Issues in Faith and History

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MORAL REASON IN HISTORY: AN ESSAY IN DEFENCE OF CASUISTRY

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It is commonly accepted that one of the distinguishing marks of the cultural type that we call modernity is 'historical consciousness'. By this, of course, we do not mean that modern culture is the first to be possessed of a simple awareness of the past. Nor, when we describe historical consciousness as 'modern', do we intend by it an acknowledgement of the *dependence* of the present upon the past, of the debt owed by us to our forebears, of the value of tradition. In that sense, modern culture may be typified by the deliberate pursuit of historical oblivion.

In fact, however, 'modern' culture has never been more than partly modern. Modernity has never existed in pure form. So, while we in the Western world of the 1980s think of ourselves as modern and identify ourselves as those who have broken with the *ancien régime*, and while we manage our personal and social lives with a heavy presumption in favour of change and novelty, we nevertheless betray a measure of cultural neurosis in our passion for historical drama, in our apparent tendency as consumers to prefer whatever is marketed as 'traditional', and especially if we are from the New World, in our assessment of social status largely in terms of the strength of our association with the old one. We who pretend to be modern are by no means above joining our less progressive predecessors in admiring an idealised past.[1]

Nevertheless, when we distinguish modern consciousness as 'historical', we are not speaking vacuously. We are saying something significant. We are saying that one of the legacies of the European Enlightenment has been a heightened sensi-

1. See the discussion of this paradoxical relationship by the eminent American sociologist, Edward Shils, in the introduction to his book, *Tradition* (Chicago: University of Chicago Press, 1981). Historical association as a socially elevating force in contemporary American society is one of the themes of Paul Fussell's book on social status in the United States, *Class* (New York: Ballantine, 1984) – published under the title *Caste Marks* in the United Kingdom (London: Heinemann, 1984).

tivity to the *historicity* of human custom and institution and understanding. To be possessed of an 'historical' consciousness in this sense means to be quite acutely sensitive to the fact that all of our beliefs are conditioned by the combination of time and place in which we believe them. It is to be highly aware of historical and cultural relativity. Modern culture is certainly not the first to possess such an awareness: the Sophists of the Ancient World were hardly lacking in it. But modern culture is widely reckoned to be distinctive in the measure to which this particular sensitivity has come to dominate cultural consciousness.

An awareness of the historical relativity of human understanding might be developed into the metaphysical conviction that there are no permanent or absolute truths; that human beliefs are exhausted by their relations to a particular time and place. An awareness of historical relativity, that is to say, might degenerate into the dogma of historical relativism. But it need not. And our concern with historical consciousness will not be with the question of whether or not there are absolute truths – important though that question is; but, rather, simply with issues raised by consciousness of the historical relativity of human understanding.

This consciousness involves an awareness of the ways in which the historical situation, our place in time, informs our apprehension of truth. But note that 'historical situation' here does not simply refer to one's social or cultural environment. Heideggerian hermeneutics has served us well in drawing our attention to the way in which our understanding is informed, not just by what surrounds us, but by what we have become; that is, by the histories that we represent. We do not perform acts of understanding or interpretation as absolute Cartesian egos. Our consciousnesses do not confront the world as *tabulae rasae*. When we seek to understand or interpret, we do so with pre-understandings formed in particular and peculiar ways by our genetic inheritance, our experience, our past decisions, our fears and loves, our convictions and prejudices. The historical situation is not simply external to the one who would understand. It includes the history of the interpreter himself.

Nor, according to Liberation theology, is one's historical situation simply a matter of consciousness; it is partially –

according to Liberation theologians, primarily – a matter of his political commitment. When one seeks to understand, he does not do so in a political vacuum. He does so either committed to defend the political *status quo* (or, at least, to see it defended) or committed to change it. There is no neutral position. And one's inevitable political commitment, whether tacit or explicit, will shape (some would say, determine) the questions one asks and does not ask, what one pays attention to and what one neglects, what one regards as important and what as trivial.

So far, so good; but not far enough. For, political commitment is not different in kind from all the other commitments that one makes. Whenever one invests oneself, whenever one acquires an interest – whether economic, social, professional, moral, philosophical – he adds to his view of the world a certain bias. What we see depends heavily upon what we care for. There is every reason, therefore, why the hermeneutical function that Liberation theologians ascribe to the political investment of the self should be extended to all forms of self-investment. The historical situation in which understanding or interpretation takes place should be so conceived as to embrace all kinds of praxis.

We have spoken of historical consciousness as an awareness of the historicity of human understanding; of its relativity to the historical situation in which it occurs, whether this be social and cultural environment, personal history or various species of praxis. There is another, second dimension of modern historical consciousness which we must attend to: the unique particularity of the historical situation, even when that situation is morally significant. Acutely aware of history as a process, not of repetition, but of change, historical consciousness recognises that there is an irreducible element of novelty in each morally significant situation and that, therefore, the mechanical application of traditional rules cannot be a fitting way of making a response to it. Adding to such a concept of history a combination of historicist confidence in the human capacity for beneficent reform, a Romantic belief in creative genius and an existentialist concept of authenticity, this consciousness understands moral decisions, not as acts of conformity to a given law, but as unique, decisive and creative ventures.

IN DEFENCE OF CASUISTRY

It is arguable that the contemporary consciousness of the West is a composite, not only of modern and pre-modern elements, but of post-modern ones, too. After the political failures and horrors of the 20th century, our historicist confidence is not what it was; and we are, perhaps, a little more appreciative both of the extent to which even creative ventures depend upon tradition, and of the extent to which even authentic, decisive individuals need the support of a community. Still, we are no more simply post-modern than we were ever simply modern. If our confidence in the human capacity to engineer a better world has been chastened, it still lives on – at least because we have no confidence in other means of achieving the absolute material security that we pursue. And if we have rediscovered some of the virtues of tradition and community, we still remain fiercely attached to the ideal of individual autonomy, especially in matters of 'private' morals, tellingly so-called. It seems safe, then, to say that the consciousness of Western culture in the 1980s is substantially 'historical', not only in its sensitivity to the formative impact of the historical situation upon understanding that occurs within it; but also in its normative concept of the making of a moral decision as a unique, creative act, ultimately free of regulation.

It should not be surprising that one of the ethical casualties of the emergence of this two-fold historical consciousness has been casuistry. This is most clear in the case of Roman Catholic moral theology where, under the liberalizing influence of Vatican II, there has been a reaction against what has been held to be the rigid, deductive rationalism of the casuistic tradition. Charles Curran, for example, noting in 1968 that Roman Catholic moral theology was becoming more 'historically conscious', prophesied a widespread reaction against 'excessive rationalism' according to which reason was supposed 'to solve all the complicated moral problems with clear and definite answers'.[2] In Protestant circles, it is true that casuistry perished suddenly at the end of the seventeenth century, some two centuries before we can speak confidently

2. Charles E. Curran, 'Absolute Norms in Moral Theology' in Gene H. Outka & Paul Ramsey, eds., *Norm and Context in Christian Ethics* (New York: Scribner's, 1968), pp. 171-72.

of the presence of modern historical sensibility. But if Kenneth Kirk is correct in attributing its demise partly to the rise of Pietism,[3] then we may surmise that it was connected with the Pietist reaction against rationalism in its Lutheran scholastic form. We do, therefore, have ground for supposing that the kind of concern that led to the disappearance of Protestant casuistry in the late 17th century was not entirely unlike that which has led to the abandonment of casuistry by Roman Catholics in the late 20th.

It is not the case, of course, that historical consciousness alone bears responsibility for contemporary disaffection for casuistry. Close to the heart of much Protestant (especially Lutheran) sensibility lies a basic suspicion of law and legal procedures, nourished by a tendency to associate these with soteriological legalism; that is, the belief that eternal salvation is achieved by observance of the moral law. Many Protestants – the Puritans obviously excepted – have also tended to be supicious of too close an attention to being and doing what is right, since it is supposed to conduce to an anxious conscience and therefore the lapse of faith. Further, Protestants have been possessed of an anti-authoritarian streak, which expresses itself in a restriction of sacerdotal authority and the championing of the liberty of the individual conscience. All of these characteristics have contributed to Protestant alienation from casuistry, a kind of moral reasoning which is undoubtedly legal in form; has certainly been used with legalistic intention; and was for a long time, in the Roman Catholic tradition, the means by which priests reached a verdict on the appropriate penance with which to sentence a confessed sinner. Moreover, much of what has been characteristic of Protestantism from the beginning, is now also characteristic of those Roman Catholic circles sympathetic to the ethos of Vatican II.

There is no question, then, that the demise of casuistry in both Protestant and Roman Catholic circles has had multiple causes, only some of them functions of the emergence of historical consciousness. Nevertheless, historical consciousness, as we have defined it, has played an important, even decisive, role. One of the most common objections levelled

3. Kenneth E. Kirk, *Conscience and its Problems* (London: Longmans, Green & Co., 1927), pp. 203-4.

against casuistry in recent Christian ethics is that its mechanical rigidity prevents it from doing justice to the unique particularity of the historical situation. This is the gist of Emil Brunner's complaint that 'casuistry tries to imprison life in a net of "cases" as though all could be arranged beforehand . . .';[4] that it seeks to deduce the 'case' from a general law 'in the minutest particular',[5] reckoning that 'the law in its general character logically includes within itself all particular propositions'.[6] Equivalent statements may be found in Barth, Bonhoeffer, Thielicke, Fletcher and Curran.[7] In addition to having acquired a modern sensitivity to the particularities of history, Protestantism, with its aboriginal disposition against legalism and authoritarianism and in favour of spiritual 'liberty', has sometimes warmed to elements in the existentialist concept of authentic moral decision-making; in particular, to the notion of the taking upon oneself the responsibility for launching a creative moral venture. This is most evident in the cases of Bultmann and Tillich.[8]

Recent Protestant ethics have developed further objections to casuistry of an historical nature. Paul Lehmann, for example, has accused it of abstracting the process of making moral decisions from its proper context: the history of what God is doing to humanise the world. Instead of trying 'to apply a uniform principle to a uniform or even a variegated situation', Christians should shape their action in correspondence with what God is doing in the complex and dynamic situations of

4. E. Brunner, *The Divine Imperative* (Philadelphia: Westminster Press, 1937), p. 134.
5. *Ibid.*, p. 138.
6. *Ibid.*, p. 137.
7. K. Barth, *Church Dogmatics*, III/4, ed. G. W. Bromiley & T. F. Torrance, trans. A. T. Mackay et al. (Edinburgh: T. & T. Clark, 1961), pp. 7-10; D. Bonhoeffer, *Ethics*, ed. E. Bethge (New York: Macmillan, 1955), p. 86; H. Thielicke, *Theological Ethics*, 2 vols., ed. William H. Lazarus (Grand Rapids: Eerdmans, 1979), I: 457; J. Fletcher, *Situation Ethics* (Philadelphia: Westminster, 1966), pp. 18-22, 27, 29-30; C. Curran, 'Absolutes in Moral Theology', in Outka & Ramsey, *Norm and Context*, pp. 168-9.
8. Thomas C. Oden, *Radical Obedience* (London: Epworth, 1965), pp. 25-8, 41-3, 101, 112-13; P. Tillich, *Morality and Beyond* (New York: Harper & Row, 1963), p. 42-3.

the world to bring the humanity of human beings to maturity by building up *koinonia*.[9] Lehmann also implies that casuistry has been so preoccupied with forging rational solutions to moral quandaries that it has tended to obscure the larger theological historical situation of man as sinner whom God has already acted to save.[10] Stanley Hauerwas moves along very similar lines when he criticizes casuistry (in the traditional sense) for distracting attention from the biblical story that conveys to us the theological facts of life.[11] We might fairly describe what Lehmann and Hauerwas are doing as contending against casuistry for the *theological* historicity of the moral agent. Barth's insistence that all ethical reflection be preliminary to the event of encounter between the sinful human creature and the Creator who commands in order to save – preliminary, that is, to the concrete history of God's covenantal relationship with man – intends exactly the same point.[12]

We have sought to establish that historical consciousness is, to a significant extent, responsible for discrediting casuistry as a form of moral reasoning. Conceived as a logically deductive system, moving mechanically from first principles through specific rules to particular cases, casuistry has been reckoned insensitive to the unique particularity of moral situations; inimical to moral creativity; and neglectful of the historicity – personal, social, cultural, practical, theological – of the moral agent. We shall now proceed to articulate a threefold argument: first, that Christian ethics need casuistry; second, that casuistry has suffered, particularly at Protestant hands, considerable misrepresentation; and, third, that there is a theory of casuistry that answers all of the objections presented above. In brief preface to this argument, let me make clear what it presupposes: namely, that what the above-men-

9. Paul L. Lehmann, *Ethics in a Christian Context* (New York: Harper & Row, 1963), p. 143.
10. *Ibid.*, pp. 319-22.
11. Stanley Hauerwas, *The Peaceable Kingdom* (Notre Dame: University of Notre Dame Press, 1983), pp. 117-19.
12. K. Barth, *Church Dogmatics*, II/2, ed. G. W. Bromiley and T. F. Torrance, trans. G. W. Bromiley *et al.* (Edinburgh: T. & T. Clark, 1957), pp. 676-78.

tioned historical objections wish to affirm about the historicity and creativity of moral understanding is valid; and that, therefore, the task before us is to satisfy, not to refute, them.

The alternatives offered instead of casuistic reasoning are various. Barth proposes the event of hearing God's command, albeit one informed by a measure of ethical reflection.[13] Brunner and Bonhoeffer make similar proposals;[14] though Brunner veers away from Barth and toward Fletcher in his readiness to identify directly the content of the divine command as love for God and neighbour.[15] Fletcher offers us the discernment of what is loving; Lehmann, the discernment of what is humanising; and Hauerwas, the imaginative discernment of correspondence between the biblical narrative and our own situations.[16]

All of these proposals share a reluctance to specify their norm – whether it be the divine command, love, humanity or the biblical narrative – in terms of moral rules. They leave the connexion between norm and case vague on principle, because they want to carve out a sphere of operations in Christian ethics for creative, imaginative freedom; and because they believe that this requires the exclusion of casuistry. But the refusal to specify the norm in terms of at least provisional rules, means that we are left without any tightly defined criteria by which to guide or discipline or make accountable our moral intuitions and the productions of our moral imaginations. We are left too much to our own spontaneous devices. How do I know that this command is a command of God? And by what common measure do I allow you to assess my claim to have heard one? You say that what you are doing is loving because it conduces to the greatest well-being of the most people. But what moral content do you give well-being,

13. Barth, *Church Dogmatics*, II/2: 3-31. See Nigel Biggar, 'Hearing God's Command and Thinking about What's Right. With and Beyond Barth', in Nigel Biggar, ed., *Reckoning With Barth* (Oxford: Mowbray, 1988).
14. Brunner, *Divine Imperative*, pp. 111-21; Bonhoeffer, *Ethics*, pp. 277-85.
15. Brunner, *Divine Imperative*, pp. 112, 119.
16. Fletcher, *Situation Ethics*, pp. 134ff; Lehmann, *Ethics in a Christian Context*, p. 143; Hauerwas, *The Peaceable Kingdom*, pp. 116-30.

and how do you measure it, and within which social circle, and within what period of time? You justify your action by claiming that it corresponds to what God is doing to bring humanity to maturity. But can you tell me what you mean by mature humanity in terms sufficiently specific that I could then discern whether this action in this situation would conduce to it or not? And you appeal directly to the biblical narrative. Well, which episode? And why do you give priority to this episode rather than that one? And how do you account for the more ethically abstract parts of the Bible – the discourses on ethical subjects, and the moral codes (not to mention the casuistry)? And what is to discipline the movement of your imagination from the biblical story to your situation? Without a more specific understanding of our ethical norms, we are vulnerable, on the one hand, to the temptation to use them as the ideological cloak for self-service and, on the other, to being unable to give sufficiently precise reasons for our moral decisions. Granted that rational precision is not the be-all and end-all of Christian ethics, it is nevertheless valuable. It is valuable in that it makes the logic of our moral decisions available for assessment. Unlike the alternatives proposed, casuistry has the virtue of not resting with a general identification of the ethical norm, but of venturing the explication of that norm in terms of kinds of behaviour; that is, in terms of generic principles and increasingly specific rules. It does not leave the logic of the movement from norm to action without description.

But how can we enjoy the benefit of rational precision without offending historical consciousness? How can we deal in the currency of principles and rules and at the same time do justice to the unique particularity of historical situations, permit scope for moral creativity, and take into account the historicity of the moral agent?

We begin our response to this question by arguing that casuistry has not been fairly represented by its critics. A major tradition of casuistry has always acknowledged the unique particularity of moral cases, and therefore the necessity for a measure of moral creativity. Speaking of Roman Catholic casuistry, James Gustafson has written that 'perhaps . . . only the writers of the poorest manuals, the least nuanced and historically sophisticated have claimed that the gap between

general principles and particular choices and actions could be closed by logic alone'.[17] Certainly any tendency within Roman Catholic moral theology to regard casuistry as a sheerly technical process, crushing historical particularities underfoot and denying any scope for the exercise of responsible judgement, has been checked in recent decades by the reappropriation through Thomas Aquinas of the roles of prudence and equity in the application of general principles to concrete cases.[18] There is, then, a species of casuistry with a long and distinguished pedigree that has always recognised that the final moment in moral reasoning, the moment when one is faced with deciding whether this case should be subsumed under this rule, is a moment of judgement, not inexorable logic; and it is so precisely because no matter how specific a rule one brings to bear upon a case, the rule still deals in kinds and the case in particulars.

Furthermore, this casuistic tradition has always followed Aquinas in admitting that only the first principles of moral reasoning are certain; that no set of derivate rules can possibly cover all cases; and that rare and peculiar cases will require the revision of any available set of rules.[19] It therefore permits scope for the exercise of human judgement, not only the subsumption of cases under rules, but also in the reformulation of rules themselves. Moreover, this tradition acknowledges that the relationship between moral reason and particular cases, particular historical situations, is not merely technical or mechanical; it is not simply a matter of applying rules to passive matter. On the contrary, the relationship is dynamic and di-

17. James M. Gustafson, *Protestant and Roman Catholic Ethics* (Chicago: University of Chicago Press, 1978), p. 47.
18. Aquinas, *Summa Theologica*, 2ae2ae, Qq. 47, art. 2, 3, 5; 49, art. 3; 120, art. 1; Franz Furger, 'Prudence and Moral Change',*Concilium*, 5/4 (May 1968): 62-66; Bernard Haering, 'Dynamism and Continuity in a Personalistic Approach to Natural Law', in Outka & Ramsey, eds., *Norm and Context*, pp.210-15; Bernard Haering, *Free and Faithful in Christ*, 3 vols. (Slough: St Paul Publications, 1978), I:363; Josef Fuchs, *Personal Responsibility and Christian Morality* (Washington, D.C.: Georgetown University Press, 1983), pp. 185-99.
19. Aquinas, *Summa Theologica*, 1a2ae, Qq.94, art. 4, 5, 6; 96, art. 6; 120, art. 1.

alectical. If moral rules do successfully govern the majority of cases, there remains nevertheless a minority of cases so stubborn in their dissent as to provoke reform.

Kenneth Kirk, the most notable Anglican moral theologian of this century to date, sought to recover such a dynamic form of casuistry for the Church of England. In his book, *Conscience and its Problems* (1927), he argued that, in order to be morally useful, moral principles must be partially illuminated by illustrations and examples, 'by the known instances in which it holds good; . . . by an intelligible definition, which is no more than a generalisation of known examples'. He notes, however, that these illustrations and definitions are 'apt to mislead when brought face to face with new circumstances'. It is therefore the special task of casuistry to compare the new constellation of circumstances with the old illustrations, in order to discover whether their moral resemblances so outweigh their differences as to make the same principle applicable to both. In a case where the differences predominate, the 'intelligible definition' of the relevant principle must be revised so as to take into account this new illustration of the limits of its sphere of jurisdiction.[20] Kirk contrasts this dynamic form of casuistry with its 'rigorist' counterpart, whose principal error is to regard as compromise the continuous and inevitable process of the redefinition of principles, and so to insist on the application of fixed principles to irrelevant cases. The rigorist misuses the original examples employed to illustrate the principle by failing to distinguish between the essential point in them that justifies the application of the principle, and purely accidental features that do not. 'Thus', Kirk writes, 'the law is made to bind in whole categories of cases in which it has really only partial relevance, even if it is relevant to all'.[21] It should be obvious that it is against this rigorist form of casuistry that objections of an historical sort find their mark.

Another version of the dynamic theory of casuistry appears in an article written by the American Methodist, Paul Ramsey, entitled 'The Case of the Curious Exception'. This was published in 1968 and has recently been described as speaking

20. Kirk, *Conscience and its Problems*, pp. 107-9.
21. *Ibid.*, p.121.

'the last word' on the formal questions raised in the debate about situation ethics.[22] Where Kirk speaks of principles and definitions, Ramsey speaks of norms, principles and rules; and he describes the procedure of moral reason as that of specifying ever more precisely the meaning of a given norm in terms of principles and rules, both of which define *genera* and *species,* respectively, of good and bad actions, and which are differentiated simply by their degree of specificity.[23] The subsumption of a particular case under a rule occurs on the ground of certain moral features of the case. Occasionally, there arises a case that lacks some of the features required by a rule or possesses some significant features that the rule does not. Here, the casuist must judge in the light of the ultimate norm whether to redefine the rule so as to enable it to comprehend the eccentric case, or whether to remove the case altogether from the jurisdiction of the rule under which it was initially expected to fall and place it, instead, under the jurisdiction of another. Like Kirk's, Ramsey's account of casuistry brings to the fore the dialectical nature of the relationship between moral principle and particular case. Instead of thoughtlessly designating an eccentric case 'exceptional', both leaving it outside of the available scheme of principles and rules and leaving that scheme intact, Ramsey argues that it is the role of moral reason – understood as creative, not merely technical – to bring the eccentric case under the judgement of a given ethical norm either by qualifying an old rule or inventing a new one.[24]

A third recent account of casuistry as a dynamic, creative, dialectical operation appeared in 1977, this time in the work of a moral philosopher, J. M. Brennan. In his book, *The Open Texture of Moral Judgements*, Brennan argues that moral terms are 'open-textured' in the sense that 'one cannot state the necessary and sufficient conditions for their correct

22. Oliver O'Donovan, *Resurrection and Moral Order* (Leicester: IVP, 1986), p. 196.
23. Paul Ramsey, 'The Case of the Curious Exception', in Outka and Ramsey, eds., *Norm and Context*, pp. 74-5.
24. Ramsey, 'Curious Exception', pp. 67-93.

application'.[25] Therefore a scheme of moral concepts (which may be taken as equivalent to Ramsey's principles and rules) cannot be a rigid framework, but is constantly developing in response to questions about the appropriate extension of those concepts in the light of their 'sense' or 'rationale' (which may be taken as equivalent to Ramsey's norm). Brennan therefore denies that moral reasoning is strictly deductive; and would concur with Ramsey who prefers to describe it, not as the classification or derivation of moral species, but as their evolution.[26] In other words, *pace* Brunner, it does not begin with a formulation of its major premiss in terms sufficiently exhaustive as to comprehend all possible cases in advance. Such a formulation would be impossible simply because in matters of prescience, quoting H. L. A. Hart, 'we are men, not gods'.[27] Rather, moral reasoning is a process of discovering the meaning of a given ethical 'rationale' or norm in relation to an infinite range of particular cases. Oliver O'Donovan describes this dialectical process well when he writes that 'the engagement with the case show(s) up a measure of haziness and ill-definition in our understanding of the moral priniciple; the particular act(s) as a kind of magnifying glass through which the generic appear(s) with more clarity'.[28]

It should be clear that this dialectical model of casuistry does do justice to the particularity of historical cases and acknowledges the responsibility for creative reasoning that this places upon the moral agent. But what about historicity? Does this model take due account of the relativity of moral understanding to the historical situation in which it occurs, whether this be constituted by personal history, social and cultural environment, the various species of praxis, or the theological facts of life?

It should be made clear that we have no quarrel with the notion that the one who reflects on moral cases in terms of a set of principles and rules – that is, the casuist – does so un-

25. J. M. Brennan, *The Open Texture of Moral Judgements* (London: Macmillan, 1977), p.104.
26. Ramsey, 'Curious Exception', p. 91.
27. H. L. A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961), p. 125.
28. O'Donovan, *Resurrection and Moral Order*, p. 195.

der the conditions of historicity. His grasp of the meaning of particular principles and rules is inevitably coloured by the various dimensions of his experience. Different sets of personal, social, cultural and practical experience produce different interests, different moral sensibilities, different interpretations of principles and rules and different descriptions of cases. Kirk provides one illustration of this by way of Raymond Thamin's report of his experience of putting a series of hypothetical moral cases before a class composed largely of the children of small property-owners, and of discovering them to be 'rigorist in matters which did not touch them personally, but lax in matters concerning the duties of landlords'.[29] And Barth claimed to have found another instance in the casuistical treatment of the ethics of Sabbath observance by the Puritan, William Ames. Ames allows that divine providence may often make it necessary to keep the Sabbath in ways that differ from the rule that he lays down, but stipulates that in such cases there must be evident necessity. Such necessity, however, he never acknowledges in regard to haymaking or harvesting by farmers; while in regard to the various professional activities of doctors, surgeons, apothecaries, statesmen and soldiers, he does. Therefore, Barth judges this piece of casuistry to be 'blatantly adapted to the requirements and claims of the ruling classes'.[30] The rational procedures of casuistry evidently provide no guarantee against 'historical' bias; they do not permit moral reason to rise above history. But, then, casuistry has seldom pretended to. And, indeed, the fact that the dialectical species denies that the meaning of principles and rules is exhaustively fixed *a priori*, and affirms that concrete cases have an important formative role in the

29. Kirk, *Conscience*, p. 115n.1.

30. Barth, *Church Dogmatics*, 3/4:66. In Ames' defense it should be pointed out that his distinction between haymaking and harvesting on the one hand, and the practice of medicine or government or soldiering on the other is founded on the moral distinctions between what is necessary to secure a gain and what is necessary to avoid 'some discommodity falling out unexpectedly', and between what is necessary for oneself and what is necessary for one's neighbour or the commonwealth (*Conscience with the Power and Cases Thereof* [1639; reprint ed., Amsterdam and Norwood, N. J.: Theatrum Orbis Terrarum & Walter J. Johnson, 1975], Book V, 33: 96-97).

continuous process of its evolution, implies an acknowledgement that the history of someone's experience contributes to the meaning which he currently attaches to a given principle or rule.

Dialectical casuistry is, then, quite at ease with the notion of the personal, social, cultural and practical historicity of human apprehension of the meaning of moral principles and rules. But, insofar as it ascribes to moral cases the capacity to provoke critical reflection upon available schemes of moral reason, it denies that such historicity is absolutely determinative. The fact that the awkward features of a moral case may cause one to ask questions about the adequacy of the moral concepts that his historicity bequeaths him, means that those concepts and that historicity do not imprison him.

But what about theological historicity? Does our dialectical model meet the charge that casuistry abstracts and distracts ethics from its theological context, leading the casuist to imagine her reason to be pure and simple, rather than finite and sullied? We have just noted that dialectical casuistry presupposes on the part of the casuist a capacity for self-critical moral reflection. Now we note that this capacity itself presupposes the possession of an open disposition. I must be willing to acknowledge awkward features in moral cases, if I am to bring critical self-reflection to bear upon my moral concepts. I must be ready to have my biases, my moral sensibility interrogated. I must be prepared to think again about the meaning I attach to moral principles and rules. Pre-requisite for the operation of dialectical casuistry, therefore, is the possession and development of a certain quality of character, the virtue of openness to correction – the virtue of docility. And it is at this point that dialectical casuistry declares its contingency upon a theological context. For, the development and maintenance of an open disposition itself requires that the casuist confess that he reasons always and only as a creature, as a sinful creature, as a sinful creature whom God has graciously saved; for only such a confession can produce the delicate combination of humility, self-scepticism and confidence necessary for a readiness to learn and re-learn.

In the end, then, dialectical casuistry not only incorporates sensitivity to the historical particularity of moral cases; scope for rational creativity; acknowledgement of secular historicity

– personal, social, cultural, practical; and awareness of the basic context provided by theological history. In the end, it presupposes the reversal of that separation of moral and spiritual theology which took place after the Council of Trent, is reckoned responsible for the increasingly legalistic tone of subsequent Roman Catholic moral theology, and was so strongly resisted by the Caroline moralists of the Church of England.[31] For, ultimately, dialectical casuistry not only presupposes consciousness of theological historicity, but the practice of a spiritual discipline – both private and public – whereby the casuist is constantly reminded of the facts about God and humanity to which the biblical narrative witnesses, and which comprise the theological context of his moral reasoning. In the end, dialectical casuistry presupposes spiritual praxis.

31. H.R. McAdoo, *The Structure of Caroline Moral Theology* (London: Longmans, Green & Co., 1949), pp. 9-11.