The Moral Theology or Casuistic Tradition

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This article begins with an autobiographical section reporting on the author’s intellectual trajectory as an ambivalent and developing casuist. Smith then goes on to discuss characterizations of the Anglican moral theology tradition of casuistry and the forms of casuistry popular today in practical ethics. In Smith’s view this moral theology tradition is committed to initiating and sustaining conversation among persons about the liberties and demands of a Christian life—and to provoking that conversation within our own souls. He maintains that the pastoral orientation and willingness to listen to custom and diverse sources of moral insight that is characteristic of Anglican moral theology should enable the church to maintain a vital ethic in many different cultures and traditions. Smith advocates the use of a modern form of casuistry by Anglican moralists; his own version is based in the theology of H. R. Niebuhr and the writings of Kenneth E. Kirk. The essay draws on earlier writings about casuistry and Kirk by the author.

For some reason I graduated from seminary thinking that the “moral theology” tradition was Episcopal Christian ethics. And I suspect that I was not alone among my peers. In my case there was no good excuse for this, as I had read F. D. Maurice as an undergraduate. Perhaps it was because the Anglo-Catholicism that supported the moral theology emphasis provided what I thought of as a rigorous philosophical and theological mooring in the thought of Thomas Aquinas. At any rate the moral theology tradition seemed to me to have a kind of prima facie intellectual credibility that other forms of Anglicanism lacked. That mattered, as I wanted to have intellectual credibility.

I attended a nondenominational seminary and while there wrote papers on Maurice and Hooker, but the dominant and most

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intellectually vital tradition was Protestant, especially the Niebuhrs and Barth. The same focus on a rich mainline intellectual tradition of Christian thought was central to my doctoral training. When I was fortunate to be hired by Indiana University’s new Department of Religious Studies in 1967, I did not teach or write about a single Anglican writer for years, but my students then (and since) have had a pretty heavy dose of Augustine, Aquinas, and the Niebuhrs.

Two things happened, however, that altered my perspective. The first was an ongoing desire to relate my intellectual persona to the self that worshipped, pledged, and socialized with a university-town Episcopal parish. That was my form of the modern search for or discovery of identity and integrity. Somewhat to my amazement, I came to realize that the community within this parish was central to who I was. I knew that there was a “big picture” of diverse Anglicanism, but I knew only a little bit about one leg—or toenail—of that elephant. One thing that was clear to me was that there was an Anglican moral theology tradition, and if anything was really Anglican, that was. Perhaps I thought that strand in our tradition was most distinctively Anglican so I could use it to establish my own Anglican identity. Moreover, I had the impression that this strand in the tradition was not well known by many clergy of my generation.

The second thing that happened to me as a young (just tenured) scholar concerned my intellectual trajectory. My thesis became a book that was read by about six people, including my mother.¹ But I found myself thrashing around looking for another intellectual focus in the increasingly counter-cultural world of the early 1970s. I found it in the emerging field of bioethics, began to be involved with some Hastings Center projects, and wrote something that a few people actually read. At many interdisciplinary meetings I sat at a large seminar table with the elder senior leaders of the new bioethics, and found myself—and sometimes my faith—provoked and challenged. It was provocation and challenge that I loved, however, partly because I was one of the many humanists who spent his early years in college as a pre-med. (Until I fell in love and got a C+ in Biology.)

And this finally brings me to the relevant point, for the bioethics discussions were heavily case-based. For example, how should impaired newborns be treated? Should an impairment, such as a serious

developmental disability, be thought relevant to a decision to operate for duodenal atresia? This moral analysis forced one to consider the nitty-gritty of people’s lives and to attempt to unfold whatever it was that the study of ethics (or theological ethics in particular) had to contribute to the discussion. Sometime after I became part of those discussions, Albert R. Jonsen and Stephen Toulmin published their important book, *The Abuse of Casuistry*, pointing out the strong parallels between bioethics and the casuistic tradition. They even thought Kenneth Kirk significant! I suddenly found myself in the position of the man who didn’t know what prose was until someone told him it was what he had been speaking all his life. I was a casuist *manqué*.

For example, I wrote a short book entitled *Health and Medicine in the Anglican Tradition*. I could write about health and medicine, but in what sense were my reflections Anglican? A good half of that book consists of an attempt to sketch a distinctively Anglican perspective from which I then commented on a series of cases in bioethics. I was much more sure of what I was doing in the second half than the first! Later I was a member of a research group studying genetic testing, particularly for late-onset autosomal dominant diseases such as Huntington’s chorea. In this federally funded project there was no thought of a theological context; our appeal had to be to the thoughtful conscience of humankind. One of our leaders was a brilliant common lawyer, and we heavily used the kind of appeal to precedent that is so important in common law in the *moral* casuistry of our decision-making. Finally, I had the good fortune to participate with Cynthia Cohen (and many others) in two Episcopal study groups that produced consensus papers of a sort. These were wonderful experiences.

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that I cherish to this day, but I think it fair to say that we came closer to consensus on more of the specific cases we considered than on the general principles.

My contribution to this series of essays in the *ATR*, therefore, is somewhat different in form from most of the others. It is part summary (and that almost totally dependent on Kirk), part critique, and part confession. For richer or poorer, the reader will find less archaeology of the moral theology strand than in some of the other papers. I will attempt to characterize in general terms, to critique, and to confess both appreciation and my uncertainties. I am writing about a body of literature with which I identify to a significant degree; I have something of a love-hate relationship to casuistry, with appreciation far outweighing alienation. And I am most grateful for this opportunity to come to a public reckoning.

*What Was and Is Casuistry?*

The casuistry that was pilloried by Pascal in the seventeenth century was directly tied to the church’s tradition of private confession. The core idea was determining what one should do, and the stakes were seen as one’s ultimate fate. An important background question always was: “What am I responsible for?” Pascal thought the Jesuit casuists (who so influenced Kirk) became masters of rationalization, able to justify virtually anything. They of course denied this, but the label stuck and for centuries the word *casuist* was a term of derision. It implied something hypocritical that no thoughtful person would want to be.

In fact the casuistic tradition was picked up by the Puritans and the Caroline Divines, but with some distinctive twists. The most relevant for our purposes are two: the lack of a crisp *magisterium* (or teaching authority) and a stress on the role of the individual conscience. Of course persons were tortured, drawn and quartered, and hung for religious error in the seventeenth century, but by the end of the century it was apparent to all that toleration had to be the order of the day. Moreover, producing a set of universal moral standards for a morally pluralistic populace was beyond the authority of anyone. So

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*ham, Md.: Rowman and Littlefield, 2003). The record should show that Professor Cohen did a very large portion of the work on this book. I had another try at the issues of care for the dying in David H. Smith, *Partnership with the Dying: Where Medicine and Ministry Should Meet* (Lanham, Md.: Rowman and Littlefield, 2005).*
the Caroline Divines had to work out ways of reasoning morally in the absence of universally agreed upon general principles. The most expansive embodiment of the project was the work of Jeremy Taylor.

Authority had to rest somewhere, and in this formative period of more than a hundred years it came for the moral theologians to rest particularly in the individual conscience. In fact they took the point from Aquinas: “an erring conscience binds.” Even if what I ought to do is objectively wrong, Thomas held, I nevertheless should do it because it is what I believe is right. This is in effect to say that integrity of the self is more important than rule-determined right action.

We should hover over this point for a moment. Although the Puritans sometimes found themselves able to specify what anyone or everyone should do, we see the stress on the binding power of conscience clearly in Puritan thought, vividly in Milton. In truth it is a revolutionary principle, not only in politics but in morals. It does not mean that anything goes. Persons have a responsibility to inform themselves of relevant moral considerations and the facts and then to reason through a problem. The basic attitude they take when they reason is crucial, as we shall see. But if all those things are in place, someone must act according to his or her conscience. It is possible that the action that results is a moral error; right and wrong are in that sense objective. Nevertheless, the individual must commit to be a person of integrity. Moreover, it may be the church that disagrees with him that is wrong, as Kirk argues. Preserving this insight is a glorious legacy of the Anglican moral theology tradition.

Traditional Anglican casuistry with its best recent instantiation in the work of Kirk then operated without a clear magisterium and had a focus on integrity of conscience. Early on it saw itself as more rigorous and demanding than its Roman Catholic opposite number, which it would have labeled, with Pascal, as “laxist.” In the twentieth and early twenty-first centuries the tables have turned and the Anglican moral tradition has been more flexible than its Catholic partner, which it might now describe as “tutiorist”—meaning that one must always take the morally safest option. It always, however, operated within the context of a worshipping community and its recent heyday was related to an Anglo-Catholic practice of individual confession.

Contemporary secular casuistry is much like its ancestor. The absence of a clear moral consensus is assumed. Moral certainty is found in the acceptance of a moral verdict on particular cases and the basic intellectual strategy is extrapolation from the morally more certain to
the less certain. Allow me a rough and ready illustration, albeit a controversial one. Suppose we are considering the morality of abortion, arguably the most heatedly debated ethics topic in the past fifty years. For purposes of illustration, let’s assume that we agree on two things: the acceptability of contraception using condom, diaphragm, or daily pill; and the wrongness of infanticide. On these terms, we will phrase an important part of the moral question like this: which of these two procedures on which our judgment is clear is abortion more like? Contraception or infanticide? The issue is not identity but similarity. We will also have to consider the issue of integrity of conscience and ask ourselves who the primary decision-maker about continuation of pregnancy should be.

Note how we do not begin: We do not start with an abstract philosophical argument about the status of the embryo or fetus. Nor do we begin with a presumption that anything a pregnant woman may choose is *ipso facto* morally right. Instead, in the first line of reasoning about whether abortion is more like contraception or infanticide, we are forced to come to terms with the fact that any reasonable answer to this question must deal with the fact of embryonic and fetal development. Abortion is an equivocal term that means one thing at six weeks and another at six months gestation. These meanings may not settle the issue, but they are for the casuistic tradition of great relevance.

Second, we will have to confront the question of who should decide whether continuation of pregnancy happens. Theoretically there are many contenders: church, state, physicians, gestational father; but there are overwhelming arguments for leaving this responsibility with the pregnant woman, who may, of course, make a mistaken decision *whatever she does*. She knows the circumstances of conception (which are of considerable relevance). Her body is intimately involved for the gestational period, and one way or another, her psychological and social life are on the line for as long as she may live.⁷

Obviously I have not meant this to be a full discussion of abortion. I mean only to illustrate the way a contemporary casuist might analyze the issue. The tough decision about fetal status is bracketed in favor of the analogy with or extrapolation from contraception or infanticide. Then a stress on integrity of conscience supports maternal

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decision-making. I could illustrate this same strategy with reference to care for the dying or genetic testing. The judgments rest on assumptions that are certainly culturally conditioned, such as that contraception is right and infanticide is wrong. Of course these may be challenged, and one or the other may lose credibility. In that case the abortion argument would have to be rethought. Moreover, thoughtful persons will disagree about the point at which an abortion becomes more like infanticide, and the hardest calls come in the second trimester of pregnancy. But the casuist will not try to claim more certainty than the facts allow. It is probably no coincidence that the approach sketched here comes out with a conclusion consistent with current United States abortion policy.

A huge difference in modern secular from traditional Christian casuistry, therefore, lies in the community for and in which the case-based reasoning occurs. Christian casuistry was and is a matter for the church, informed by Christian worship and education, conducted (in theory at least) by persons motivated by love of God and neighbor. Secular casuistry operates in the much broader and religiously heterogeneous community of the contemporary United States. It assumes less in terms of agent attitude; it cannot assume support from worship or tradition; it tries to build on a narrower, but more broadly influential foundation of agreed upon moral intuitions. It works with a more contested moral vocabulary. Each has its strengths and weaknesses; neither is a sufficient approach to morality for a religious or secular community.

With this in mind, I turn to a discussion of the thematic questions for this series of articles. I shall be building on the twentieth-century Anglican tradition but primarily reporting my own vision of what twenty-first century Anglican casuistry should be like.

The Problem and Task of Christian Faith and Ethics

The moral theology tradition has seen the problem of faith and ethics as one of misplaced priorities in faith and of lack of substance in ethics. The faith issues come first. Some other forms of Christianity seem to require a surrender or suspension of rational thought and adherence to a large and complex intellectual superstructure to be taken on “faith.” In these terms, faith is understood as belief in a set—often a very large set—of propositions. In contrast, the moral theology tradition at its best has wanted to understand faith as loyalty and trust
rather than belief. I take this formulation from H. Richard Niebuhr.\textsuperscript{8}
Trust in God is difficult in our world. Loyalty to a God known through Christ, but scarcely comprehended by the Christian, is imperfect—regularly soiled by betrayals small and great. But faith in this sense is an attitude or virtue, not at core an affirmation of a set of propositions. The moral theology tradition has a distinctive attitude toward priorities in faith, with the non-cognitive components having priority.

The moral life is both an expression of this faith and an attempt to strengthen it. The moral life amounts to “working out salvation in fear and trembling,” with “working out” connoting building a life of trust in and loyalty to God.\textsuperscript{9} Human diversity of gifts means these lives will be different from each other, but they are alike in their starting point. Thus there is a twofold problematic: how to sustain the ongoing attitude that makes authentic ethics possible, and what that attitude requires in daily life. The moral theology tradition is committed to initiating and sustaining conversation among persons about the liberties and demands of a Christian life—and to provoking that conversation within our own souls.

That Anglicanism would develop such a tradition is not surprising and scarcely something we can brag about. It was in many ways forced on us by historical circumstances. The moral theology tradition was formed by its role as part of the established religion of a large, diverse, and changing nation and empire. It had to be capacious to survive in that role, despite the desire of many of its leaders—including Kenneth Kirk—for disestablishment. Starting with the Anglo-Catholic revival of the nineteenth century, many Anglican leaders found a relationship with Roman Catholicism much more important and intellectually helpful than with Protestants (who many of them do not seem to have understood very well). This may have led them to post-Tridentine Catholic moral rigorism. But at the heart of the Anglican moral theology tradition, it is essential to be catholic, with a small $c$.

\textsuperscript{8} See H. Richard Niebuhr, \textit{Radical Monotheism and Western Culture} (New York: Harper and Brothers, 1960), esp. chapters 1 and 2.

Thus in the contemporary Episcopal Church we often celebrate the legacy of the Anglo-Catholic liturgical revival while preserving pluralism on the moral level.

For these reasons, the main task of Christian ethics is formation of individual conscience and creation of a community of moral discourse among persons who are loyal to Christ through the church. That entails addressing particular moral problems that specific people are dealing with here and now. A pastoral and individual focus has ruled. Throughout much of the strand’s history this meant a broadly conservative social perspective, close allegiance with the Tory party in the United Kingdom, and a red-blooded worry about radical social change. The great exception, of course, is the development of the socialist side of Catholicism in the work of T. H. Green, R. H. Tawney, and William Temple. I will not attempt to tell that story here, but simply suggest that that work somewhat left behind the focus on personal moral discipline so central to the moral theology tradition.

The Relationship between Christian Faith and Ethics

No one has set this in a larger intellectual framework better than Kenneth Kirk. Kirk argued that the goal of the Christian life is attaining to the vision of God, as expressed in the beatitude “blessed are the pure in heart, for they shall see God.” Did that mean actually seeing God as I see the keyboard on which I am now typing? Obviously not, for as the Hebrew Bible says, no one can see God and live. What it did mean was a lifelong journey to sustain a form of identification or communion with God, communion in trust and loyalty.

Casuistry is essentially figuring out how to act or behave. But this task is only possible when carried out within a distinctive tradition and experiential context. It begins with a determinate identity or sense of self. The casuistry that interested Kirk, and really all Anglican casuists, is rooted in the actor’s recognition of the reality of God’s gracious salvific acts for him or herself. The task of faith is to attempt to sustain and deepen that awareness through worship, Bible reading—particularly the gospels—and prayer. The great casuists were very like the evangelical strand of our tradition in their concern for a deep and warm personal faith. For example, in *Holy Dying*, Taylor’s most basic argument is that dying occurs within the providence of God. Excessive fear or mourning shows that the dying person, or those who grieve, love themselves too much and God not enough. The core of the problem is
an inability to sustain an attitude of trust and loyalty to God. Taylor has much practical advice to offer and diagnose many of our frailties, but the core issue is only moral insofar as the moral life can help sustain the relationship of faith.

Anglicans have often had trouble wholeheartedly affirming the importance of the personal relationship to God, perhaps because we associate it with forms of piety that we find indecorous or off-putting. Anecdotally, I remember a friend who had stopped coming to church. “I kept hoping to get something out of it; my preacher father told me that was the wrong attitude. But I concluded that the service must mean something to me.” In fact many have sat through hours of worship that was transcendent only in its boredom. But the life of faith requires the kinds of support that come from engagement of the emotions. Indeed, a good worship service should have an emotional and cognitive effect on the self. Kirk, for instance, was highly critical of what he called institutionalism and formalism.

Institutionalism meant shifting the focus of attention away from the individual and onto the institutional church. For the institutionalist, the institution—the church—should stand for something and departures from the straight path were not to be tolerated. The church community is to be preserved spotless. Thus rituals of public penance and public excommunication came to dominate Christian practice for centuries. Kirk applauded their demise, and wanted forms of penance and pastoral care that were respectful of privacy and pastorally oriented, focusing on healing and spiritual growth rather than judgment. In what I have read of his work, I have not seen him develop the obvious, clear role of vibrant liturgy in this process, but in The Vision of God he certainly laid the groundwork for a close connection between worship and ethics.

The moral counterpart to institutionalism is formalism: a strict ethic of rules. As Kirk saw it, such an ethic (it was the ethic of the tradition in which he was raised) made the unfortunate presumption that the church leaders knew just exactly what it meant to be spotless. Kirk was not backward about drawing conclusions. For example, he opposed contraception in general, but he always acknowledged ambiguity and, serious moralist that he was, he knew that circumstances alter cases. The point is not so much that rules or principles are intrinsically evil. Rather, they are insufficient; they only set some parameters. If one does not acknowledge this, the uncertainties and distinctive insights of individuals are glossed over. Moreover, he thought too often
the rules focused on public and high profile sins rather than the more subtle betrayals and deceits that make up the day in and day out, ordinary life of most Christians.

Few of us have occasion to consider murder, but we bear false witness in gossip on a daily, if not hourly, basis. We seldom tell real howlers of lies, but we find it easier to criticize than befriend Christians who disagree with us. We may seldom if ever betray our spouses in the most literal sense of adultery, but our actions that ignore the spouse’s need for flourishing are legion. Rules have a necessary part in casuistry, but exclusively focusing on rules leads to attempts at self-justification through rule obedience and to self-righteousness. It leads thoughtful persons—as it led the young Luther—to excessive self-examination and despair. This was just what the gospel meant to avoid. When the Christ calls those who follow him to seek the vision of God, he is forcing self-forgetfulness: Think about and love God and how to carry out your responsibilities better. The effect will be to put yourself in perspective. An ethic worthy of the name Christian will stress self-discipline and self-renunciation, but as means to the end of happiness found in the vision of God.

Anglican moral theology or casuistry assumes loyalty to or faith in Christ as the starting point for Christian ethics. It presumes that there has been a reorientation of the self, or better, that such a reorientation is in process.

Sources Central to Christian Ethics

It is characteristic of Anglicans to assert that the core of Christian ethics is finding a *modus vivendi* among the authorities of Scripture, tradition, and reason. For the moral theology or casuistic tradition that might be interpreted as:

- Scripture read as a whole and “on the flat”;\(^{10}\)
- tradition with a primary orientation to the Caroline Divines and Roman Catholic moral theology; and
- a reasonable conscience.

\(^{10}\) I take this phrase from a former colleague and old friend Luke Timothy Johnson, who used it in many a lecture and should in no way be held accountable for my (mis)use of it.
Each of these points calls for comment. I have already said something about the authority of conscience. I’ll expand on that and then turn to the questions of Scripture and tradition.

I claimed that a key concept in the moral theology tradition is the idea that one must follow one’s conscience, even if she is objectively mistaken. Integrity of the self is fundamental, a part of the wholeness we are struggling to approximate in a fallen world. But conscience must be informed. As we exercise our conscience—which means engaging in moral reasoning—we should be aware of the web of obligations and rights in which our behavior is enmeshed. We should be familiar with the moral rules of our time and place; we need to know the facts of the situation and the stakes for the various parties involved. It is helpful to know how others whom we respect have found it right to act in comparable situations.

Acting according to conscience does not mean simply doing what I feel like, but what I feel like, my intuitions if you will, are scarcely irrelevant. The key role of Scripture and tradition in moral reasoning lies in forming the conscience. Biblical narratives, rules, and parables are central in this task. They set a field of memories that provides an essential part of the mental furniture that I lean on when I think an issue through. Tradition is the interpretations of the Scriptures and the implications of these interpretations for the common life that have been drawn over the centuries. These resources are essential, but they are not decisive.

When I say Scripture is to be read “on the flat,” I mean that the church today must acknowledge the facts of historical criticism and recognize that the idea of historical objectivity, as we know it, was not central to the scriptural writers. The four evangelists did not follow our Lord around with a stenographer’s notebook. They penned verbal portraits from individual and collective memory on the basis of the sources at their disposal. The same appreciation of the perspectives from which the biblical authors wrote must be applied to all parts of Scripture. The point is not that Scripture is false, but it is true in a different way than other kinds of truth.

Once this fact is grasped, it follows that some kinds of scriptural absolutism are in fact idolatrous. It is impossible to have Scripture replace moral reasoning, and the attempt to carry that off shows a complete failure properly to understand the kind of authority Scripture has. It shows us the responses of humankind to God in our community before, during, and after the life, death, and resurrection of
the Christ. As such it sets a context relevant to our moral reasoning. It is an essential dialogue partner. But it was written by fallible human beings responding as best they could to God in their time and place.

On the other hand, reading Scripture “on the flat” connotes reading all of Scripture. It implies resistance to ancient and modern attempts, beginning with Marcion, to find a true core of Scripture within the narratives, history, and teachings. It matters not if this core is determined on ideological or historical-critical grounds. A good lectionary assures that a parish works through the great majority of the diversity that Scripture includes over a three-year period. Any attempt to establish a canon within a canon should fail.

Moral tradition is the deposit of moral learning of the Christian tradition. In point of fact, for the Anglican moral theology tradition this meant from Aquinas, the Caroline Divines—especially Jeremy Taylor—and Kirk. This became a kind of canon within the moral canon. There were good results from this, as that tradition is rich, but the focus had unfortunate side effects: writers like Perkins and Baxter, Butler and Maurice, Temple and Hare were essentially ignored by subsequent Anglican casuists. They unfortunately narrowed the range of moral resources of relevance within the tradition.

Moreover, when some of the best modern Anglican casuistry was done, for example in some Board for Social Responsibility working papers in the mid-twentieth century, and (I would like to think) in the Executive Council task force accounts of Faithful Living, Faithful Dying and A Christian Response to the New Genetics—the authors found themselves moving out of religious tradition and into the worlds of law and medicine. They found that they needed a vigorous dialogue with the science and practice of medicine, something that had not been the focus of the earlier casuists. I will come back to this issue in the conclusion.

What remained constant within casuistry was the idea that the arguments had to be reasonable. Scripture and tradition are to be supplemented with a substantive sense of reasonableness learned at home, in school, in field and factory. Anglican casuistry resists any

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attempt to anchor the casuistic process in a set of filled out, revealed ethical rules.

To be sure, the Ten Commandments and Love Commandment have special status, and might be said to constitute a moral “canon within a canon,” but even they require interpretation. It is unclear that idolatry has disappeared because few people actually worship golden calves, or that stealing has no implications for moral management of investment funds. The Anglican casuists have characteristically thought that Scripture and tradition are coherent, that best interpretations of Scripture will be reasonable, and what is reasonable varies from time to time and place to place.

It would be wrong, if understandable, to conclude from this picture that Scripture plays no role in casuistic Christian ethics. The preaching and teaching that come from homiletic and liturgical interpretations of the Scriptures must fertilize the imagination and clarify the vision of a serious Christian. Scripture is read and understood as important in shaping intention, in forming a narrative for living and the end of our lives. But that is very different from seeing Scripture as a collection of explicit moral imperatives sufficient to structure the Christian life. Scripture and the historical moral reflections of the community, that is, tradition, support and inform the individual; they provide him with a stance or perspective. But they are insufficient as sources of moral insight. Necessary yes, sufficient, no.

Casuistry itself then is not intrinsically prophetic. It begins by assuming that the casuist means to take a Christian attitude toward the world, to live with trust in and loyalty to God, and to seek through her actions to make those bonds stronger. What should she then do? Grasp moral insights and precedents wherever they can be found—from friends, learned books, common practice, or whatever may be available. Remember where you are going, set yourself in a Christian context, then follow your conscience. It would be convenient if moral lives were simpler, but they aren’t.

Reasonableness connotes another dimension of the casuistic conscience: the importance of having a clear-eyed perspective on the situations in which we find ourselves. We not only are stupid; we have chronic problems of self-deception. It is characteristic of Anglican casuistry to involve self-interrogation. Would I feel the same way if Jane did what I propose to do? Is this breach of trust necessary because I have somehow got the idea that my continuing in my position is
essential to the organization’s survival? Just exactly how much special pleading am I trying to get away with? Is it really true that Fred is out to get me? Circumstances alter cases, and the casuist characteristically wants to shed as much light as possible on the circumstances of relevance.

What Is Normative for Anglican Moral Theology?

The distinctively Christian component in ethics falls for the casuistic tradition on the worship or faith side of the self’s action. Even there I think that the tradition at its best resists the idea that one must be a Christian in order to lead a moral life. Kirk, for one, thought that transformation of the self could occur in many contexts; that one could be “surprised by joy.” Still the idea has been that rather than rely on accidents of life, one should put oneself in a position in which transformations are hoped for and have been shown to happen. Thus one should go to church, sing the hymns with gusto, listen to sermons, participate in the eucharist, and engage in personal devotion. That creates a real chance of personal transformation if the experiences are vital, intellectually credible, and morally welcoming.

As to visible behavior, the great stress on reasonableness suggests that it will be hard, if not impossible, to tell if a given act is Christian. What we could say is that Christian motivation is distinctive and that there are certain virtues—for example, love, tolerance, concern for justice—that a Christian character will display over time. Thus it may be more plausible to say that a given action, even policy, is inconsistent with Christian character than to claim that some act—of self-sacrifice, for example—could only be rooted in faith. But such judgments are really beside the point; ethics is concerned with the right or least bad choice in difficult circumstances. The preoccupation is integrity of conscience going forward, not after the fact evaluation by or of others.

Distinctiveness and Relationship to Other Strands of Anglicanism

The dominant mode of Anglicanism is to be a big tent, an inclusive church with a distinctive role to play among other human institutions. This is accomplished to a significant degree by staying above the fray of political controversy. There is an ongoing theme of rejecting certainties, a rejection of the dogmatic assuredness of some Protestant and Roman Catholic moralists. Internally, a major theme is
respect for difference. Historically that respect was limited to white, heterosexual males. Still, if the strand did not soon enough speak up for reform of those forms of discrimination, its pastoral tone enabled a great deal of support for persons discriminated against within an unjust context. Of course that’s not enough, but neither is it trivial. And this pastoral orientation may have shaped consciences to such a degree that the Episcopal Church could be one of the first Christian communions to support an end to racial discrimination and discrimination against homosexual persons.

Casuistry handles historicism pretty well because it minimizes large metaphysical generalizations. It’s an ethic for earthlings. Certainly some of Kirk’s ecclesiological positions, such as opposition to the creation of the Church of South India, seemed to be triumphalist and/or colonialist. In fact, change within the church structure has been difficult for the Communion to handle, at least since the separation from Methodism. Perhaps every communion has its points of inflexibility, and Anglicanism’s relate primarily to worship and polity.

In any case, the pastoral orientation and willingness to listen to custom and diverse sources of moral insight should enable the church to maintain a vital ethic in many different cultures and traditions. You cannot have both great generality and pluralism in an ethic, and the casuist’s choice is clearly to opt for pluralism. The right moral choice in a developing society may not be the right one in a highly industrialized and increasingly well-educated one. The issue is not one being better than the other; it is recognition of differences in history, options, alternatives, and resources. Anglican moralists should embrace this fact without fear of descending into moral skepticism or a vicious relativism.

As I admitted at the outset, the moral theology/casuistic tradition has been so powerful in the Anglicanism in which I was raised and studied that it is hard for me to imagine the Episcopal Church in which I have lived my life without it. It fits with a culture that has celebrated the common law, that is associated with “muddling through,” and that resists perfectionism. Its roots go back at least to the seventeenth century. It works in the village, the suburb, or the metropolis. In this sense, it certainly is a distinctive expression of an Anglican moral sensibility. But, of course, it is not the whole story; and its great mistakes have come when it finds security in some form of political or ecclesial absolutism. As I have noted, the strand is minimally prophetic. Had the British Fascists taken over and allied with Hitler,
would the Church of England have nurtured a Confessing Church? Perhaps, indeed perhaps an unusually powerful one. But a Resistance as in France would not have come from this strand alone.

**Future Prospects and Challenges**

As multiculturalism becomes the order of the world, casuistry will become more complicated. The problem is not so much the absence of “Christian values” in our customs and everyday assumptions, although that is not unimportant. The issue is rather sustaining a viable church, forms of worship, and spirited community that can truly transform conscience and thus enable moral discernment by way of casuistry to continue with integrity. This is no easy task. Too many religious leaders are packed with moral or political conviction but are pastorally impatient and unimaginative. In many parts of the developed world the populace is over-churched, which means there are too many services that are not enlivening. Who can say he could or knows how to do better? But the problem must be faced; liturgical worship must be emotionally and intellectually empowering. It is quite right to hope to get something out of it.

Persons who are helped in seeking the vision of God will with God’s help and the guidance of a listening community find ways of leading a moral life. That requires study and prayer; it does not mean that meditation or yogic practices or the Hindu traditions (to take only a few examples) are irrelevant to finding a way to work out one’s salvation in fear and trembling. Listening, discerning, and reasonableness are virtues of great importance in leading a moral life of love of God and neighbor.

Moreover, it is not clear that a casuistic tradition cannot from its own resources generate vigorous social critique. One example: the contemporary political philosopher Michael Walzer in his great book *Spheres of Justice*\(^\text{12}\) points out that in the medieval world it was thought important to provide the means of salvation for all. Thus there were churches all over the land. Some of these were grand, as with Notre Dame of Paris or Salisbury Cathedral. Many were little more than stone shacks. But the social obligation of the community to provide the means of salvation to all was acknowledged. In the developed

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world there no longer is consensus about what spiritual salvation is, but we have replaced it with the value of health. “If you ain’t got your health, you ain’t got nothing.” However, we in the United States make no comparable public commitment to provide the means of health care to all—even if on an unequal basis.

This is an analogy developed on the basis of tradition and some level of continuity in a culture. It is prophetic, but the voice of the prophet speaks as the prophets of Israel, empowered by past and supposedly ongoing commitments. The idea does not come from outside our world, from “on high.” It comes from within our community, our tradition, our church. To my knowledge no Anglican thought of it; few are as clever as Walzer. But it is an analogy that should be embraced. It is limited, but it is powerful. There are two morals to this story for the future of casuistry.

First, Walzer’s analogy argument shows one of the ways a religious tradition, ours among them, can have a non-controversial impact on our ongoing public moral discussion. To be sure, it presumes that the quest of Christian salvation is no longer a unifying value for large national populations, but this is simply to state a matter of fact, not an anti-Christian argument. Ultimately it is an appeal to the integrity of a group: it is hypocritical for a group to profess that something is a supreme value and then fail to enable its attainment, or even serious quest, by some of its members. This is one kind of way in which Christian casuistry can actually be prophetic.

Second, the analogy shows that casuistry can inform a social ethic; its range need not be confined to the level of personal relationships. Other analogies may be found in the economic sphere, or with reference to conflict, or more broadly with individualism. It does not stretch the imagination too far to think of Reinhold Niebuhr, arguably the most influential American writer on social ethics of the last century, as a kind of policy casuist, especially in the great middle period of his career.

This brings up a final and more academic point. Thanks in large part to bioethics, casuistry has had a secular renewal in the work of Albert Jonsen and Stephen Toulmin, John D. Arras,13 and Richard B.

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Miller, among others. I sketched this development earlier. I think it is fair to say that the uptake of this vital secular tradition by Anglican moralists has been minimal. There are many reasons for this (if I am right). One is that the theological milieu of the last decades has been heavily Barthian, by which I mean suspicious of sources of moral insight that come from outside Scripture and tradition. Even someone as critical of that style of theology as James M. Gustafson could read volume 3, part 4 of Barth’s *Church Dogmatics* as “practical casuistry.” Stanley Hauerwas is a gifted casuist, among other achievements. But enriching as the casuistry of Barth and Hauerwas can be, in themselves they fail to push the serious Christian into true dialogue with the indigenous culture. An ethic of witness does not easily become an ethic of compromise.

I for one do not want to lose the depth of Christian witness, but at the end of the day witness is not enough, either for the individual or the church. Why? One, the finitude of our grasp of Scripture and tradition, and, two, the practical experience of many Christians that moral knowledge is found in surprising places. There are and always have been multiple portraits of the Christ, and as Timothy Sedgwick argues in this series, multiple Christian stories. If Anglican ethics is truly to reflect this fact, it must include serious engagement with the best philosophical work of our time and the realities of the world in which we live. Those who are gifted will be able to characterize those realities in theological terms, to help us see them with the eyes of new birth. They will help us inform our consciences, remembering that we are not only Christians but Americans, Scots, Arabs, and Indians.

In sum, the casuistic and moral theology tradition has been a major player in serious discussions of Christian ethics for centuries. It has evolved. It is a necessary component in the church’s ongoing work as a moral community, but it is insufficient. It requires supplements. With it only, or without it, we’d be in trouble.

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