance, let's assume that Aquinas is right that one is only obliged to follow the precepts of the natural law that one knows to be true, and let's imagine that one encounters two experts of great authority who respectively claim that ϕ ing is gravely wrong, and ϕ ing is permissible. Would it be wrong, after this disclosure, to ϕ ? Would it be good for one to not ϕ even if ϕ ing would be permissible, just to "play it safe" (and is there a defect in virtue when one does not "play it safe")? If one encountered a third expert of the same degree of credibility as the first two, who also asserted that ϕ ing is gravely wrong, would that change one's responsibilities toward ϕ ing? If so, would the situation also change if the third expert had not asserted that ϕ ing is wrong, but had

⁶⁹ Aquinas, *ST* II-II, q. 49, a. 3.

instead asserted that ϕ ing is permissible? Do these conclusions change if the credibility of the experts is slightly varied (e.g., the expert who asserts ϕ ing is gravely wrong is a doctor of the Church, and the other expert is merely canonized)?

The questions detailed above are not the product of an overly legalistic conception of morality. Assuming that Aquinas is right about the virtue of prudence, then the assertions of experts should be heeded—even when they conflict—and Aquinas himself did not explain how this difficult moral territory should be navigated.⁷⁰ Fortunately, casuists after Aquinas have proposed theories for sorting through these issues and their theories possess varying degrees of plausibility. Settling questions like these and others cannot moreover be seen merely as an intellectual exercise for casuists looking to discover the culpability of third parties. For, as I have explained, knowing how one should act in the face of conflicting expert moral testimony is an eminently practical and necessary part of acquiring the virtue of prudence.

Now as all courses of action are governed by the natural law, so too does the natural law determine the duties that arise when one is faced with conflicting expert testimony. It thus seems perfectly possible to come to some principled conclusions about how agents ought to act in circumstances like these, for certainly not every well-intentioned decision or set of principles made in the face of conflicting expert testimony is good. As the Papal condemnations suggest, for instance, it is wrong to think that one must always follow the morally safest course of action, and moreover, one does not always avoid sin just because one can find an expert who asserts that the considered course of action is free from sin.⁷¹ Thus, it seems both necessary and possible to

⁷⁰ Given how the problems identified here follow from the principles St. Thomas identifies regarding prudence, this neglect cannot be interpreted as if these problems arose from some mistake that St. Thomas avoided, in contrast to Pinckaers's *The Sources of Christian Ethics*, 266, claim to the contrary (to wit, "St. Thomas and those whom we call casuists move in two different worlds").

⁷¹ Henry Denzinger, ed., *The Sources of Catholic Dogma: Translated from the Thirtieth Edition of Henry Denzinger's Enchiridion Symbolorum*, trans. Roy Deferrari, 30th ed. (Fitzwilliam, NH: Loreto Publications, 2002),

come to definite and practicable conclusions regarding the best principles governing this exercise of the casuist analysis—a task which is perhaps considered amongst contemporary moral theologians as the most benighted aspect of the high manualist tradition, and yet which nonetheless follows from the practical necessities of the Thomistic understanding of prudence.

In summary, the task of analyzing individual culpability, including culpability in complicated matters of conscience (e.g., those involving a conscience perplexed by conflicting expert testimony, among others), is part of the virtue of prudence, since facts about culpability have a bearing on how one should consequently act. This task, much like the task of analyzing the morality of acts, is difficult and thus acquiring the virtue whereby one does this well is best served by practice, according to St. Thomas, especially practice with difficult and complex cases. If prudence is worthwhile to pursue—and it certainly is—then the second subsidiary task of the *Analysis of Cases* is necessary and important, particularly for those who have a special duty to give proper counsel to others regarding their culpability. I thus conclude my defense of each of the individual tasks of the manual tradition. I will now turn to offering a brief argument in favor of manualism as a whole, before responding to objections.

In addition to the case that can be made for manualism from the writings of St. Thomas, one of the best arguments in favor of manualism is an argument from the authority of the Magisterium. Put simply, the best manualists received the highest accolades from the Magisterium for their moral theology, and one finds a total absence of censure toward the manualist tradition or tasks in the official teachings or acts of the Catholic Church. I will restrict my focus to the moral theology of St. Alphonsus Liguori for the sake of space. Among the

sec. 1153, 1293. Pinckaers seems to inadvertently endorse a form of tutorism, when he writes against the probabilist Bartholomew de Medina (and other probabilists) that “without realizing it” they “had passed the frontier of reason, which naturally favors the opinion with the best reasons behind it” *The Sources of Christian Ethics*, 275. This appears to imply some moral defect in not always acting in the morally safest way, which was precisely the contention of the condemned tutorists.

highlights of St. Alphonsus's writings is the ten-volume *Theologia Moralis*, which was a manual of moral theology that involved a massively comprehensive and highly analytical codification of morality (running over 4,000 pages in its 9th edition) as well as an espousal and application of a hybrid system of casuistry, namely equiprobabilism.⁷² In short, Liguori's *Theologia Moralis* involves a strong implicit endorsement of manualism and one of the most arduous applications of that tradition undertaken. One would expect, if the critics of manualism were right, that this massive work would be the object of at least some gentle correction—in his own time or subsequently—from the Holy See. Yet one finds exactly the opposite. It is worth quoting at length a description given of Liguori's work, made shortly after he was declared by Pope Pius XII in 1950 to be the “celestial Patron of both confessors and moral theologians”:

No ecclesiastical writer has ever received more direct, positive and formal approbation than that accorded by the Holy See to the moral writings of this Doctor of the Church. While still alive, four Popes expressed their admiration of his prudent doctrine. After his death his writings were subjected to a thorough scrutiny in preparation for his beatification, and again before his proclamation as a Doctor of the Church. They were all declared by the Holy See to contain nothing calling for censure, nothing against faith or morals. In 1831 Pope Gregory XVI enhanced this approbation when he decreed that professors of theology could safely teach any opinion of St. Alphonsus, and that confessors, without weighing reasons, could safely follow him—simply on the fact that Alphonsus had said so. Each of the thirteen predecessors of Pius XII in the chair of Peter has in some way or another recommended, approved or exalted the “Moral Theology” of the Patron of confessors. In his Apostolic Brief of April 26, 1950, Pope Pius XII alludes

⁷² Pinckaers thus calls Liguori casuistry's “most highly authorized representative” *The Sources of Christian Ethics*, 277.

to some of them. “By his learned writings, especially his ‘Moral Theology,’ he dissipated the darkness of error with which Jansenists and unbelievers have cloaked the world” (Pius IX). He was “the most illustrious and benign of moralists” (Leo XIII). “He illumined obscurity, made doubts plain and clear, and in the maze of over-strict and over-lax theological opinions, he hewed a path which directors of souls can tread in safety” (Pius IX). To this chorus of pontifical voices, Pope Pius XII felt, he said, constrained to add his own, declaring St. Alphonsus Maria de Liguori the celestial Patron of both confessors and moral theologians.⁷³

In brief, the manualism of St. Alphonsus Liguori was left not only uncorrected by the Holy See, but praised in some of the strongest possible terms. Moreover, one will not find amongst the teachings or acts of the post-Conciliar Church expressions of criticism or concern toward either the methodology or the conclusions drawn by St. Alphonsus.⁷⁴ In short, St. Alphonsus’s moral theology—manualism and all—not only possesses a wholly untarnished reputation from the perspective of the Magisterium, it is even marked by the highest accolades the Church has given to any moral theologian or system of moral theology. We would be remiss to ignore the implications of this unqualified praise for the manualist tradition, for if the tasks of manualism were neither important nor necessary, then it would be surprising to find such a strong commendation of this eminent manualist. More pointedly, if manualism and casuistry really represented a “flight from virtue,” as Cessario has contended, then the Magisterium would never have provided such unconditional approval of Liguori’s system, nor would She have taught that

⁷³ J.J. Galvin, C.S.S.R., “New Patron of Confessors, St. Alphonsus de Liguori,” *Homiletic and Pastoral Review* 51 (1951): 511.

⁷⁴ See, for instance, Benedict XVI. “General Audience,” Vatican Website. March 30, 2011, accessed May 13, 2014, http://www.vatican.va/holy_father/benedict_xvi/audiences/2011/documents/hf_ben-xvi_aud_20110330_en.html. According to Benedict XVI, “in his main work entitled *Moral Theology*, St Alphonsus proposed a balanced and convincing synthesis of the requirements of God’s law, engraved on our hearts, fully revealed by Christ and interpreted authoritatively by the Church.”

teaching or employing any of his opinions in moral theology is a safe practice. After all, it is never safe to fly from virtue.

Now that I have provided a defense of manualism, I will turn to consider and respond to several important objections to this tradition before concluding.

IV.

Objections and Replies. One of the most influential objections to manualism was advanced by Pinckaers⁷⁵, and is usefully summarized by Cessario:

In his study of the philosophical antecedents of casuistry, Pinckaers points out that the view of human freedom which the casuist authors adopted derived from the view developed by fourteenth-century nominalists such as William of Ockham ... Hence, even though there existed a variety of methods among the schools of casuistry, each of the schools in fact shared the same philosophical conception about the nature of human freedom.⁷⁶

On its face this is not only a strong, but also a rather surprising, claim. For the Scholastics tended to be largely systematic thinkers and the “Common Doctor” enjoyed far broader appeal than the highly-controversial William of Ockham. One finds little if any explicit defense in the manuals of the view that “human freedom amounts to freedom from constraint” that Pinckaers and Cessario indicate were endorsed by the manualists and which, in Cessario’s terms, “gravely” affected subsequent developments in moral theology to strongly favor moral legalism.⁷⁷ Few if

⁷⁵ Pinckaers, O.P., *The Sources of Christian Ethics*, 327–353.

⁷⁶ *Introduction to Moral Theology*, 229.

⁷⁷ *Ibid.*, 230. These charges, both in Pinckaers and in Cessario, are unfortunately accompanied by exceedingly few actual quotes from, or concrete analyses of, particular manualists which might have otherwise traced this purported

any manualists were out-of-the-closet Ockhamists; many were open Thomists or at least worked broadly within the Thomist tradition. The neo-Scholastics were just as systematic and, under the influence of *Aeterni Patris*, often more explicitly than in years past made direct appeals to the principles and writings of St. Thomas in defense of their views. Additionally, although this charge is taken to impugn the whole manualist tradition, views of freedom are only *prima facie* applicable to the last of the manualist tasks, namely the task of determining individual culpability (as a part of the *Analysis of Cases*). For we can formulate the precepts of the natural law, and thus analyze the morality of actions, without knowing if an agent was free and responsible in her violation of those precepts.

One will find a great many manualists explicitly or implicitly following St. Thomas in thinking that the choices of the will are free, and thus one is culpable in making those choices, to the degree that the will possesses a degree of appetitive indifference toward goods (or ends) proportionate to the degree to which reason apprehends these goods as imperfect.⁷⁸ But this view

nominalist theme throughout varied manualist schools and which would substantiate such a *prima facie* surprising charge. Pinckaers *The Sources of Christian Ethics*, 352, writes “we shall call upon only one witness,” the Dominican Charles-René Billuart (1685-1757), who uses the phrase “freedom of indifference” in the discussion of the freedom to will or not will, and to choose between contrary courses of action. However, this is poor substantiation, for as we have seen, Aquinas himself uses the language of indifference to describe what is voluntary, and choices that are voluntary are not inaptly described as “free” using the common sense of the latter term (cf. Aquinas, *ST I–II*, q. 6, a. 2 ad2). Aquinas for instance describes the absence of laws regarding certain external actions no longer prescribed by the New Law in terms of a new freedom, “And so to each one it is free to decide what he should do or avoid ... in this respect the Gospel is called the ‘law of liberty’” Aquinas, *ST I–II*, q. 108, a. 1. Billuart’s use of the phrase, and its application, are thus perfectly in harmony with language Aquinas himself uses. Given Billuart’s Thomistic background, and systematic writings on St. Thomas, more evidence should be provided that his (or any other) moral theology was pervasively affected by a non-Thomistic view of freedom. It should be surprising that, citing only one manualist, Pinckaers charges on this score have been so deeply influential against the whole tradition.

⁷⁸ For instance, Slater *A Manual of Moral Theology*, 1925, 1: 5, writes in a fashion paradigmatic for the manualists, “For voluntary acts are the effect of an internal principle, the will (*voluntas*) ... Voluntary actions are produced with consciousness and deliberation. Thus, practically and in the concrete, voluntary actions are identical with human acts, though their connotation is different. For human acts connote freedom, as we have seen, while an act may be voluntary and yet not free. The beatific vision by which the blessed see God face to face, and are thereby thrilled with ineffable delight, is a voluntary act; it proceeds from the will with full and clear knowledge of God, but it is not free; the blessed cannot avert their gaze from the Infinite Beauty which enraptures every fibre of their being. However, all voluntary acts of man are in this life free, and so, for the purposes of moral theology, human acts and

is perfectly consistent with a teleological conception of the will and practical reason, and consistent with an appropriate moral-psychological understanding of human motivation (to wit, “reasoned appetite and appetitive reasoning”⁷⁹) which Cessario identifies as being so centrally important to “moral realism.”⁸⁰ After all, one can hardly accuse Aquinas of being a closet Ockhamist, nor can one find plausible grounds for accusing the manualists of nominalism when their views on this point are shared by Aquinas. Moreover, there is good reason to believe that the tasks of manualism were both engaged in and considered important by many key theologians far before Ockham, and even St. Thomas.⁸¹ It would therefore be surprising to find such a long tradition of manualism unsuspectingly endorsing, though first in anticipation, the nominalist conception of freedom proposed by Pinckaers and Cessario as the primary motivator of this endeavor.

Much of the charge rests not on the presence of explicit errors but the presence of what are best described as *themes* present within the manuals, many of which are taken to imply a strong emphasis on duty. This emphasis on duty is thereby taken to imply a sort of denigration of

voluntary acts are interchangeable terms.” One will find nothing in Slater’s treatment of freedom—or in many other competent manualist moral theologians for that matter—which are not directly capable of being harmonized with, and defended by, the principles of St. Thomas, whom Pinckaers identifies as being the “faithful interpreter of the patristic tradition” *The Sources of Christian Ethics*, 329.

⁷⁹ Cessario, O.P., *Introduction to Moral Theology*, 230.

⁸⁰ *Ibid.*, 232–233.

⁸¹ One will find manualism, as I have defined it, both apparently engaged in and considered important throughout the Patristic period, cf. Slater, S.J., *A Manual of Moral Theology*, 1925, 2: 308–327. Amongst the precursors of modern manuals, one finds for instance the *Stromata* [c. 202 CE] (“Patchwork”) of St. Clement of Alexandria, and more importantly *De Officiis* [c. 391 CE] (“Of Duties”) of St. Ambrose, and *Pastoral Care* [c. 591 CE] of St. Gregory the Great. Of course, many positive duties arise for individuals from positive human law, and for Christians, canon law is of particular importance. Yet canon law was only positively formulated and promulgated in such a way as to be universally binding on the Church as the Patristic era waned and the Scholastic era emerged (e.g., with the composition of the *Decretum* of Gratian, in the twelfth century).

the importance of virtue.⁸² However, as I explained above, cultivating, preserving, and examining oneself for the virtues requires understanding which actions are good or permissible and which are not. Doing one's duty and avoiding that which is sinful is a large part of what virtue involves. Now the realms of duty and of right action cannot be taken as mutually exhaustive, since some acts—for instance, acts arising from special inspirations or the gifts of the Holy Spirit—are not, at least as act-types, obligatory but supererogatory. These thus count as right actions, but not duties. Yet a strong, practical emphasis on duty in no way implies a derogation of the virtues; in contrast, such an emphasis strongly compliments the virtues, albeit with a focus on their more practical side, rather than the metaphysics of perfecting powers.

Foremost among the themes identified by Pinckaers is the tendency for manualists to describe a particular course of action as being “free” to an agent whenever it was morally permissible⁸³ as well as the tendency to emphasize duties arising from positive law (e.g., canon law).⁸⁴ Cessario also points to the absence of attention in the manuals to the psychological precursors to virtuous deliberation, judgment, and action.⁸⁵

The problem is that these themes, even if genuinely present, are perfectly consistent with a strong denial of nominalism. Thus, one need not endorse a “freedom of indifference” view in order to say that one is “free” to pursue a course of action when it is permissible. After all, if a

⁸² Thus, for instance we read that “the treatise on sins replaced the one on virtues, which was thought to be of secondary importance” Pinckaers, O.P., *The Sources of Christian Ethics*, 265, 271, 350, and as mentioned before, Cessario characterizes this period as involving a “flight from virtue.”

⁸³ *Ibid.*, 267–269. Thus he writes “As was commonly said, ‘the law takes over,’ or ‘freedom takes over’ according to whether an act fell under the law or was left free. What belonged to the one was by that fact taken away by the other.”

⁸⁴ *Ibid.*, 269–270, cf. Cessario, O.P., *Introduction to Moral Theology*, 231. Pinckaers *The Sources of Christian Ethics*, 261–266, also points to the textual arrangement of the manuals and omission of treatises important to the moral life (e.g., beatitude, the gifts of the Holy Spirit). However, the former is consistent with other forms of textual arrangement (e.g., an arrangement organized around the virtues, such as is found in the *Secunda Pars* of St. Thomas’s *Summa*), and the latter is more evidence of the increasing specialization and erudition required by theologians of the time than a dismissal of the importance of these subjects.

⁸⁵ *Introduction to Moral Theology*, 230, cf. Pinckaers, O.P., *The Sources of Christian Ethics*, 336.

considered course of action is morally permissible, then that is equivalent to its being compatible with (and no detriment to) one's "freedom for excellence."⁸⁶ In other words, such a course of action, if permissible, is a live option for one freely pursuing happiness and the constituents thereof.⁸⁷ Selecting that course will not thereby impugn one's successful pursuit. Moreover, as I have explained, Aquinas thinks that positive law binds in conscience; consequently, many duties do arise from positive law, and as the laws increase (as they did during the manualist period under consideration) so too do one's explicit and easily-codifiable duties increase, which must be included and explained in competent manuals.

Lastly, the charge that the manualist "downplays the influence of right reason ... on human choosing"⁸⁸ seems to miss that it was this very emphasis on forming right reason, or prudence, that was a primary motivator for engaging in the manualist tradition, as I have explained above. Simply because the manuals did not explicitly explain this connection is no substantiation of the charge. For, to use a simple example, an instruction manual does not normally include a section on the importance of using a device properly, but we should not thereby conclude that the author(s) of the work denigrates the importance of those factors that contribute to the device's proper use. The instruction manual itself is sufficient proof that this was a major concern. Thus, we are left with few weighty reasons to think that nominalism was in fact lurking in the shadows of the manualist tradition.

If one is hard-pressed to identify an explicit or implicit endorsement of nominalist views amongst the manualists, how did this charge gain the considerable influence it seems to wield? I will not provide much by way of sociological speculation, other than to suggest that perhaps many who have fallen sway to this charge are not personally acquainted with the contents of the

⁸⁶ cf. Pinckaers, O.P., *The Sources of Christian Ethics*, 354–378, see again Aquinas, *ST I–II*, q. 108, a. 1.

⁸⁷ Again, see Aquinas, *ST I–II*, q. 108, a. 1, who appears to exhibit the relevant theme.

⁸⁸ Cessario, O.P., *Introduction to Moral Theology*, 230.

disparaged manuals. Yet for all the historical contentions, it is important to point out that no nominalist conception of freedom (or of universals, for that matter) is *required* to embrace manualism. The codification of morality and the analysis of cases that I have defended here are wedded to no nominalist assumptions, arising as they do from the principles of that exemplary moderate realist, St. Thomas. Hence, even if we assume the historical charges of Pinckaers and Cessario are correct—itsself a dubious assumption—the rejection of manualism does not logically follow. To believe otherwise is to fall victim to the genetic fallacy.

Another line of objection, to which I previously alluded, is that the manuals fostered an excessive legalism regarding morality. Thus Cessario writes that “the casuist system turns the new law of grace into something which looks very much like the old law of written precepts and commentary.”⁸⁹ Elsewhere he complains that the Magisterium styles the confessor as a “judge,” since this metaphorical description risks encouraging the manualist emphasis on law and the commonalities between positive human laws (e.g., canon law) and the precepts of the natural law that govern the moral life.⁹⁰ Now much turns on the content of the charge, for “legalism” can be a vacuous, antinomian complaint against any notion of morality that allows for codification. As we have seen, however, St. Thomas’s notion of the virtues allows for the same sort of codification of act-types into morally salient categories like good, bad, and permissible, that one finds throughout the manuals. So codified, it is hard to see why learning and acting in accord with the precepts amounts to anything worth criticizing. Hence, in order to respond fully to this challenge, the complaint needs greater elaboration.

⁸⁹ Ibid., 234, cf. Pinckaers, O.P., *The Sources of Christian Ethics*, 270 and Cessario, O.P., *Introduction to Moral Theology*, 230, the latter of whom describes manualism as involving a “legalistic conception of morality.”

⁹⁰ *Introduction to Moral Theology*, 239. It is worth noting that the Council of Trent, which introduced this imagery, very probably understood and welcomed this implication, which is itself a strong argument against competing views.

Moreover, it is an error to see a strong division between the new law of grace and “the old law of written precepts,” an error that may motivate this objection for some and is thus worth responding to. As Aquinas explains, though the new law is one written on our hearts, all the moral precepts of the old law are also contained in the new.⁹¹ The chief difference is that the old law coerced those under it to acts of virtue by an “outward cause,” namely external rewards and punishments, while the new law gives us the Holy Spirit, Whose action makes us “inclined to do virtuous deeds through love of virtue, not on account of some extrinsic punishment or reward.”⁹² This in no way implies that the new law of grace involves some components of subjectivism or ideal-observer theory, such that under the new law of grace one has no need of codifiable precepts. On the contrary, as Aquinas points out, “The precepts of the New Law are said to be greater than those of the Old Law, in the point of their being set forth explicitly. But as to the substance itself of the precepts of the New Testament, they are all contained in the Old.”⁹³ In other words, the precepts of the new law are all virtually contained in the old; yet in the new law, these precepts are set out more explicitly and with greater firmness of codification than in the old, and thus in no way are abolished as superfluous to those under the guidance of the Holy Spirit.

The final objection to manualism worth responding to is the charge that manualism encourages moral mediocrity, or minimalism.⁹⁴ The idea here is that the manuals fostered the notion that as long as one avoided the bad actions, by doing what the manuals described as permissible, one would be a good person. On a similar front, the previously-considered charge of

⁹¹ Aquinas, *ST I-II*, q. 106, a. 1.

⁹² Aquinas, *ST I-II*, q. 107, a. 2 ad2.

⁹³ Aquinas, *ST I-II*, q. 107, a. 3 ad2.

⁹⁴ Cessario, O.P., *Introduction to Moral Theology*, 240; Pinckaers, O.P., *The Sources of Christian Ethics*, 270. It is somewhat perplexing that, on the one hand, Cessario charges the manualists with fostering laxity, and on the other hand, he accuses the manualists of being guilty of one of the Pharisees’ sins, namely that they “bind heavy burdens, hard to bear, and lay them on men’s shoulders” *Introduction to Moral Theology*, 242.

“legalism” may amount to little more than the charge that the manualists were in fact rigorists about morality. Now these were both faults to which some manuals and manualists fell into, spurring Papal condemnations on both sides, and both are likewise to be avoided. However, it’s hard to see how minimalism follows from the manuals themselves. After all, the eminent manualist St. Alphonsus can hardly be described as encouraging moral minimalism, and his treatment of moral theology carried enormous weight amongst manualists after him. Hence, it is highly plausible to conclude that moral minimalism is not the result of manualism, but rather some fault related to implementation, such as a tendency to forget or fail to explain the appropriate context of the manuals in the broader spiritual life. Certainly, one who thinks that he can be a saint by merely following what many of the manuals prescribed is mistaken. But the manuals themselves never encouraged such an error, and were almost always prefaced with an explanation that the manual comprises only one small part of a broader edifice—a necessary and important part, but not one that could be understood in isolation from the rest without moral or spiritual distortion. One might complain that these explanations were not heeded by the average moralist using the manuals, but even if true, this fault can hardly be attributed to manualism itself, let alone cited as grounds to reject the manualist enterprise.

V.

Conclusion. In this paper, I have sought to argue in favor of the manualist tradition in moral theology. In particular, I have tried to show that there are very good reasons to see as necessary and important the *Codification of Morality* and the *Analysis of Cases* that were central to the handbooks of moral theology that fell out of vogue after the Second Vatican Council. In addition to explaining and making a positive case for this tradition, I raised and responded to

central objections to the manuals put forward by Servais Pinckaers and Romanus Cessario— figures whose criticisms have been central in displacing the manuals from positions of prominence they once held. Though still deeply unpopular, it is my hope that the strong arguments in favor of the manual tradition, coupled with the absence of sound objections to the enterprise, will lead contemporary moral theologians and philosophers to return to these rich sources of insight and to once more take up the tasks with which the manualists were engaged.⁹⁵

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