

# CONSCIENCE AND CONFLICT

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**E**ARLY IN his *Nicomachean Ethics* Aristotle felt the need to stress the complexity of his subject. "It is a mark of the educated man and a proof of his culture that in every subject he looks for only so much precision as its nature permits." Accordingly, "in studying this subject we must be content if we attain as high a degree of certainty as the matter of it admits."<sup>1</sup> Aquinas' commentary on the *Ethics* reveals that he too was alive to the difficulty of achieving clarity and certitude in this area.<sup>2</sup>

Although our ethical stance and ethical theory may be today far removed from those of Aristotle and St. Thomas, the change and development that have taken place only serve to heighten our awareness of what a complex matter we are dealing with. Moral decision-making is never simple and no moral doctrine can ever afford to be *simpliste*. This complexity stems from a great number of factors. Looming large among them is the basic fact that human situations which call for a response on our part as moral agents are so often situations in which moral values are intertwined and conflicting. The simple, clear-cut choice between doing what is good and doing what is evil is an option encountered often enough in the textbook moral cases. It is rarely met with in real-life situations. As we confront such situations and endeavor to "read" them from an ethical standpoint, it becomes obvious that in each of the alternative courses of action emerging as viable responses there are values and disvalues involved, so that any decision, while promoting one or several values, will mean at the same time the exclusion of other values and may mean too the creation of certain disvalues.

Examples of such conflict situations are not difficult to find. The fathers of Vatican II found themselves dealing with many of them as soon as they turned their gaze "upon that world which is the theater of man's history and carries the marks of his energies, his tragedies and his triumphs."<sup>3</sup> In addressing themselves to the issues of war and peace, e.g., the bishops were compelled to recognize "the complexity of matters as they stand."<sup>4</sup>

<sup>1</sup> J. A. K. Thomson, *The Ethics of Aristotle: The Nicomachean Ethics Translated* (London, 1958) pp. 27-28.

<sup>2</sup> Cf. *In decem libros ethicorum Aristotelis ad Nicomachum expositio* (Turin, 1934) nos. 32, 259.

<sup>3</sup> Constitution on the Church in the Modern World, no. 2; tr W. M. Abbott and J. Gallagher, *The Documents of Vatican II* (New York, 1966) p. 200.

<sup>4</sup> Cf. *ibid.*, nos. 77-90; *Documents*, pp. 289-305.

Their eventual statement shows that they were reflecting upon the options available and these stretched from an espousal of absolute pacifism to a commitment to total warfare. The Council utterly rejected the latter. It also refused to endorse the former as a moral imperative, acknowledging to governments "the right to legitimate defense" in the face of aggression, indeed "the duty to protect the welfare of the people entrusted to their care." This left the Council with the concept of limited warfare as regrettably the only live option when necessary as a measure of last resort against clear aggression. Obviously, the Council saw good and evil mingled in all the alternatives that presented themselves. In broad terms, these were the good that lies in the maintenance and protection of a nation's welfare and freedom and the evil that consists in the "physical and moral havoc" wrought as the "devastating effect" of warfare. Given the present situation, wherein "war has not been rooted out of human affairs," there is no feasible course of action in the face of aggression that can implement this good without involving this evil or that can exclude this evil without also excluding this good.

Again, Vatican II found a conflict of values in the question of the unitive and procreative purposes of marriage and conjugal love.<sup>5</sup> In moral discourse the most commonly cited example of this sort of conflict is that of truthfulness in speech, and many renowned ethicists have addressed themselves expressly to this question. Here the obvious value of truth-telling comes into conflict in many situations with the equally obvious values of privacy, confidentiality, and the preservation of reputation.

In view of such complexity, what approach are we to adopt in our ethical decision-making? Are there any sources of guidance for us as we select among the many options which in a given situation present themselves to us as all morally ambiguous? The aim of this article is to raise questions such as these and tentatively to indicate an approach in which an answer might be found. It will do so against the background of some Catholic writings in this area. Were it to have a sub-title, it would be "A Discussion with Some Catholic Moralists Old and New."

#### DENIAL OF CONFLICT

The "old" moralists referred to are the manualists. Since the first manual (the *Institutiones morales* of John Azor) appeared about the turn of the seventeenth century, the manuals of moral theology have been the vehicle of the Roman Catholic Church's ethical teaching. It is important that their stance be carefully discussed in any treatment of the question before us, if only because that stance is still regarded by many as the "official" pos-

<sup>5</sup> Cf. *ibid.*, no. 51; *Documents*, pp. 255-56.

ture of the Church. It is true that relating one's considerations to this manualist approach is, in a number of ways, limiting. For one thing, it forces us to stress those areas, issues, and examples where the manuals placed their emphasis, and this would not be where contemporary moralists feel the stress ought to be laid. I believe, however, that this *modus procedendi* is still called for.

In the manualist tradition<sup>6</sup> is embodied an ethical posture that denies the existence of any conflicts of moral values. From the viewpoint of this tradition the conflicts which have been referred to occur on the level of physical values, not moral values. It is an approach that stems from a concept of a natural law written into a universe that, morally speaking, is perfectly ordered. In the precepts of this natural law moral rights and moral duties are spelled out for us and structured in a harmonious hierarchy. There can be no genuine clash of moral values, for moral value and moral disvalue consist respectively in the conformity and difformity of the moral agent's will with the perfectly ordered demands of natural law.<sup>7</sup>

That this is where moral value is seen to lie comes to the fore in the manualist doctrine on "the moral systems." The authors in this tradition had to face the problem that doubt can be experienced regarding the demands of natural law. Most adopted the moral system of probabilism, teaching that, provided that the demand of the moral law was genuinely doubtful, one could lawfully refuse to meet it on the grounds that a doubtful law does not oblige. In such a case, although the speculative doubt remains and there is danger of materially infringing the law in question, there is no practical doubt: one knows that he is justified in acting the way he does, so that there is no danger of formally violating the moral law and so no danger of sinning. The refusal to obey the doubtful injunction of natural law is itself in conformity with the order embodied in the natural law. Here, clearly, no concern is evidenced about the value enshrined in what is thought to be perhaps a demand of moral law. The concern is exclusively that the will of the agent be in accord with the structured hierarchy of moral law as such.<sup>8</sup>

This view of moral value is revealed even more clearly when the man-

<sup>6</sup> By "manualists" are meant not only the actual authors of manuals but all who wrote in the same tradition (to the extent, at least, that they conformed to its basic approach and its precise points of doctrine). Furthermore, characterizing a point of doctrine as manualist teaching does not exclude the fact that it may have been also taught by theologians long before the emergence of the moral manuals.

<sup>7</sup> "Morales dicuntur actus, qui ut normae supremae vivendi conformes vel difformes libere perficiuntur. Duplex ergo condicio requiritur, ut actus possit dici moralis: a. Ut sit liber. . . . b. Ut haec conformitas vel difformitas apprehensa, in actu bono etiam intenta sit. . . . Ordo rerum in finem ultimum est norma constitutiva et simul suprema moralitatis actuum" (H. Noldin, *Summa theologiae moralis* 1 [Innsbruck, 1953] 65, 68).

<sup>8</sup> "In talibus enim quaestionibus ignorantia invincibilis excusat a peccato *formali*. Proinde,

ualists teach that moral good or moral evil is effected by intention, not by execution. I commit substantially the same sin if I intend to do evil and am prevented from doing it (or if I intend to do evil and repent before doing it) as when I intend to do evil and do it. The carrying out of the evil deed serves only to aggravate the malice and it does so by prolonging and intensifying the intention.<sup>9</sup> What counts is the intention: the act of the will in conformity or difformity with moral law. It is here that moral value is encountered.

Hence, although subjectively there can be doubt regarding the demands of natural law, there can be no clash on the objective level. In all situations, conflict situations or otherwise, there is always an objectively valid moral solution, such that human behavior in conformity with it is, from the ethical viewpoint, quite simply "good." We can never be truly confronted with options that all contain moral evil. We can never really be in the position of having to choose the lesser of two evils or the least of several evils. If at times we believe we are in this position, it is due to our ignorance. This is what the manualists describe as an apparent *collisio officiorum*. It is ascribed by them to error on the part of the moral agent. They permit him to opt for the least evil alternative, excusing him from sin on the grounds of invincible ignorance.<sup>10</sup>

These theologians acknowledge, of course, that a given action may have a number of consequences, good and evil, including even evil consequences which they would stigmatize as intrinsically evil. The principle of the twofold effect comes into play here. If the good consequences consti-

si dubium iuris speculativum solvi non potest, ope nostri principii iure concludimus ad dictamen ultimo-practicum certum de honestate actionis, quod sufficit ad tuto agendum" (*ibid.*, p. 215).

\*"Ex his iam consequitur actum externum *per se* seu ceteris paribus non superaddere interno specialem bonitatem vel malitiam: nam tota bonitas vel malitia actus externi habetur ab actu interno; ergo non potest actui interno quidquam addere nisi durationem, perfectionem, quam voluntatis actus acquirit eo, quod actum externum libertate quasi informat. Hinc etiam actus externi omissio *per se* nihil detrahit de moralitate actus interni. . . . Atamen non negatur actum externum *per accidens* augere bonitatem vel malitiam (ideoque etiam meritum vel demeritum) actus interni . . . quatenus nimirum opus externum efficit, ut actus voluntatis fiat intensior et diuturnior, vel ut saepius repetatur . . ." (*ibid.*, p. 78).

<sup>10</sup>Anton Koch (cf. *Lehrbuch der Moralthologie* [Freiburg, 1905] p. 88) departed from this tradition and asserted that such cases of perplexity were due not only to subjective error and ignorance but also to the fact that objectively the world we live in is disrupted by sin. Noldin, in referring to Koch's position, simply reasserts the standard manualist approach: "Sunt auctores, qui putent collisionem officiorum in obiectiva rerum veritate existere; per peccatum enim harmoniam et ordinem moralem turbatum esse, insuper officia vitae terrenae et aeternae, individualis et socialis saepe invicem opposita esse, ita ut collisio non solum error singulorum mere subiectivus sit, sed fundatus in disharmonia obiectiva. Nihilominus dicendum est, collisionem officiorum esse mere apparentem" (*op. cit.* 1, 190).

tute a sufficient reason to permit the causing of the evil consequences, the action in question is morally justified as long as no intrinsically evil effect is the direct object of the will. It is, again, intention that is paramount in the ethical analysis. An intrinsically evil consequence of one's behavior must never be directly intended, whether as an end in itself or as a means to an end. It may be permitted or tolerated only. Granted, however, the meeting of these conditions, the action is regarded as good and indeed meritorious. It is not the lesser of two evils. It does not at all involve moral disvalue. It is not in any sense morally evil. Thus, even though the fetus is considered a person with all the rights of a person, its death is not regarded as a moral disvalue but simply as a physical evil when medical indications (cancer, for instance) make a hysterectomy imperative during pregnancy. Or, if termination of pregnancy were judged to be the only way to save a mother's life, the surgeon is not seen as faced with two options, each containing the moral disvalue of causing loss of human life: the loss of fetal life by commission, the loss of both lives by omission. Instead, his alternatives are the moral evil of murder on the one hand and the permitting of the merely physical evil of two deaths on the other.<sup>11</sup> Furthermore, no moral evil is seen in the wartime bombing of a munitions factory, even though it is foreseen that this will involve the killing of a number of civilians in the vicinity. It is, on the contrary, a perfectly good action with no admixture of moral evil. The agent's will is in complete accord with the perfectly ordered moral laws written into the universe by the Creator.

According to this doctrine, therefore, what we have been calling conflict situations contain no clash of moral values. Although physical good and physical evil may be involved in a highly complex and most conflicting way, moral duties can never conflict, for the moral value of conformity of will with the hierarchically ordered demands of moral law is always possible. This remains true even if there is doubt about these demands (through the moral system of probabilism) or if there is an apparent *collisio officiorum* (through the doctrine of invincible ignorance) or if there are intrinsically evil consequences to one's behavior (through the principle of the twofold effect). This moral theory is clear-cut and admirably elaborated, but in recent years it has been subjected to much criticism from many points of view, not least because of the glaring anomalies to which it has given rise in its solutions to the sort of conflict situations we are considering here.

#### ACKNOWLEDGING CONFLICT

Of late a number of writers have departed from this tradition by admitting in conflict situations a genuine clash of moral values. Archbishop

<sup>11</sup> Cf. G. Kelly, *Medico-Moral Problems* (St. Louis, 1958) p. 75.

Denis E. Hurley appeared at first to be one such writer, at least inasmuch as he pointed in such situations to a clash between moral rights and moral duties.<sup>12</sup> However, in a later article he agreed, in response to criticism, that the clash he spoke of was apparent only.<sup>13</sup> Hurley's suggestion is that there is "a principle of overriding right," viz., that when the infringement of an obligation is necessarily involved in the exercise of a proportionate right, the obligation ceases. More clearly departing from the manualist tradition is Bishop Francis Simons.<sup>14</sup> Simons claims that in conflict situations the moral agent is faced with an unavoidable choice between two or more evils or (and this, he believes, often amounts to the same thing) between two or more contradictory obligations. One must choose that alternative which seems significantly less evil. If none of the options appears to be such, one is free to elect any of the viable responses. In such dilemmas, it seems to Simons, the evil chosen is a relative good. At the basis of this approach is his belief that it is the welfare of mankind that constitutes the real basis of the natural moral law and the criterion of moral obligation. Because of this, general moral laws are not absolutes but bind only because and to the extent that the greater good of mankind demands that they should, and cease to bind whenever they become an obstacle to that greater good.<sup>15</sup>

Peter Chirico is another writer who has concerned himself with the question of conflict situations.<sup>16</sup> Christian morality, he tells us, is a "morality of tension." By this he means that man is ever facing obligations that he cannot immediately fulfil but towards which he must always move, so that there is a constant tension between what he is called ultimately to do and what he actually can do here and now. No given external action can be simply identified with the rejection of an absolute value. There is the fact that, owing to changes in social conditions, a specific activity that con-

<sup>12</sup> Cf. "A New Moral Principle: When Right and Duty Clash," *Furrow* 17 (1966) 619-22.

<sup>13</sup> Cf. "In Defense of the Principle of Overriding Right," *THEOLOGICAL STUDIES* 29 (1968) 301-9.

<sup>14</sup> Cf. "The Catholic Church and the New Morality," *Cross Currents* 16 (1966) 429-45.

<sup>15</sup> That this direct concern with the good of mankind constitutes a departure from the manualist tradition is pointed up by the quotation from Vermeersch cited and translated by John G. Milhaven (in "Towards an Epistemology of Ethics," *THEOLOGICAL STUDIES* 27 (1966) 228-41, at 230, n. 3). Vermeersch is talking of his proof of the grave immorality of contraception: "This argument is free from any consideration of the moment which that rightness [*honestas*, i.e., the essential order which man should observe in his use of the conjugal act] has for the private or the common good. True, the provident God himself, while He lays down the order to be kept, is the guardian and protector of the common good. But we should not weigh what advantage or harm each act may bring in order to determine from this that there is a serious or light fault. Mortal sin . . . is *formally* an act substantially against order laid down by divine law, but not *formally* an act against the common good" (A. Vermeersch, *De castitate et de vitiis contrariis* [Rome, 1921] p. 256, n. 258).

<sup>16</sup> Cf. "Tension, Morality, and Birth Control," *THEOLOGICAL STUDIES* 28 (1967) 258-85.

cretizes a rejection of value in one age may not do so in another. There is also the fact that, because of concupiscence, external actions reveal and symbolize a man's inner intentionality only partially. More than this, however, there is the occurrence of conflict situations to reckon with. "In the concrete it often happens that the very same physical act contains a moral response to two or more values and it is morally impossible for the individual involved to perform the external act in such a way that it substantially corresponds to all the values involved."<sup>17</sup> Chirico's suggestion is that, in the face of any such "tension situation," the moral agent, having identified the basic moral values involved and having recognized the present conflict between them, must affirm them all and strive to implement them all as fully as the situation permits. There is no sin if one honestly does what one can in such morally impossible situations. Nevertheless, the person is to see in the tension situation a revelation of his constitutive weakness and imperfection and accordingly as an occasion for humble acknowledgment of this weakness and imperfection. Indeed, he is to find in the tension situation a challenge to grow: there is an ideal stage towards which he must move and in which he can fulfil all the values at issue.<sup>18</sup>

Although Chirico avoids the word "sin" in this connection and prefers to speak of "concupiscence," "constitutive weakness and imperfection," or "inadequacies," there is surely the warrant of biblical usage and theological tradition for speaking here of the implications of our sinfulness for our ethical decision-making. Charles E. Curran does precisely this. What we have been calling conflict situations he refers to as "sin-filled situations."<sup>19</sup> Presenting "a theory of compromise morality," he asserts that in such situations the agent must compromise, i.e., "man must do the best he can." Not that he can be completely at ease in such a decision. While it is good in one sense (because the person can do nothing else at the

<sup>17</sup> *Ibid.*, p. 269.

<sup>18</sup> Chirico's essay views conflict situations as due to human weakness and inadequacy rather than to objective disorder, so that the impossibility of doing justice to all the values in such situations appears as a moral impossibility. However, many conflict situations surely exist objectively as such and would exist even for the most perfect Christian. There can be, in fact, a physical impossibility of acting in a way that corresponds to all the values. As long as this sort of situation persists, there can be no hope of reaching the "ideal stage" of which Chirico speaks. He seems to have realized this himself when discussing the specific question of contraception (cf. pp. 282-83, n. 24). I should still have to quarrel with his conclusion: "Under such limiting conditions the highest moral development of the spouses will demand abstinence . . ."

<sup>19</sup> Cf. "Dialogue with Joseph Fletcher," *Homiletic and Pastoral Review* 67 (1967) 821-29, at 828-29; *id.*, *Contemporary Problems in Moral Theology* (Notre Dame, 1970) pp. 102, 244. Although most of Curran's examples of "sin-filled situations" are situations ascribable in some more or less direct fashion to actual human sinfulness, his inclusion of the case of a medically necessary abortion shows that his "sin-filled situation" is coextensive with what is being here called "conflict situation."

time), in another sense it is wrong, manifesting the presence of sin in the world. This sin the Christian is ever called to overcome, so that he needs, in a sense, always to have an uneasy conscience regarding his regrettable but unavoidable compromises. It is in this way, Curran believes, that the theory of compromise reaches beyond the predicament of the individual conscience to the social reality of the total situation.

The insistence of Chirico and Curran on the implications of our sinfulness is important. It is necessary (and this is what Chirico is primarily concerned with) that we recognize the existence of sin deep within us. It means, in effect, that we cannot style any of our deeds simply "good." We have to acknowledge that even at our best we are still sinners; for our sinfulness—our self-love, our pride, our greed—infects even the very best of our actions. This will be our situation to the end of our days. Progress in Christian living is not arrival at a state in which we no longer perform "bad" actions but engage now only in "good" actions. Rather, it is a question of our moral behavior becoming more and more good and less and less bad, i.e., becoming progressively and dynamically more loving and less selfish. This is a task that never ends.

Curran's stress, however, is upon the sinfulness within the world in which man lives. In other words, it is not just that the man confronting conflict situations is a sinful man. What the sinful man confronts is a sinful situation. We need to be repentant not only of the sinfulness we bring to our conflict situations but of the very existence of these situations and the confusion, clash, and incompatibility of the moral values in any given response to them. True enough, we may not be personally responsible for their emergence. Repentance here will mean something different from the repentance we should have for moral evil that clearly flows from our own deliberate activity. Nevertheless, if human solidarity and the notion of corporate responsibility have any meaning, repentance has a genuine place here. We are part and parcel of a world of sin. We are immersed in it personally and profoundly. We participate in it. We contribute to it. It is not possible for us simply to eschew responsibility for the limited options facing us in its conflict situations. Above all, we ought to be repentant about the sort of moral persons we are, recognizing that we should be bringing to these situations greater moral discernment and deeper moral commitment. Even those conflict situations which seem more attributable to the human condition as such than to actual human sin stand as a sign of man's creatureliness and the pilgrim character of his existence and hence as a call to acknowledge his need for God's gracious pardon in the decisions these situations summon forth.<sup>20</sup>

<sup>20</sup> "On this view, then, the 'sinfulness' in such cases is not a subjectively blameless but conscious infringement of an absolute moral imperative, a kind of personal sin which is not



In short, the morally ambiguous nature of any response to a conflict situation must be faced squarely and with ruthless honesty. Even where it is seen clearly to be the best option available, the response most promotive of human welfare, the pattern of behavior that constitutes the most loving thing to do in the situation, it cannot be called "good" *tout court*. It may be said to be the right action, but here the right thing to do is a mixture of moral good and moral evil.<sup>21</sup> This needs to be confronted and accepted and regretted in a spirit of authentic Christian repentance. This, of course, is hardly palatable doctrine. Within all of us is a very basic urge to be able to regard ourselves as innocent and guiltless. It may be suggested, however, that this urge has more to do with the taboo morality of primitive peoples than with genuine Christian living.<sup>22</sup>

#### CONFLICT AND LOVE

Any view that accepts that the right thing to do in a situation may be a response embodying both moral good and moral evil is obviously a departure from the manualist tradition. Based upon the concept of a universe that morally is perfectly ordered, that tradition sees all values as existing in a perfect hierarchy, so that, granted they are correctly identified, there can be no genuine clash between them. They may conflict on the physical level, but in any correct ethical analysis one value yields to another.

In rejecting Hurley's "principle of overriding right," L. L. McReavy carries on this aspect of the manualist teaching.<sup>23</sup> Because there is "a moral law consequent upon the very nature of things as divinely estab-

really a personal sin. It is rather a sinfulness which determines the world of which the Christian is part, the one moral order of this world, and the given situation which he must relate to himself here and now" (N. J. Rigali, "The Unity of the Moral Order," *Chicago Studies* 8 [1969] 125-43, at 142).

<sup>21</sup> This distinguishing between rightness and goodness is nothing novel in moral discourse. It has a long history, especially in the context of the opposed positions of deontological and axiological ethics. Cf. O. A. Johnson, *Rightness and Goodness* (The Hague, 1959).

<sup>22</sup> Cf. L. Monden, *Sin, Liberty and Law* (New York, 1965) esp. pp. 153-66. It may be added at this point that, in taking up again the question of conflict situations raised during 1966-67 by Hurley, Simons, Chirico, and Curran, I am doing what several theologians have done recently. Cf. C. Robert, "La situation de 'conflit': Un thème dangereux de la théologie morale d'aujourd'hui," *Revue des sciences religieuses* 44 (1970) 190-213; P. Knauer, "Überlegungen zur moraltheologischen Prinzipienlehre der Enzyklika 'Humanae vitae,'" *Theologie und Philosophie* 45 (1970) 61-74; B. Schüller, "Zur Problematik allgemein verbindlicher ethische Grundsätze," *ibid.*, pp. 1-23. For a discussion of these articles, cf. R. A. McCormick's "Notes on Moral Theology," *THEOLOGICAL STUDIES* 32 (1971) 80-97.

<sup>23</sup> Cf. "When Right and Duty Clash—A New Moral Principle?" *Clergy Review* 52 (1967) 213-16.

lished"<sup>24</sup> (part of which is so absolute that not even God could authorize its infringement), there can be no true clash between moral rights and moral duties; for "the precise statement of a moral duty takes account of such rights as may intervene in the matter concerned and, by delimiting both the right and the duty in conformity with the divine order from which they both alike derive, it eliminates the very basis of a *contrary* right."<sup>25</sup> In other words, moral rights and moral duties both derive from and are delimited by an ideal order of things established by God. They neither derive from nor are delimited by the concrete values as they actually occur in the situation. All that the situation provides is knowledge of what rights and duties are in question. Accordingly, although it may not be possible to realize all the values or to exclude all the disvalues in any given situation, it is still possible to conform to the "divine order," and any course of action that does so contains no moral evil but morally is completely good. This means that if this divine order is expressed in a set of ethical principles and norms, it is always possible to observe such moral law because of the limitations and subordinations built into it. It is precisely in this observance (rather, in the intention of this observance) that moral value lies.

Can such an approach be sustained in a love-centred ethic, where the love in question is very radically a love of others? And must we not accept that the Christian ethic is love-centred in this way? It is surely inescapable that what the Christian message demands of us is that, having received the Spirit of Jesus and the love that He spreads abroad in our hearts, we must lead loving lives, articulating and authenticating this Christian love in our whole way of life and in all the deeds we do. This love sums up for us our moral tasks and responsibilities. It is a love to be expressed and embodied in and through all our interpersonal relationships, in and through all the many human communities in which we exist and live and act. It is a love that faces each of us and all of us towards one another and bids us meet the needs of those we encounter on our path through life. It is a love that turns us not simply to the individual persons who live with us in this world but to the world in which they and we live, summoning us to make of it the sort of world it ought to be: a world in which human persons can be fully persons because fully human and fully free. What constitutes the supreme norm of morality for Christians can be only the ideals this love sets before us and the demands this love makes upon us. And we are not to forget that these ideals are lofty ideals and these demands radical, searching demands. What we are called to is a wholehearted, self-sacrificing love. It involves a denial of self, a daily death to self. It means being men-for-others, just as Jesus was *the* man-for-others.

<sup>24</sup> *Ibid.*, p. 213.

<sup>25</sup> *Ibid.*, p. 215.

Bishop Simons, accordingly, is reminding us of an all-important truth when he insists that it is the welfare of mankind that forms the basis and criterion of our moral task. Not that the primacy and centrality of Christian love *eo ipso* commit us to some form of love monism. For example, granted his concept of a "divine order," McReavy could still claim that the best interests and the deepest needs of human persons and human community are met by observance of that order. The love-centredness of the Christian ethic cannot of itself refute this approach. Such a refutation would demand that the existence of this order be confronted as a question in itself. This, of course, is *au fond* the whole question of natural law, at least as it has been understood in the manualist tradition. Nevertheless, what the primacy of love in Christian morality does immediately preclude is, I submit, the insistence of authors such as these that an act in accord with their order and hierarchy is quite simply morally good, even though it may involve exclusion of values and the causing of disvalues. If, as Christians, we are committed at all times and in every way to promoting authentic values of human personhood-in-community, can we view destruction or impairment of such values and the creation of disvalues (and this even as the consequence of our own deliberate behavior) as involving no disorder on the moral plane? For instance, even if he adheres to some form of just-war theory and sees his war as an unavoidable measure of last resort in defense against aggression, how can a soldier view his killing of enemy combatants as a quite "good" action? The bombardier who knows that he is killing innocent men, women, and children as he sends his bombs hurtling towards some military installation may view this killing as regrettably unavoidable, as the lesser of two evils, as even the right thing to do in the situation in which his country and he find themselves. But how can he claim that from the moral viewpoint it is purely and simply "good"? Rather, how can he make such a claim and still profess that love of others, a love that strives to meet the needs and promote the true values of other persons, is the source, centre, and supreme norm of Christian morality?

One's overview of Christian moral life is at issue here. If we believed that our moral task as Christians is to steer clear of evil situations or, when this proves impossible, to keep ourselves "innocent" in such situations, it would make some sense to be exclusively preoccupied with our conformity to the order and hierarchy that we saw embodied in moral law and to devise a moral theory, however intricate, which would permit this conformity even in conflict situations. If, on the contrary, moral life is conceived in terms of our response to our situation and its creative potentialities for human welfare, if our situations are sin-filled situations and sin-disrupted situations, and if our moral task is not to withdraw from

such situations but to "redeem" them to the extent that is or can be made possible, our emphasis and preoccupation will be otherwise. What will count now is the actual implications and consequences of our behavior for human persons and human fellowship. Where these implications and consequences are detrimental to persons and community, the behavior is to this extent morally evil behavior. The evil implications and consequences may be unavoidable. They may be unintended side-effects of our behavior. They may be outweighed by other implications and consequences that are favorable to human welfare. But they are there and morally they are evil. As such, they need to be recognized and deplored in true Christian repentance.

#### PURPOSE AND CONSEQUENCE

All this bears upon the intentionality that characterizes the doctrine of the moral manuals. By intentionality is meant the paramount stress laid upon the agent's intention, such that moral value comes to be identified with the conformity of his will with moral law. It is not being suggested here that the question of intention is unimportant. Obviously, we have to be very deeply concerned with our aims, purposes, and intentions. To adopt an evil aim, to espouse a wrongful cause, to conceive purposes that are at variance with the welfare of human persons, this clearly is unconscionable. In this connection, what Chirico has to say about the need to affirm all genuine values as totally as we can in every situation has to be kept very much in mind. He is surely correct in discerning the danger of moral detriment to the person who indulges in behavior that excludes or impairs such values, albeit unavoidably. Chirico uses the example of telling untruths: even where this is done solely in situations where the person concerned has concluded that it is demanded, he can still lose some of his "honest expressiveness" unless he keeps before him the fact that truth remains a value and that his present manner of acting is regrettably a course forced upon him by his situation.<sup>26</sup> Moreover, there is ample (and recent) evidence that wartime killing can brutalize even soldiers who believe they are engaging rightfully in a just and lawful war.

More than this, the need to affirm all the genuine values at issue in any situation, even where no response can incarnate them all, is not begotten only by a concern to avoid any coarsening of our moral sensitivities. It is a need that exists in terms of our moral response itself, since appreciation of moral value can still influence our activity even where the activity has to be such as to exclude that value here and now. It can influence the way we exclude it, the extent to which we exclude it, and

<sup>26</sup> Cf. *art. cit.*, p. 270.

the duration of its exclusion. Or, since moral norms express and embody our moral values, we can put this in different words and say that there is an enduring role for moral norms even in situations where one is unable to act in accordance with them. It is on these grounds that John C. Bennett objects to Joseph Fletcher's talk of "setting aside" rules, maxims, and principles whenever the situation demands that they be set aside.<sup>27</sup> "My chief concern," writes Bennett, "is to insist that we in deciding do not set aside an important principle. It may be subordinated to another, but the way in which we act will be determined in part by the subordinated principle. For example, if we decide that we must support the use of military force and in so doing sacrifice peace to justice, we need to keep the use of such force under severe criticism. The continuing emphasis on the limits within which force should be used is a result of the continuing relevance of principles that Fletcher may think he has set aside."<sup>28</sup>

In short, proper concern about one's intentions should lead of itself to most careful preoccupation with the actual consequences of one's behavior. Yet the sort of emphasis which the manualists lay upon the agent's intention has led, I suggest, to a playing down of the importance of these consequences. This seems to emerge when one considers the teaching on the principle of the twofold effect. In essence, this principle requires that any intrinsically evil effect be only an unintended side-effect of our activity and that there be a sufficient reason for permitting the evil effect, i.e., that there be a proportion of some kind between the good effect intended and the evil effect permitted. To assist the moral agent in making this latter assessment, the principle includes a number of norms.<sup>29</sup> Some of these norms are obvious enough, touching upon the evil results in themselves. Thus, the agent is instructed that he must take into account the gravity of the evil foreseen and the degree of certainty with which it will occur. However, there are other norms given that relate to the way in which we are bound by the moral obligation to avoid evil effects of our actions rather than to these effects in themselves. For instance, the moral agent is said to have a greater obligation to preclude evil effects that proceed proximately from his action than those which proceed only remotely. Again, his duty to avoid evil effects that proceed *per se* from his behavior is greater than his obligation to avoid those that proceed *per accidens*. Indeed, some authors suggest that the causal connection between one's behavior and the ensuing evil can be so "accidental" that one

<sup>27</sup> Cf. Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia, 1966) p. 26.

<sup>28</sup> "Principles and the Context," in John C. Bennett *et al.*, *Storm over Ethics* (Philadelphia, 1967) pp. 1-25, at 19-20; cf. P. Chirico, "Morality in General and Birth Control in Particular," *Chicago Studies* 9 (1970) 19-33, at 26.

<sup>29</sup> Cf. Noldin, *op. cit.* 1, 83.

would have no moral responsibility in regard to the latter. In any case, the good effects required to justify the permitting of the evil effects need be of less importance if these evil effects proceed remotely or *per accidens* or both.

In other words, the tying of moral value to the way in which the agent's will conforms to the moral precept affects the actual assessment of the consequences. In a legalistic approach to decision-making it is of importance how a given effect follows from one's action, for this has bearing upon the extent to which we are bound by the moral precept in question.<sup>30</sup> In a love-centred ethic, however, it will not be so. If our supreme norm is the actual, concrete welfare of others, it will make no difference whether something harmful to others occurs remotely or *per accidens* as opposed to its occurring proximately or *per se*. What is of importance is the fact that it occurs. If a woman knows that a certain medication will result in an abortion, does it really matter, as far as her ethical analysis is concerned, whether the medication is describable as *per se* abortifacient or abortifacient only *per accidens*? Or whether the medication itself can be said to cause the abortion or merely sets up a concatenation of causes that finally results in the abortion? Ought we not rather say that what is of ethical relevance here is the fact that the abortion will ensue and that it is this that must be weighed with or over against the other consequences?

I should want to go further still and suggest that in a love-centred ethic it makes no morally significant difference whether the evil effect proceeds from our activity directly or indirectly. That no evil effect should ever form part of our aim and purpose goes without saying; but what I am questioning is the notion of the manualist doctrine that an evil effect necessarily enters our aim and purpose and renders our behavior wrongful if physically it is the cause of the good we are seeking. To put this in the language of the manualists, an evil that is *voluntarium in se et propter se* is clearly wrongful. As regards moral evils that are respectively *voluntarium in se sed propter aliud* and *voluntarium in causa tantum*, what is being denied here is not the distinction between them but the ethical significance of the distinction; for it is a distinction on the physical, not the moral level. In either case a moral evil is being caused by one's behavior. Whether such behavior is rightful or wrongful in the situation ought to depend upon an evaluation of all the consequences it induces, not upon the mechanics of the way in which they are induced.

Some examples may be helpful. In the case of an expectant mother whose womb is cancerous and for whom the immediate removal of the

<sup>30</sup> "Gradus imputabilitatis effectus mali non desumitur ex gravitate ipsius effectus, sed ex malitia actus interni voluntatis circa causam eius ut talem spectatam" (M. Zalba, *Theologiae moralis summa* 1, 190).

womb is therapeutically necessary, the doctrine of the manuals allows a hysterectomy, while this same doctrine forbids any direct abortion, even if the death of both mother and child will certainly ensue. It allows the removal of a fallopian tube in a case of ectopic gestation, while forbidding, as a direct abortion, the removal of the fetus from the tube, even if then the tube could be saved.<sup>31</sup> In the case where a uterus is so scarred by cesarean section that it is liable to rupture in the event of pregnancy, it allows a hysterectomy, but forbids, as a direct sterilization, the far minor surgery of tubal resection or tubal ligation. It allows a captured agent to pull the pin on a grenade attached to his belt in order to destroy important documents he has on his person, while forbidding him to pull the pin if the secret information is in his head and he foresees that he will reveal it under torture or drugs. It allows a combatant in war to blow up a military installation, even though the explosion will kill a number of civilians as well, but it forbids him to kill directly a single civilian who may stand between him and the accomplishment of his mission. In these and all similar cases what is permitted is permitted on the grounds that the evil consequences are unintended side-effects. What is forbidden is forbidden on the grounds that the evil consequences are directly intended as means to one's end. It is, once again, the intention that counts and the intention is being gauged by the physical relatedness of the good and the evil consequences. What is being suggested here is not that those actions which the manualists forbid are necessarily justified, but simply that their justification or nonjustification must rest on grounds other than the way in which the evil effects relate physically to the good effects aimed at. This justification or nonjustification must stem from an appreciation and assessment of all the values and disvalues in the total consequences of the behavior under consideration.

A love-centred ethic would seem to call for an approach of this sort. After all, it makes no difference to the welfare of the fetus whether there is an induced abortion or a hysterectomy, whether there is removal of the tube or removal of the fetus from the tube. It makes no difference to the civilian's welfare whether he is killed by a bullet aimed at him or by a bomb aimed at a factory (and the former death might well be more desirable). A woman is rendered just as sterile by a hysterectomy as by tubal ligation or resection (indeed, the sterility has in the former case an irreversibility that may not be true of the latter). Does it make any difference to the welfare of the captured agent's country or to his own

<sup>31</sup> It is being suggested not that these examples are all feasible, medically or otherwise, but that they are the type of case actually discussed by the manualists. Nor is it being overlooked that the solution to some such cases may be disputed among the manualists. The point is that those on either side of such a debate are making their judgment according to the same principles.

welfare whether the vital information is in his head or in his pocket, and so whether the destruction of his life is direct or indirect? A love ethic that makes the genuine welfare of human persons and human community the fundamental norm certainly demands that all our aims and intentions be oriented to promoting that welfare and excluding everything that militates against it, but it also demands that our moral judgments and decisions take account of all the implications and consequences of what we do, regardless of how they relate physically to the good we are expressly intending. If we really love, it can make no difference ethically that harm is being done to persons as a by-product of our behavior rather than as part of the causal process producing the welfare we strive for. In both cases this harm is being done. In both cases it is moral evil and as such is to be sincerely deplored. In both cases, too, whether the behavior constitutes the appropriate response depends upon whether, among all the live options, it is seen as most promotive of human welfare after an assessment of the moral good and the moral evil it involves.

#### INTRINSIC EVIL?

To say this is, of course, to reject the manualists' view that there are certain actions which are *mala in se*. In a number of cases they feel able to describe as intrinsically evil even "a particular type of action, *described merely physically*, and shorn of all moral circumstances (even purpose)."<sup>32</sup> As John G. Milhaven has written:

a large and growing number of Christians fail to see how a specific external action, defined in physical, *non-moral* terms (as abortion and adultery), can be condemned absolutely, that is, never to be used as a means no matter what the circumstances and the end in view. . . . They see how a specific kind of action could be condemned generally, that is, in most cases, because the action generally does serious harm and relatively little good. . . . But it is the possibility of an absolute condemnation of any physical action, a condemnation applying in advance to all possible cases without exception, that leaves many a contemporary Christian ethicist uncomprehending.<sup>33</sup>

This is not to suggest that there are no absolutes in Christian morality. Certainly, Christian love and its immediate exigencies on the level of human values constitute an absolute. At all times we must be loving persons and must act lovingly, i.e., strive to meet the genuine needs and promote the genuine values of human personhood-in-community. One may indeed, with Gene H. Outka, describe the commandment of love

<sup>32</sup> John Coventry, "Christian Conscience," *Heythrop Journal* 7 (1966) 145-60, at 150.

<sup>33</sup> "Moral Absolutes and Thomas Aquinas," in *Absolutes in Moral Theology?*, ed. Charles E. Curran (Washington, D.C., 1968) pp. 154-85, at 156.



as "an unqualifiedly general ethical principle."<sup>34</sup> Moreover, once we set human persons and human fellowship within the context of the human condition and of the contemporary historical situation of mankind, a number of values emerge as called for unexceptionably by personhood and community. Norms can be formulated on the basis of these. Some of them will bear directly upon the character of the moral agent, springing from the need for him to be always a loving person: e.g., "One must always be authentic," "One must always be compassionate," "One must always be courageous," "One must always be honest," etc. Other norms will bear rather upon the need for our behavior to foster always true values in terms of human welfare: e.g., "Human life must be respected and safeguarded," "Spouses must be faithful to each other," "Children must honour their parents," etc. All of these are absolutes. They apply regardless of the context in which the agent may find himself. They are seen as immediate exigencies of love and share in the absoluteness of the love commandment. Furthermore, there could be little argument with such norms. One could scarcely deny them without denying the whole notion of moral obligation.

Where problems appear and where there begins to be a very wide divergence of ethical views is when one comes to deal with certain pieces of behavior that are seen as incarnating the values to which these norms have reference. Now we are on the level of "moral rules," viz., norms relating to concrete, specific acts, acts that are describable in material, nonethical terms. It is a question now not just of saying that human life must be respected and safeguarded but of saying that one must never kill a human being (or of saying, with the manualists, that one must never kill an innocent human being, i.e., one who is not an unjust aggressor, an enemy combatant in a just war, or the recipient of capital punishment justly imposed by the state). It is a question not simply of saying that spouses must be faithful to each other but of saying that a married person must never have sexual intercourse with someone other than his or her spouse. Do rules such as these share in the absoluteness of the commandment to love? Is it not at least arguable that *prima facie* the more general norms seem in some situations to call rather for a non-observance of these specific moral rules? Where continuance of pregnancy is foreseen to end in the death of both mother and fetus, is it impossible to view abortion as being demanded by the norm that human life be respected and safeguarded? Or, in a case such as Fletcher proposes,<sup>35</sup> viz., of a woman whose only hope of release from a Russian

<sup>34</sup> "Character, Conduct, and the Love Commandment," in *Norm and Context in Christian Ethics*, ed. G. H. Outka and P. Ramsey (New York, 1968) pp. 37-66, at 40.

<sup>35</sup> Cf. *op. cit.*, pp. 164-65.

camp and of returning to her husband and children lies in her becoming pregnant, could not her extramarital sexual intercourse seem to be demanded by the norm that spouses be faithful to each other?

Whatever of these examples, it is being suggested here that on this level of concrete, specific actions there are no absolutes. Actions of this kind cannot be judged ethically without a reading of the situation in which they occur and of its demands in terms of Christian love. To speak of a particular action in abstraction from its human context is to speak of a physical action only, not a moral action, and ethical evaluation is precluded. In other words, any action whatsoever can, in principle, be a loving action responding to the agapeic demands of the situation; more precisely, it can be, in principle at least, the most loving action possible in the situation. The words "in principle" are important here. Those who defend the notion of absolutes on this level of physically describable actions sometimes maintain that if but one action can be shown to be always and everywhere wrong, they have proved their point. They go on then to invoke an example like that of rape. When could rape ever be morally justified? What situation could ever exist in which having intercourse with a woman against her will would be the most loving thing to do? However, it is one thing to say that we can here and now conceive of no situation that would justify rape. It is quite another thing to say that rape is, in principle, outside the realm of justification in terms of situation. The prohibition of rape may admit *de facto* of no exceptions, because no situations actually occur in which it would constitute the response most promotive of human welfare. This does not mean that it is intrinsically evil, a wrongful response in itself and apart from all consideration of the human context in which it occurs.

It is further objected that the approach being presented here is necessarily dualistic and constitutes an attack upon the significance of bodily behavior. Those who maintain that any piece of behavior can be a loving action must hold, the critics assert, that no action can be viewed as loving or unloving as such. "I think," writes Herbert McCabe, "it is possible for them to hold this only because they believe the adjective 'loving' is descriptive not of bodily behavior as such but of something else that accompanies it."<sup>36</sup> Commenting on this quotation, Richard McCormick states that "if this is true, McCabe sees it rightly as inseparable from a dualistic view of man, a view according to which values attach to events in an interior and invisible life which runs alongside of man's physical life. Love is not behavior; it accompanies behavior. The accusation of dualism is, I believe, well aimed."<sup>37</sup>

<sup>36</sup> "The Validity of Absolutes," *Commonweal* 83 (1965-66) 432-37, 439-40, at 435.

<sup>37</sup> "Notes on Moral Theology," *THEOLOGICAL STUDIES* 27 (1966) 615-16.

Is it not McCabe and McCormick who are the dualists here? They are viewing "bodily behavior" and "physical life" in abstraction from the person who lives and behaves and yet are ascribing to it human and moral significance. In their view, this significance pertains to "bodily behavior as such" independently of the person and his situation. The agent either engages in this behavior (thus realizing its significance) or he does not. This significance remains with the action even when it is "not personally accompanied by appropriate sentiments" or when it does not occur "in circumstances which honor its meaning." Therefore, when McCabe and McCormick find moralists asserting that no physical action as such has moral significance, their categories allow them to conclude only that these are ascribing moral significance exclusively to the internal dispositions of the moral agent and attaching moral value merely to an interior and invisible life that simply accompanies physical behavior. Such a conclusion is unwarranted. The behavior (bodily, to be sure) that has human and moral significance is not merely physical behavior. It is human behavior as such, not bodily behavior as such. Human behavior as such connotes a human person acting in and through the web of relationships that constitutes the context of his action. One may accept McCormick's accusation of holding that "sexual intercourse *as such*" is neither loving nor unloving but neutral, for sexual intercourse as such is merely the anatomical and physiological action of copulating. To say this, however, is not to say that conjugal intercourse as such is neither loving nor unloving but neutral; for conjugal intercourse is not merely the physical act of coitus but the sexual intercourse of *this* man and *this* woman who are related in *this* way and thereby embodying their relationship in *this* action. It is not a physical act that, as such, has significance conferred upon it by the dispositions of the two people concerned (as McCabe and McCormick accuse the New Moralists of maintaining). Nor is it a physical act that, as such, has a significance independently of the human context in which it occurs (as McCabe and McCormick themselves believe<sup>38</sup>). It is an act which, as such, is more than physical. As long as we are talking about a physical act at such, we are not talking about conjugal intercourse.

McCormick describes the sexual intercourse of husband and wife as a bodily act that, as such, has its own meaning (it is "an act of love"<sup>39</sup> and

<sup>38</sup> Thus, speaking not of conjugal intercourse as such but of sexual intercourse as such, McCormick writes: "I am suggesting that human sexual intercourse has a sense and meaning prior to the individual purposes of those who engage in it, a significance which is part of their situation whether or not the partners turn their minds to it. It is an act of love, and therefore has a definition which relates it immediately to the love of man and woman—with all the demands of this love" (*ibid.*, p. 619).

<sup>39</sup> "Human Significance and Christian Significance," in *Norm and Context . . .*, pp. 233-61, at 252.

signifies "the incarnation of a total sharing, of a total personal relationship, of a lived two-in-oneness,"<sup>40</sup> "total personal oblation . . . total personal exchange,"<sup>41</sup> etc.) and is carried out "in circumstances which honor its meaning."<sup>42</sup> His view of the sexual intercourse of the unmarried is that it is this same bodily act with this same meaning but carried out in circumstances that do not honor its meaning. Hence, if a person is to engage in sexual intercourse in a morally acceptable way, he must first enter into a personal relationship that corresponds to this meaning. Certainly, it needs to be said that conjugal intimacy does have (at least ideally<sup>43</sup>) the meaning that McCormick speaks of, but it has this meaning precisely as conjugal intercourse, not merely as sexual intercourse as such. Its meaning stems from the fact that it is sexual intercourse in this context. It shares in the whole meaning of marriage and is an expression and embodiment of that meaning. Consequently, rather than saying that the meaning immanent in sexual intercourse as such dictates the sort of relationship a man and a woman are to enter before engaging in it, ought we not say that it is the relationship existing between a man and woman that dictates the meaning of sexual activity between them?

This will mean that any argument against premarital sex cannot take its starting point from the nature of coitus. One cannot say that sexual intercourse has, in itself as a physical act, a meaning that can be honored only in marriage. As a merely physical act it has no moral meaning. To speak of intercourse as a bodily representation of a total personal oblation, an incarnation of a total sharing, etc., is to speak of conjugal intercourse as such, not of sexual intercourse as such. Premarital intercourse is not conjugal-intercourse-out-of-context. It is not conjugal intercourse at all. Conjugal intercourse and premarital intercourse are physically identical but morally diverse. Nor are all instances of premarital intercourse morally identical actions, for they occur in widely differing contexts. They cannot be lumped together and classified ethically, just as all examples of directly provoking an emission of semen cannot be lumped together and condemned without distinction as masturbation, regardless of whether one is indulging in this behavior sheerly for the physical pleasure, or whether one does so in response to psychic pressures that can give the action very diverse meanings for the individual concerned, or whether one is producing a specimen in a doctor's surgery for purposes of pathology or fertility testing. So, too, cases of premarital coitus can range all the way from the man having intercourse with a prostitute for mere sexual relief to the intimacy of the very loving and deeply committed engaged couple. They cannot all be placed in one ethical category and con-

<sup>40</sup> *Ibid.*, p. 250.    <sup>41</sup> *Ibid.*, p. 254.    <sup>42</sup> "Notes . . .," p. 616.

<sup>43</sup> It should be obvious that the intercourse of a married couple does not have this meaning simply by the fact that the two persons have gone through a valid wedding ceremony.

demned *in globo* as fornication. Furthermore, if they are to be condemned, such condemnation cannot rest on the fact that they do not do justice to the meaning of conjugal intercourse but only on the fact that, given the sort of persons we are and given the relationship that exists between this man and this woman in this situation, abstaining from intercourse serves better the cause of human welfare, their own and others', than engaging in intercourse. There must be, once again, a weighing of all the values and disvalues that are foreseen to flow from such behavior in the given situation. The moral agent must discern these values and disvalues, assess them, and decide in the light of them whether sexual intercourse constitutes the most loving of the options open to him as possible responses to this situation.

Of course, even if one approaches the question in this fashion, it may still be possible to decide that the disvalues involved in any conceivable case of premarital intercourse are such that they outweigh any conceivable values. In other words, it may still be possible to adopt as a quite general moral rule the principle that premarital sex is wrong. But it is not possible to arrive at such a principle from some supposed meaning in sexual intercourse as such, nor is it possible to propose such a principle as an absolute, if by this is meant a condemnation of premarital intercourse as *malum in se* and therefore as unjustifiable, even in principle, by any situation.

#### MORAL RULES

The approach represented here means that to know the morality of a given action in a given situation one must look to its consequences (in the broadest possible sense) for human persons and human community. It sees every man as called, as a moral agent, to confront his situation and its potentialities for promoting and enhancing authentic human personhood and authentic human relationships. The situation is one's *kairos*, the moment of decision enshrining a summons to love and to service. Acting morally (and this is a vastly different thing from simply doing what "moral" people do) demands, first, as complete, objective, and balanced a reading of one's situation as possible. This will include, very importantly, an awareness of the options it presents in terms of possible responses and of the consequences of each option. Moreover, since the moral agent is not merely confronted by his situation, as if it were something over against himself, but is personally involved in it (it is *his* situation), genuine moral life will demand too a searching knowledge of himself as a moral person. Even this will not be enough. He needs to tap the resources of human experience, the experience of others together with his own, in order to learn from that experience what constitutes true values for human persons and what sort of behavior may be expected to foster

or impair these values.<sup>44</sup> In short, he needs an ethic. He needs it in order that, as he acts in and through his situation, he may do so equipped with a value system and with a set of articulated principles, norms, and rules that will guide him in his endeavor to live creatively in terms of that value system.

The source of this ethic is human experience and the evidence it offers as to the human consequences which various patterns of behavior draw in their train. This view is what Richard McCormick calls "consequence-empiricism."<sup>45</sup> McCormick's observations in this respect are occasioned by the epistemology proposed by John G. Milhaven. Milhaven suggests: "An act is seen to be wrong in one of two ways. Either it (e.g., cowardice) betokens by definition the absence of a quality (courage) whose absolute value is seen intuitively on understanding what it is, or the empirical observation of a number of cases indicates that the act (e.g., divorce) will result in some absolute evil, itself recognized in the former way (e.g., damage to the fitting education of the child)."<sup>46</sup> Clearly, the sort of act which Milhaven sees as proven wrongful in the first of these two ways is not the type of action which is the subject matter of moral rules, viz. (to use Milhaven's own description), "a specific external action, defined in nonmoral terms." Cowardice, for instance, is not such an action. It is a disvalue, consisting in the lack of due courage, but "due" is the operative word here: whether any given action can be termed a cowardly act will require an examination of the human context in which it takes place. Running away from an aggressor, e.g., is not necessarily a cowardly act. "Few are the acts," writes Milhaven, "whose value simple direct insight suffices to establish. They would be restricted to acts such as 'love and honor and pity and pride and compassion and sacrifice.'"<sup>47</sup> Milhaven, in fact, is not really talking here about acts at all. He is talking about values (and these are actually the terms in which he discusses the matter earlier in his essay).<sup>48</sup> Such values may indeed be said to be absolute. They may

<sup>44</sup> Both in reading one's situation and in tapping the resources of human experience, the Christian is affected by his faith. As James Gustafson has pointed out ("Moral Discernment in the Christian Life," in *Norm and Context . . .*, pp. 17-36), Christians have a particular stance or perspective which affects their interpretation of themselves and their world. Indeed, to quote E. Clinton Gardner ("Responsibility in Freedom: What is the Ethical Situation?" in *Storm over Ethics*, pp. 38-66, at 65), "the moral agent who seeks to understand his moral existence from the standpoint of Christian faith inevitably does so in terms that include the historical past of the Christian community."

<sup>45</sup> Cf. "Notes . . .," pp. 617-20. This approach is often referred to as "consequentialism" (cf. Charles E. Curran, *Contemporary Problems . . .*, esp. pp. 251-53).

<sup>46</sup> "Towards an Epistemology . . .," p. 238.

<sup>47</sup> *Ibid.*

<sup>48</sup> "Certain values, it would seem, are recognized immediately on discerning what they are" (*ibid.*, p. 232).

found absolute norms. These, however, will be the sort of norms referred to earlier as intermediate between the general principles of love and the moral rules that prescribe or proscribe definite actions.

In regard to the latter, Milhaven's point is that they arise from "the empirical observation of a number of cases,"<sup>49</sup> from "man's empirical evidence of what generally happens,"<sup>50</sup> from "the evidence of the probable or certain consequences."<sup>51</sup> John Coventry makes the same point, emphasizing that in the formation of our moral principles we work from particular instances to a quite general idea that is based on them.<sup>52</sup> It is, e.g., from the experience of certain actions which involve the deliberate hurting of people in an unnecessary and unjustified way that we forge a moral principle regarding cruelty. Cruelty is the name we give to this type of hurting and we condemn it absolutely. However, while all cruelty involves the deliberate hurting of people, not all hurting of people deliberately is cruel. Still, as a rule of thumb, we may also say that "hurting people deliberately is wrong." If we do, we are no longer dealing with an absolute norm but with a rule that arose out of a number of cases and covers only those cases. It will be applicable to another case only if the same values and disvalues are involved, and involved in the same way. Similarly, we experience a host of cases in which harm is done unnecessarily and unjustifiedly through the telling of untruths. We call this sort of falsehood lying and we condemn it absolutely. Once again, however, not every speaking of an untruth is lying. Therefore, once again, to say that "telling an untruth is wrong" is to give a rule of thumb covering the cases out of which it arose and applicable to other cases only when the same values and disvalues are implicated in a way that is not significantly different. Moral rules, accordingly, are not absolute. They are (to use Herbert McCabe's description of this approach) only "empirical generalisations."<sup>53</sup>

Coventry points out that to view moral rules as absolutes is to make of them logically universal propositions applicable then to a given particular action by way of deduction.<sup>54</sup> Were they this, they could have been arrived at only by deduction from a more universal proposition. This seems to have been understood by many of those defending the absoluteness of their moral rules; for we find them appealing in fact to such higher propositions, e.g., seeking to uphold the absoluteness of the malice of falsehood in speech by presenting it as deduced from the proposition "It is

<sup>49</sup> *Ibid.*, p. 238.    <sup>50</sup> *Ibid.*, p. 237.    <sup>51</sup> *Ibid.*, p. 235.    <sup>52</sup> Cf. *art. cit.*, pp. 149-52.

<sup>53</sup> "For the theory I am criticising, moral laws are simply empirical generalisations . . ." (*What Is Ethics All about?* [Washington, D. C., 1969] p. 29).

<sup>54</sup> Cf. *art. cit.*, p. 151.

wrong to frustrate a God-given faculty.”<sup>55</sup> In the face of this, Coventry insists, a person’s first reaction is to wonder what proof there is of this higher principle and to realize that the matter cannot be forever pushed further and further back. The next reaction is to suspect that neither he nor anyone else ever came to hold moral principles by such a deductive method but that rather they were reached inductively from human experience. A man is surely first sure and far more sure that lying is wrong and only secondly sure and far less sure (through a rationalizing process) that it is always wrong to frustrate a faculty.

This is confirmed from what we know of the emergence of moralities among various peoples in history. True enough, at certain points various theories of natural law were devised that attempt to explain and give logical reasons for the prevailing ethic. Characteristically, however, such theorizing does not precede but follows the emergence of the morality in question and has little influence on it in fact. As Jacques Ellul has pointed up, these theories arise not at the high point of “natural law” but at the moment of its decline, when it has become largely ossified, no longer the spontaneous creation of the people and the expression of their real moral awareness, but rather something that they can now regard as over against themselves and imposed upon them. “This,” writes Ellul, “is what happened in the fourth century B.C. in Greece, in the first century B.C. in Rome, in the sixteenth century in Italy, in the seventeenth century in France, in the eighteenth century in England and Germany.”<sup>56</sup>

#### CONCLUSION

If our moral rules are not absolutes but empirical generalizations, no specific action can be regarded as *malum in se* quite apart from its context and there is no ethical significance in the distinction, so basic to the manualist approach, between evil that is *directe voluntarium* and *indirecte voluntarium tantum*. Instead, one should be free to base moral decisions on the actual consequences of one’s behavior as these are foreseen to occur. This may sound simple in theory. It is never simple in fact. In conflict situations it will be a matter of assessing all the moral good and all the moral evil implicated in each of the options available as feasible responses to one’s situation and of electing and following out that alternative which appears most favorable to human welfare. Here the moral am-

<sup>55</sup>“Quod repugnat fini naturali, propter quem institutus est sermo, lege naturali prohibitum est; atqui mendacium repugnat naturali fini sermonis loquendique facultati, quae ab auctore naturae instituta sunt, ut homo homini sua sensa manifestet” (Noldin, *op. cit.* 2, 554–55).

<sup>56</sup> *The Theological Foundation of Law* (London, 1961) p. 19.



biguity of such a response needs to be fully recognized and any moral evil involved needs to be made the subject of Christian repentance.

Such decision-making calls for the help of an ethic. Not, to be sure, an ethic that makes our decisions for us on the basis of some divine order which prescinds from the values and disvalues as they occur and interrelate and conflict in this situation and this decision, but an ethic that will help us to discern the values and disvalues at issue, to assess their relative importance (and this not merely in the abstract but here and now in this context, i.e., in terms especially of their urgency) and to judge their respective range, i.e., how far-reaching and wide-ranging these values and disvalues are. In such an ethic the moral rules, forged on the anvil of human experience, will assist us in our moral endeavor by furnishing true guidance and creating founded presumptions regarding the ethical consequences of what we do.

Elaborating an ethic of this kind will be no easy task. Obviously, it must draw upon the lessons of history and the data of all the human sciences, particularly the social and behavioral sciences. It remains, nevertheless, the sort of ethic we need. Moreover, set in its Christian context, possessed of its Christian directionality, inspired with all the richness of Christian motivation, confronted always by the sublime Christian model which is Christ, and humbled, in the spirit of the Beatitudes, in recognition of man's sinfulness and his utter dependence upon the enabling power of Christ which is His Spirit, it will be an authentically Christian ethic. It will guide us in the task of making of our lives a witness in the world to Christian love and a service of the world in Christian love.