

## Moral Discernment in History

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### Abstract

The concept of moral discernment is often used to describe the inspired decision-making of a conscientious Christian, but Pope Francis uses it relationally in terms of accompaniment and often enough, more broadly than an individual's choice. Rather, he suggests that bishops and their local churches ought to morally discern how they should settle issues addressing contemporary pastoral challenges. This article argues that in its history, moral discernment was a social practice used in a variety of relational ways to determine a pathway for living out the summons of the gospel.

### Keywords

accompaniment, casuistry, conscience, Irish penitentials, moral discernment, prudence, synods

Emphasis on moral discernment has become a trademark of the present papacy. In *Amoris Laetitia* Pope Francis couples the term with both the guidance of the Holy Spirit and the privileged place that conscience holds in the moral life of Christians.<sup>1</sup> While many rightly acknowledge its affinity with personal decision-making in Ignatian spirituality, I argue that since the church's inception, moral discernment has been the way the church and her members determine social or communal pathways forward so as to live out the call of the Gospel. To make this case, I offer four significant moments or episodes of moral discernment in history. In each instance I

1. Francis, *Amoris Laetitia* (March 19, 2016), [https://w2.vatican.va/content/dam/francesco/pdf/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20160319\\_amoris-laetitia\\_en.pdf](https://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf).

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look at the moment and then consider how each particular instance informs us to better understand the process of moral discernment. The cases are: the Council of Jerusalem, the birth of the Irish penitentials, the request of the shipping magnates of Flanders to the University of Paris in the sixteenth century about the legitimacy of maritime insurance, and the decision of Fritz Tillmann to enter the field of moral theology.

### **The Council of Jerusalem: A Discernment Marked with the Spirit**

This paradigmatic moment is foundational for any historic understanding of the notion of moral discernment, to say nothing of subsequent conciliar or synodal gatherings which exercised moral discernment.

Acts 15 begins with a problem: people from Judea are teaching “Unless you are circumcised according to the custom of Moses you cannot be saved” (Acts 15:1, NRSV throughout). Luke Timothy Johnson reminds us that Luke the evangelist had no “animus for circumcision” and highlights that in his Gospel John the Baptist and Jesus were circumcised and that in Acts he reports that Paul had Timothy circumcised. It is for him “a custom of the people,” but he never connects “circumcision to the use of righteousness or salvation.” Johnson writes that the claim of the people of Judea “is all the more shocking in the present context because of the way it controverts the theme so emphatically developed by the narrator in the previous section, that among the Gentiles ‘faith saves’ (Acts 14:8, 14:22, 14:23, 14:27).”<sup>2</sup>

How is the church to resolve this? Fundamentally they do this by listening to the witnessing of Peter and then to Paul and Barnabas who narrate the acts of God through the Holy Spirit. They witness to “the signs and wonders that God had done through them” (Acts 15:12).

As readers, we are already prepared for Peter’s witness, having read the account of the conversion of Cornelius and his household in Acts 10 and 11. We already know that God was the agent of Cornelius’ conversion. Thus in Peter’s witnessing at Jerusalem he acknowledges, “And God, who knows the human heart, testified to them by giving them the Holy Spirit, just as he did to us; and in cleansing their hearts by faith he has made no distinction between them and us” (Acts 15: 8–9). As Johnson writes, “the human church now catches up with the divine initiative, and formally declares itself on the side of God’s plan to save all humanity.”<sup>3</sup>

The entire text is, moreover, filled with normative details: it is the gathering of the whole assembly, filled with debate, bearing witnesses, falling silent to the witness, witnessing again, falling silent again. The leader (James) speaks, invoking the prophets to validate further the witnessing, and then the leader announces his decision. The community has been led to the discernment by and through the Holy Spirit. There have

2. Luke Timothy Johnson, *The Acts of the Apostles*, Sacra Pagina (Collegeville: Liturgical, 1992), 252.

3. Johnson, *Acts*, 268.

been engagement and testimonies all in the context of prayer, and eventually the discernment is completed effectively when the decision is promulgated and received.

In brief, Luke enables us “to see the early church reaching decision by means of an articulation of its faith, as a process of discernment of God’s activity. Priority is given to the narratives of faith, for it is such narratives that enable private religious experience to reach the level of public discernment.”<sup>4</sup>

Additionally, we should see that the first question concerns whether the people from Judea are placing something too burdensome on the Gentiles. Rather than specifically wrestle with that question, the assembly turns to how this complaint has obfuscated the assembly’s ability to see what God has been accomplishing in their midst. Letting God’s work, and not the complaint, emerge and dictate the schedule allows the assembly to see the complaint as “putting God to the test” (Acts 15:10). In that light they can decide with the Holy Spirit to place no further burden on the Gentiles (Acts 15:28).

Johnson gives us a good summary:

By so structuring this story, Luke has provided his readers with a further glimpse of a developing messianic *politeia*. Just as in Acts 2 and 4 he provided a “foundation story” which expressed the ideals of life together, so here he provides a model for making decisions within this people constituted by faith. Here now is a community capable of resolving difficult issues concerning membership and status: it calls a council (*plēthos*), hears testimony, interprets its sacred texts, declares its convictions in propositions of faith, sends out legations with letters, establishes peace between communities.<sup>5</sup>

This delegation of peace is imperative: “attacks may still come from the outside, but Luke wants the readers to see the church—as it expands to include ever more of the Gentiles—internally unified, with its first and most serious division reconciled.”<sup>6</sup>

In another work, *Scripture and Discernment*, Johnson engages Paul and discernment and argues that “edification” is “the key principle for discernment.” “Build up each other, as indeed you are doing” (1 Thess. 5:11). The building up is architectural. Just as the apostle lays the foundation, we are called to build up the church as we build up one another. This notion of building up has holiness as its goal: “For this is the will of God, your sanctification” (1 Thess. 4:3). Paul is speaking here not to individuals but the church itself: its sanctification makes possible our sanctification, our building up. This capacity for building up is to have the “mind of Christ” (1 Cor 2:16).<sup>7</sup> These words about Paul apply to every case of moral discernment in the New Testament: discernment is about edification.

I would argue here for recognizing paradigm cases as analogically normative. When we refer to synods as a model of right communal moral discernment we should

4. Johnson, *Acts*, 271. See also Martin Dibelius, *The Book of Acts: Form, Style and Theology* (Minneapolis: Fortress, 2004).

5. Johnson, *Acts*, 279.

6. Johnson, *Acts*, 280.

7. Luke Timothy Johnson, *Scripture and Discernment* (Nashville: Abingdon, 1983), 113–32.

do so not only because we recognize the validity of a particular contemporary synod, but because it bears up well when compared with what is revealed by Acts 15.

### The Irish Penitentials: A Discernment Marked by Accompaniment

The tradition of early Celtic monasticism developed where monks sought advice from spiritual experts about how to take account of their ongoing conversion. In the context of spiritual direction at the monasteries, monks, priests, nuns, and, later, neighboring laity sought first spiritual direction, and later, a process by which they gave an account of their soul. In this context, the practice of confessing one's sins was born. As the practice expanded, this naming of sins was indeed called "confession," a rather remarkable departure from the activity with the same name whereby a community acknowledged their faith together in the eucharistic liturgy.<sup>8</sup>

At this time, following the language of redemption, committing a sin was considered as incurring a debt. On one's pathway to holiness, to have one's debt lifted, required paying a tariff.<sup>9</sup> In the Celtic monastic world, a monk would acknowledge his or her sins to the spiritual director who in turn stipulated penitential acts as appropriate tariffs to remit the debt. When the penance was completed, the debt was lifted.

With its wider appropriation, more spiritual directors looked to known abbots who published their lists of tariffs according to the sins confessed. These publications became known as "penitential manuals." Within these manuals, the tariffs were assigned to sins usually categorized according to the eight deadly vices articulated by John Cassian. As any reader of the *Medieval Handbooks of Penance* can see, these manuals were fairly brief and very local, inasmuch as they dealt with sins committed for the most part by those regional Christians who had a spiritual director to whom they confessed.<sup>10</sup>

In his study of *The Irish Penitentials*, Hugh Connolly notes the originality in the Celtic practice of confessing sins in that it shows no familiarity with the earlier canonical penances or the "order of penitents."<sup>11</sup> He notes that in the beginning these

confessions were usually made to a spiritual guide known as an *anamchara*, a Gaelic word which literally means soul-friend. The soul-friend was esteemed within the monastic system. An ancient Irish saying comments that "anyone without a soul-friend is like a body without

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8. James Dallen, "Reconciliation, Sacrament of," in *New Dictionary of Sacramental Worship*, ed. Peter Fink (Collegeville: Liturgical, 1991), 1052–64, especially 1055–57. See also Bernard Poschmann, *Penance and Anointing of the Sick* (New York: Herder and Herder, 1964).
  9. Gary Anderson, *Sin: A History* (New Haven: Yale University Press, 2010).
  10. John T. McNeill and Helen M. Gamer, eds., *Medieval Handbooks of Penance* (New York: Columbia University Press, 1990).
  11. Hugh Connolly, *The Irish Penitentials and Their Significance for the Sacrament of Penance Today* (Dublin: Four Courts, 1995), 14.

a head." Every monk was expected to have an *anamchara* to whom he could make manifest his conscience (*manifestation conscientiae*).<sup>12</sup>

The practice spread. As James Dallen notes, unlike the canonical penances, the monks' mode of proceeding became more attractive. The common practice of confessing sins developed, with these key qualities: in confidential conversations with "no public knowledge, no social stigma, no lifelong consequences—and it could be repeated whenever necessary." Moreover, these private penitents were not excluded from the community, but they did not receive communion until the tariff was paid. Though we should remember that at this time, communion was "infrequent."<sup>13</sup>

The role of the soul-friend was not a judicial one; rather the *anamchara* was a guide to accompany the individual through the trials of life. The encounter between the soul-friend and the individual aimed at a dialogue that "was neither contractual nor constraining but which bore testimony, instead to a God who was always willing to forgive." The dialogue therefore was a "healing" one.<sup>14</sup> For this reason the *anamchara* was to be hospitable, welcoming weary penitents on their journey so that individuals could manifest their conscience. Thus the *anamchara* is a fellow-pilgrim on the "same pilgrim path."<sup>15</sup> The hospitality that the *anamchara* offered was solidarity, so that the pilgrim remained on the journey. In many ways the *anamchara* was one who "comes through the fire of real suffering and self-sacrifice while at the same time, growing ever more open to the saving forgiving grace of Christ, and one who always reserves in his heart, a sincere hospitality for the stranger, the fellow-pilgrim, the fellow-sufferer."<sup>16</sup>

Kilian MacDonald provides a good summary of the influence of the penitentials from the sixth to the thirteenth century:

The penitentials took the baptismal commitment with gospel seriousness, made private confession part of a larger process of discernment and spiritual direction, fought against episcopal intransigence for the principle that priests should grant access to penance as often as a believer sinned, made forgiveness accessible to all, and quite rightly leveled more severe penalties on monks, priests, and bishops than on the laity.<sup>17</sup>

Here then is another normative case of moral discernment, one that aims at the ministry of building up another by accompaniment. Like the Council of Jerusalem there is a dialogue, an engagement, a being bound, as it were, to the Spirit who

12. Connolly, *The Irish Penitentials*, 14.

13. Dallen, "Reconciliation, Sacrament of," 1056; see Connolly, *The Irish Penitentials*, 18–20.

14. Connolly, *The Irish Penitentials*, 15, 16.

15. Connolly, *The Irish Penitentials*, 178.

16. Connolly, *The Irish Penitentials*, 181.

17. Kilian McDonnell, "The 'Summae Confessorum' on the Integrity of Confession as Prolegomena for Luther and Trent," *Theological Studies* 54 (1993): 405–27 at 411, <https://doi.org/10.1177/004056399305400301>.

provides mercy. It is not legalistic and in fact is fundamentally relational. It became the early pattern of a confessional encounter that was based on solidarity and familiarity instead of anonymity and exacting accountability. It validates quite well the ministry of accompaniment that one finds in *Amoris Laetitia*.

### The Birth of High Casuistry: A Moral Discernment through Prudence

The classes of the nominalist John Mair, offered between 1506 and 1531, were among the most popular at the University of Paris.<sup>18</sup> At the beginning of the sixteenth century, Mair's arguments afforded him some footing in a world no longer comfortable with older systems. When his Scholastic nominalism engaged the emerging signs of the times (the Reformation had begun in 1517), the result resembled what we today call modern casuistry and it is for that reason that he is, arguably, the father of modern casuistry.<sup>19</sup>

- The new questions that Mair entertained prompted him to reexamine old ways of thinking. In order to do this, he used the scholastic dialectic, engaged circumstances, invoked experience, established commonsensical insights, waged an opinion as being morally certain, and waited for the reader's assent.

As a result, the concept of authority, so significant in the medieval scholastic method, was radically changed. Mair's revisiting of older teachings with new perspectives required, to some degree, a rejection, albeit nuanced, of the sanctioned views of Gregory the Great, Huguccio, Thomas Aquinas, and even Augustine. As the world expanded, local cultures and practices demanded newer directives, and tradition, failing to provide sufficient insight, was losing its influence. In a world of competing authorities, Mair and his disciples offered their cases with no longer certain but only probable arguments.

In this probable world, Mair employed the scholastic dialectic, but instead of using it to examine moral and immoral "objects" as the earlier Scholastics did, he drew analogies through a comparison of cases.<sup>20</sup> Mair's desire to explore previous teachings, his ability to contest earlier expressions of authority, and his study of cases through inductive logic place him at the forefront of the development of modern casuistry in the early sixteenth century. To appreciate his work we will look at one famous case: maritime insurance.

18. James Farge, *Biographical Register of Paris Doctors of Theology 1500–1536* (Toronto: PIMS, 1980).

19. James F. Keenan, "John Mair's Moral Theology and its Reception in the 16th Century," in *A Companion to the Theology of John Mair*, ed. John T. Slotemaker and Jeffrey C. Witt (Leiden: Brill, 2015), 194–220.

20. See James F. Keenan, "The Return of Casuistry," *Theological Studies* 58 (1996): 123–38 at 123–29, <https://doi.org/10.1177/004056399605700107>; and Keenan, "Casuistry," in *Oxford Encyclopedia of the Reformation*, ed. H. Hillerbrand (New York: Oxford University Press, 1996), 1:272–74.

In 1237, Pope Gregory IX issued the decretal *Naviganti vel Eunti ad Nundinas*. Of this decretal, John Noonan writes, "By any standard it is the most important single papal decree on the usury question with the exception of those containing the basic prohibition itself." The issue at hand concerned the first of the three sentence decretals: "One lending a certain quantity of money to one sailing or going to a fair, in order to receive something beyond the capital for this, that he takes upon himself the peril, is to be thought a usurer."<sup>21</sup> The pope effectively deemed that credit for risk is usury.<sup>22</sup>

In 1530, a group of Spanish merchants living in Flanders asked the University of Paris to address the moral liceity of certain commercial practices.<sup>23</sup> One of their questions was about maritime insurance, which asks, effectively, whether one who assumes the risk which another runs may receive payment for assuming that risk. In short, the merchants were asking that maritime insurance, presumably outlawed for three centuries by the pope's decretal, now be morally reconsidered.

John Mair responded, using the solution from his already published *Commentary on the Fourth Book of the Sentences* (1509).<sup>24</sup> Mair established the legitimacy of maritime insurance through a series of analogies. First, he noted that in the transport of goods there is always the general duty to assure the safety of the goods: the captain of a ship does this in maritime commerce and a coachman does it in landed transport.<sup>25</sup> But, Mair asked, can the captain hire out this task or should the captain reserve to himself the task of guaranteeing the cargo's safety? Mair responded that soldiers are licitly hired to board boats and to protect the cargo from several dangers. If then

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21. The translation is from John Noonan, Jr., *The Scholastic Analysis of Usury* (Cambridge: Harvard University, 1957), 137. The decretal reads: "Naviganti vel eunti ad nundinas certam mutuans pecuniae quantitatem, pro eo, quod suscipit in se periculum, recepturus aliquid ultra sortem, usurarius est censendus." The statement is so surprising that Denzinger wonders whether the word *non* is omitted after "usurarius." Denzinger-Schoenmetzer, *Enchiridion Symbolorum Definitionum et Declarationum* (Rome: Herder, 1976), DS 828.
  22. See Noonan, *Usury*, 133–53.
  23. See Johannes Goris, *Étude sur les colonies marchandes meridionales (Portugais, Espagnols, Italiens) à Anvers de 1488 à 1567* (Louvain: Librairie universitaire, 1925), 506–13; Ricardo Villoslada, *La Universidad de Paris durante los estudios de Francisco de Vitoria, O.P.* (Rome: Gregorian University Press, 1938).
  24. See *Quartus Sententiarum Johannis Majoris* (Paris: P. Piquochet, 1509) (hereafter cited as *Quartus Sententiarum*). This case and its analysis appears in Louis Vereecke, "L'assurance maritime chez les théologiens des XVe et XVIe siècles," *De Guillaume d'Ockham à Saint Alphonse de Liguori: Études d'histoire de la théologie morale moderne 1300–1787* (Rome: Alfonsianum Press, 1986), 391–422. Vereecke seems to depend on a wider analysis found in L. A. Boiteux, *La Fortune de Mer, le Besoin de Sécurité et les Débuts de l'Assurance Maritime* (Paris: Imprimerie Nationale, 1968).
  25. *Quartus Sententiarum*, dist.15, q. 31, c. 15, folio 103, 5.: "Aut enim suscipiens periculum simul apponit operam pro vitandis periculis mercis, utpote si suscipiens periculum est recitor navis, si per mare merx ducatur, aut auriga si in curru per terram merx vehatur."

marines, the coast guard, and other military figures can be contracted and paid for providing security, why not the insurance agent?<sup>26</sup>

He addressed two more common objections. The first contends that the insurance is useless, that unlike the soldier or the captain, the insurer does not prevent possible loss of cargo; a sinking ship will sink whether insured or not. Mair responded addressing not the state of the cargo, but the psychological state of the shipping merchant: his worries and sadness are allayed that at least if the cargo is lost, the worth is not. Moreover, by providing the insurance, the agent really enters into a partnership equally born by agent and owner alike.<sup>27</sup>

Mair then turned to the issue that this was prohibited by examining three sets of laws. First from the Scriptures, he noted the law to eat our bread from the sweat of our brow (Gen 3:19) and the injunction that we humans were born to work, like the birds to fly (Job 5:7). Since the agent only underwrites the cargo, he fails to heed the Scriptures. Mair countered first that the agent assumes the merchant's worry and fear of loss and thus enters into a partnership.<sup>28</sup> Then he added a theme that he repeated elsewhere. The Scotsman whose family came from simple means mused on the children of wealthy families who do not work, but rather play and recreate with the amassed riches of their parents. Why are the Scriptures used against the agents instead of the wealthy?<sup>29</sup>

Second, he looked at positive law and noted that the law has no injunctions against maritime insurance per se; nor, he added, does the natural law.<sup>30</sup>

Third, he examined *Naviganti* to provide his final response on maritime insurance. He wrote, there, that the pope did not prohibit maritime insurance per se, but rather usury, that is, receiving a fee for a loan.<sup>31</sup> The insurance agent does not receive a fee for a loan, but rather for his share in the partnership and for the service he provides, by underwriting the cargo and sharing in the anxiety. A usurious contract is different, then, from a contract of maritime insurance.<sup>32</sup>

26. *Quartus Sententiarum*, 5: "Non aliter bellatores transeuntes in navibus armatis juste suscipiunt pecuniam a divitibus mercatoribus per mare, quatenus eis succurrant in discrimine et eorum res teneant salvas."
27. *Quartus Sententiarum*, 5: "Nec videtur conditione ejus melior quam eum securum facientis, nec e converso, secundum iudicium prudentium."
28. *Quartus Sententiarum*, 5: "Ut sublevetur conducit ei habere capitale salvum cum mediocri lucro potius quam maneat in toto illo tempore quo navis non venit in tempore prefixo in merore, quia illud est aestimabile pretio, conducit ergo domino mercis et familiae suae potius dare ducentos ducatos quam manere uno mense vel duobus in tediosa anxietate et cura navis periturae ab India vel Alexandria Aegypti."
29. *Quartus Sententiarum*, 5: "Plerique sunt divitiis parentum viventes, qui in iucunditate et labore nullo vel modico extra recreationem vivunt... de mutis obtusis regibus et principibus et multis opulentorum liberis rudibus, quos si aliunde bene vivant, damnare non debemus."
30. *Quartus Sententiarum*, 5: "Contractus ille nulla lege positive est prohibitus, immo vix lege naturalis eius prohibition ostendi potest."
31. *Quartus Sententiarum*, 5: "In cap. illo Naviganti non prohibet Romanus Pontifex periculi susceptionem, sed reprobate illum qui noluit dare mutuo nisi susciperet in se periculum."
32. *Quartus Sententiarum*, 5: "Primo mutuum quod gratis do ei, secundo rogat me subire

This case is an example of high casuistry. The category of high casuistry is used to differentiate it from low casuistry, the more common deductive, syllogistic application of a principle to a case. As Albert Jonsen and Stephen Toulmin explain in their groundbreaking book *The Abuse of Casuistry*,<sup>33</sup> high casuistry occurs when principles become outdated and ineffective and other pathways for developing moral solutions are sought. Inevitably, unable to appeal to principles, innovators turned to some sort of analogical, inductive logic with cases.

High casuistry looks to comparative, inductive reasoning, addresses a dilemma, invokes analogies, examines circumstances, resolves doubt, examines the intentionality of personal agents, and gives its solution. In short it makes its case. It does not presume that the reader agrees, but rather provides argumentation to prompt the reader's assent. Martha Nussbaum helps us to understand this when she argues that all great moral logic is waiting for the readers' recognition of the validity of what the writer is proposing. The true ethicist waits for the internal, experiential affirmation by the listener or reader that what is posited is recognized as true to experience.<sup>34</sup>

The reader's validation rests then on a twofold-authority that the reader, in the public forum, expects, what Jonsen and Toulmin call internal and external certitude. Internal certitude is the cogency of the argument itself. External certitude is that which derives from the recognizable authority of the author himself. For casuistry, then, a case needs to be made, argued, and demonstrated by an author with evident authority.<sup>35</sup>

Finally, notice that this casuistry is an act of moral discernment. Mair is responding to a question by men whose own experience suggests that what they want to do is not wrong. Heeding their experience, he investigates their request not through a deductive logic nor by using the principles that were no longer credible; instead, he uses an inductive logic, looking for commonsensical references so that his read of things can be understood. Finally, he submits it to others for judgment. Making a case he asks whether his exercise in moral discernment is morally right, that is, prudential.

In many instances I believe discussions on moral discernment emphasize the Spirit, accompaniment, and compassion. Here I suggest prudence—critical, investigative, inductive prudence—as also constitutive of moral discernment. This landmark case serves as a model for that insight.

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periculum, quod ad eius petitionem et meum commodum subeo. Ex quo patet quod si ceperim lucrum vi mutui, vel etiam vi periculi et lucratus sim centum, non teneor restituere illa centum, sed solum illud lucrum quod vi mutui consecutus sum. Iuste enim lucratus sum aliquod ratione periculi suscepti.”

33. Albert Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988).
34. Martha Nussbaum, "Aristotle on Human Nature and the Foundation of Ethics," in *World, Mind and Ethics: Essays on the Ethical Philosophy of Bernard Williams*, ed. J. E. Altham and Ross Harrison (Cambridge: Cambridge University Press), 86–131.
35. Jonsen and Toulmin, *The Abuse of Casuistry*, 252.

### Fritz Tillmann's Adaptation: The Moral Discernment of an Acting Subject

Sometimes, moral discernment is personal and does not have the needed accompaniment, other than by the Holy Spirit. I want to emphasize this because sometimes moral discernment calls for painful adaptation. The case that I propose concerns Fritz Tillmann, the first moralist to develop a moral theology, exclusively based on the Scriptures.

On May 10, 2003, on the occasion of the one hundredth anniversary of the Pontifical Biblical Commission, then-Cardinal Joseph Ratzinger reflected on two names that he recognized appearing in "the decree of the Consistorial Congregation of 29 June 1912, *De quibusdam commentariis non admittendis*." One of them, the cardinal reported, was: "Fritz Tillmann, the editor of a commentary on the New Testament labelled as unacceptable." In the commentary was an essay on the Synoptics by Friedrich Wilhelm Maier, "a friend of Tillmann, at the time a qualified lecturer in Strasbourg. The decree of the Consistorial Congregation established that these comments *expungenda omnino esse ab institutione clericorum*. The Commentary ... had to be banned and withdrawn from sale since, with regard to the Synoptic question, Maier sustained the so-called two-source theory," which as the cardinal noted, is "accepted today by almost everyone."

At the time, then, not only was the author Maier held accountable, but the editor, Tillmann, was as well. The cardinal added: "This also brought Tillmann's and Maier's scientific career to an end. Both, however, were given the option of changing theological disciplines."

According to the cardinal, Maier did not take the offer and became, instead, a prison chaplain. Tillmann, however, he said, "became a top German moral theologian. Together with Theodor Steinbüchel and Theodor Müncker, he edited a manual of *avant-garde* moral theology, which addressed this important discipline in a new way and presented it according to the basic idea of the imitation of Christ."<sup>36</sup>

Until the Congregation's judgment in 1912, Tillmann was a successful and influential biblical theologian, writing on such topics as *Jesus' Self-Understanding of His Messianic Nature* (1905) and *The Self-Understanding of the Son of God*.<sup>37</sup>

36. Joseph Ratzinger, *Relationship between Magisterium and Exegetes* (Pontifical Biblical Commission, May 10, 2003), [http://www.vatican.va/roman\\_curia/congregations/cfaith/pcb\\_documents/rc\\_con\\_cfaith\\_doc\\_20030510\\_ratzinger-comm-bible\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/pcb_documents/rc_con_cfaith_doc_20030510_ratzinger-comm-bible_en.html). I am grateful to Lúcas Chan Yiu Sing, SJ, whose research on Tillmann led me to this essay as well as to the reviews of Tillmann's books. See Chan's own tribute to Tillmann, Lúcas Chan, *Doing Biblical Ethics in the Twenty-First Century: Developments, Emerging Consensus, and the Future* (Mahwah: Paulist, 2013), 32.

37. Fritz Tillmann, *Der Menschensohn: Jesu Selbstzeugnis für seine messianische Würde*, 1905; *Die Wiederkunft Christi: nach den Paulinischen Briefen*, 1909; *Das Selbstbewusstsein des Gottessohnes: auf Grund der synoptischen Evangelien*, 1911.

After being forced out of biblical theology, Tillmann wrote his first moral theological work in 1919: *Personality and Community in the Preaching of Jesus*.<sup>38</sup> In 1934, he collaborated with Steinbüchel and Müncker on a three-volume work, which he edited, entitled, *Die katholische Sittenlehre (Catholic Moral Teaching)*. Steinbüchel wrote the first volume on philosophical foundations; Müncker authored the second, on the epistemological and psychological foundations; and, Tillmann wrote the third, *Die Idee der Nachfolge Christi (The Idea of Christian Discipleship)*.<sup>39</sup>

Tillman's volume was a tremendous success. Seventy years after its publication, Karl-Heinz Kleber writes that in the search to rightly express what the foundational principle of moral theology ought to be, Tillman came forward and named it: the disciple of Christ. Others followed Tillmann's lead. Kleber names Gustav Ermecke, Johannes Stelzenberger, Bernard Häring, Gerard Gillemann, and Rene Carpentier.<sup>40</sup> No less than Odon Lottin remarked, "One could not recommend too highly a reading of Fritz Tillmann's *Die Idee der Nachfolge Christi*."<sup>41</sup>

In 1937 he published a more accessible text for lay people, *Die Meister Ruft (The Master Calls)*. This work had an even greater impact on theological discourse. As one reviewer noted, the new work presented a handbook of lay morality not as a list of sins, but as virtues dominated by the idea of the following of Christ and guided by Scripture.<sup>42</sup> Here he managed to distill all his previous work, especially, *Die Idee der Nachfolge Christi*, into an integrated and accessible expression for interested lay readers, and demonstrated that it was possible to create a sound, moral theology based directly on Christian revelation.<sup>43</sup>

Demonstrating in 1937 a biblically based moral theology, was, in my estimation, nothing short of miraculous. Catholic moral theology could not have made the much-needed and extraordinarily urgent turn to the Bible if it did not have within its guild a superb Scripture scholar. One can hardly imagine a moral theologian credibly developing a biblically based moral theology without being first and foremost a biblicalist. Tillmann's exile from the land of exegesis and his finding safety and sanctuary in the

38. *Personlichkeit und Gemeinschaft in der Predigt Jesu*, 1919.

39. Theodor Steinbüchel, *Die philosophische Grundlegung*; Theodor Müncker, *Die psychologische Grundlegung*; Fritz Tillmann, *Die Idee der Nachfolge Christi*; in Fritz Tillmann, ed., *Die katholische Sittenlehre* (Dusseldorf: Patmos, 1934).

40. "Als Formalprinzip, bzw. Wie man richtiger sagen sollte Moralgrundprinzip, stellte Fritz Tillman die 'Nachfolge Christi' heraus. Andere folgten diesem Beispiel." Karl-Heinz Kleber, *Historia Docet: Zur Geschichte der Moralthologie* (Münster: LIT Verlag, 2005), 89. See also, Johannes Reiter, "Die Katholische Moralthologie Zwischen den Beiden Vatikanischen Konzils," *Die Katholischtheologische Disziplinen in Deutschland 1870–1962. Ihre Geschichte, ihre Zeitbezug*, ed. Hubert Wolf (Paderborn: Schöningh, 1999), 231–42.

41. Odon Lottin, *Morale Fondamentale* (Belgium: Tournai, 1954), 15.

42. M.-J. Congar, "Der Meister Ruft" in "Bulletin de Théologie," in *Revue des Sciences Philosophiques et Théologiques* 27 (1938):639–661 at 641.

43. D. Thalhammer, "Der Meister Ruft," *Zeitschrift für Katholische Theologie* 62 (1938): 451.

field of moral theology became itself the fundamental occasion for realizing one of the most significant developments in twentieth-century Roman Catholic moral theology.

Tillmann's predicament highlights the subject alone having to make a decision that fundamentally concerns himself first of all. In considering instances of moral discernment in history, I suggest that the situation of Fritz Tillmann, censored out of biblical theology but given leave to enter moral theology, is a worthy paradigm for appreciating the true agent of moral discernment.

In these months since *Amoris Laetitia* there is much talk on relationality, listening, accompaniment, and prudential guidance. But before attending to all this we must remind ourselves that there is the subject, the agent, the Christian who seeks to discern her or his trajectory before God. This could be the divorced and remarried lay person seeking a helpful priest of our time, the sixteenth-century Flanders merchant seeking Mair or the seventh-century Irish nun seeking an *anamchara*. Or a Fritz Tillman. In all of these cases, we encounter the Christian who needs to make a decision—a prudential one as a Christian—in the church, with the Holy Spirit.

#### **Author Biography**

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