

CURRENT THEOLOGY

THE OBJECTIVE MORAL ORDER: REFLECTIONS ON RECENT RESEARCH

PHILIP S. KEANE, S.S.

St. Mary's Seminary and University, Baltimore

In fundamental moral theology, probably no theme, with the possible exception of fundamental option, has been more discussed in recent years than objective morality. This essay reports and reflects upon the current state of the discussion. The essay contains five sections: Catholic principles concerning moral objectivity, twentieth-century Catholic philosophy and the rethinking of moral objectivity, the premoral-goods-and-evils plus proportionate-reason approach to moral objectivity, possible problems and difficulties with this approach, and questions which need further discussion.

BASIC CATHOLIC PRINCIPLES

As a starting point, it seems helpful to review the basic Catholic principles concerning moral objectivity which are held in official Catholic teaching and by Catholic scholars committed to the natural-law tradition.¹ Four principles can be stated here. First, there exists an objective moral order in which some actions are right and other actions are wrong; the moral order is not fleeting or capricious; it is not something we can make up at will,² granted, of course, that throughout history we continually gain insights into the exact nature of the moral order. Once we accept an objective moral order, we can say that if an action is in fact objectively immoral, no circumstances or intentions can make it objectively moral. To say otherwise would be to move into a strong form of situation ethics rather than to remain with the natural-law tradition.

The second principle states not only that the objective moral order exists but also that the human person (by reason even without the aid of faith) is able to know this order and understand that he or she ought to do what is objectively morally good and avoid doing what is objectively morally evil.³ Without this principle the existence of the objective moral

¹ What follows is only a brief summary of key themes in natural-law thinking. For a more complete treatment, cf. Eric Darcy, "Natural Law," *Encyclopedia of Bioethics* 3 (New York: Macmillan and Free Press, 1979) ¶131-37, with an extensive bibliography.

² On this matter of our making up morality by naming things whatever we want them to mean, cf. Karl Rahner's description of situation ethics as "massive nominalism": "On the Question of a Formal Existential Ethics," *Theological Investigations* 2 (Baltimore: Helicon, 1963) 219.

³ The traditional Protestant opposition to natural law is usually an opposition to the

order would be meaningless for human persons. But with this principle the human ability to know the moral order and the human obligation to act on this knowledge are clearly affirmed. The second principle does not assert that the person has moral knowledge and understands his or her obligation in every concrete case, but it states clearly our fundamental ability to know the moral order and our obligation to act on this knowledge.

The third principle: once the human person and community come to objective moral knowledge, that knowledge is universalizable. If an action is objectively morally evil, the very same action is always objectively morally evil. Usually moral knowledge is said to be universalizable on two levels, the formal and the material. On the formal level, universalizability means that whenever an abstracted intellectual notion of immorality is present in an action, that action is morally evil. On the material level, universalizability means that whenever a concrete human behavior containing an abstracted or formal notion of moral evil is present, that behavior is objectively morally evil.

The fourth basic principle deals with a theme cited earlier: human persons do not always actualize their fundamental ability to know the objective moral order. Sometimes, either with or without fault or culpability, the human person will fail to know the objective moral order on a given point or fail to be free enough to act on his or her knowledge. This failure, while it cannot be ignored, and while it may render the person less guilty or not guilty of sin, does not change the objective moral order. In particular, this failure does not allow the community to weaken its moral norms. Neither does it prevent the community from taking appropriate actions to enforce objective moral norms. For example, not all the unjust killings of human persons (i.e., murders) may be committed by culpable human agents. But the community has just as much right to seek to prevent the murder done by the maniac as the murder by the person who has full knowledge and deliberation. Of course, the community, in a spirit of humility, must keep on examining its moral norms to make sure they are articulated as adequately as possible.

The fourth principle also requires that the community be as sensitive as possible in dealing with those individuals in whose cases there is a strong likelihood of nonculpability. The tradition of care and compassion towards the nonculpable has a very long standing in the Roman Catholic

epistemological rather than to the ontological principle. For an example of the Protestant opposition to natural law, cf. Karl Barth, *Community, State, and Church: Three Essays* (Garden City, N.Y.: Doubleday, 1960) esp. 49. For the more recent Protestant openness to natural law, cf. James Gustafson, *Protestant and Roman Catholic Ethics: Prospects for Rapprochement* (Chicago: Univ. of Chicago, 1978) esp. 80-94.

view of life.⁴ It is found both in the Scriptures (e.g., "Judge not, that you not be judged"⁵) and in traditional moral theology (e.g., in the manuals' treatment of the various impediments to human liberty⁶). It is often called pastoral sensitivity.

RETHINKING MORAL OBJECTIVITY

On the four principles just described, I see no basic disagreement among Catholic natural-law thinkers,⁷ and certainly the Roman magisterium supports the principles. At the same time it is clear that, among Catholic moral theologians of our era, there is an ongoing debate about moral objectivity and universal moral norms. What are the issues under discussion? Why has the debate on moral objectivity surfaced?

In my judgment, contemporary Catholic philosophy is the most important single source for today's debates about moral objectivity. Of the many important philosophies now in circulation in Roman Catholicism, two strands are of greatest prominence, Neo-Thomism and transcendental Thomism. Both have contributed much to Catholic theology. In the Vatican II and post-Vatican II period, however, transcendental Thomism has come to have an increasingly important influence.⁸ One fairly outspoken critic of transcendental Thomism has conceded that almost every significant theological advance made at Vatican II can be attributed to it.⁹

Many significant elements make up transcendental Thomism. Two of these, its anthropology and its epistemology, are particularly pertinent. As an anthropology (in Rahner, for instance), transcendental Thomism holds that the human person is a complex being, multileveled or multi-layered.¹⁰ Because of this complexity, I can never fully catch up with myself, never fully reflect on my actions. This is not a new notion: the

⁴ For an explanation of pastoral sensitivity in moral matters, cf. Bernard Häring, "A Theological Evaluation," in *The Morality of Abortion*, ed. John T. Noonan (Cambridge, Mass.: Harvard Univ., 1970) 139-42.

⁵ Lk 6:37.

⁶ E.g., B. H. Merkelbach, *Summa theologiae moralis* 1 (11th ed.; Bruges: Desclée de Brouwer, 1962) 71-101.

⁷ Within the basic agreement there are diverse emphases among Catholic natural-law scholars. Diverse approaches to epistemology are foundational to many of the debates to be considered here.

⁸ Major transcendental Thomist works include Joseph Maréchal, *Le point de départ de la métaphysique* (3rd ed.; Paris: Desclée de Brouwer, 1944-49); Karl Rahner, *Geist in Welt* (2nd ed.; Munich: Kösel, 1957); Bernard J. F. Lonergan, *Insight: A Study of Human Understanding* (rev. ed.; London: Longmans, Green, 1958); Emerich Coreth, *Metaphysik: Eine methodischsystematische Grundlegung* (Innsbruck: Tyrolia, 1961).

⁹ Cf. Leslie Dewart, "On Transcendental Thomism," *Continuum* 6 (1968) 390.

¹⁰ This multileveled anthropology is summarized, with references to Rahner, in John W. Glaser, "Transition between Grace and Sin: Fresh Perspectives," *TS* 29 (1968) 261-74.

complexity of the human person and the difficulty of analyzing human actions can be found in traditional sources and is even implied in the Council of Trent.¹¹ It should be emphasized that transcendental Thomist anthropology does not assert that human persons and human actions are so mysterious that knowledge of the objective moral order becomes impossible. But its insight into human complexity does raise questions about exactly how we are to grasp objective moral truth.

From the epistemological viewpoint (perhaps best exemplified in the works of Lonergan), transcendental Thomism points out that all our learning has about it a heuristic or processive character. We know the truth, but our knowledge of it is constantly unfolding itself, constantly projecting itself into the future through the recurrent operations of experiencing, understanding, judging, and deciding.¹² Ultimately the term of our knowing is the holy mystery of God, who is the ground of our existence, the ground whose reality we will never fully grasp.

To fit the insights of transcendental Thomist anthropology and epistemology into traditional categories, it can be said that these insights exclude the possibility of a metaphysical certitude about moral matters. But moral certitude on specific moral matters is possible, and on such matters moral certitude is enough.¹³

All this brings to the fore the key question raised by transcendental Thomist philosophy: How do we know the objective moral order?¹⁴ What sort of data do we need? If the proper subject matter of traditional moral theology is human nature adequately considered, how do we adequately consider human nature? What needs to be included in an adequate consideration?

To answer such questions, a number of prominent Catholic moralists, relying on the philosophy just described, have called for a more exact analysis of the human person and human actions. If the human person is as complex as transcendental Thomism says that she or he is, does a relatively external picture of persons and actions suffice for our knowledge of the objective moral order? Or should we go farther in our search? Should we include in our description of objective moral actions more

¹¹ I refer to Trent's position that we are never fully sure of our salvation—which is thus not a simple deduction from our external acts; cf. Decree on Justification (DS 1540, 1565).

¹² Cf. Bernard Lonergan, "Cognitive Structure," *Collection: Papers by Bernard Lonergan* (New York: Herder and Herder, 1967) 221–39.

¹³ Cf. Josef Fuchs, "The Absoluteness of Moral Terms," *Greg* 52 (1971) 457.

¹⁴ In asking this question from the natural-law viewpoint, I have no intention of ignoring the moral guidance the believer can gain from revelation and the magisterium. Still, our tradition has strongly insisted that we know the moral order naturally, and thus we must account for how we know it naturally. Since the magisterium tends not to speak infallibly on concrete moral dilemmas, it too is concerned for an adequate natural-law approach to moral objectivity.

internal, more concrete, and more specific features of these actions? Surely it would be wrong to include mere subjective bias in our description. But is all the knowledge we possess about human persons and the interior structure of their actions merely subjective knowledge? Is not some of this knowledge objectively true knowledge which deserves to be included in an adequate description of the objective moral order? For instance, is not our knowledge of the growth traumas undergone by teenagers an objective knowledge which might legitimately be included in a description of the objective moral actions in which they engage?

The moralists who follow such lines of thinking ultimately come to a key point. If the external or exterior structure of an action does not give a sufficient picture from which to grasp the moral object of the action, might it be possible for two actions which have the same external structure to be objectively morally different when they are considered adequately, i.e., in their human wholeness? For example, would it be possible for the act of masturbation performed by the teen-ager to have an objectively different moral formality than the act of masturbation performed by a mature adult? Would it be possible for the homosexual action performed by someone in whom the homosexual orientation is unconquerable to have a different moral objectivity than a homosexual action performed by someone who is heterosexually oriented?

Those moralists who root their research in transcendental Thomist anthropology and epistemology are often inclined to answer the preceding questions affirmatively, i.e., to argue that identity of external structure does not always mean that two actions have the same moral object. Moralists working out of other philosophical backgrounds might well make similar arguments,¹⁵ but transcendental Thomism seems to have had the most powerful impact on the major Catholic figures who are reassessing the question of moral objectivity.

A distinction between the exterior structure of actions and their moral object is not new. It is implied in a traditional phrase: the object of morality is human nature adequately considered.¹⁶ In many moral issues which were discussed in traditional sources, this distinction was operative. Adultery, premarital sexual intercourse, and conjugal intercourse all have the same external structure; they would look the same if photographed. But we have traditionally understood that these three actions have

¹⁵ Other current systems which might seek a new approach to moral objectivity include existential phenomenology, language philosophy, historical criticism, and hermeneutical inquiry.

¹⁶ Thus it is inaccurate to say that the essence of traditional Roman Catholic moral theology was one-sidedly physical in its approach to human actions. But there were clear problems of physicalism in the way in which particular authors and manuals dealt with some moral issues.

different moral objects and that only one of them is objectively morally good. The basic question of moral objectivity, therefore, is not whether external structure always yields the same moral object. The question is how much about the person and his or her action must be taken into account in order to grasp adequately the moral object of an act. The thrust of the moralists referred to above is that a more complete analysis of human persons and their actions is necessary before an adequate account of moral objectivity is possible.

PREMORAL/NONMORAL/ONTIC PLUS PROPORTIONATE-REASON
THOUGHT PATTERN

There are, of course, many possible patterns for accomplishing this more complete analysis. Since about 1965, however, one pattern has become especially prominent among some well-known Roman Catholic moralists: the premoral/nonmoral/ontic plus proportionate-reason thought pattern.¹⁷ It is worth serious study because it has significantly influenced the debate on moral objectivity.

The authors who use this pattern begin by pointing out that because we live in a finite and sinful world in which infinite goodness cannot be achieved in single actions, all our actions, even before we consider their morality, contain features which open up or enhance our humanity and features which close or restrict it. It is precisely these openness-oriented and closure-oriented features of our actions that some moralists are using as a basis for a more complete approach to moral objectivity.

The terminology used to describe these features varies. Josef Fuchs refers to the premoral evils in an action,¹⁸ Richard McCormick and Bruno Schüller to the nonmoral evils,¹⁹ Louis Janssens to the ontic evils,²⁰ Peter Knauer (early in the debate) to the physical evils.²¹ These authors are

¹⁷ Important works which have developed the pattern include Peter Knauer, "The Hermeneutic Function of the Principle of Double Effect," *Natural Law Forum* 12 (1967) 132-61; idem, "Fundamentelethik: Teleologische als deontologische Normenbegründung," *TP* 55 (1980) 321-60; Josef Fuchs, "The Absoluteness of Moral Terms," *Greg* 52 (1971) 415-57; Bruno Schüller, "Direkte Tötung—indirekte Tötung," *TP* 47 (1972) 341-57; Louis Janssens, "Ontic and Moral Evil," *Louvain Studies* 4 (1972) 115-56; Richard A. McCormick, *Ambiguity in Moral Choice* (Milwaukee: Marquette Univ., 1973). The first article by Knauer and the articles by Fuchs, Janssens, and Schüller (in translation) are reprinted in *Readings in Moral Theology No. 1: Moral Norms and Catholic Tradition* (hereafter *RMT*), ed. Charles E. Curran and Richard A. McCormick (New York: Paulist, 1979). *Ambiguity in Moral Choice* has been reprinted with a series of commentaries and a response in *Doing Evil to Achieve Good: Moral Choice in Conflict Situations* (hereafter *DEAG*), ed. Paul Ramsey and Richard A. McCormick (Chicago: Loyola Univ., 1978). Subsequent references will be to these anthologies.

¹⁸ Fuchs, *RMT* 119-22.

¹⁹ McCormick, *DEAG* 31, 37; Schüller, *RMT* 142-44.

²⁰ Janssens, *RMT* 60-87.

²¹ Knauer, *RMT* 2-3.

interested in distinguishing the premoral/nonmoral/ontic (or physical) evil in an action from the level of moral evil, thus explaining why they often speak about premoral etc. evil. But surely it is legitimate to speak of the premoral/nonmoral/ontic goods in an action as well as of the premoral/nonmoral/ontic evils. Some recent writing has described the premoral etc. level as the level of values and disvalues in an action.²²

The notion underlying premoral as distinguished from moral goods and evils is not new. *Malum physicum* and *malum morale* are traditional terms. Even more significantly, the distinction between the premoral etc. level and the moral level of an action is very closely related to the basic scholastic distinction between primary matter and substantial form. The premorally good and evil features of an action are its matter, its material. The objective morality of an action is the action's substantial form, its meaning or intelligibility. The knowing human person must grasp the objective morality or formal intelligibility from the matter of the action. The person cannot draw from the action a form or intelligibility which is not capable of truly being found in its matter. Neither can the person draw a form or moral objectivity from the matter in a way which is not coherent with what we know about how we know.

This brings us to the key question: how to determine whether an action which contains both premoral good and premoral evil (as all finite actions inevitably do) is morally good or evil. The authors cited above have tackled this question especially by an analysis of the double-effect principle. They have noted that in the standard approach to double-effect situations (quite similar to premoral good and evil situations) there are two key rules²³ for determining whether an act containing both premorally good and premorally evil aspects is a morally good or morally evil act. The first rule (which traditionally has been decisive in dealing with many issues²⁴) addresses the question of the structural relationship of the good and evil aspects of the action. How are the premorally good and evil aspects related to each other? As collateral results of some third aspect of the act? Or with the premorally evil aspect causing the premorally good aspect? Or vice versa? Similarly, how is the premorally evil aspect of the act related to the will of the person doing the act? Does the person want this premoral evil for itself? Does he or she want it as a means to an

²² For a sharp critique of this language, cf. Paul M. Quay, "Morality by Calculation of Values," *RMT* 309-15.

²³ There are four rules in the double-effect principle, but the key is how to relate the two rules described above.

²⁴ The tradition always recognized that in some cases the good and bad effects stemmed from some other good or indifferent actions. In such cases the structural relationship of the effects was not an adequate criterion, and proportionate reason had to be decisive.

end? Or is the premoral evil simply the result of something else the person wills?

This rule concerning the structural relationship of the premoral good and evil in an action gives us much valuable insight. It tells us that we can never intend even premoral evil for its own sake; that if we already know an action is objectively immoral, we may never use it as a means to any end; that our will is more distant from a premoral evil which is only the result of something else we do, so that there is greater possibility that it might be morally good to do an action from which premoral evil comes about as an aftereffect. Hence we must always pay attention to the structural relationship of the premoral good and evil in our actions.

Structural relationship does not, however, give us a sufficiently precise definition of moral good and evil. From structural relationship we know that while we may sometimes use a premoral evil to achieve a good end (e.g., a just war, an amputation of a diseased limb), we may never use moral evil for a good end. But we do not know what exactly distinguishes a premoral evil from a moral evil. Thus some contemporary moralists have asserted that while we cannot ignore the structure of an act, double effect's second key rule, proportionate reason, is the decisive criterion for distinguishing premoral from moral evil.

The principle of proportionate reason asks: What is the fundamental reality found in the totality of the objective action? Is the doing of the action truly proportionate or coherent when all the aspects of the action are considered? What is the *ratio* or defining meaning of the action?

In explaining proportionate reason we must carefully discern exactly what it means. In many modern languages the first notion suggested by the word "proportion" is a mathematical or weighing notion. Proportion understood in this sense suggests that we should calculate the relative weights of the harms and benefits the action brings about: if there is a greater amount of harm, the action is morally evil; if there is a greater amount of benefit, the action is morally good.

Weighing or calculating of harms and benefits may often be helpful in moral reflection and analysis. It may open up the proportionality or proportionate reason the action contains. However, the weighing notion is not an adequate theological notion of proportionate reason; it does not reflect what theology has in mind when it uses phrases such as *recta ratio* and *recta ratio agibilium*. A more adequate theology of proportionate reason asks what defines an action, what gives the action its meaning or *ratio*. It seeks after the intelligibility which informs the material elements of the action. If we simply add up the harms and benefits, we may fail to notice that a feature of the action which is mathematically on the smaller side of the scale is actually more central to the action, more definitive of

what the action is. With this in mind we can see that if it is to be the decisive criterion in defining moral good and evil, proportionate reason cannot forget how the action is done, how the person wills it, or any other aspect of the action.

The themes just reviewed indicate that the approach of some contemporary Catholic theologians to moral objectivity consists in two main steps. First, this approach seeks to reflect more completely on an action by bringing to consciousness the premorally (or nonmorally or ontically) good and evil features of the action. Second, this approach, without dismissing other criteria, uses proportionate reason as the decisive criterion in moving from the premoral level to the level of objective moral goodness or evil.

Since this summary has drawn upon and tried to synthesize the approaches of several different authors, we should note that each of them has approached the question in a particular and nuanced way. Two important distinctions can be mentioned here. First, some of the authors, such as Fuchs, rely fairly explicitly on transcendental Thomism's viewpoints about epistemology and anthropology. Others, such as McCormick, refer more rarely to such viewpoints. But in all the authors these viewpoints are an important background context, at least implicitly.²⁵

Second, some of these authors are more theoretical in their approaches, leaving to others the task of testing the theoretical position by applying it to specific cases. But some have both developed the theory and applied it to specific moral cases.²⁶ My opinion is that both the theoretical work

²⁵ One limitation of Lisa Sowle Cahill's recent excellent article "Teleology, Utilitarianism, and Christian Ethics," *TS* 42 (1981) 601-29, is that the article, which concentrates mostly on McCormick, may treat the Catholic authors who are reinterpreting double effect too much as a univocal or monolithic group. For an example of Fuchs's more explicit interest in a transcendental anthropology, cf. *RMT* 105-6. For an occasion when McCormick does use a Rahnerian perspective, cf. "Reproductive Technologies: Ethical Issues," *Encyclopedia of Bioethics* 4, 1459-60. It would be worth comparing in detail the anthropologies and epistemologies of the proponents and opponents of the premoral/proportionate-reason pattern. Such a comparison might help resolve the concerns about objectivity, intentionality, and consequentialism which we will discuss later.

²⁶ On careful examination it can be seen that several major theoreticians of the reinterpreted double-effect principle have applied it, either explicitly or implicitly, to specific and controversial issues, such as contraception and sterilization; cf. P. Knauer, *RMT* 29-35; R. McCormick, "Medical Moral Opinions: Vasectomy and Sterilization," *Linacre Quarterly* 38 (1971) 9-10; idem, "Notes on Moral Theology," *TS* 39 (1978) 96-97. The distinction between theory and practice, however, remains valid and important. One might accept the theoretical reinterpretation of the double-effect principle and still insist that proportionate reasons can never be found in favor of masturbation, homosexual acts, etc. Critiques of the various specific applications of the premoral/proportionate-reason pattern are not possible in this essay. But clearly, all the nuances I make should be part of the way we apply the pattern to specific cases, e.g., to the cases treated in my *Sexual Morality: A Catholic Perspective* (New York: Paulist, 1977).

and the specific applications have helped to provide a basis from which the pros and cons of this pattern can be assessed.

POSSIBLE PROBLEMS AND DIFFICULTIES

The current developments on premoral good and evil as joined to proportionate reason are only about fifteen years old. Hence it is not surprising that a variety of questions have arisen on these developments. While the premoral/proportionate-reason pattern has the support of some significant theologians, others have serious reservations about it.²⁷ In this section I shall review some of the major questions about the pattern and then assess its possible prospects. Six problematic areas will be reviewed.

First, there is concern that the premoral/proportionate-reason approach denies the existence of intrinsic moral evil. The approach does insist that intrinsic moral evil does not exist on the premoral/nonmoral/ontic level (where intelligibility or substantial form in the moral sphere is not yet the question) but only on the objective moral level. This approach, therefore, does not speak of intrinsic moral evil until its requirement for a fuller and more concrete analysis of the moral object of an act has been met. However, once an action has been determined to be objectively morally evil, the premoral/proportionate-reason approach has no problem with calling an objectively immoral action intrinsically evil. No extrinsic circumstances can alter the moral evil of such an action. Thus it does not seem fully accurate to assert that the premoral/proportionate-reason approach denies the existence of intrinsic moral evil. It is true that the approach defines intrinsic moral evils more concretely than some systems, based on its more complete process of grasping objective moral good and evil.²⁸ Thus the precise question concerning intrinsic evil

²⁷ Prominent critics of the thought pattern include Paul Ramsey, Frederick Carney, John Connery, and William E. May; cf. Ramsey, "Incommensurability and Indeterminacy in Moral Choice," *DEAG* 69-144; Carney, "On McCormick and Teleological Morality," *JRE* 6 (1978) 81-107; Connery, "Morality of Consequences: A Critical Appraisal," *RMT* 244-66; idem, "Catholic Ethics: Has the Norm for Rule-Making Changed?" *TS* 42 (1981) 232-50; May, "The Moral Meaning of Human Acts," *Homiletic and Pastoral Review* 79 (1978) 10-21; idem, ed., *Principles of Catholic Moral Life* (Chicago: Franciscan Herald, 1980). Works more in the nature of commentaries on the discussion include John Langan, "Direct and Indirect: Some Recent Exchanges between Paul Ramsey and Richard McCormick," *Religious Studies Review* 5 (1979) 95-101, and Paul E. McKeever, "Proportionalism as a Methodology in Catholic Moral Theology," *Human Sexuality and Personhood* (St. Louis: Pope John XXIII Center, 1981) 211-22. It is important that the serious and necessary dialogue on this matter be rigorous and accurate. In *Sexual Morality* I described the position of a group of authors as "usually perceptive" (228). A recent critical article directly quotes me as finding the group of authors to be "unusually perceptive," a clear alteration of my actual text. Cf. *Australasian Catholic Record* 57 (1980) 402.

²⁸ In view of this different understanding, opinions vary on what to do with the specific term "intrinsic evil." Knauer (*RMT* 7) seems to want to keep the term, but clearly with a

is not the matter of intrinsic evil *per se*; it is the question of the adequacy, in the first place, of the premoral/proportionate-reason pattern in its description of moral objectivity.

Second, there is concern that the premoral/proportionate-reason approach does not allow for the teaching of concrete universal moral norms. The approach has no quarrel with the basic principle of universalizability in moral theology: once an action is understood to be objectively morally evil, it will be so whenever and wherever it occurs. Of course, the approach insists on its more careful and more specific process of determining whether an action is objectively immoral in the first place. It also insists on finding the same degree of specificity in other actions before they would fall under a universal moral norm. It holds that universal moral norms of a concrete sort may not apply to quite so many specific acts as would be the case in thought systems which accept a less complete and sometimes more external view of an action as a sufficient basis for arriving at the action's moral objectivity. So, as with the first concern, the precise issue for the second concern is not universal concrete norms *per se*; the issue is how we arrive at moral objectivity, how we recognize this objectivity in a manner consistent with what we know about how we know.²⁹

Third, there is a high degree of concern that the premoral/proportionate-reason pattern leads to consequentialism or utilitarianism.³⁰ This is an important concern, since consequences alone ought not to be the basis for moral decision-making. As was stated earlier, the term "proportionate reason" can be used and interpreted consequentially, *i.e.*, in a utilitarian fashion.³¹ If all we think about when we say "proportionate reason" is the weighing of the good and bad results of an act, proportionate reason does lead to consequentialism. However, if we grasp the notion of proportionate reason more completely (along the lines suggested earlier in this

broader focus. Fuchs (*RMT* 125) rejects the term as defined in a narrow sense. Albert Di Ianni, "The Direct/Indirect Distinction in Morals," (*RMT* 223–25), distinguishes between a strong sense (which he rejects) and a weak sense of intrinsic evil (which he accepts). Di Ianni's weak intrinsic evil seems to have some similarities to my concern for being more precise about the significance of various types of premoral evil and to my proposal for terms such as "morally significant ontic evils" (*cf.* n. 34 below). McCormick (*RMT* 329) would seem to prefer dropping the term "intrinsic evil."

²⁹ Here again is the epistemological-anthropological foundation on which the whole development of a new approach to moral objectivity is based.

³⁰ For reflections on the relationship of the long-standing debate on utilitarianism to the present Roman Catholic debate on double effect, *cf.* Charles E. Curran, "Utilitarianism and Contemporary Roman Catholic Theology: Situating the Debates," *RMT* 341–62, and Cahill (n. 25 above, 601–29).

³¹ In this context it is interesting to note that the English-language term "ratio" has a much more mathematical or balancing connotation than does its Latin cognate *ratio*.

essay), the notion includes much more than consequences. It includes norms and principles; it strives towards that which gives an act its basic meaning or definition. Thus it does seem possible to apply the notion of proportionate reason in a manner which avoids a one-sided consequentialism.³²

Fourth, there is concern over whether the premoral/proportionate-reason pattern is too subjective or individualistic, too little concerned about the community with its responsibility to discern and maintain moral norms. The pattern strongly emphasizes the mystery of the human person. It does attend to important basic facts about human subjects and human knowing in its account of the human achievement of moral objectivity. Uses of the pattern which ignore community norms could slip into a subjectivism or individualism. At its heart, however, the premoral/proportionate-reason pattern insists on an objective moral order and refuses to accept a form or intelligibility which cannot genuinely be found in the matter or premoral level of an action. An action does not become moral merely because someone thinks it is moral.³³ The priority of the community and its objective moral judgments remains in place. While the fourth concern points to possible difficulties of interpretation, the premoral/proportionate-reason thought pattern is not inherently subjectivistic.

Fifth, there is concern that the notion of premoral etc. evil is too vague, too nonspecific. Since virtually every action in life contains both premorally good and premorally evil elements, how do we know which elements determine the moral objectivity of the action? How do we discern which elements of premoral good and evil are truly definitive of the action, and which elements are more peripheral and less worthy of consideration in describing the core of the action? In my judgment, of all the concerns so far discussed, this concern is most in need of additional study and reflection.³⁴ As with some of the previous concerns, the heart of this concern seems to be the understanding of proportionate reason. If a more precise consensus could be achieved on the meaning of proportionate reason, we would have a more sufficient basis from which to decide which

³² Cahill makes this point very well (n. 25 above, esp. 627-29). Consequences can, of course, be part of an approach to proportionate reason. Thus it is not a question of avoiding all use of consequences in moral reasoning, but rather of avoiding a one-sided or overly exclusive emphasis on consequences.

³³ An objectively moral or immoral action must have intelligibility. But the material in the action must be apt to sustain the intelligibility which the person seeks to draw from it. We cannot twist the material to make it mean anything we want it to mean.

³⁴ In my own writing (cf. *Sexual Morality* 49, 200) I have found it necessary to use such terms as "significant degrees of ontic evil" and "morally significant ontic evils" in the struggle to be more precise about which premoral evils are deserving of consideration and which are not.

premorally good and evil aspects in an action are significant in the epistemological process of discerning the objective morality of the action.

Sixth, there is a concern that we as a people are not wise enough or mature enough to use the premoral/proportionate-reason approach. Once we grant that proportionate reason cannot be arrived at mathematically, it can be quite difficult to interrelate the various values which form a specific action. Thus there is concern that proportionate reason may cause confusion on moral matters, especially if oversimplified versions of it are applied to concrete cases. This concern is often called the pastoral-suitability or pastoral-acceptability concern.³⁵ It has been raised or alluded to not only by Roman Catholics but also by some leading Protestant scholars.³⁶

This pastoral-suitability concern has highly significant ramifications for the teaching office of the Church. In particular, the Roman Catholic Church, with its strong emphasis on the need for pastorally suitable moral teaching, will want to study carefully the pastoral-suitability of the premoral/proportionate-reason approach.

I have placed this pastoral concern last because it depends in many respects on the judgments to be made about the five previous concerns. If satisfactory ways to address the other concerns can be found, the evidence will point more towards the pastoral acceptability of the premoral/proportionate-reason approach.³⁷ But if satisfactory answers to the previous concerns cannot be found, the pastoral objections to the approach will become more decisive.

Above I have used a theory-to-practice approach to pastoral suitability, suggesting that if the more theoretical concerns about the premoral/proportionate-reason thought pattern could be satisfactorily resolved, the pattern would prove pastorally suitable. However, since we are now more

³⁵ In *Sexual Morality* I wrote at length on possible applications of the premoral/proportionate-reason thought pattern in the area of human sexuality. I developed the possible applications at length and with consistency precisely as a means of further testing in a scholarly context the validity and coherence of the thought pattern. Such scholarly inquiry is an important part of theological work. I do not believe that such inquiry in itself violates the pastoral-suitability concern.

³⁶ Paul Ramsey's insistence that the premoral/proportionate-reason thought pattern forces us to measure things which are immeasurable seems to have overtones of concern for pastoral sensitivity (cf. his comparison of McCormick and Daniel Maguire on euthanasia in *DEAG* 130-31.) See also Frederick S. Carney, "On McCormick and Teleological Methodology," *JRE* 6 (1978) 104.

³⁷ In suggesting that this thought pattern might move towards a wider pastoral suitability, I am not implying that the technical terms used in the scholarly discussion should ever have widespread application at the pastoral level. If the pattern were to prove more suitable pastorally, other, less technical terminology would have to be developed. A suggestion on such terminology will be made below.

aware of the real-life experience of people as a *locus theologicus*, a practice-to-theory approach also has validity. Thus it might be said that the more that people find the premoral/proportionate-reason pattern to be valuable in dealing with real-life experiences, the more seriously are scholars challenged to find adequate answers to the theoretical concerns about the pattern.

In view of the six concerns, what can be said about the state of the question under discussion? For the present, two key points can be made. First, none of these concerns has proven strong enough to keep the pattern from winning significant theological support from scholars who find it theoretically and pastorally sound. Therefore the pattern must be taken seriously. There is not at this time sufficient evidence for definitively rejecting it.

Second, in light of the concerns, the premoral/proportionate-reason pattern is not a completed pattern totally acceptable in all respects. It is a developing pattern which calls for further study and evaluation.³⁸ There is not sufficient evidence for a definitive acceptance of it. Scholars coming from a wide variety of approaches have questioned the pattern;³⁹ their questions cannot be ignored.

For the future, two major directions seem possible. First, through ongoing discussion the premoral/proportionate-reason pattern may prove increasingly acceptable as an approach to moral objectivity. I myself find this possible direction to be more likely, since reasonable answers for the six areas of concern appear possible.

The second direction is that in the light of continuing discussion doubts about the premoral-evil and proportionate-reason pattern may continue or even increase, so that the pattern ultimately proves inadequate. If this happens, it seems likely that other theological approaches will appear as part of the effort to come to the more complete account of moral objectivity called for by transcendental Thomism and other philosophies. It is important to remember that the premoral/proportionate-reason approach is essentially a means of raising a deeper issue: how the human mind arrives at moral objectivity in specific cases. Regardless of what happens in the current debate, that issue will remain crucial. Even if

³⁸ In an address to a large group of American and Canadian Catholic bishops in February 1981, Paul E. McKeever ("Proportionalism as a Methodology in Catholic Moral Theology," n. 27 above, esp. 219-21) offers a similar and well-articulated conclusion on the status of the premoral/proportionate-reason thought pattern.

³⁹ An example of a more progressive Roman Catholic moralist who has some reservations about the premoral/proportionate-reason thought pattern is Charles E. Curran ("The Principle of Double Effect," *Ongoing Revision: Studies in Moral Theology* [Notre Dame, Indiana: Fides, 1975] 173-209).

transcendental Thomism wanes in importance, the perennial question about how to understand moral objectivity will continue to persist.

QUESTIONS CALLING FOR FURTHER STUDY

Clearly, the concerns raised in the preceding section point to many questions which need further study. Here four such questions will be singled out.

The first has to do with finding a better way to determine which premoral features of an action are of such significance that they more readily lead toward an adequate moral description of the action. Which features more truly contribute to the objectivity of the act and which are more accurately understood as extrinsic circumstances? Should the closeness with which the different features of an action are intertwined lead to a different assessment of these features? Does it matter that some premorally evil features in an action originate from human finitude while others originate from human sinfulness?⁴⁰

This question has a special importance relative to the type of freedom and knowledge present or lacking in the composition of the act. If an action with significant premorally evil features springs from a lack of due freedom or knowledge, there would seem to be a strong argument for calling the action objectively immoral, even if the person is not culpable for the lack of freedom or knowledge in the particular case. But if the person is lacking a freedom or knowledge which in the light of community standards is not due her or him (though it may be due others), the premoral evil which springs therefrom might perhaps not be a moral evil.⁴¹ For example, on a given type of issue, a teen-ager might not be reasonably expected to have the same level of freedom or knowledge we would expect of a mature adult. Might the teen-ager's behavior in this case deserve a different objective moral evaluation than the behavior of the adult? These thoughts are tentative and probing. They stem from the insight that the nature of human knowing and choosing must be part of the way in which we account for the objective moral order.

A second issue needing study is the exact meaning of proportionate reason. The soundness of the premoral/proportionate-reason pattern in dealing with problems such as consequentialism depends very much on the development of an adequate understanding of proportionate reason. Authors such as Knauer and McCormick have given careful articulation to the notion,⁴² but more work needs to be done. One theme is the

⁴⁰ For an important recent contribution on this point, cf. Josef Fuchs, "The Sin of the World and Normative Morality," *Greg* 61 (1980) 51-76.

⁴¹ There is more here than the mere fact that the individual lacks freedom (which would only argue to subjective nonculpability). The point is that the freedom is not expected. Should this fact lead to a different objective or community judgment?

⁴² Knauer, *RMT* 10-14; McCormick, *DEAG* 45-50.

relationship between proportionate reason and human intending in the moral sphere. When a truly proportionate reason is present in an action so that the action is morally good, the human will is clearly not morally intending the premoral evil in the action, even if the premoral evil must be done as a means to the premoral good. Hence proportionate reason is ultimately a more accurate indicator of what the person is actually doing in a complex human action than is the external structural relationship of the various premoral aspects of the action.⁴³

This suggests that a dynamic interrelationship exists between proportionate reason and the human intending will, that an interaction between proportionate reason and intelligent human intending is a factor in the breakthrough to genuine moral objectivity.⁴⁴ Our past tradition's concern to see subjective culpability and nonculpability as issues distinct from moral objectivity is legitimate. But it may be that some past theologies made too great a separation between the meaning-giving human subject and the realm of moral objectivity. Further exploration of the relationship between proportionate reason and human intending might avoid separating them unduly.

Recall our comparison of premoral good/evil and proportionate reason to the concepts of primary matter and substantial form. Objective morality consists in drawing substantial form from the primary matter or premoral good/evil, in drawing intelligibility from the matter. The decisive question to proportionate-reason theory is whether the form or intelligibility which the reflecting human subject draws from the matter is really in the matter, really drawable from the matter. If the form is not coherent with the matter, the action lacks proportionate reason and the person's intention becomes sheer nominalism. But can we make this decisive test of proportionality based on the matter (premorally good and evil) alone? Must we not interrelate both the matter and the intentionality of an action so as to get at the action's proportionate reason? Should we not compare the individual's intention over the matter with the intentionality or meaning which the community finds in the same matter? Answers to these difficult questions might significantly enhance our understanding of moral objectivity.

A third area calling for study is the question of a more exact understanding of universal moral norms. The premoral/proportionate-reason

⁴³ Part of the issue here is whether psychological intention is to be distinguished from moral intention. Surely a doctor who amputates a limb to save a person's life has to intend to remove the limb. But does he or she morally intend the evil in the amputation?

⁴⁴ This suggestion harks back to one of the basic themes of all realistic philosophies: an immediate and dynamic union of knower and known. The suggestion especially reminds us of Joseph Maréchal's concern with what the dynamic union of knower and known reveals about human knowing; cf. *A Maréchal Reader* (New York: Herder and Herder, 1970) 82-86.

pattern has no quarrel with the universalizability principle: if something is true, it is always true, either in the formal or the material order. But precisely how does the universalizability principle apply to concrete human behaviors with all their complexity, historicity, etc.?

Karl Rahner suggests that our knowledge of moral objectivity in concrete cases is never simply a deduction from universal principles.⁴⁵ For Rahner, human creativity, human learning, and human reflection are always part of the process of grasping objective moral truth in concrete cases. Sometimes our grasp of the objective morality or immorality of an action comes about so instinctively that we do not become explicitly aware of the creativity and abstraction from the concrete which are taking place. But the creativity and abstraction are always there. Thus, might it not be true that the distinction between formal and material norms needs to be made less rigid? Might not even the most formal of our norms always contain an implicit reference to specific material actions, especially since all human knowing has concrete knowledge at its root?⁴⁶ Might it not also be true that our more specific and material moral norms always contain a formal element whose presence must be epistemologically evaluated as existing in the new concrete actions to which we are applying the material universal norms? To answer these questions negatively would ultimately be to assert that moral choice can be made without thinking. If there is no thinking, one wonders whether moral choice could be either moral or human.

This recalls our central point: the discernment of moral objectivity is the achievement of thinking human beings, of the thinking and knowing human community. Our account of the human, natural-law-based achievement of moral objectivity must take into account the way human beings think and come to know truth. Lonergan has noted that reality is more than the "already out there now."⁴⁷ We cannot humanly or rationally propose an account of moral objectivity which is not consistent with the metaphysics and epistemology of human knowing.

One more brief note on the ongoing study of moral norms. Without committing ourselves to the specific terms, might not the proposed insight about the need for a less rigid distinction between material and formal norms be the reason why a few authors have proposed terms such as

⁴⁵ Karl Rahner, "On the Question of a Formal Existential Ethics," *Theological Investigations* 2, esp. 222-31.

⁴⁶ Cf. Rahner's theme that abstraction and conversion to the phantasm are intrinsic moments of each other (*Spirit in the World* [New York: Herder and Herder, 1968] 230-36). A contemporary exploration of the same theme (abstraction and fidelity to experience) can be found in David W. Tracy, *The Analogical Imagination* (New York: Crossroad, 1981) esp. 198.

⁴⁷ Lonergan, *Insight*, 251-54, 385-89, and throughout.

“practical absolutes” or “virtually exceptionless moral norms”?⁴⁸ Some have criticized these terms, but the question they raise needs to be asked.

A fourth question calls for further study: finding an appropriate context in which to carry on the discussion of the difficult problem of moral objectivity.⁴⁹ The magisterium is legitimately concerned that the presumption in its favor be respected by theologians and by believers in general. The magisterium also wishes to avoid unproductive confusion on moral matters. Theologians, on the other hand, need an adequate sphere of freedom to discuss moral objectivity, and, as *Gaudium et spes* noted,⁵⁰ all believers have a freedom to inquire in accord with their capabilities. Ongoing dialogue is much needed to foster the rights of all the parties involved in the discussion of moral objectivity. Such dialogue about proper discussion contexts is also needed on many other issues besides moral objectivity.⁵¹

One suggestion is in order on how the discussion about moral objectivity might become less problematic in the pastoral sphere while the inquiry continues. For those who do not understand technical theological language, a contemporary formula on the objective morality of an act, a formula such as “containing a morally significant degree of ontic evil, but perhaps without objective moral evil,” is rather meaningless. The underlying notion will have to be conveyed in nontechnical language. The same holds true for a more traditional formula such as “objectively gravely morally evil, but perhaps without subjective culpability,” relatively meaningless to some persons.

With this in mind, might it not be possible for pastoral ministers, whatever technical position they hold on the metaphysics of moral objectivity, to use the same kind of nontechnical language when they deal with persons for whom technical theological terms are unclear? Both of the formulas mentioned above have two ultimate purposes. First, they aim to lead persons to higher degrees of freedom of action. Even if

⁴⁸ Josef Fuchs, *RMT* 126; Albert Di Ianni, *RMT* 229.

⁴⁹ It seems reasonable to make a distinction between the basic task and mission of the magisterium (which must be upheld by all Catholics) and specific questions about how the magisterium might best function to serve out its mission to the gospel and the Church. The issue of the most appropriate context for the discussion of controverted, noninfallible theological questions is a question about the function of theology and the magisterium rather than about the basic mission and purpose of the magisterium.

⁵⁰ *Gaudium et spes* 62.

⁵¹ Much more would have to be said for an adequate treatment of the magisterium. Significant recent source materials include *Chicago Studies* 17, no. 2 (Summer 1978; a special issue on the topic); Karl Rahner, “Theologie und Lehramt,” *Stimmen der Zeit* 198 (1980) 363–75; Richard A. McCormick, “Notes on Moral Theology,” *TS* 42 (1981) 78–80, 115–21; and the statement of the German-speaking Society of Dogmatic and Fundamental Theologians, *Origins* 10, no. 36 (Feb. 19, 1981) 568–69.

freedom is not due a person at a given time, the challenge remains to make that freedom due at a later time. Whatever one thinks about moral objectivity, persons are to be challenged to keep trying to eliminate all forms of evil from their behavior. Second, both formulas point out that persons need to be shown care and compassion. Neither refuses to accept persons' limitations or expects them to accomplish the here and now impossible. Both formulas are compassionate, as has always been the case with the Church's moral tradition.

If these two points—challenging confrontation and caring compassion—can always be present in pastoral situations, I think the needs of all believers can be reasonably well met while the crucial discussion of moral objectivity continues as it must.