

**HISTORY AS ARGUMENT FOR REVISION
IN MORAL THEOLOGY:
A REVIEW DISCUSSION**

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JOHN MAHONEY, S.J., formerly a professor of moral theology at Heythrop College and now the Frederick Denison Maurice Professor of Moral and Social Theology at King's College, London, presented the Martin D'Arcy Memorial Lectures in Campion Hall, Oxford, in the spring of 1982. He now has expanded these lectures and published them, with extensive notes, in a book which is both erudite and readable.¹

To save space, I shall not summarize Mahoney's book here,² nor shall I deal with various interesting ideas in it which deserve discussion among professional theologians. Rather, I shall evaluate the book from a single, rather narrow point of view: its appropriateness for use as a historical introduction to Catholic moral theology. I think that a thorough evaluation of this work from this point of view is important, because there is very little material in English suitable for the purpose, and so Mahoney's well written and current book is likely to be widely considered for adoption in seminaries and universities as a required text to provide background for students in moral.

In my judgment, this book should not be used for this pur-

¹ *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (New York and Oxford: Clarendon Press, 1987). References to this work will be made in the text (in parentheses).

² See the descriptive and sympathetic review by Richard A. McCormick, S.J., *Tablet* (London), 3 October 1987, 1061-62.

pose. For Mahoney (1) holds dissenting positions, (2) does not accept Vatican II's teaching concerning the methodological requirements for moral theology, (3) takes positions which appear to deny infallibly proposed teachings or to impugn the magisterium's infallibility, (4) rejects the Holy Office's 1956 Instruction on Situation Ethics and commends views at odds with it, and (5) uses history to support the revisionist side of the current debate rather than offers an even-handed historical introduction to moral theology.

1. In an earlier book, Mahoney asserted positions which are inconsistent with Catholic teaching.³ In the present book, Mahoney presupposes and implicitly reaffirms such dissenting positions.

a) Mahoney criticizes the magisterium's refusal to expand the principle of totality beyond its application to the parts and whole of a single person's organism and then adds:

The mind was concentrated simply on the act of bodily mutilation and the circumstances in which this might be argued to be morally justifiable. In other new areas of medical practice such as fertility testing, artificial insemination, and *in vitro* fertilization it is possible to see a similar exclusive concentration on the act of marital intercourse as the only proper exercise of man's reproductive faculty and a corresponding judgement of any other act as no more than a frustration of that faculty irrespective of the total context and purpose of such activity. (311)⁴

This criticism entirely omits the actual arguments which the magisterium offers for its positions in these matters.

b) Mahoney says: "One of the most central and now most controverted features of classical moral theology has been the maintaining that many types, or classes, of moral act are inherently evil and absolutely forbidden" (311-12). As examples he lists lying, suicide, abortion, sterilization, masturba-

³ *Bioethics and Belief: Religion and Medicine in Dialogue* (London: Sheed and Ward, 1984). He argues against the inviolability of innocent human life from conception (85), rejects Pius XII's teaching concerning artificial insemination (17), and so on.

⁴ With a reference in note 27 to *Bioethics and Belief*, 12-18.

tion, premarital and extramarital intercourse, and divorce, as well as contraception (312). He says that "the assault on such moral absolutes has been a particularly noticeable feature of much recent writing in moral theology" (312), sympathetically summarizes that assault (312-17), but ignores theological work defending exceptionless moral norms. This narrative is part of the description of the "pattern in renewal" of moral theology called for by Vatican II. In this way Mahoney makes it clear that he considers the "assault on such moral absolutes" to be part of the "pattern in renewal." Thus, without explicitly asserting it, Mahoney shows that he rejects the constant and most firm teaching of the Church on all these matters.

c) Again, and still describing what he considers part of the pattern in renewal, Mahoney says:

Theories of choosing the lesser of two evils, or more positively of choosing the best in the circumstances, of compromise, of proportionality, of situated or limited freedom, and others, appear to be so many acknowledgements that moral theology cannot today simply content itself with elaborating a list of moral universals without also carefully perusing their absolute or relative character, notably when they may, or may 'appear', to come into conflict in particular situations or for particular individuals. (329)

Mahoney plainly thinks that these various current attempts are a move "to judge that, far more frequently than has been suspected, what diverse individuals consider God requires of them is in actual fact what God does 'objectively' require of them, as legitimate personal diversities" (330). Thus, Mahoney expresses general, although not specific, approval of the sorts of theories he lists and in this way implicitly contradicts the Church's constant teaching, reaffirmed by John Paul II, that "there exist acts which, *per se* and in themselves, independently of circumstances, are always seriously wrong by reason of their object."⁵

2. Vatican II teaches: "Sacred theology rests on the written

⁵ "Reconciliatio et Paenitentia," *AAS* 77 (1985): 221-22.

word of God, together with sacred tradition, as its primary and perpetual foundation.”⁶ And: “The task of authentically interpreting the word of God, whether written or handed on, has been entrusted exclusively to the living teaching office of the Church, whose authority is exercised in the name of Jesus Christ.”⁷ When it mentions the Church’s living teaching office here, Vatican II refers to (and so incorporates by reference) the teaching of Pius XII in *Humani generis* that theologians must defer to the magisterium in interpreting the deposit of faith.⁸ Mahoney does not accept these methodological requirements of Catholic theology. Instead, he treats the magisterium (and appears to treat Scripture itself) as having merely relative value, which can be offset by his own reasoned judgments and by other authorities.

a. Mahoney suggests that teaching authority belongs by right to theologians as much as to popes and bishops and that the superiority of the hierarchical magisterium over that of theologians was an accident of history (119-20). In this context, Mahoney says that it was

. . . in Pius XII that the claims of *magisterium* in the Church to be the complete prerogative of the hierarchy and the papacy were most strongly expressed, with his references to ‘the living *Magisterium*’ and ‘this sacred *Magisterium*’ in a significant personification and use of the capital letter, and with his warning to theologians that they were not to consider themselves teachers, or *magistri*, of the *Magisterium*. (120)

Later Mahoney states Pius XII’s teaching concerning the relationship between the roles of theologians and the magisterium and quotes a relevant passage from *Humani generis* to which Vatican II refers (160). However, Mahoney fails to mention the Council’s reference to this teaching of Pius XII, dismisses the teaching, and suggests (161) that “it was to come as something of a change when the Second Vatican Council”

⁶ *Dei Verbum*, 24.

⁷ *Dei Verbum*, 10.

⁸ See DS 3886; cf. *Optatam totius*, 15, n. 31.

taught as it did with respect to various responsibilities of the faithful as a whole and various segments of the Church (161-62). In this way, Mahoney insinuates without explicitly asserting that the Council's teaching supersedes that of Pius XII and allows theologians to proceed autonomously rather than defer to the magisterium.

b. Mahoney reduces the authority of the hierarchical magisterium to a mere juridical authority and relativizes that authority by describing various other types of authority, including that of theologians, as if persons who have those other types of authority had no obligation of religious assent (171-72). Later in the book, Mahoney says: ". . . it might be observed that, to the extent that the faithful are not found to give their assent to a particular piece of moral teaching by the *Magisterium*, to that extent the force of the teaching may be open to question" (222-23). Mahoney then asserts the authority of Christian personal experience and says:

Not, of course, that such experiential authority is necessarily self-authenticating, far less infallible. It needs probing and testing, as do other forms of authority. But it cannot be substituted for in its contribution to the total harmony of diverse authorities which together go to make up the human expression of the fundamental authority of the Spirit of Christ within his Church. (223)

Thus, Mahoney suggests that theologians need not defer to the hierarchical magisterium except insofar as its judgments form part of a consensus ("harmony of diverse authorities") which alone manifests the "fundamental authority of the Spirit."

c. Again, in discussing the impact of *Humanae vitae*, Mahoney takes up the question, ". . . is dissent from non-infallible teaching a morally legitimate option for a member of the Church?" (291). His reply begins: "The short answer is, yes. A less short answer is, yes but. And the long answer is, yes provided that certain conditions are adequately fulfilled" (291). The subsequent discussion (291-99) acknowledges no way in which what Mahoney calls (293) "the extrinsic reli-

gious factor of hierarchical authority” should determine the judgment of a member of the Church who has “good reason to judge to the contrary” (293). Dissent is possible: “For the influence of the Holy Spirit in the hearts of the faithful, as described by Pope Paul, is envisaged purely as disposing them to be receptive, whereas it might be a more positive one of refining, qualifying, or even correcting the papal teaching” (295). Since the Spirit works through a variety of channels, “not only is disagreement well-nigh inevitable, but it is almost essential, or at least normal” (296).

d. In discussing moral pluralism as an element of what he proposes as a pattern in renewal, Mahoney treats the magisterium as one theological party among others. The magisterium’s

. . . expressions of disapproval cannot themselves be exempted from the fundamental questions which the possibility of pluralism raises. In matters of morality, in the first place, there is scrutiny of the *Magisterium’s* own choice of method and the extent to which, for instance, natural law theory, and one version of it at that, is to be considered a moral method particularly privileged or even required by the Gospel to the exclusion of all others. (336)

Again, Mahoney treats the magisterium and liberation theology as parties claiming “to possess a monopoly of method” (336) and suggests that such claims can be relativized: “. . . some moments in history and some cultures may call for a particular method in preference to others or even for that time and place to the exclusion of others” (337).

e. Mahoney criticizes the “predilection for the will and the power rather than the mind of God, which is to be found by and large in Scripture, as in Augustine [and others]” (245) for what he claims follows from it:

One consequence of this is to view the divine-human relationship as a continual series of border incidents and demarcation disputes. The more one accords to man, the more is being subtracted from God; and tragically, the more one immerses man in the filth of his own sins and corruption, the more one is aiming at exalting the divine mercy and goodness in his deigning to extricate and save man. (246)

Whether or not what Mahoney thinks he finds in Scripture is really to be found there, if he presumes to judge Scripture and find it wanting—and he seems to do that here—he makes it clear that he does not consider Scripture normative for theological work.

3. Mahoney takes various positions which appear to deny infallible teachings or to impugn the infallibility of the magisterium in teaching which has been or seems to have been infallibly proposed.

a. In treating the teaching of the Council of Trent on integral confession of sins in the sacrament of penance, Mahoney omits from his translation (23)—without a mark to indicate the omission—the words, “et omnibus post baptismum lapsis iure divino necessariam existere”⁹ and does not mention (22-32) the relevant canon,¹⁰ which definitively teaches the requirement *iure divino* of integral confession. Instead, he treats the requirement of integrity as a source of “one of the major defects which connection with auricular confession brought about in moral theology—its preoccupation not just with sin, but with sins” (31). In this way, he insinuates that this requirement could and should be rejected.

b. After having sketched its historical background in Augustine, Mahoney states (52) Trent’s teaching that God does not command the impossible¹¹ and even refers to the relevant canon.¹² However, his reflections on the principle (55-57) strongly suggest that Mahoney does not accept it in the sense in which the Church understood and still understands it. Rather, he seems to accept it only in the sense that a norm which the Church proposes as a divine command need not be considered truly such if its fulfillment is (or seems to be) “impossible.”

c. Commenting on Lateran IV’s legislation on annual confession, Mahoney points out that it raised the question whether “sins” meant only mortal sins; he then says: “And so was

⁹ DS 1679.

¹¹ DS 1536.

¹⁰ DS 1707.

¹² DS 1568.

born the notorious line of self-questioning and the inevitable literature on whether various types of behaviour or individual actions constituted a mortal sin to be confessed, or were 'only' venial sins" (20-21). Later in the book, Mahoney commends a theory of fundamental option according to which "actions which another tradition has considered bad in themselves, or in their 'object'," nevertheless "can be absorbed by the subject as real stages of internal growth if the subject genuinely considers them to be such" (221). Together, these passages suggest that Mahoney does not accept the traditional distinction between mortal and venial sin without which one cannot understand and assent to Trent's definitive teachings that there are mortal sins other than infidelity¹³ and that integral confession is required by divine law.¹⁴

d. After arguing that the meaning of "morals" in Vatican I's definition of papal infallibility raised difficulties (143-56, 165-66), Mahoney asserts that Gasser deliberately evaded these difficulties (166). He then goes on to impugn the definition itself, at least insofar as it bears on infallibility in papal definitions in moral matters:

In the more than a century since this extraordinary and infallible moral *magisterium* of the papacy was solemnly defined it has never once been manifestly exercised. [Note omitted.] One explanation of this remarkable sequel may be that the First Vatican Council was too soon in the history of the Church to raise and answer so complex a question definitively, that the time was not ripe (which is very different from saying a definition was inopportune), and that, in any case, the pressures of personalities and events, both inside and outside the Church, did not lend themselves to the patient and dispassionate sifting of evidence and argument which the subject patently required. (166-67)

Mahoney adds further considerations which tend to impugn the definition as a whole (167).

e. Mahoney treats the development with respect to "Outside the Church there is no salvation" as an example of in-

¹³ DS 1544, 1577.

¹⁴ DS 1679, 1707.

creasing regard for subjective factors in moral responsibility (193-202). However, in doing so he suggests that the Church now understands this dogmatic statement in a sense other than it formerly did. Mahoney says, for example, that Leonard Feeney "wished to apply with all logical rigour the Church's express traditional belief in the statement of Cyprian that 'outside the Church there is no salvation'" (199). In a subsequent passage, although Mahoney says that the teaching has been "refined and qualified," he strongly suggests that the Church's present teaching contradicts her former "infallible teaching":

We have already seen how the Church's understanding of its infallible teaching that there is absolutely no salvation outside the Church has had to be refined and qualified. Being outside the Catholic Church is not such an absolute and unmitigated evil and disaster as it was for centuries considered, and not just by reason of invincible subjective ignorance and divine goodness. God is now acknowledged more freely to be at his saving work also outside the Church and particularly among other Christian bodies, through what were until comparatively recently considered the depraved practices and cultures of benighted pagans and the heretical and false religious ceremonies of Protestants and others. (210)

In making this argument Mahoney implies that the Church has erred in teaching which she solemnly defined and intended to propose infallibly. (Mahoney seems to wish to show by this line of argument that all exceptionless moral norms now can be rejected, even if they have been proposed in a manner which fulfills the conditions which the Church recognizes for infallible teaching.)

f. Mahoney quotes (158) Vatican I's teaching concerning the infallibility of the ordinary magisterium.¹⁵ Nevertheless, in his discussion of the impact of *Humanae vitae*, he uses the premise (drawn from Msgr. Lambruschini) that "assent of theological faith is due only to definitions properly so-called"

¹⁵ DS 3011.

(293). Thus, Mahoney implicitly rejects Vatican I's teaching on the infallibility of the ordinary magisterium.¹⁶

g. After discussing the reactions of various episcopal conferences to *Humanae vitae*, Mahoney says:

The development of the theology of the local Church in more recent years, then, may be considered to provide a context, in the light of *Humanae Vitae*, within which further papal pronouncements might be considered more explicitly as directed not to souls but to Churches at various levels of regional or national self-identity. (279)

This suggestion would limit the pope's power to teach the universal Church, and thus seems to intimate a rejection of papal primacy as defined by Vatican I.¹⁷

4. Mahoney criticizes and apparently rejects the 1956 Instruction of the Holy Office on 'Situation Ethics'¹⁸ and commends subjectivist and relativist views at odds not only with that Instruction but with constant and most firm Catholic teaching that there are objective and unchanging moral truths excluding specific kinds of acts as always and everywhere wrong.

a. Mahoney initially implies his rejection of the Church's teaching on situation ethics by saying: "Not many members of the Church are clear on exactly what is meant by 'situation ethics', but most are sure that it should be avoided like the plague" (205). He assumes the acceptability of the concept of human nature presupposed by situation ethics and argues that, given that concept, the approach is not relativist.

¹⁶ He simply ignores Vatican II's treatment of the same matter in *Lumen gentium*, 25. On this treatment, see John C. Ford, S.J., and Germain Grisez, "Contraception and the Infallibility of the Ordinary Magisterium," *Theological Studies* 39 (1978): 258-312; German Grisez, "Infallibility and Specific Moral Norms: A Review Discussion," *Thomist* 49 (April 1985): 248-287; "General Introduction," in Germain Grisez, et al., *The Teaching of "Humanae vitae": A Defense* (San Francisco: Ignatius Press, 1988), 7-32.

¹⁷ DS 3064.

¹⁸ DS 3918-21.

Referring to the Instruction, Mahoney says: "And it is less than accurate to condemn such conclusions with the emotional charge of relativism as if they were not based on objective data" (206). Defending the situationist concept of moral judgment, he says: "What Pius XII's analysis and condemnation did not sufficiently take into account was that situation ethics raises a fundamental issue about the relation of insight to argument which cannot be settled by simply dismissing one or the other as of no account" (209).

b. Mahoney takes out of context (207-23) various elements of scriptural doctrine, Church teaching, the theology of St. Thomas, and so on. With these authorities, he insinuates subjectivism, when, for example, he says of a way of viewing morality which he commends:

It is this way of viewing morality, also, which makes more sense of those areas where objectivity and subjectivity appear to be in conflict or contradiction—actions which another tradition has considered bad in themselves, or in their 'object', but which the subject may honestly not see in that light. (221)

c. Mahoney also expresses approval of efforts to "throw a bridge across the gap between" objective and subjective moral determinants in a way which implies subjectivism. For example, in a passage already quoted in part (in 1-c, above) he says:

It may appear, then, that various current attempts to incorporate particulars into the science of moral theology, with all the mental and systematic adjustments which that implies, is a move to throw a bridge across the gap between 'objective' and 'subjective' morality and to judge that, far more frequently than has been suspected, what diverse individuals consider God requires of them is in actual fact what God does 'objectively' require of them, as legitimate personal diversities. (330)

d. Again, Mahoney discusses with approval recent attention "to the possibility and indeed the inevitability of pluralism in theology, including moral theology" (335) and assumes that method plays a determinative role:

What is in question increasingly includes moral cultural pluralism which is similar to, but more thoroughly acknowledged than, the occasional difference which circumstances will make to the application of principles. At heart it concerns a pluralism in moral method which could result in a pluralism in behaviour as the result of which of various diverse methods is adopted and applied. (332)

Mahoney's final judgment on such pluralism, in a passage already quoted in part (in 2-d, above), suggests that he at least tentatively accepts the relativity of moral methodology, and so of morals:

It may further be advanced that part, but perhaps only part, of an answer to the question of competing methods in morality, or to claims to possess a monopoly of method, whether on the part of the *Magisterium* or of liberation theology, may be that at any moment in history one can act only according to what knowledge and insight are available, but that some moments in history and some cultures may call for a particular method in preference to others or even for that time and place to the exclusion of others. (336-37)

Thus, Mahoney suggests the relativity of morality to varying historical and cultural conditions.

5. Finally, in my judgment, this book is not a work of objective scholarship but of advocacy—an apologia for Mahoney's moral-theological views. He introduces the work as an exploration of the history of moral theology (vii). But Mahoney does not use historical method, as he explains:

Rather than proceed, however, in the manner of a history, on a broad chronological front from New Testament times to the present in describing events in moral theology in an even-handed way without attention to what hindsight had identified as the highways, as distinct from byways, in moral theology, it seemed more fruitful to approach the subject in a more thematic manner and to select for historical description followed by reflection and comment what emerged upon consideration as the eight most significant aspects in the history of moral theology. (vii-viii)

The method Mahoney adopts combines dialectical and persua-

sive argumentation. Historical narrative is used only instrumentally.

a) Dialectical arguments proceed from premises assumed to be accepted as true by the reader, or commended on the authority of their acceptance by large numbers, or by "the wise," or by some outstanding source. Thus, Mahoney treats widespread dissent from *Humanae vitae* as if it legitimated itself (271-301). (He simply ignores the widespread and persistent assent to and support of the teaching of that encyclical.) Similarly, Mahoney assumes (309-37) that those developments in recent moral theology with which he agrees constitute the renewal in moral theology for which Vatican II calls. (He ignores those developments in recent moral theology with which he disagrees.) And Mahoney invokes Scripture, the teaching of the magisterium, St. Thomas, and so forth whenever he finds them serviceable. (He almost always ignores such authorities when they challenge the positions which he advocates.)

b) Persuasive arguments proceed from desires assumed to motivate the audience (reader) or seek to arouse the audience's (reader's) feelings. Mahoney often uses such arguments. For example, he says of the Celtic Penitentials:

They constitute at best an unsuccessful attempt to apply with some degree of humanity an appallingly rigid systematized approach to sin, and no one ever appears to have asked the serious theological question to what end (other than social order) all this suffering was really being imposed. (7)

Of confession from 1215 until after Trent:

In the meantime, however, an often inadequate and frequently almost illiterate clergy was charged with administering to the laity a procedure which was acknowledged by all to be embarrassing and onerous on them. (21)

After saying that moral theology in former times attempted to take into account subjective factors and uncertainties:

Yet, by the same token, it was the Church's growing tradition of moral theology which was itself heavily responsible for increasing

men's weakness and moral apprehension, with the strong sense of sin and guilt which it so thoroughly strove to inculcate or reinforce, and the humiliations and punishments with which it drove its message home. (28)

Again, at the end of chapter six, Mahoney drives home a major point by comparing poems by Wordsworth and Robert Frost (256-58). And at the end of the book, in a section which is only weakly linked to his previous arguments, Mahoney evokes devout and warm feelings to commend the views he advocates (341-47).