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38

PRACTICAL ETHICS

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Much of medieval ethics was practical. Christian spiritual guidance, monastic culture, the regulatory interests of the Church and princes, as well as numerous other factors merged to create a moral framework with a distinct emphasis on application. Because moral and theological guidance were largely intertwined, practical ethics evolved under the guise of pastoral concerns. The subject area of medieval practical ethics was of course much broader than these brief remarks indicate – so broad, in fact, that systematization appears difficult. Certain key areas of practical ethics, however, have remained the same since the High Middle Ages, including the Church and culture, war and violence, family and sexuality, the economy and social justice, and health and medicine.[1] In the Middle Ages, much effort was put into the regulation of monastic discipline and the correct administration of sacraments, often with ethical ramifications. The medieval ethics of war included not only criteria for just wars but also rules for their appropriate conduct.[2] Norms for sexual behavior and married life found sometimes surprisingly open discussion.[3] Burchard of Worms, for instance, describes certain deviant sexual practices that may even puzzle the post-sexual-revolution reader.[4] The growing significance of the market economy in the

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[1] See the relevant chapters in Gilbert Meilaender and William Werpehowski (eds.) *The Oxford Handbook of Theological Ethics* (Oxford: Oxford University Press, 2005); Robin Gill (ed.) *The Cambridge Companion to Christian Ethics* (Cambridge: Cambridge University Press, 2001).

[2] For medieval attitudes towards military disobedience, see Rudolf Schüssler, "Hadrian VI. und das Recht auf Verweigerung zweifelhaft rechtmäßiger Befehle," in N. Brieskorn and M. Riedenauer (eds.) *Suche nach Frieden: Politische Ethik in der Frühen Neuzeit* (Stuttgart: Kohlhammer, 2000) 41–62.

[3] Marriage and sexuality (albeit not under this concept) received ample attention in medieval theology and practical ethics. See Vern Bullough and James Brundage (eds.) *Handbook of Medieval Sexuality* (New York: Garland Publishers, 1996) (many chapters relate to moral questions); Dyan Elliott, *Fallen Bodies: Pollution, Sexuality, and Demonology in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 1999); Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others* (New York: Routledge, 2005); John Noonan, *Contraception: A History of its Treatment by the Catholic Theologians and Canonists* (Cambridge, MA: Belknap, 1986).

[4] See Peter Godman, *Paradoxes of Conscience in the High Middle Ages: Abelard, Heloise, and the Archpoet* (Cambridge: Cambridge University Press, 2009), p. 40.

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Middle Ages resulted in an increasingly complex economic ethics.[5] The ban on usury and the doctrine of the sterility of money explain its backward image in modern eyes, yet its forward-looking attitude towards risk demonstrates that this view is one-sided.[6] Medical ethics was discussed largely in treatises and handbooks for doctors, but not all regulation concerning the human body related to medical matters.[7] Attitudes towards suicide or cosmetic embellishment are examples in point.[8]

Variety was the norm in medieval practical ethics, both for its content and for its schemes of classification. The sacraments, the Ten Commandments, lists of virtues, vices, deadly sins, or titles of decretals from canon law – all were used to organize the theological regulation of conduct. In many instances, such theological or legal regulation dovetailed with issues of practical ethics, contributing to its remaining embedded in the discourses of theology and law, sin and virtue, and philosophical psychology and theories of conscience. It is no surprise, then, that no single overarching principle for ordering problems related

[5] Here the term "economic" is used in the modern sense. "Yconomia" implied household management in the Middle Ages, which was also a field of practical ethics as the literature on the right and prudent governance of families indicates (see, e.g., the partial translation of Giovanni Dominici's *Regola del governo di cura familiare*, in August Viglione, *Giovanni Dominici and the Reformation of Christian Society* (Ph.D. dissertation: New York University, 1972). At the same time, however, the moral treatment of business contracts (*de contractibus*) provided a basis for a true economic ethics.

[6] On medieval economic morality and its development, see Lawrin Armstrong, *Usury and Public Debt in Early Renaissance Florence* (Toronto: Pontifical Institute of Medieval Studies, 2003); James Davis, *Medieval Market Morality: Life, Law, and Ethics in the English Marketplace, 1200–1500* (Cambridge: Cambridge University Press, 2012); Joel Kaye, *Economy and Nature in the Fourteenth Century* (Cambridge: Cambridge University Press, 1998); Odd Langholm, *Economics in the Medieval Schools: Wealth, Exchange, Value, Money and Usury According to the Paris Theological Tradition, 1200–1350* (Leiden: Brill, 1992); Odd Langholm, *The Merchant in the Confessional: Trade and Price in the Pre-Reformation Penitential Handbooks* (Leiden: Brill, 2003); John Noonan, *The Scholastic Analysis of Usury* (Cambridge, MA: Harvard University Press, 1957); Giacomo Todeschini, *Richezza Francescana: dalla povertà volontaria alla società di mercato* (Bologna: Il Mulino, 2004); Diana Wood, *Medieval Economic Thought* (Cambridge: Cambridge University Press, 2002). Medieval approaches to risk and insurance, which differ considerably from the otherwise similar Islamic economic morality, are discussed, e.g., in Giovanni Ceccarelli, "Risky Business: Theological and Canonical Thought on Insurance from the Thirteenth to the Seventeenth Centuries," *Journal of Medieval and Early Modern Studies* 31 (2001) 607–58.

[7] For aspects of medieval medical ethics, see Luis García-Ballester, "Medical Ethics in Transition in the Latin Medicine of the Thirteenth and Fourteenth Centuries," in A. Wear, J. Geyer-Kordesch, and R. French (eds.) *Doctors and Ethics: The Earlier Historical Setting of Professional Ethics* (Amsterdam: Rodopi, 1993) 38–71; Roger French, *Medicine before Science: The Business of Medicine from the Middle Ages to the Enlightenment* (Cambridge: Cambridge University Press, 2003), p. 144; Samuel Kottek and Luis García-Ballester (eds.) *Medicine and Medical Ethics in Medieval and Early Modern Spain* (Jerusalem: Magnes Press, 1996).

[8] See Alexander Murray, *Suicide in the Middle Ages* (Oxford: Oxford University Press, 2000); and for cosmetic and other embellishments, Thomas Izbicki, "Pyres of Vanities, Mendicant Preaching on the Vanity of Women and its Lay Audience," in T. Amos *et al.* (eds.) *De Ore Domini* (Kalamazoo: Medieval Institute Publications, 1989) 211–34.

to practical ethics emerged in the Middle Ages. The lexicon-style alphabetical order of many medieval handbooks for confessors (*summae confessorum*) was as apt as any other organizing principle.

In light of so much variety, this chapter will be able to focus on just a few main avenues of medieval practical ethics. First, its focus will rest on practical ethics – the theoretical framework of applied morality – more than on practical morality, its subject matter. Second, medieval humanism produced its own ethics, and not all medieval religious ethics was scholastic,[9] but the chapter will concentrate on the part of practical ethics informed by scholastic doctrines and methods instead of medieval practical ethics in general.

SOURCES, AUTHORS, AND PRACTITIONERS

Any medieval text that touches on ethics or practical theology may contain problems of practical ethics. Early medieval sermons, books of penance, mirrors of princes, and didactic guidelines for a Christian life all abound with elements of practical morality. The same is true with respect to the flourishing discussions on virtue ethics of the twelfth century.[10] Not without reason, however, are handbooks of confessors considered a hallmark of scholastic practical ethics. This genre emerged in the early thirteenth century based on earlier books of penance, and it bears witness to the fundamental importance of the guidance of consciences in Christian ethics.[11] The canon lawyer Raymond of Pennafort set the standard around 1230 with his *Summa de poenitentia*; Bartholomew of Pisa's *Summa pisani* became the new reference work for confessors after 1338, followed by works of Johannes Nider and Antonino of Florence in the first half of the fifteenth century.[12] The late fifteenth century saw a proliferation

[9] See David Lines, "Humanistic and Scholastic Ethics," in J. Hankins (ed.) *The Cambridge Companion to Renaissance Philosophy* (Cambridge: Cambridge University Press, 2007) 304–18.

[10] See Istvan P. Bejczy and Richard G. Newhauser (eds.) *Virtue and Ethics in the Twelfth Century* (Leiden: Brill 2005); Stephen Jaeger, *The Envy of Angels: Cathedral Schools and Social Ideals in Medieval Europe, 950–1200* (Philadelphia: University of Pennsylvania Press, 1994).

[11] On handbooks for confessors, the famous *summae confessorum* or *summae de casibus*, see Peter Biller and A. J. Minnis (eds.) *Handling Sin: Confession in the Middle Ages* (Woodbridge: York Medieval Press, 1998); Leonard Boyle, "Summae confessorum," in R. Bultot (ed.) *Les Genres littéraires dans les sources théologiques et philosophiques médiévales* (Louvain-la-Neuve: Institut d'Études Médiévales, 1982) 227–37; Abigail Firey (ed.) *A New History of Penance* (Leiden: Brill, 2008); Pierre Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge, XII–XVI siècles* (Louvain: Nauwelaerts, 1962); Thomas Tentler, "The Summa for Confessors as an Instrument of Social Control," in C. Trinkaus and H. Oberman (eds.) *The Pursuit of Holiness in Late Medieval and Renaissance Religion* (Leiden: Brill, 1974) 103–26.

[12] Nider and Antonino did not write *summae confessorum* in a narrow sense. I include them here because they were influential (especially Antonino) and were considered *summistae* by influential early modern authors. See Juan Azor, *Institutionum moralium* (Cologne: Hierat, 1602), tom. I, lib. 2, cap. 14.

of important *summae confessorum*, with Silvester de Prierio's *Summa summarum* (1515) being the final medieval confessors' handbook. The original *summae confessorum* were not specialized collections of case studies, but rather sources of general information not unlike a modern lexicon of practical ethics. After the fifteenth century, a new genre of early modern handbooks of casuistry emerged, which ultimately took the form of huge databases of cases of conscience.[13]

Although the evolution of the genre confirms the undeniable significance of confessors' handbooks for scholastic practical ethics, the ethical scope of the genre remained fairly limited. Its main task was to provide a confessor with sufficient legal, or more generally deontological, information to help believers steer clear of mortal sin.[14] Scholastic practical ethics as a whole, though, had higher aims – such as promoting a virtuous Christian life. Such considerations were better served by literary genres other than confessors' handbooks. Exhortation to Christian virtue was found in sermons, fables, prayer books, and numerous other types of texts. In addition, a multitude of academic texts fuelled the development of scholastic practical ethics. In the thirteenth century, commentaries on Aristotle's ethics, *summae* of theology (of which Aquinas's is the most famous), and collections of quodlibetal questions became important workplaces for the development of scholastic theoretical and practical ethics. These discussions not only created a more complex and sophisticated framework for practical ethics but sometimes also turned towards specific moral problems. Problematic moral cases were often more elaborately discussed in academic literature than in the confessors' handbooks.

The academic texts that probably had the greatest influence on scholastic practical ethics were commentaries on Peter Lombard's *Book of Sentences*, which were the mainstay of scholastic theology between the thirteenth century and the Council of Trent.[15] These commentaries contained many starting points for practical ethics and sometimes even harbored cases of conscience. The

[13] Antonio Diana's titanic *Resolutiones morales* (Antwerp: J. Meursius, 1645) cover approximately 20,000 cases.

[14] Raymond of Pennafort told priests (*sacerdotes*) that they principally needed four kinds of knowledge (*scientia*): grammar, music, arithmetic (*computus*), and canon law (*ius canonicum*). See Raymond of Pennafort, *Summula de summa* (Cologne: Heinrich Quentell, 1498; web source), fol. 2. In references to works that have appeared in print before 1600 I have tried to use editions which can be accessed through the internet (e.g., by entering the titles in the Karlsruhe Virtual Catalog, a powerful meta-catalog at www.ubka.uni-karlsruhe.de). Such sources are marked "web source."

[15] See Marcia Colish, *Peter Lombard*, 2 vols. (Leiden: Brill, 1994); Philipp Rosemann, *The Story of a Great Medieval Book: Peter Lombard's Sentences* (Peterborough: Broadview, 2007). Colish discusses Lombard's ethics in volume 2 of her work, but without focusing on matters of practical ethics.

second book of the *Sentences*, for instance, is the focus of much theological debate on the impact of ignorance on moral responsibility (distinction 22, sometimes also d. 39), the structure of conscience (d. 39), and civil and military disobedience (d. 44). Book Three discusses lying and veracity (dd. 37 to 39), and Book Four covers issues related to money and usury (d. 15), as well as ethical questions on marriage and sex (e.g., d. 31 on contraception, d. 32 on marital duties). The discussion of these (and other) issues by Peter Lombard formed one of the pillars of scholastic practical ethics, to be supplemented by analyses from commentaries and glosses on canon law as a second pillar.[16] If we add the *summae theologiae* that rose to prominence in the thirteenth century and the parallel dissemination of Aristotelian ethics, we may conclude that the main categories of sources for scholastic practical ethics had become established by the end of the High Middle Ages. However, the process of differentiation of sources for practical ethics did not entirely end there. Books of consolation got a boost from the Great Plague pandemic in the middle of the fourteenth century, and the art of dying well (*ars moriendi*) was propagated well into the fifteenth century.[17]

When we turn away from the question of sources and to the question of where and by whom practical ethics was conducted in the Middle Ages, a similar process of proliferation emerges. In the early Middle Ages practical ethics was predominantly formulated and taught in monasteries, Cathedral schools, and at court.[18] In the High Middle Ages it was introduced into the new universities, the schools of religious orders, and urban civic education, and the preaching of Franciscans, Dominicans, and Augustinians soon began to reflect the growing systematization of scholastic practical ethics.[19] In addition, the increasingly fine-tuned regulation of professional activities (of lawyers,

[16] On the rise of jurisprudence in the Middle Ages, see Harold Berman, *Law and Revolution* (Cambridge, MA: Harvard University Press, 1983); James Brundage, *Medieval Canon Law* (London: Longman, 1995); G. R. Evans, *Law and Theology in the Middle Ages* (London: Routledge, 2002).

[17] Peter von Moos, *Consolatio, Studien zur Mittelalterlichen Trostliteratur* (Munich: Fink, 1971–2), 4 vols.; Mark Burrows, *Jean Gerson and De Consolatione Theologiae* (Tübingen: Mohr 1991); Nancy Beatty, *The Craft of Dying* (New Haven, CT: Yale University Press, 1970).

[18] See Jaeger, *Envy of Angels*, and, for the end of this period, John Baldwin, *Masters, Princes and Merchants*, 2 vols. (Princeton, NJ: Princeton University Press, 1970).

[19] On medieval preaching, see, in general, Marianne Briscoe and Barbara Jaye, *Artes praedicandi* (Turnhout: Brepols, 1992); Georgiana Donavin (ed.) *Speculum sermonis* (Turnhout: Brepols, 2004); Ronald Stansbury, "Preaching and Pastoral Care in the Middle Ages," in R. Stansbury (ed.) *A Companion to Pastoral Care in the Late Middle Ages, 1200–1500* (Leiden: Brill, 2010) 23–40; and, related to practical ethics, Jussi Hanska, *And the Rich Man Also Died, and He was Buried in Hell* (Helsinki: Suomen Historiallinen Seura, 1997); Daniel Lesnick, *Preaching in Medieval Florence* (Athens: University of Georgia Press, 1989), pp. 96–133.

merchants, medical practitioners, clerics and princes)[20] led to a culture of legal-cum-ethical or ethical-cum-legal advisory reports from which theologians profited as much as lawyers, not least because they received fees or donations for such activities. The staunch competition between lawyers and theologians on prerogatives of definition and regulation – largely a matter dealt with by specialists on both sides – is partly explainable by these mundane factors.

Medieval theologians never developed a complete division of labor with regard to practical ethics. Specialization in practical matters mainly occurred among theologians who held a critical view of the mighty edifice of scholastic metaphysics, logic, and abstract theology. This was particularly the case for members of the "observant" (i.e. reform-oriented) branches of religious orders in the later Middle Ages,[21] whose preachers and writers (such as Johannes Nider, Antonino of Florence, and Bernardino of Siena) strove to reform the moral outlook of their religious orders and of their listeners and readers. These reform-oriented theologians were primarily interested in down-to-earth theology and practical ethics, and were critical of logical analysis (allegedly) carried out at the universities for its own sake. Specialists in scholastic logic, metaphysics, and philosophical theology, on the other hand, usually did not entirely neglect practical ethics. Virtually all important philosopher–theologians of the twelfth and thirteenth centuries ventured into practical ethics. The number and depth of such ventures may have declined thereafter, but even at the very end of the medieval scholastic tradition, John Major, a dominant figure in Paris around 1500, excelled in both logic and practical ethics.[22]

The record of sources and activities encompassing scholastic practical ethics reveals that the subject did not wane towards the end of the Middle Ages. Although the period from Abelard to Ockham continues to command the lion's share of interest, in the field of practical ethics it is particularly important

[20] Initial steps towards an ethics of the professions are brilliantly exposed in John Baldwin, *Masters*. However, a pronounced ethics of the professions only emerged with early modern handbooks of casuistry.

[21] On the late medieval observant movement, see Kaspar Elm (ed.) *Reformbemühungen und Observanzbestrebungen im spätmittelalterlichen Ordenswesen* (Berlin: Duncker & Humblot, 1989); Brian McGuire, *Jean Gerson and the Last Medieval Reformation* (University Park: Penn State University Press, 2005); Nicolai Rubinstein, "Lay Patronage and Observant Reform in Fifteenth-Century Florence," in T. Verdon and J. Henderson (eds.) *Christianity and the Renaissance* (Syracuse, NY: Syracuse University Press, 1990) 63–82.

[22] For Major (also written Mair) and generally scholasticism in Paris around 1500, see Augustin Renaudet, *Pré-réforme et humanisme à Paris pendant les premières guerres d'Italie, 1494–1517* (Geneva: Slatkine, 1981); Ricardo Garcia-Villoslada, *La universidad de Paris durante los estudios de Francisco Vitoria OP* (Rome: Università Gregoriana, 1938).

to attend as well to later material.[23] The first half of the fifteenth century saw considerable doctrinal development that served as a bridge to early modernity, and scholastic practical ethics flourished there far into the seventeenth century.[24] If one thinker can be singled out as leaving a first-order impact in the transitory period between the Black Death and the rise of a "second scholasticism," it may well be John Gerson, chancellor of the University of Paris in the early fifteenth century. Gerson had a profound influence on how practical ethics was conceived by observant Dominicans and Franciscans in this century, and his views and decisions on moral cases were a mainstay of early modern Catholic moral theology, which he influenced just as much as his great scholastic predecessors.

KEY CONCEPTS OF SCHOLASTIC PRACTICAL ETHICS

Five pairs of terms can help us gain quick (and preliminary) access not only to key concepts in scholastic practical ethics but also to its variety.[25] A first pair has already been mentioned: *lawyer/theologian*. Both professional groups competed for influence in the court of conscience, which was framed as an internal court of law. Naturally, canon lawyers saw themselves at least as equal to theologians when it came to the identification and interpretation of natural law. Civil lawyers, on the other hand, often strove for independence from theological domination, and the changing pattern of power between these professional groups led to shifting boundaries of influence. Nowhere is this more obvious than in economic ethics, where civil lawyers usually worked towards a mitigation of the ban on usury, whereas its strengthening depended on external circumstances and the influence of conservative theologians or canonists.

A second important conceptual pair is that of *legal advisor/medical doctor*. Throughout the Middle Ages counselors of conscience were regarded not only

[23] As far as practical ethics is concerned, the Middle Ages may be said to have ended between 1450 and 1500, but here the distinction between medieval and early modern scholasticism is even more arbitrary than in many other fields of intellectual history. Panormitanus can reasonably be said to have closed medieval canon law in the first half of the fifteenth century, whereas Silvester de Prierio, who wrote in the early sixteenth century, is rightly singled out as the last author of a *summa confessorum* in the medieval spirit. Medieval practical ethics may have ended sometime in between.

[24] See Thomas Deman, "Probabilisme," in A. Vacant and E. Mangenot (eds.) *Dictionnaire de théologie catholique* (Paris: Letouzey, 1936) 13.1:417–619; Ilkka Kantola, *Probability and Moral Uncertainty in Late Medieval and Early Modern Times* (Helsinki: Luther-Agricola-Society, 1994), pp. 110–23.

[25] Obviously, the approach via polarities has its drawbacks, not least because it cannot capture the complexity of conceptualizations and argumentation in a tradition in which differentiation was a hallmark. Nevertheless, a certain reduction in complexity may be in order for introductory purposes.

as legal advisors in the internal court of law but also as doctors of the soul.[26] Sin and vice were considered a moral disease (*lepra moralis*) which could be cured. A confessor could assume the role of surgeon or therapist, cauterizing a moral wound or recommending a softer therapy for moral scruples (*scrupuli*). The treatment of scruples shows that confessional therapy was not restricted to sin and vice. In the Middle Ages, scruples were defined as excessive or unreasonable moral anxieties (at worst a neurotic moral disorder), and medieval discussions of scruples often show a surprisingly good understanding of mental problems and sympathetic methods of therapy. The need for such methods corroborates Jean Delumeau's claim that waves of anxiety swept Europe in the late Middle Ages.[27] In fact, the Great Western Schism (1378–1417) led to a breakdown of spiritual order in Western Christianity and, judging from the dissemination of texts on the treatment of scruples, fostered an almost epidemic spread of scrupulosity.[28] We should hesitate, however, to assume that confessors intentionally nourished this trend in order to govern consciences through fear. Fear was undoubtedly often fostered, but strategies of consolation and the dissolution of anxiety were probably no less widespread.[29]

This leads us to the pair *rigor/softness*. Confessors (and inquisitors) could interpret the roles of doctor and legal advisor in harder or softer ways. Medical treatment for moral problems could amount to amputation (in the most extreme case, by having a heretic killed) or psychotherapy. Legal advice came in the form of a stern rebuke or counsel from an attorney. In early modernity these alternatives gave rise to rival schools of moral guidance, which were labeled on one hand rigorism and on the other laxism (by its opponents)

[26] See Johann Theiner, *Die Entwicklung der Moraltheologie zur eigenständigen Disziplin* (Regensburg: F. Pustet, 1970), p. 53; Godman, *Paradoxes*, p. 39 for Burchard of Worms's characterization of the confessor as *corrector sive medicus*; Johannes Nider, *Consolatorium timoratae conscientiae* (Cologne: Cornelius von Zierickzee, 1506; web source), prologus, ii.

[27] See Jean Delumeau, *Le Péché et la peur* (Paris: Fayard, 1983).

[28] See ibid., p. 350; Sven Grosse, *Heilsungewißheit und Scrupulositas im späten Mittelalter: Studien zu Johannes Gerson und Gattungen der Frömmigkeitstheologie seiner Zeit* (Tübingen: Mohr, 1994). Many writers on theological consolation (John of Dambach, Johannes Nider) discuss the then-pressing problem of scrupulosity. The most important – and most easily accessible – is John Gerson, *De consolatione theologiae*, in P. Glorieux (ed.) *Jean Gerson: Œuvres complètes* (Paris: Desclée, 1973), vol. 9, pp. 185–245.

[29] Delumeau *Le Péché*, p. 10, speaks of "superculpabilisation," which clearly overemphasizes the fear factor in Christian moral governance. Rigorist strategies are also the basis for Tentler's claim that handbooks of confessors were instruments of social control (see Tentler, *Summa*). Tentler's claim has been questioned by Boyle, *Summae confessorum*. In my view, it is important to recognize that medieval confessors and their scholastic advisors had alternative strategies of guiding consciences at hand, from which they often selected pragmatically. Within the framework of scholastic theology and practical ethics they could often choose between the hierarchical control over their clients and sympathetic support for them. Needless to say, the latter was often employed in the interests of powerful princes or rich merchants, but support for the poor and marginalized was also an option.

or "the benign way" (*via benigna*). But these labels should not be applied to the Middle Ages, where moral theology had not yet disaggregated into rival schools along the rigor/softness dimension. Indeed, much remained in flux in the Middle Ages in this respect, and the practice of guiding consciences could vary from occasion to occasion. The very same confessor could utter a stern rebuke in a Lenten sermon but be more considerate as a consultant on economic practices for a merchant.[30] There is no inconsistency in this as long as moral guidance is considered a success-oriented task. Thus, harder and softer options of guidance were *in nuce* already available in the Middle Ages, which implies that the strategies of regulating or healing consciences were far from monolithic.

Another pair of key concepts for medieval practical ethics is *virtue/rule*. We have today become accustomed to regard virtue ethics and rule-based ethics as alternative ways of moral guidance: whereas virtue ethics emphasizes wise moral judgment as an art that cannot be expressed by rules, rule-based ethics provides a relatively narrow confine of behavioral regulation. Scholastic ethics had no problem embracing and combining both approaches, however, and it was arguably practical for precisely this reason. The need to combine virtue and rule compliance sprang from the double Christian preoccupation with leading a good Christian life and steering clear of sin, and both aspects were buttressed by decisive trends in the twelfth and thirteenth centuries that have already been mentioned. Virtue ethics, which had always flourished in cathedral schools, got a boost from the recovery and circulation of Aristotle's ethics. Rule-based practical ethics profited from the rise and differentiation of medieval jurisprudence. Medieval jurisprudence was much more rule-oriented than its Roman predecessor, and many rules of practical ethics were simply adopted from law (see below for examples). This eager adoption of rules from law into practical ethics, however, resulted in a dense network of rules that could collide with each other. Inasmuch as the interpretation of rules and the resolution of conflicts between rules required wise judgment, practical rule-based ethics remained in need of virtue and expertise. In the long run of the scholastic tradition, however, practical moral reasoning became more legalistic. Moral theologians increasingly accepted that penitents were entitled to be judged on

[30] This contextual variation can, for example, be detected in the writings (and sermons) of Antonino of Florence, who was the archbishop of Florence and advisor to (the elder) Cosimo de Medici. His writings have led to rival descriptions of Antonino as conservative and progressive economic moralist – which are both correct to a certain degree. See Rudolf Schüssler, "Antoninus von Florenz als Ökonom – eine Verteidigung," in R. Lamberti and L. Sileo (eds.) *I beni di questo mondo: teorie etico-economiche nel laboratorio dell' Europa medievale* (Porto: Fédération internationale des instituts d'études médiévales, 2010) 281–304.

the basis of impartial rules, and the discretionary space of the confessor was structured by rules which he was encouraged to adopt or respect. In contrast to modern (often Kant-inspired) notions of rule-based ethics, though, this did not mean that behavior was more thoroughly curtailed – the rules of scholastic practical ethics created discretionary spaces ("liberties" in modern parlance) as often as they curtailed them. In fact, entitlements to choose in matters of conscience seem to have gained in weight from the fifteenth century onward, although they were often based on new interpretations of rules that had existed for quite some time.[31]

Finally, the scholastic use of rules of conduct cannot be understood without the pair *counsel/precept* (*consilium/praeceptum*). Medieval moralists used counsel to convince people that a particular – usually virtuous – way of acting or thinking was essential for leading a good Christian life and increased the chances of their scaling the stairways to heaven.[32] If a believer felt unable to follow such good advice, it did not, however, automatically engender a mortal sin. Only violations of religious or moral precepts represented an immediate mortal sin. Since medieval life was ripe with precepts that could be violated wittingly or unwittingly, the most pressing task for counselors of conscience was to help believers understand the meaning and scope of precepts and to identify legitimate exceptions. This explains why handbooks of confessors had a legalistic bent. Indeed, under the pressures of political and economic competition, the virtue-ethical side of the guidance of consciences could often become largely cosmetic. Things were obviously different for literary genres in which exhortation to lead a good Christian life was a central concern. Sermons and books about the governance of families resorted to exhortative counseling and didactic presentation far more than did hard-nosed guidelines for lawyers of conscience. It is difficult to weigh these competing influences on the consciences of medieval Christians. The most conspicuous result is perhaps that reflective recipients of moral advice had a choice between a more deontological and a more aretaic self-understanding – provided that social and institutional pressures permitted it.

CONSCIENCE

Conscience (*conscientia*) was *the* main determining factor of moral agency in medieval ethics, and its investigation was one of the most important endeavors

[31] For the changes in question, see Deman, *Probabilisme*, pp. 439–57; Kantola, *Probability*, pp. 111–16; Schüssler, *Moral im Zweifel* (Paderborn: Mentis, 2003) vol. 1, ch. 2.

[32] On counsel in confession, see Alexander Murray, "Counselling in Medieval Confession," in P. Biller and A. J. Minnis (eds.) *Handling Sin: Confession in the Middle Ages* (Woodbridge: York Medieval Press, 1998) 63–77.

of scholastic ethics and action theory.[33] A rough understanding of scholastic views of conscience and its workings is therefore indispensable for understanding scholastic practical ethics.

Even otherwise very different schools of scholastic thought (like the Franciscan and Dominican schools) agreed on a two-step moral epistemology, grounded in conscience.[34] Step one consisted in a failsafe intellectual ability to perceive the basic tenets of natural law and morality. Such knowledge was not derivative but immediately evident, like foundational knowledge in logic or metaphysics. Hence, the sentences "The whole is greater than its parts" and "The good is to be done, the bad is to be avoided" were considered equally evident. A second intellectual ability was thought to govern the derivation of insights from first evident principles down to practical moral guidance. This process was commonly conceived as deductive and syllogistic, because it involved not only logical syllogisms in the narrow sense, but also dialectical (i.e., probable) and practical syllogisms. Dialectical syllogisms, which rely on only probable premises, were particularly important because the scholastics acknowledged that practical guidance – proposals and prescriptions of how to act (*ad agendum*) – usually required probable reasoning.

In the thirteenth century these tenets of moral epistemology were integrated into moral psychology on the basis of two concepts: *synderesis* and *conscientia*. *Synderesis* is very likely a scholastic corruption of the Greek *syneidesis* which means "concomitant perception."[35] The church father Jerome had used it to refer to the "spark of conscience," and a discussion of this topic in Lombard's *Sentences* focused the scholastics' attention on the idea. However, there was no agreement what *synderesis* actually stood for.[36] On an intellectualist understanding (such as that of the Thomists), *synderesis* signified a habit of insight into supreme moral principles (*habitus principorum practicorum*). As such it

[33] On medieval theories of conscience, see Michael G. Baylor, *Action and Person: Conscience in Late Scholasticism and the Young Luther* (Leiden: Brill, 1977); Godman, *Paradoxes*; Rudolf Hofmann, *Die Gewissenslehre des Walter von Brügge OFM und die Entwicklung der Gewissenslehre in der Hochscholastik* (Münster: Aschendorff, 1941); Kenneth Kirk, *Conscience and its Problems* (London: Longmans, 1927); Douglas Langston, *Conscience and Other Virtues* (University Park: Penn State University Press, 2001); Odon Lottin, *Psychologie et morale aux XIIe et XIIIe siècles*, vol. 2 (Leuven: Abbey du Mont César, 1948); Timothy Potts, *Conscience in Medieval Philosophy* (Cambridge: Cambridge University Press, 1980); Johannes Stelzenberger, *Syneidesis – Conscientia – Gewissen* (Paderborn: Schöningh, 1963).

[34] This common basis is emphasized by Hofmann, *Gewissenslehre* and Langston, *Conscience*, chs. 2–4.

[35] It is disputed whether the term *synderesis* (or *synteresis*) already appears in Jerome's original commentary of Ezechiel or is a later scribal error. I side here with the latter view. See Hofmann, *Gewissenslehre*, pp. 12–21; Christian Trottmann, "Scintilla synderesis: pour une autocritique médiévale de la raison la plus pure en son usage pratique," in J. Aertsen and A. Speer (eds.) *Geistesleben im 13. Jahrhundert* (Berlin: de Gruyter, 2000) 116–30.

[36] The most detailed discussions of this issue for the crucial thirteenth century up to Scotus can still be found in Lottin, *Psychologie*, vol. 2, pt. 4 and Hofmann, *Gewissenslehre*, whom I largely follow.

was not part of *conscientia*, which only used its results. The deeper rationale for this split becomes clear when it is acknowledged that conscience can err and that the *synderesis/conscientia* distinction therefore serves as a firewall to safeguard the validity of natural law. Conscience can get things wrong because contingent factors can derail moral reasoning. The distinction is especially vivid in Aquinas's ethics, where *conscientia* is a mere act of judgment concerning moral action. *Synderesis*, on the other hand, makes no mistakes. For Aquinas it is a God-given moral compass that tells all human beings (not only Christians) what is fundamentally good and right, thereby buttressing the universal, culture-independent claims of natural law. Knowledge of the basic tenets of natural law may be weakened and suppressed, as in hardened criminals, but it cannot be completely eliminated.

On this intellectualist understanding, both *synderesis* and *conscientia* have cognitive tasks. Moral motivation is rooted in the will's natural propensity to follow the intellect's guidance. In Bonaventure's rival voluntarist view of *synderesis*, however, the entire two-step cognitive process is attributed to *conscientia*, and *synderesis* is an inextinguishable motivational force that drives us towards the good and right and provides *conscientia* with an appropriate engine. Such a natural habitual drive was thought to explain why even the worst of persons feels pangs of conscience (*morsus conscientiae*). Henry of Ghent went a step further and assigned both *conscientia* and *synderesis* to will. Somewhat surprisingly, John Duns Scotus turned against Henry and sided with Aquinas in regarding *synderesis* and *conscientia* as intellectual, although Aquinas's view of conscience as no more than an act was largely rejected except by his most orthodox followers. Intellectualist *conscientia* was usually considered a habit (not an act) of deriving moral judgments, a *habitus conclusionum*. Finally, some scholastic writers assumed that all habits of moral reasoning had both an intellectual and a voluntary side. It thus seems that all possible general positions on *synderesis* and *conscientia* had already been put on the table by the end of the thirteenth century, a fact that may explain why the subsequent discourse on conscience increasingly concentrated on practical matters.

The possibility of an erroneous conscience (*conscientia erronea*) preoccupied the scholastics, not least because this possibility engendered severe practical problems.[37] In principle, human beings were called on to follow the dictates of their consciences. The uncertain epistemic state of these dictates, however, rendered this precept error-prone. Scholastic ethicists pushed for due diligence and the acceptance of judgments of more knowledgeable persons in order to

[37] See Lottin, *Psychologie*, vol. 3, pts. 9 and 10.

reduce the risk of error. Obviously, such remedies could alleviate the problem but not solve it: although right reason or *synderesis* provided fail-safe basic insights, many things could go wrong on the long logical journey to contextualized moral judgments.[38] Scholastics distinguished between easy conclusions and long-winded deductions which only well-trained specialists could deal with, and it was widely recognized that even experts often differed in their conclusions.

The possibility of error (and doubt) thus loomed large in scholastic practical ethics. It was therefore important to investigate whether an erroneous conscience could bind a moral agent. Many scholastics, following Durand of St. Pourçain, distinguished between "ligation" and obligation, assuming that an erroneous conscience binds but does not obligate (*ligat, sed non obligat*).[39] In other words, human beings have a *subjective* duty to follow the dictates of their conscience, but only a correct judgment of conscience creates an *objectively* valid obligation. This distinction excuses an agent, of course, only if she is unable to detect her error. Otherwise, she has the obligation to reject her moral opinion and either rethink the issue or follow the judgment of others (*conscientiam deponere*).

Errors of conscience often result from ignorance, a condition amply analyzed by medieval lawyers. Recognition that ignorance could be insuperable and non-culpable in some contexts (*ignorantia invincibilis*) or the fault of a person (*ignorantia vincibilis*) in others largely motivated the twelfth-century emphasis on subjective moral responsibility and internal guilt in law and ethics.[40] Peter Abelard was an early philosophical champion of this trend, but its main driving force were the lawyers who substituted knowledge and control requirements for the strict liability (and the judicial ordeals) of early medieval law. Problems of insuperable ignorance became enshrined in the writings of Gratian and Lombard in the twelfth century and subsequently remained on center stage in discussions of errors of conscience. Following one's erroneous conscience could be sinful only if the agent ought to have known that she made a mistake. Much work went into spelling out what this meant in general and in practical contexts.

[38] On the scholastic appreciation of context (or circumstances) for moral action, see Johannes Gründel, *Die Lehre von den Umständen der menschlichen Handlung im Mittelalter* (Münster: Aschendorf, 1963); Albert Jonsen and Stephen Toulmin, *The Abuse of Casuistry* (Berkeley: University of California Press, 1988), pp. 131–6.

[39] See Lottin, *Psychologie*, vol. 2, pt. 5, ch. 1.

[40] See Robert Blomme, *La Doctrine du péché dans les écoles théologiques de la première moitié du XII siècle* (Louvain: Duculot, 1958), 275–89; Lottin, *Psychologie*, vol. 3, pts. 9 and 10; Jeffrey Brower and Kevin Guilfoy (eds.) *The Cambridge Companion to Abelard* (Cambridge: Cambridge University Press, 2004), pp. 291–9.

In addition to the distinction between right and erroneous conscience (*conscientia recta vel erronea*), the notion of a doubting conscience (*conscientia dubia*) also preoccupied scholastic discussions. The doubting conscience is undecided between two apparently equally good or equally probable options of choice. This does not imply that the agent had to be ignorant of a precept or a problem: doubt could be the result of ignorance but could also prevail all things considered, with an agent informed about all relevant reasons for choice yet not regarding one side as being stronger than the other. For this reason, the scholastics conceived the doubting conscience as a separate category, thus foreshadowing modern decision theories for uncertainty. Moreover, they assumed that irresolvable disagreements between counselors of conscience often led to doubt concerning the appropriate course of action. In matters of moral import, an agent who received conflicting messages about her duties therefore had to try to eliminate doubt through further inquiry. If this remedy failed, she had to use an approved rule for making moral decisions in doubt (see below).

Attention was also paid to scruples of conscience (*conscientia scrupulosa*) and problems of moral perplexity (*perplexitas*). As already mentioned, the preoccupation with scruples emerged during the Great Western Schism and the theme was carried on in early modern treatises on conscience. However, the high tide of scrupulosity seems to have abated soon after the end of the Schism. The same seems true of moral perplexity, a situation in which all options for action appear equally wrong or sinful (like following a schismatic pope or no pope at all). Modern authors call such situations moral dilemmas, but perplexity did not amount to a real moral dilemma in scholastic eyes. It was generally assumed that no situation could arise in which agents sinned inevitably and without personal fault. When necessary, approved rules for deciding in cases of conflicting moral demands would always provide a safe way out.

The medieval compartmentalization of conscience into the categories of right, erroneous, doubting, and scrupulous (or sometimes perplexed) conscience foreshadowed the framework in which the extremely differentiated casuistry of the early modern era developed. The major lacuna in this respect is the "opinionated" or "probable" (that is, sufficiently grounded) conscience, which did not play a conspicuous role in the Middle Ages as an autonomous category of conscience. Despite the acknowledged prevalence of probable reasoning in medieval practical ethics, the probable conscience's rise to prominence did not begin before the fifteenth century.[41]

[41] See Deman, *Probabilisme*, pp. 439–57.

MORAL UNCERTAINTY

The scholastic preoccupation with the "doubting conscience" signals the extraordinary extent to which practical ethics is subject to both factual and moral uncertainty. Factual uncertainty refers to uncertainty about matters of non-moral fact, whereas its moral counterpart arises from uncertainty or disagreement about right action or the validity of norms. As previously indicated, it was assumed that both types of uncertainty could persist even after thorough consideration and search for information. For this reason, the scholastics developed elaborate guidelines for moral decision-making under uncertainty.

An important insight of Aristotle contributed significantly to this development. Aristotle had stated that ethics and politics could not aspire to reach the precision (*akribeia*) of mathematics.[42] In thirteenth-century translations this was transposed into a claim concerning certainty, because *akribeia* was translated as *certitudo*.[43] Therefore, mathematics was thought to allow for a higher degree of certainty than ethics, and it was generally accepted that moral agency did not presuppose the level of certainty required for scientific proof. The lowered standards of argument in practical ethics led to the acceptance of mere opinions as premises for moral action. An opinion (*opinio*) was, in the standard medieval definition, a sentence held true by a person yet with the fear that it could also be wrong.[44] In other words, the holder of an opinion was not fully confident about the truth of a sentence he regarded as true. This state of belief was often the outcome of arguments that relied on merely probable premises – or, in Aristotelian terminology, on dialectical syllogisms.

The main medieval definition of a probable opinion was derived from Aristotle's concept of *endoxon*. A sentence or an opinion was therefore called probable if it was held true by "the wise or the many,"[45] and so the meaning of 'probable' could vary between "commonly held" and "plausible (or reasonable)." Such opinions formed the backbone of scholastic practical ethics,[46] inasmuch as it

[42] Aristotle, *Nicomachean Ethics* I.7, 1098a26; II.2, 1104a2. See Georgios Anagnostopoulos, *Aristotle on the Goals and Exactness of Ethics* (Berkeley: University of California Press, 1994).

[43] See Kantola, *Probability*, p. 34.

[44] See Angelo Carletus, *Summa angelica* (Venice: Georgius Arrivabene, 1487; web source), verbum *opinio*; Edmund Byrne, *Probability and Opinion* (The Hague: Nijhoff, 1968), pp. 63–9.

[45] This understanding of *probabilis* is derived from Aristotle's "Topics." See Niels Green-Pedersen, *The Tradition of the Topics in the Middle Ages* (Munich: Philosophia Verlag, 1984), pp. 17, 43, 142, 303. Apart from this, a frequentist understanding of probability also existed, as many modern scholars claim. See Daniel Garber and Sandy Zabell, "On the Emergence of Probability," *Archive for History of Exact Sciences* 21 (1979) 33–53. However, the topical definition of probability was prevalent for medieval accounts of moral decision making.

[46] On medieval notions of probability and alternative meanings of *probabilis*, see Thomas Deman, "Probabilis," *Revue des sciences philosophiques et théologiques* 22 (1933), 260–90; James Franklin, "The

was the task of a scholastic moralist to justify the solution of a moral problem as at least probable or safe. While probability was a weak indicator of truth, a safe opinion (*opinio tuta*) was one that entailed no risk of sin if believed or taken as a premise for action.[47] Choosing a safe opinion thus meant avoiding moral risks. Aversion to moral and theological risk was mandatory for all good Christians in the eyes of medieval theologians: taking an unnecessary risk of mortal sinning was already considered a mortal sin.[48]

Probability and safety were not only absolute but also comparative categories meaning that some opinions could be more probable or safer than others. This sometimes forced a choice between alternative decision strategies – for instance, which of these one ought to choose in cases where they diverged: the opinion closer to the truth or the safer opinion. The scholastic tradition knew of no standard for a comparative weighing of these dimensions. Moral agents were entitled to favor either the more probable or the safer opinion as a premise for action, unless the damage potential of an action was deemed considerable enough to justify a safety-first requirement. Such a flexible approach was not, however, the rule in cases of doubt. Doubt (*dubium*) was defined as a state in which the reasons for both sides of an alternative were (roughly) equally strong. In this case, no side could be more probable than the other and safety remained the sole decision criterion, at least in crucial matters in which a choice based on personal preferences was regarded as illicit. Throughout the Middle Ages (although not in early modern scholasticism) this assessment was upheld, as reflected in the so-called *regula magistralis*: "In doubt the safer side is to be chosen" (*in dubiis tutior pars est eligenda*).[49] Accordingly, in cases of moral risk where neither side was more probable than the other, risk aversion was considered mandatory.

Further guidelines for making risky moral decisions on the basis of probable reasoning document an acute scholastic understanding of the ethical problems posed by contingency, risk, and uncertainty. As in modern decision theory, rational (and moral) action was conceived as a rule- and principle-guided activity, not as a free-wheeling exercise of practical wisdom. Moreover, probability ascription was a pluralistic affair, because it was assumed that two logically incompatible sentences (such as a sentence and its negation) could both be

Science of Conjecture" (Baltimore, MD: Johns Hopkins University Press, 2001); Kantola, *Probability*; Rudolf Schüssler, *Moral im Zweifel*, vol. 1. Green-Pedersen, *Tradition*, p. 17 translates *probabilis* as "plausible."

[47] See Lottin, *Psychologie*, 2:409; Schüssler, *Moral im Zweifel*, 1:69.

[48] See Deman, *Probabilisme*, pp. 421–30; Lottin, *Psychologie*, 2:408.

[49] This rule was introduced by Innocent III around 1200. See Deman, *Probabilisme*, p. 421.

probable at the same time.[50] Modern philosophers, accustomed to a numerical representation of probability as a number between zero and one, often have difficulties understanding how two logically incompatible sentences could both be considered *probabilis*. There was, however, a straightforward medieval explanation based on the Aristotelian topical definition of probability, according to which, as we saw above, probable opinions are those held by the wise or the many. Accordingly, sufficiently widespread disagreement among the wise or the many will lead to the simultaneous probability of incompatible opinions. Probability on each side therefore rests on the acceptance of incompatible opinions by distinct groups of people and does not necessarily entail rational tenability in the final consideration. In some contexts, however, scholastics did acknowledge rational tenability on both sides of a dispute, thus accepting the possibility of reasonable disagreement.[51] This was no minor achievement of medieval scholasticism, and forms one of the starting points of modern intellectual pluralism.

The acceptance of probable reasoning in scholastic practical ethics should not, however, be taken as proof that the safety of consciences was neglected. Correctly understood, moral safety remained an indispensable requirement of moral action,[52] for the safety in question was usually granted if an agent followed the rules and procedures of scholastic practical ethics. In particular, sound and diligent probable reasoning led to "moral certainty" (*certitudo moralis*) – a certainty of conscience that came with compliance to all reasonably imposable epistemic duties. Agents who achieved moral certainty might still act in objectively sinful ways, but they remained safe because the action was not subjectively imputed to them as sin. This understanding of *certitudo moralis* became prominent in the writings of John Gerson, later developing into a key concept of Catholic moral theology. The roots of Gersonian moral certainty clearly derive from Aristotelian assumptions about the maximum certainty that can be achieved in different fields of study. Nevertheless, although Gerson was obviously influenced by this tradition, his use of *certitudo moralis* amounted to something else:[53]

[50] See Deman, *Probabilis*, p. 266; Kantola, *Probability*, p. 29. On possible resulting dilemmas, see Michael Dougherty, *Moral Dilemmas in Medieval Thought* (Cambridge: Cambridge University Press, 2011).

[51] This is shown, for example, by Marsilius of Inghen's open-minded position on opinions about the subject matter of theology: "I have listed these opinions in detail, so that – given the fact that they are all probable in the minds of those positing them – anyone may choose the opinion which he deems more probable." The quote is from Rosemann, *Story*, p. 132.

[52] The locus classicus for this requirement is Ecclesiastes 3:27: "[H]e that loveth danger shall perish in it."

[53] In this question I side with Sven Knebel, *Wille, Würfel und Wahrscheinlichkeit* (Hamburg: Meiner, 2000), p. 55 against Franklin, *Conjecture*, p. 69, who focuses on Gerson's quote from Aristotle on the certainty of ethics.

a certainty that insures against moral reproach is not necessarily identical with the utmost achievable certainty in ethics. It is the former rather than the latter that became central to moral theology and scholastic practical ethics after Gerson.

CONCLUSION

Scholastic practical ethics regulated many domains of human life in sophisticated and theoretically fruitful ways. Already in the Middle Ages it supplied Christian societies with all kinds of support for the moral life, including counsel and rules, grounds for blame and excuses, guidance for the pursuit of holiness, and breathing space for average agents. Its purposes and strategies were astonishingly plural, reflecting not only the many different strands of scholastic thought but also the variegated necessities of medieval societies. Consequently, theories of conscience were turned into instruments of moral choice between opinions whose fallibility was recognized. In many cases, the opinions in question were also contested, and scholastic moralists worked hard to cope with this fact in a rational way. Under these premises, scholastic (and medieval) practical ethics remains distant to us, but not as dissimilar to modern practical ethics as might be assumed at first sight. The medieval roots of modern theories of just war are evident; the Augustinian and later Christian prohibition of lying was a benchmark for treating the subject of veracity at least up to Kant; and the issue of just pricing tends to pop up in modern economic debates despite neoliberal efforts to suppress it.[54] If this is true of secular ethics, the indebtedness of Catholic and to a significant extent also of Protestant practical ethics to their medieval precursor is all the more pervasive.[55] Recently, even some methods of medieval practical ethics have been resuscitated. Contemporary practical ethics is experiencing a renaissance of casuistic methods, which were primarily employed in the scholastic tradition.[56] In sum,

[54] For medieval theories and literature on just war, see Chapter 43; for economic morality, see Chapter 42, and n. 6, above. Medieval attitudes towards lying and deception are discussed, e.g., in Leif Böttcher, *Von der Lüge zur Mentalreservation* (Göttingen: V & R Unipress, 2007); Marcia Colish, "Rethinking Lying in the Twelfth Century," in Bejczy and Newhauser, *Virtue and Ethics in the Twelfth Century*, pp. 155–73; Julius Dorszynski, *Catholic Teaching about the Morality of Falsehood* (Washington, DC: Catholic University of America Press, 1948).

[55] See Meilaender and Werpehowski, *Oxford Handbook of Theological Ethics*, especially chs. 7, 9, and 12; Gill, *Cambridge Companion to Christian Ethics*, especially pt. 3.

[56] Casuistry is the systematic study of problematic cases of moral action, usually on the basis of a methodology and with specific rules. Interest in casuistry was revived by Jonsen and Toulmin, *Casuistry*, and has led to much recent work on the methodology of practical ethics. See, e.g.,

the long-term effects of the scholastic blossoming of practical ethics are still felt today.

Albert Jonsen, "Casuistry as Methodology," *Theoretical Medicine* 12 (1991) 295–307; Richard Miller, *Casuistry and Modern Ethics* (Chicago: University of Chicago Press, 1996); Carson Strong, "Critiques of Casuistry and Why They are Mistaken," *Theoretical Medicine* 20 (1999) 395–411.

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