

THE DISVALUE OF ONTIC EVIL

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NOT LONG ago Richard McCormick remarked, concerning the debates that have arisen from his and other revisionists' efforts to recast moral theology:

The discussion is almost stalemated by now. It is growing repetitious, arid, and fruitless. . . . One has to wonder why. Is there a term (or terms) that is being used but is variously understood by the participants? Is there somewhere a fundamental misunderstanding that could dissolve the standoff? Has the whole question been misstated?¹

His questions should, I think, be answered in the affirmative. In an effort, then, to respond to his appeal and to advance the discussion, I should like here to show in a single case (there are many more²) not merely that important terms are construed differently by the different schools but that the revisionists' own arguments are based on equivocity of language.

Revisionists use one or other key term as though it had but one, well-defined meaning, when in fact they give it two or more incompatible senses. Part 1 shows the fact of this equivocity. Part 2 manifests the invalidity of the revisionists' basic arguments once any consistent conceptual categories are used. If one meaning is chosen, the revisionists are forced to admit that they do permit doing what is morally evil in order to achieve a good end. If the other meaning is chosen, then they must say that "the alternatives proposed in moral deliberation are, with only

¹ Richard A. McCormick, S.J., "Notes on Moral Theology: 1982," *TS* 44 (1983) 71-122, at 84.

² Consult, e.g., John Hill, "The Debate between McCormick and Frankena," *Irish Theological Quarterly* 49 (1982) 121-33. Strangely, McCormick has scarcely mentioned this rather formidable attack on his whole approach. All I have found is contained cryptically in a footnote concerned with other matters (McCormick, "Notes: 1982" 77, n. 22): "Pinckaers' statement [concerning intrinsically evil acts in the revisionists' framework] is too broad. There are many acts that could be called "intrinsically evil" if their circumstances are exhaustively included in description of the actions. I have similar problems with the essay by John Hill." There is nothing more, save a reference to Hill's article cited above. Now it is far from clear on reading Hill what McCormick might be talking about here, for Hill says nothing at all about "intrinsically evil acts." Rather than "too broad," his remarks are detailed and carefully documented. Perhaps dialog is languishing because the revisionists are not listening carefully enough to what their critics have been saying.

a few rare exceptions, nonmoral.”³ Either way, the revisionist system would seem to collapse.

I

THE FACT OF EQUIVOCITY

Section A shows that Louis Janssens designates by the single term ‘ontic evil’ not only the nonmoral evils he claims that the term signifies but also things that either are not evil in any sense (except perhaps that of Leibniz) or are morally evil. In Section B, I show that the same equivocity is found in the ‘pre-moral evil’ of McCormick, Fuchs, et al., and even infects their use of such standard terms as ‘nonmoral evil’ and ‘physical evil.’

A. Ontic Evil

Janssens remarks: “Of old, a distinction between *malum physicum* and *malum morale* was made. Nowadays, we prefer the term ‘ontic evil’ to the term ‘physical evil,’ because the contemporary meaning of ‘physical’ corresponds more to the meaning of ‘material.’”⁴

This would seem, as thus stated, a desirable updating of terminology. Since Janssens is expressly seeking in his article to present an ethical position in harmony with that of St. Thomas,⁵ one may suppose that the distinction that Janssens is treating here (crucial not only for morality but for metaphysics) is in accord with Thomas, whose whole moral argument hinges on it.

Now Thomas carefully distinguishes an evil that has no moral aspects, whether at the human or the subhuman level, from any mere absence of good. Apparently avoiding the formation of a fixed technical vocabulary, he generally speaks descriptively of these two notions in accord with the immediate context.⁶ In any event, he makes clear that evil, as he uses this word, is a privation of a good that in one way or other belongs to or is proper to the nature or activity of the being in which this evil is found.

³ Paul M. Quay, S.J., “The Unity and Structure of the Human Act,” *Listening* 18 (1983) 245–59.

⁴ Louis Janssens, “Ontic Evil and Moral Evil,” *Louvain Studies* 4 (1972) 115–56, at 133.

⁵ *Ibid.* 115.

⁶ As examples, for nonmoral evil: *ipsa corruptio vel privatio boni* (*Summa theologiae* 1, 48, 1, ad 4), *remotio boni*, *privative accepta* (*ibid.* 1, 48, 3 c), or more concisely, *malum naturae* (e.g., *ibid.* 1, 49, 3, ad 5), Hellenized, at some later time I suppose, as *malum physicum*. For mere absence of good, he speaks of *defectus boni* (*ibid.* 1, 48, 5, ad 1), *remotio boni*, *negative accepta* (*ibid.* 1, 48, 3 c), *simplex negatio* (*ibid.* 1–2, 75, 1 c), *negatio pura* (*ibid.* 1, 48, 2, ad 1).

He repeatedly and expressly refuses to designate mere absence of good as evil.⁷

In common-language terms, a physical evil for a human being is a lack of any part of his being or of any power to act that belongs to human nature as integrally constituted. Thus, loss of one's power of sight would be *malum naturae*, but the inability to see what lies enclosed behind stone walls is not.

Unfortunately, almost as soon as Janssens has told us that the term 'ontic evil' has the same meaning as 'physical evil,' he gives it a different meaning. For he adds, as further examples of ontic evil:

[A]re we not always crippled by our ignorance, which makes us aware of a frustration of our urge to know? . . . We call ontic evil any lack of a perfection at which we aim, any lack of fulfillment which frustrates our natural urges and makes us suffer. It is essentially the natural consequence of our limitation. Our limitation itself is not an evil—to be created is to be limited—but, because we are thinking, willing, feeling and acting beings, we can be painfully hampered by the limits of our possibilities in a plurality of realities that are both aids and handicaps (*ambiguity*).⁸

Indeed, Janssens does not permit any misinterpretation but continues by arguing at length:

[A man] has a feeling he is lacking something when he becomes aware of his inability to realize all these different [professional, familial, religious, social] values as much as he pleases. So there is ontic evil. . . . [O]ur body is a means to action. But it is also a handicap which impedes our action. This hindrance may hurt us as an ontic evil.⁹

. . . Any dimension of ontic evil is a lack of perfection, a deficiency which frustrates our inclinations. We label it *evil* when it affects a human subject insofar as it appears to the consciousness as a lack or a want, and to the extent that it is detrimental and harmful to the development of individuals or communities.¹⁰

It would be hard to find clearer statements that 'ontic evil' is not at all equivalent to 'physical evil' in its traditional sense. For Janssens, 'ontic evil' includes not only the evils afflicting man as a natural being, some damage to his physical or psychic substance or power of operation, but also all simple absences of good that contradict his will, desires, needs, or purposes. Anything that frustrates his plans or obstructs his goals is so designated, apart presumably from moral evils.

⁷ E.g., "[M]alum privatio est boni et non negatio pura. . . . [N]on omnis defectus boni est malum" (ibid. 1, 48, 5, ad 1); also ibid. 1, 19, 9 c.

⁸ Janssens, "Ontic Evil" 134. This same insistence on "ambiguity" is to be found in Janssens, "Norms and Priorities in a Love Ethics," *Louvain Studies* 6 (1977) 207-38, at 211-15, and also in his "Artificial Insemination: Ethical Considerations," ibid. 8 (1980) 3-29, at 15-16.

⁹ "Ontic Evil" 135.

¹⁰ Ibid. 140. Cf. also "Norms" 210-11.

In brief, Janssens' 'ontic evil' is simply equivalent to 'negative value' or 'disvalue'.¹¹ 'Ontic evil' would seem to include all *mala naturae* (*humanae*), but also every creaturely limitation or mere absence of good that "appears to the consciousness as a lack or a want." Combined under the one term 'ontic evil' are true physical evils (*mala naturae*) and those mere absences of good that are perceived by some individuals as negative values. More seriously, as we shall see later (II.B), 'ontic evil' also implies moral evil.

Whether, in addition to including much more than 'physical evil,' 'ontic evil' also includes much less, is left unclear. St. Thomas¹² would call, e.g., the death of the bacilli causing tuberculosis in a young woman a *malum naturae*, though recognizing clearly that what is physical evil for bacilli may be physical good for people.¹³ Whether Janssens would call the death of the bacilli 'ontic evil,' one can only guess. I would think not; for 'ontic evil,' unlike 'physical evil,' seems relative not only to a particular nature or kind of being (the human) but to personal perception and choice.

B. Premoral Evil

McCormick began his explicit consideration of this matter by flatly asserting a relation of identity between 'pre-moral evil' and 'disvalue':

[T]he contemporary discussion uses "pre-moral good" and "value" *synonymously* (as also "pre-moral evil" and "disvalue"). There may be a dictionary difference in the notions and words, and indeed the difference Quay describes: value implies value to man in terms of his needs and desires. But that is not the way these

¹¹ Indeed, Janssens recasts these remarks (in "Norms" 210 onwards) in terms of "pre-moral values" and "pre-moral disvalues." Unfortunately, he continues to assert that these terms are "classically: *bona physica*" and "classically: *mala physica*," going so far as to translate *bonum* in a passage of Thomas where this is given its full amplitude at the level of nature as merely "values" (ibid. 217, n. 9.). For a more thorough discussion of the need for values in moral discourse but also of their essential inadequacy, cf. Richard Stith, "Toward Freedom from Value," *Jurist* 38 (1978) 48-81, at 48-69; also Paul M. Quay, S.J., "Morality by Calculation of Values," *Theology Digest* 23 (1975) 347-64, esp. at 351-52. A disvalue is not simply convertible with what is bad for man but with that which is bad for him in terms of his needs, desires, or purposes. Disvalues require his consciousness, his own perception, estimation, and choice of what he will consider bad for man. A disvalue stands in relation not only to man in his physical and metaphysical constitution and to his conscious and subconscious views of reality, but to his already accepted goals. A negative value is often a contingent aspect of a good as a result of which its advantage to one or more persons is or seems to be diminished. None of this requires that a value be merely subjective, though it will only be found formally in some valuing subject.

¹² Cf. *Summa theologiae* 1, 48, 2, ad 3.

¹³ For physical evil (*malum naturae*) is always relative to the particular *physis* or nature in question. Indeed, since every evil is some sort of privation, it can have no independent existence but is always relative to the particular kind of being in which it is found: "Lack of vision is not evil in a stone but in an animal" (ibid. 1, 48, 5, ad 1).

terms are used by Schüller, Fuchs, myself, *et al.* We understand by "value" an intrinsic good to man, not something that is good simply because it is evaluated as such by human beings.¹⁴

Now if two words that have different meanings in common language are both to be used as having exactly the same sense, then the original meaning of one or other (or both) must be altered. In our present case, which of the two meanings has disappeared—the common understanding of 'good' or the common understanding of 'value'? McCormick does not answer this question or, so far as I can see, ever consider it. Neither, to my knowledge, do the other revisionists.

Nor is it possible to find a consistent implicit answer. McCormick's assertion that 'disvalue' is simply a synonym for 'premoral evil' would make it seem, at first glance, that it is 'value' and 'disvalue' that have been emptied of their common-language meaning. His discussion immediately following the last-cited quotation would point in the same direction, since there he rejects the implications that he admits could be drawn were 'premoral good' and 'premoral evil' mere substitute labels for 'values' and 'disvalues.' The following year, in fact, he carries out his analyses almost exclusively in terms of 'premoral goods' and 'premoral evils.'¹⁵

Such an interpretation, however, runs into conflict at once with McCormick's insistence that *privatio boni debiti* is *not* what is meant by 'premoral evil.'

He [Quay] insists that this [premoral evil] refers to a "true privation of a *good called for*." This is not the way the notion is understood in contemporary moral discourse. Louis Janssens put it as follows: "We call ontic evil any lack of a perfection at which we aim, any lack of fulfillment which frustrates our natural urges and makes us suffer. It is essentially the natural consequence of our limitation."¹⁶

This would seem a clear acknowledgment that Janssens' 'ontic evil' is not what was meant by 'physical evil' in the traditional sense, or even by 'evil' at all. Surely, too, McCormick is correct in pointing out that the

¹⁴ "Notes on Moral Theology: 1976," *TS* 38 (1977) 57–114, at 77. The last clause only obscures the issue. I have never claimed that the proportionalists had nothing in mind but purely subjective evils. There remains, nonetheless, Janssens' notion to account for, which McCormick eventually accepts as his own: that simple absence of good be considered evil when some "thinking, willing, feeling and acting" creature dislikes that limitation.

¹⁵ Richard A. McCormick, "Notes on Moral Theology 1977: The Church in Dispute," *TS* 39 (1978) 76–138, esp. 101–16. Also below, II.A.4.

¹⁶ "Notes: 1976" 80, n. 48. The equation between 'ontic evil' and 'premoral evil' is made at the top of the same page, where also these two terms are declared equivalent to 'nonmoral evil' and 'physical evil' as well.

revisionists are using 'ontic evil' in a sense other than that of *malum naturae*,¹⁷ though he destroys the traditional meaning of 'nonmoral' and 'physical' evil in the process.

McCormick's understanding of this matter has remained constant since. Thus, when challenged on his use of this language by Richard Roach,¹⁸ McCormick replied:

Contemporary theologians rightly think the word *physicum* is almost invariably misleading. . . . The concept is far broader. It includes not only harm to reputation, etc., but even the imperfections and incompletenesses due to our limitations. Thus Janssens writes: "We call ontic evil any lack of a perfection at which we aim, any lack of fulfilment which frustrates our natural urges and makes us suffer." The terminology "coined" by contemporary theologians, far from being a "jargon," is in substance utterly traditional.¹⁹

These and similar passages would make it seem that, especially for Janssens and McCormick, it is the original concept of physical evil that has disappeared in most contexts, leaving 'pre-moral evil' as a new label for negative value, in the sense indicated by note 11 above.

On the other hand, if one were to judge solely by examples given and cases analyzed, Fuchs and Schüller would often seem to regard 'pre-moral evil' as convertible with *malum naturae*. Thus, Fuchs remarks apropos of earlier moral analyses of ectopic pregnancy: "The theory failed to take into account that the evil involved is such, not on moral but on pre-moral grounds (like wounding, loss of honor, death, etc.)."²⁰

Schüller speaks in similar fashion: "The respective consequences [of suicide and the use of contraceptives], namely the individual's death or the unfruitfulness of the marriage act, are not in themselves morally bad but are rather a non-moral evil."²¹ Or again: "As soon as one establishes the proper moral attitude towards non-moral evils such as error, pain, sickness, and death, the decisive reason which led to the distinction between intended and allowed, direct and indirect, namely the absolute-

¹⁷ It seems necessary to use this term to designate a privation of good that is proper to or called for by the natural integrity of a being or its mode of acting, until such time as 'ontic evil,' 'pre-moral evil,' et al. can be reclaimed and put to good use.

¹⁸ Richard R. Roach, S.J., "Medicine and Killing: The Catholic View," *Journal of Medicine and Philosophy* 4 (1979) 383-97.

¹⁹ Richard A. McCormick, S.J., "Notes on Moral Theology: 1980," *TS* 42 (1981) 74-121, at 78.

²⁰ Joseph Fuchs, S.J., "The Absoluteness of Moral Norms," *Gregorianum* 52 (1971) 415-57, at 447.

²¹ Bruno Schüller, S.J., "Direkte Tötung—Indirekte Tötung," *Theologie und Philosophie* 47 (1972) 341-57, at 342 (translation taken from *Readings in Moral Theology No. 1*, ed. C. E. Curran and R. A. McCormick, S.J. [New York: Paulist, 1979] 138-57, at 140).

ness of the disvalue disappears."²² Here, though 'disvalue' is being opposed to moral evil (since if 'disvalue' contained any element of moral evil, its "absoluteness" could not disappear), no indication is given of its relation to mere absence of good.

More ambiguous and equivocal usage, however, persistently recurs. Thus, Schüller continues almost at once:

The condition under which a relative disvalue should be avoided is this: if it does not concur competitively with another relative value but one that is to be preferred to it, or with an absolute value. . . . [I]nsofar as it is necessary for the realization of a preferable value, one is allowed to cause a relative disvalue, and at times one *should* cause it.²³

Yet competitive concurrence and preference bespeak genuine disvalues, not *mala naturae*, to which such language is wholly foreign. So, in a typical passage, Fuchs asks:

Have we not overlooked the distinction . . . between *evil* and *wickedness*, that is, between evil in the *pre-moral* (physical, ontic) sense and evil in the *moral* sense (wickedness). Objectively, there is no conflict of moral precepts, only a conflict of value judgments (*bona "physica"*) in the *pre-moral* sense.²⁴

But *bona naturae* cannot be in conflict, only human desires for them or judgments about them.²⁵

So, also, Peter Knauer, one of the initiators of this whole approach: "Every human act brings evil effects with it. The choice of a value always means concretely that there is denial of another value which must be given as a price in exchange."²⁶ "Every human act brings evil effects with it" can refer, evidently, *only* to values and disvalues, not to *bona* and *mala naturae*. Most of the passages I quote below for other reasons can also serve to manifest this same oscillation of meaning; many more could easily be cited.

Finally, the revisionists' extensive use of tropes in connection with the terms under consideration, though not objectionable in itself, does not make it any easier to decipher their meaning. Thus, Janssens goes on to say: "[a]n earthquake which destroys human lives . . . is an evil. A devastating flood is evil. . . ."²⁷ Now an earthquake or a flood is a *malum physicum* only by metonymy. Whether the earth ought not by nature quake or a river not flood is at least disputable. A *malum physicum* does occur, however, if a dog drowns in the flood; another, if a human life is

²² Ibid. 345 (*Readings* 143).

²⁴ "Absoluteness" 442-43.

²³ Ibid. 345-46 (*Readings* 143).

²⁵ Cf. below, II.A.2.

²⁶ "The Hermeneutic Function of the Principle of Double Effect," *Natural Law Forum* 12 (1967) as reprinted in *Readings* 1-39, at 16.

²⁷ Cf. the passage that follows the text to n. 4 above ("Ontic Evil" 133-34).

lost in the earthquake. But neither flood nor earthquake would seem itself an evil of any sort.

McCormick uses similar metonymy, e.g.: “[W]hat are we to call the killing that occurs in legitimate self-defense? A moral good? Hardly. A moral evil? No, for the defense is *ex hypothesi* morally just and right. *Malum (mere) physicum* was the traditional way of describing such evils.”²⁸ Thus he designates an act that would properly be described as both morally and physically good, though *per accidens* causing a physical evil, by the name of what it causes.

The risk of such metonymy in a technical context is that one may take it too seriously. Having called the cause of evils an evil, it is all too easy to slide, as Janssens and McCormick seem to have done, into using ‘evil’ when ‘disvalue’ is meant. Because of the loss of life and property entailed, the flood will be for many a negative value. For many others, or even for some of the same people, it may well prove a strongly positive value because of the consequent enrichment of the soil. This “ambiguity” is the clear sign of human evaluation, not of good or evil at the level of being.

One more linguistic clarification is needed. Following St. Thomas,²⁹ revisionists usually mean by ‘intention’ the *finis*, end, or goal of an act. But those ethical thinkers influenced by British analysis often use ‘intention’ to refer to that which an agent wills actually to be doing at the moment, quite apart from his motives and from that state of affairs towards which he is aiming his activity. To avoid difficulty, then, in what follows I shall use ‘intention’ to refer to one’s end or goal in acting, but use ‘intent’ (or, as a verb, ‘intend’) for that which a person wills to be doing in the way of present action.

II

THE EFFECTS OF EQUIVOCITY ON THE ARGUMENTS

We have seen thus far that the revisionists make equivocal use of ‘ontic evil’ or its supposed equivalents. Sometimes it is taken to mean negative value; sometimes, *malum naturae*; and this, within a single argument. In strict logic the discussion could stop here. For, until the revisionists state their position in language that is not equivocal, they cannot be said to have any reasoned position at all.³⁰ On the other hand,

²⁸ “Notes: 1980” 78.

²⁹ E.g., *Summa theologiae* 1-2, 12, 1 c and ad 4; 4, ad 3.

³⁰ Hill concludes his discussion of his own and others’ efforts to locate the position of the revisionists within philosophical ethics: “McCormick [whom Hill takes on this point as representing the majority of revisionists] does not belong to any specifiable position, not because his is a new and unique approach the worth of which is on its face, so to speak, but because he is hopelessly confused” (“The Debate” 127).

it may be helpful to show explicitly that with *any* consistent use of language, their principal arguments become self-contradictory.

A. Ontic Evil As *Malum Naturae*

First let us resolve the equivocity by taking 'ontic evil' to be identical in meaning with *malum naturae*.³¹ It is this identification of meaning that the proportionalists need if they are to avoid approving the doing of moral evil that good may come of it. For they argue that one may choose to effect directly the ontic evils involved (e.g., in procured abortion, masturbation for fertility tests, and sterilization) for the sake of sufficiently good ends to which these evil-producing actions serve as necessary means. Only then, if the intending of ontic evil in these cases contains no element of moral evil, can the revisionists' argument stand. Each of the as-yet-unchosen alternatives must be compounded solely of goods and evils that have no moral quality.

1. Intercomparison of *Mala Naturae*.

To see the difficulty with that position, consider the comparison between alternative lines of action on the basis solely of *bona* and *mala naturae*, as is required by the putative principle that one should always choose an alternative in which nonmoral good outweighs, in some "proportionate" manner, nonmoral evil or which contains the least amount of nonmoral evil.

Now how could one even begin to weigh various *mala naturae* one against another? Since by definition they are related only to the nature in which the particular evil is found, no internatural comparison of such evils is possible, even in principle. Yet, one might argue that some such comparisons would seem at times to be required in moral deliberations. E.g., out with a set of fine hunting dogs, should I destroy an Indian lion, a species now nearly extinct, where the choice is between killing the lion to save the dogs or letting the lion live and the dogs die? Yet, as long as we remember the supposition of this section and do not let considerations of human value or disvalue enter in but stick strictly to the metaphysical consideration, the question "Which is the greater *malum naturae*, one dead lion or ten dead dogs?" would seem to have no possible answer.

Let us, then, restrict our comparisons of *bona* and *mala naturae* to man alone, as the only nature directly relative to which moral good and bad may be judged—though 'physical evil,' as traditionally used, had no

³¹ It was to this horn of the dilemma that the arguments of my "Unity and Structure," Part 1, were directed. There I showed that every *possible* object of a human free choice, during the moral deliberation and antecedent to the actual choice, is already morally qualified. This is the case because of the intrinsic structure of a free act as such, regardless of what norms may apply or how.

such restriction of meaning. If a terrorist guns down five innocent people, all loners known to be without friends or relatives, is there five times as much *malum naturae* in the world as there would be did he kill but one? The notion of *malum naturae* is such that all one can say is that (a) for each person shot, his life is as fully ended as were he alone slain; (b) everyone else suffers at least a greater potential loss from the death of five than from the death of one. But the greatness of the loss depends much more upon the social value of each of the people killed, explicitly excluded from consideration here, than simply upon his death. Though this need not be the same *malum naturae* for all, yet the essential goodness of any man escapes human knowledge. *Mala naturae* in different people are not additive, for themselves or others, certainly not linearly so.

C. S. Lewis made this point well, apropos of the *malum naturae* that is pain:

We must never make the problem of pain worse than it is by vague talk about the "unimaginable sum of human misery." Suppose that I have a toothache of intensity x : and suppose that you, who are seated beside me, also begin to have a toothache of intensity x . You may, if you choose, say that the total amount of pain in the room is now $2x$. But you must remember that no one is suffering $2x$. . . there is no such thing as a sum of suffering, for no one suffers it. . . . The addition of a million fellow-sufferers adds no more pain.³²

Gilbert's *The Yarn of the Nancy Bell* suggests a case of some interest in this context.³³ Shipwrecked on a barren rock, with no hope of survival other than lasting long enough to be spotted by the one ship a year that passes those dangerous seas, a whole ship's crew has been reduced over some months' time to two men who have devoured all their companions as they died. Now these two are weakening from hunger; soon both will be dead. Is it better to save one than let two die? Before each is too weak to be able to profit from the other's death, may one (presumably, he who is the better human being ontically) deliberately kill and eat the other, correctly foreseeing that this, and this alone, will keep him alive till the annual ship appears? May one of them kill himself so that his companion may eat him and live? If one is serious about identifying 'ontic evil' with *malum naturae*, it is hard to see how such a murder or suicide is not rendered virtuous on revisionist principles.

What of the case in which the comparison does not go beyond the individuated nature of one single moral agent? It is by no means clear that a person need consider alternatives (e.g., loss of a cancerous leg by amputation vs. risk of a spread of cancer beyond the leg) in terms of

³² *The Problem of Pain* (London: G. Bles, 1940) chap. 7 (toward end).

³³ W. S. Gilbert, *The Bab Ballads*, ed. J. Ellis (Cambridge, Mass.: Belknap, 1970) 76-79.

some abstractly recognized degree of damage to integral human nature. Recognition that medically recommended surgery will cause certain pains and handicaps and that refusal of this surgery may permit other pains and bodily harms to develop, all this has no moral point if left simply at that. Until a person considers a pain or harm as related to himself and others in a *moral* relationship, any judgment about surgery must remain merely medical or metaphysical. In other words, until *already* he has freely-accepted norms that oblige him, say, to preserve his life (with this loss and pain) rather than to avoid these pains (and probably suffer an earlier death) or, vice versa, that leave him free or that oblige him to decide the opposite; till, that is, he grasps the alternatives intellectually as related to what he *ought* to do as this concrete individual seeking God as his last end, the various *bona* and *mala naturae* are in the strongest sense nonmoral, i.e., not determinative of moral right or wrong. Hence they are, this far, of negligible concern in the deliberations leading to free choice.

One can, of course, objectively compare various evils that might afflict one's body or emotions or mind. But the comparison does not of itself suffice to determine what one ought to do as a result. Rarely, if ever, are we given a free choice involving only the comparable evils. Even though *malum naturae* A is of necessity less than *malum naturae* A plus B, where B is also a *malum naturae*,³⁴ yet acting so that A plus B results might be far more effective for my goal than acting so that only A results. In any event, what would have to characterize this situation is that the alternatives be presented in psychological isolation as simple evils and as resulting with equal immediacy from one's choice, and that nothing else be seen as relevant except the alternative injuries and their relative gravity. Perhaps, then, in a wild game of soccer, one might be abruptly offered the option of bruising one's arm or breaking one's neck. But the question then would be to what extent such a choice is free and not merely voluntary or even instinctive.

Further, on this basis—still only on the level of nature—an individual's death would be a greater *malum naturae* than any other whatever for him. How, then, could a man ever *not* be obliged to choose all medical means at his disposal in order to preserve his life? Or how could he lay down his life for his friend?³⁵

³⁴ This seems to be the way Fuchs and Knauer conceive the case of ectopic pregnancy (cf. below, text to nn. 46 and 47).

³⁵ That these questions are not easily evaded by reference to eternal life can be seen from the revisionists' strange insistence that one restrict moral consideration to "this-worldly" goods or values; cf. Knauer, "Hermeneutic" 1-2; McCormick, "Notes: 1982" 73; Fuchs, as cited approvingly by McCormick in "Notes on Moral Theology: 1983," *TS* 45 (1984) 80-138, at 82, and in "Absoluteness" 417 (text and note) and 449. No Christian, one

In brief, in most cases of practical importance, *bona* and *mala naturae* are simply not capable of being compared with one another as required by the revisionists.

2. Relation of *Malum Naturae* to Moral Evil

We are led, then, to the basic question that needs to be answered: How does one who is deliberating about a choice-to-be-made determine the moral quality of the alternatives from *bona* and *mala naturae* alone?

The revisionists seem to say: *Moral* precepts bear on good or bad choices; but that which determines what will make a choice good or bad is the way *pre-moral* good and evil are interrelated in the alternatives between which choice is to be made; one sees what would be morally good, if eventually chosen, by looking at the structure of nonmoral good and evil in the alternatives.³⁶

This might be acceptable if 'pre-moral' good and evil contained human evaluation and other characteristically moral aspects. But to make them do so brings back the very equivocation we are seeking to avoid.³⁷ Yet, without the inclusion, say, of values, the mere natural structures of individual and social *bona* and *mala naturae* are not sufficient to tell us what we *ought* to do.

If discovery or use of a concrete moral norm were an exclusively intellectual exercise, then conceivably one's mind could assess appropriately the nonmoral structures of the situation and find *in that assessment alone* an adequate basis for moral judgment. So to argue, however, would show total unawareness of the dialectical relation between moral choice and knowledge of truth. Not even in physics can a methodology be devised that can guarantee arrival at truth on the basis of pure cognition and logical thought.³⁸ A fortiori, the moral agent as such, with all his values and moral attitudes, must be part of the assessment in every case.

would hope, would be acting in any serious matter solely out of consideration for this-worldly goods, as if the natural good of man were ever adequately specified by such goods. Further, if one accepts the notion of a supernatural foundation for human nature as such, whether as proposed by Karl Rahner or in any of its many other theological formulations through the centuries, then even atheists can be restricted solely to this-worldly goods in any free act only by deliberate grave sin. This restriction is unacceptable, then, even for natural ethics, a fortiori for a moral theology.

³⁶ E.g., Fuchs, "Absoluteness" 436-37, 444.

³⁷ Ibid. 436-37; Fuchs is quite clear in this passage that he regards "human values" both as genuine values and at the same time as wholly nonmoral. One cannot have it both ways, however, as seen in Section I above and in more detail in Section II.B. below.

³⁸ Cf. Paul M. Quay, S.J., "Temporality and the Structure of Physics as Human Endeavor," *Physical Sciences and History of Physics*, ed. R. Cohen and M. Wartofsky (Boston Colloquim for the Philosophy of Science 81; Dordrecht: Reidel, 1984) 199-230.

Universally binding, concrete moral precepts (whose existence or whose correctness the revisionists deny) bear on the free choice or refusal of certain types of interior, personal orientation; thus on a choice among morally qualified *human acts*. The moral qualification comes not from the structure of *bona* and *mala naturae* previsioned as results of each possible line of action but from the moral character that would be constituted by choice of such an orientation.

The precept not to kill the innocent does not directly prohibit the choosing of the *malum naturae* which is that person's death. For it is strictly impossible to will or choose a *bonum naturae* simply as such³⁹ (still less, of course, a *malum naturae*).⁴⁰ One can only choose to be a person who knowingly wills to act in a certain way with regard to the *bonum* or *malum* in question. Hence the precept does directly forbid one to choose that orientation of one's self that is implicit in knowingly choosing to kill an innocent person, since such an orientation is incompatible with one's inner orientation towards God.⁴¹ Hence, before the deliberation is ended by an actual choice, each alternative orientation can be qualified as morally good or bad. But this cannot be done on the basis of intellectual knowledge of what hurts or helps human beings unless to that knowledge are added the choice of values, acknowledgment of the sacred, and other intrinsically moral elements.

For the evil that one seeks to avoid in obeying a moral prohibition is not an evil that need afflict one's physical nature or even one's power of free choice directly; the evil lies in one's free use of this power. What makes this operation of freedom disordered is intrinsic to it and can never be determined solely from outside. The evil that is prohibited—an evil not merely of nature but of the moral order—is the *moral* attitude

³⁹ Thus, one cannot choose a book, though a book is a *bonum naturae*, but only to buy it or steal it or read it or toss it in the trash or sell it or let it be. One cannot, strictly speaking, choose the reading of a particular book, though the actualizing of his power to read a book is a *bonum naturae*. What he can choose is to become the kind of person who so reads, who relates himself as a person to some good through the activity envisaged. For details of the argument, cf. Quay, "Unity and Structure," Parts I and II.

⁴⁰ It is hard to see how Janssens' talk of willing evil "*per se* (as end)" and "for its own sake" (e.g., "Ontic Evil" 140–42), if meant seriously, could ultimately avoid conceding evil some kind of existence, at least as a positive principle of being, to say nothing of the psychological impossibility of so willing. There is similar language in the other revisionists. Thus, the second of the three cases discussed by Fuchs in "Absoluteness" 444, when a man "*has in view and effects* a human *nongood*, an evil (non-value)—in the premoral sense," is, if taken in context with the other two cases, impossible. No one could act without some good end in view, even if not a "proportionate" one.

⁴¹ Since most people are not philosophers, the peculiar, reflex nature of all intellectual and, therefore, all free volitional activity is scarcely adverted to and is ordinarily reflected in common-language moral statements only through their matter-of-fact acceptance of universally binding moral norms.

of the free agent towards other persons as adopted and expressed, say, in his deliberately killing one who is innocent; or towards his own sexuality and others', adopted and expressed, say, by adultery or masturbation.⁴²

Detailed analysis shows that the evil to be avoided, say, in adultery is a profanation of what is sacred and an assertion of human right over that over which man has no rights, quite apart from whatever *mala naturae* might eventuate—all of which an adulterer might sincerely choose effectively to foresee and counter. Detailed analysis of the killing of the innocent shows an inner sacrilege—not a mere violation of juridical right—and a determination by the creature to usurp the position of the Creator, who alone is free to deal with men according to His good pleasure. All such analyses show that the essential evil, forbidden by a negative precept and about which a moral deliberation is to be carried through or a choice to be made, is entirely and antecedently moral.

In sum, universally binding moral norms, as traditionally conceived, do not deal with *bona* or *mala naturae* in any direct way but command or forbid certain inner orientations of the moral agent with respect to various possibilities that are always morally defined.

3. Ontic Evil and Moral Intent

One can consider the same point from another perspective, that of moral intent. We may begin with some remarks of Schüller:

For the sake of a correspondingly important good, one may merely permit a moral evil or cause it indirectly. But he may intentionally desire and directly cause the non-moral evil. . . .⁴³ [O]ne would think that the only crucial matter is whether the life of a man is saved or lost [i.e., regardless of “the different ways a man has to achieve definite results”]. It makes no ethically relevant difference whether that happens through doing something or through “allowing” something to happen. . . . Only if the death of a man were an absolute evil in the sense of moral evil is it necessary to appeal to the notion of permission . . . to establish its moral licitness.⁴⁴

Effectively, the only consideration is the *malum naturae* that even-

⁴² Were one to accept the revisionist position here, an obvious question would be: What precisely is the *malum naturae* that would render masturbation for the sake of one's own pleasure wrong? The waste of seed? But more will almost immediately be available. Further, one could choose to masturbate only when confident that a spontaneous emission would soon occur did he not masturbate. And the traditional prohibition binds women also. Well then, sexual arousal unfulfilled by at least the possibility of procreation? But intercourse in totally sterile marriages or in the known infertile periods in NFP is not so banned. Psychological damage? But a good number of young men masturbate often in their sleep without evidence of such damage, which would seem to eventuate only if one's act is experienced as a disvalue or a wrongdoing.

⁴³ “Direkte Tötung” 346 (*Readings* 142–44).

⁴⁴ *Ibid.* 351–52 (149).

tuates, whether the moral agent chooses it (intends to effect it) or merely permits it (does not intend to effect it but sees no way to prevent its happening in conjunction with what he does intend). If the end result of one's choice is the death of Mr. X, it matters not whether one gets to the death of Mr. X by merely permitting it or by directly intending to effect it, as long as one's chosen method introduces no "non-moral evil" not found in other methods.

The revisionists seem agreed in holding that one may intend to effect a *malum naturae* as directly as a *bonum naturae* in a wide range of cases. The effecting of such an evil would be directly intended only as an object of choice that is not yet morally defined. Thus, as most people would easily agree, one might intend to feed a goat to lions in a zoo or, indeed, to kill the goat in order shortly to feed it to the lions. Problems arise, however, when the same schema is proposed for killing infants in the womb.

McCormick argues:

[T]he physician faces two options: either he aborts the fetus and thus saves the mother, or he does not abort and both mother and child die. . . . The defenders of the traditional distinction would argue that the conclusion [namely, that he may abort the child] is correct insofar as, and only insofar as, the death of the fetus can be said to be indirect. The revisionists . . . would argue that the real reason for the conclusion is that *in such circumstances* the abortion is proportionately grounded, is the lesser evil. When one is faced with two options both of which involve unavoidable (nonmoral) evil, one ought to choose the lesser evil.⁴⁵

As he makes clear a moment later, he holds this even when this "lesser evil" is a craniotomy, a directly intended killing of one known to be innocent.

Fuchs remarks concerning a similar case:

[M]any good Christians cannot understand why, in a situation where life is endangered, as, for instance, ectopic pregnancy or uterine diseases, the removal of the fetus was prohibited, while the removal of an organ from the mother, whose serious illness was anticipated because of the pregnancy, *together with* the fetus was permitted; although in both cases, there was liability involved with respect to the life of the fetus—a (pre-moral) value.⁴⁶

The context makes clear that Fuchs is arguing not for a mere permission of a *malum naturae* but for the agent's intending to bring it about himself.

Knauer is blunter yet: "In other words, a solution which includes both the death of the fetus and the removal of the uterus with consequent sterility is said to be better than that the fetus alone lose its life. Who

⁴⁵ "Notes: 1977" 111-12.

⁴⁶ "Absoluteness" 416-17.

can understand this?"⁴⁷

Such positions seem possible only if one is balancing genuine *bona* and *mala naturae*, as supposed in this section, with no moral elements at all being involved. It is at least unclear, then, why McCormick bridled so⁴⁸ at the assertion that revisionists hold that "the alternatives proposed in moral deliberations are, with only a few rare exceptions, nonmoral."⁴⁹ He responds by saying:

"Proportionalists," of course, say nothing of the kind. Obviously, every choice is of an action with a *moral* character.⁵⁰ What "proportionalists" do say is that, before assigning or determining that moral character, one must evaluate relevant circumstances. St. Thomas obviously held this; otherwise he would never have been able to approve (as he did) an action that involved the killing of a human being.⁵¹

To the charge that revisionists treat the prechoice alternatives as (usually) nonmoral, McCormick replies that before one can assess the moral character of an action, one has to evaluate the pertinent circumstances. Now, whether the charge is right or wrong or simply muddled, this reply is at least curious as a response thereto. In the passages just cited and in those soon to follow, he, Knauer, Schüller, and Fuchs presumably have offered sufficient circumstances to allow their moral judgments there to have some validity.⁵² McCormick's retort seems to

⁴⁷ "Hermeneutic" 20.

⁴⁸ "Notes: 1983" 94, n. 32.

⁴⁹ Quay, "Unity and Structure" 249.

⁵⁰ Unfortunately, this language makes for further obscurity. The question is not whether the action chosen, *once the choice has been made*, has a moral character but whether all potential actions, all those about which one is deliberating antecedently to one's choice, are already morally determinate or are, as Fuchs's and Schüller's analyses often indicate, grasped solely as mere physical evils and goods. McCormick does nothing to clarify this ambiguity when he declares a moral description to be adequate solely on the basis of what would seem in any reasonable construction to be merely premoral goods and evils; cf. "Notes: 1977" 102 and Section A.4 below.

⁵¹ McCormick, *ibid.*

⁵² McCormick's insistence on ever more circumstances would seem, at best, irrelevant. The issue between revisionists and at least the great majority of those who disagree with them today is *not* whether "before assigning or determining that moral character, one must evaluate relevant circumstances." All parties are in complete agreement on that. Indeed, many nonrevisionists would hold that *all* circumstances known by the agent are relevant; there are no nonrelevant ones (cf., e.g., Quay, "Morality" 347 and "Unity and Structure" 246). My chief criticism of the proportionalists has been that, by using value rather than good as their basic ethical category, they had unwittingly excluded from moral consideration things it was important always to include, e.g., the sacred. Again, I have thought, rightly or wrongly, that past moralists as well as present ones regarded the intention (i.e., *finis*, motive) of an act as no less important than its physical structure, and approved their doing so ("Morality" 353). One may, then, wonder why, as his sole response to the remark of

indicate again, however, an acceptance of Janssens' understanding of 'ontic evil' as identical with 'negative value.' But if so, then, whatever the merit of his remarks based on that meaning, they can have no bearing on arguments based on the meaning-identification being considered, either here, where truly nonmoral goods and ills alone are in question, or in the article to which he objects.

Now there is no indication in revisionists' analyses that they realize what direct intent does to the moral agent or that they appreciate that the first of all consequences of any free act is the changed person that results from his having chosen to intend anything at all. They seem systematically to overlook the fact that, though a man's death is in itself a mere *malum naturae*, an intent to cause his death is not; and moral deliberation concerns acceptance or rejection of such an intent. The principal aspect of a human act is ignored: that it makes the acting *person* to be morally good or bad, better or worse. As a result, none of the revisionists seems able to sense the difference between directly intending to kill a child in the womb and permitting it to die as a result of one's action when it cannot somehow be saved. The *intent* to kill a baby to preserve its mother's life is placed on the same moral level as the *intent* to kill a goat to preserve a lion's life merely because each death is a *malum naturae*.

4. A Final Example

An extreme case of reduction of the moral to the nonmoral can be found when McCormick discusses the case of a Southern sheriff who thinks of quieting a lynch mob by unjustly framing and hanging an innocent man because the mob is threatening—since a white woman has been raped by a unidentified black—to kill all the blacks in town. McCormick attempts to deal with such cases by arguing that

[A rioting mob] can erase this evil-doing without our doing harm to make them cease. To yield to their demands would be a denial to them of their own freedom. And that freedom is an associated good which must be asserted and protected if the good of life itself is to survive. We may lose some lives sticking to this conviction. . . . Because people can, with God's gracious help, cease evil-doing, our doing harm to make them cease is unjustifiable, disproportionate.⁵³

Surely some grounding is needed for this extraordinary argument.

Catholic moralists of all schools would allow, I think, a clerk in a store to turn over the money in the cash register rather than be shot by a

mine that he repudiates, McCormick urges the evaluation of circumstances, which assuredly are not, as such, morally good or bad.

⁵³ "Notes: 1977" 114.

gunman who clearly means business.⁵⁴ Yet is this not a yielding to unjust demands? Does it not, then, deny the robber's freedom to cease his evil-doing?⁵⁵ Suppose one man sees another drag a woman into an alley at gunpoint with clear intent to rape her. Is the observer free to pass by without an effort to bring the rape to a halt, even at the cost of doing the rapist physical harm, if he can see a way to do so without excessive risk to his own life?

Or consider the case in which we are engaged in a war against an unjust aggressor. McCormick remarks:

Making innocent (noncombatant) persons the object of our targeting is a form of extortion in international affairs that contains an implicit denial of human freedom. . . . If a nation is wrongfully aggressing, once again it is the Christian's faith, and a well-founded one, that that nation can and must cease and desist from wrongful aggression without our doing harm to noncombatants to make that nation do so. There is no *necessary connection* between our doing harm to noncombatants (e.g., killing innocent civilians to stop that nation) and that nation's ceasing unjust aggression.⁵⁶

If 'pre-moral evil' means simply *malum naturae*, one may wonder why we are free to do harm to combatants to make that unjustly aggressing nation behave. After all, a dead soldier can represent as great a *malum naturae* as a dead civilian.⁵⁷ Why this strange selectivity among *mala naturae*?

McCormick apparently admits that in this case we may directly do harm to enemy troops.⁵⁸ And indeed, if all the enemy's troops are killed, then his aggression will cease. There is, in this sense, a "necessary connection between our doing harm to [. . .] combatants . . . and that nation's ceasing unjust aggression." But as wars are usually fought, the killing of troops is "extortion": when the enemy loses enough, he stops his aggression, though without change of heart. The only question seems to be: Whose deaths provide the most effective deterrent? But does this not deny the enemy's freedom to desist from his immorality just as strongly as would killing his civilians? Would it not do so even more strongly since, once an aggressor is dead, he has no further chance to exercise his freedom to cease from evil-doing? The logical outcome would

⁵⁴ Cf., e.g., Schüller, "Direkte Tötung" 348 (*Readings* 145).

⁵⁵ Knauer, who argues much as does McCormick here, refuses with greater consistency than moral plausibility to allow *any* yielding to extortion ("Hermeneutic" 39, n. 24).

⁵⁶ *Ibid.* 113-14.

⁵⁷ Michael Novak recently showed that one could arrive at what would seem the exact opposite of McCormick's position on the same consequentialist basis; cf. Novak's *Moral Clarity in the Nuclear Age* (Nashville: Nelson, 1983) 57-58, 60-67.

⁵⁸ This seems to be the reason for his careful distinction between combatants and noncombatants, *ibid.* 113-15; also, text to n. 28. So, also, Janssens, "Norms" 225.

seem to be that it would be morally better to kill civilians than to kill combatants (and combatants than the unjust heads of state) because the latter have greater need for an opportunity freely to repent.

A bit earlier, McCormick says and, to judge from context, actually means: "It is the Christian's faith that another's ceasing from his wrongdoing is *never* dependent on my doing nonmoral evil. . . . Others can cease their evil-doing without our connivance in it, without our doing *harm* [my emphasis] to persuade and entice them."⁵⁹ This assertion concerning "the Christian's faith," like that cited earlier,⁶⁰ far from setting forth a matter of faith, seems not even acceptable theology. What woman, being assaulted by a rapist, would not pray for a man whose faith is not "the Christian's faith" to notice her plight?

But discussion of "faith" aside, at the merely physical level one is certainly able to deter or halt an unjust enemy by either threatening or actually causing sufficient harm to whatever he values most, whether his own life or property or those of others. At the moral level, it would seem from such a position that one could never discipline a child; all aspects of deterrence involved in punishment would be banned as immoral; and any traditional form of just-war theory or possibility of military deterrence would be excluded.

McCormick speaks as though the only really wrong evil in moral matters is "ontic evil," while yet giving this the sense, essential for his argument, of *malum naturae*. He has come to treat nonmoral evil as moral evil traditionally was treated. Yet, this way of handling these cases is forced upon him by his own principles as a revisionist.

Thus, McCormick is not free to say that it is *morally* wrong for the sheriff to take an innocent black man's life regardless of the consequences. He would, in fact, allow any innocent person to be killed if, as he supposes for the craniotomy, such action were to prove necessary, with strict necessity of means, for the saving of a life considered to be of greater value or for saving several lives.⁶¹ He is not free to say that the sheriff may not frame and hang this man simply because one is *never* justified in doing moral evil in order to achieve a good goal; for he holds that one cannot know that hanging the innocent is anything other than "pre-moral evil" until one has discovered whether this "pre-moral evil" is "proportionate" or not to the goal he is seeking.

It is only, in fact, by surreptitiously introducing a universally binding,

⁵⁹ Ibid. 114.

⁶⁰ Cf. text to n. 56.

⁶¹ E.g., "Notes: 1977" 111-12, 114. To test this argumentation for moral reasonableness, Anscombe's case (with its variants) of the spelunking accident serves nicely (G. E. M. Anscombe, "Medalist's Address: Action, Intention and 'Double Effect,'" *The Role and Responsibility of the Moral Philosopher*, ed. D. Dahlstrom, D. Fitzgerald, and J. Noonan (Washington, D.C.: American Catholic Philosophical Association, 1982) 12-25, at 21-23.

concrete moral norm that his arguments could hold: e.g., "One ought never yield to unjust demands" or "One must not act in a way that would undermine the entire institution of criminal law"⁶² or "Never act as if you did not believe that another person could cease his evil-doing without your doing him harm." This covert return to universally binding moral principles is welcome; but evidently the revisionists have a good many more of these principles still to discover, e.g., "One must not act in a way that would undermine the entire institution of papal teaching on moral matters" or "Never act as if you did not believe that God gives His grace, to all who rightly seek it, for fidelity in marriage even while avoiding contraception."

To sum up, what requires proof, and has received none, is that *bona* and *mala naturae*, however proportioned and weighed, and in whatever circumstances, can of themselves determine the norms for morally right or wrong action. For the only adequate objects of moral deliberation are possible, free, human acts of personal orientation with respect to God as one's ultimate end (whether so thematized or not), not simple acts of building up or damaging one's natural being or operations.

It also remains to be shown that the goal and intention motivating a free choice of some concrete action can be sufficient *of itself* to determine the moral quality of that action even when that action is deliberate killing of the innocent, adultery, or the like. A good intention is certainly necessary for a morally good act but is never sufficient for moral goodness, since all acts, without exception, are done for good ends; indeed, ultimately for the best of ends.⁶³ If revisionists wish to argue from "proportion," they must deal firstly with that proportionality that is meant to exist between the freely chosen human intent in this world and beatitude in the eternal knowledge and love of God.

B. Ontic Evil As Negative Value

Here we consider 'ontic evil' ('pre-moral evil,' 'physical evil') according to the other sense given it by the revisionists, as equivalent to 'disvalue,' 'negative value,' or 'nonvalue' in the sense indicated in note 11 above, with a like identification of 'ontic good' with 'value.' This usage makes good sense, of course, insofar as it renders discourse possible at the moral level and not merely at the metaphysical. In this case, however, the

⁶² Cf. his acceptance of Schüller's argument, concerning the wrongness of a sheriff's hanging the innocent in the case above considered, that "the entire institution of criminal law is at stake" (*ibid.* 109, 113), though, again, this institution's preservation or destruction remains only at the pre-moral level.

⁶³ Details may be found in Quay, "Unity and Structure," Part III; cf. also Knauer, "Hermeneutic" 11.

arguments of my earlier article⁶⁴ are directly pertinent and, as yet, unanswered. McCormick himself seems to admit as much:

I think it fair to say that Quay sees the basic error of these theologians in the reduction of premoral goods and evils to values and disvalues. Once this move has been made, everything follows. . . .⁶⁵

Good and value (evil and disvalue). Quay faults recent theologians for not distinguishing these notions carefully. . . . This is at the heart of Quay's objection, for from it follows everything else he says. . . .

[Then following immediately upon the passage cited in note 14 above] And it is only if premoral good and evil are understood as value and disvalue *in Quay's sense* that the multiple aberrations he details would follow.⁶⁶

Insofar, then, as a theologian understands premoral goods and evils to be values and disvalues in more or less their ordinary senses, the arguments there presented stand.⁶⁷

It is of interest, though, to consider again the question: Where does such an understanding leave the argument that one may will an ontic or premoral evil for the sake of a proportionately good end?

All parties accept the principle that one may not will *moral* evil in order that good may come of it. But ontic evils, if equivalent to negative values, have moral aspects unavoidably built into them. For a person is morally responsible for his values, negative and positive, so far as he is reflexively aware of them, though not ordinarily for his *bona* or *mala naturae*. Thus, few would exculpate Hitler on the ground that he acted in strict accord with his values. But, that Hitler's

value-system itself was monstrous and that he was acting immorally when acting in accord with it can be shown only if one admits that his value-system was, ultimately at least, a matter of free choice. And since no values can be assigned at all till some value-system has already been chosen, one cannot determine the moral quality of any choice of a fundamental value-system by summing the values which would be realized through the choice of this system rather than of some other. . . . If, on the other hand, we insist that a man act in accord with values he does not hold but ought to hold, at least in these circumstances, this sounds suspiciously like an antecedent moral norm of universal applicability.⁶⁸

If so, then one can no longer claim that the ontically evil actions one is

⁶⁴ Quay, "Unity and Structure."

⁶⁵ "Notes: 1976" 76.

⁶⁶ *Ibid.* 77.

⁶⁷ The core of my position was that, though moral choice indeed involves values and evaluation by the moral agent, it involves much more: the entire range of moral goods, including *inter alia* the holy, the sacred, the personal, the respect-worthy. It also involves much less, since it omits those values or disvalues that are not true goods or evils.

⁶⁸ Quay, "Morality" 356-57.

considering as the necessary means to one's good ends are purely and entirely nonmoral. These evils and goods alike are already morally qualified, at least by one's choice of values and continuing consent to maintaining them.

Revisionists seem not to notice that, even in those rare cases in which choice of a good end determines the moral agent to the single, sole means capable of attaining it, the moral agent retains the freedom to accept these means or to abandon the goal.⁶⁹

A fortiori, then, in such a case as masturbation for the sake of sperm-testing,⁷⁰ where the ontically evil act does not directly and of itself bring about the desired goal, at least two distinct moral choices are required, each of which is fully specified morally. Thus, a man who chooses to masturbate in this situation not only regards possible knowledge concerning his generative health as good, but has freely made it, if not an "absolute value" in the sexual domain, at least an object of preferential choice despite the evil consequences at a personal level that arise from such an action when the agent has adequate understanding of the nature of his act. In his choice to masturbate or not, the agent chooses (or reasserts the choice of) one set of moral norms, laws, values, etc., as against another set.⁷¹

On the other hand, mere limitation of good, without privation, involves *no* evil.⁷² At most, such limitation can be a disvalue to someone who is dissatisfied with it for one reason or another. This displeasure itself, however, is evil; if free, it is morally evil. It is sinful freely to let oneself be unhappy over some fundamental limitation of knowledge, say; so Eve sinned in Eden.⁷³ Unwillingness to accept the limitations of "thinking,

⁶⁹ Cf. especially Part III of "Unity and Structure."

⁷⁰ McCormick is correct, of course, in saying that this act "is a different human and moral act than masturbation as generally understood" (McCormick, "Notes: 1976" 79). But moral difference need not imply moral goodness—rape is morally different from both.

⁷¹ At this point the revisionists tend to appeal to the desirability of obtaining information about his fertility in a way more suggestive of a concrete moral norm than seems legitimate within their theory—or to appeal for further circumstances. But, in fact, the issue then turns on the sacredness of sex, a category the revisionists have dropped by their restriction to values.

⁷² Cf. above, Section I.A.

⁷³ To avoid misunderstanding, note that *simple nescience* (e.g., an infant's ignorance of moral norms) is not an evil of any kind, though ordinarily it will rightly be seen as to be replaced, though effort, by knowledge. Ignorance that is unsuitable for a person in his particular circumstances is a physical evil. If it is also the immediate result of a failure of duty, then it is a sign of his moral failure, but is not a moral evil itself. Disease and death, concupiscence and temptation, and the like, that seem "natural" to us in our present condition, in fact represent privations of goods that in another order we ought to have; i.e., they are physical evils that God permits in us but does not choose as such.

willing, feeling and acting" creaturehood⁷⁴ seems dangerously close to the very essence of moral evil. Freely to let such 'ontic evil' weigh negatively in one's moral deliberations is to act in a morally evil manner, since thereby one freely ratifies, in either motive or means, that prior resentment, refusal, or repining that converts mere limitation into disvalue.

Mere absences of personally desired goods cannot be, as such, a basis for moral right or wrong at all. It is up to us to learn how to face the truth of our creaturely and limited goodness so as to be happy with it in itself. After all, it will endure even in heaven, where we will find Mary and millions of others far above us in holiness and happiness, in personal development and fulfilment. Every human life is meant to be a transition from an infantile condition, in which value and disvalue are determined by one's personally desired goals, to a condition where, by the power of the Holy Spirit, whatever one's personal preferences, one acts as becomes a son of God in Jesus Christ, oriented towards and subject to the Father in every action. A moral theology that permitted us to chafe under our unfulfilled desires, even where these are in themselves wholly licit and objectively grounded, would, if followed consistently, lead to satanic pride, making man's wishes the measure of all.

This is not to deny that our limitations may rightly spur us to find ways to surmount them. If I cannot see inside someone's skull—no evil, that—but have good reasons for wanting to do so, e.g., to diagnose some brain disorder, I may indeed seek ways to transcend this limitation and to discover useful images of what is inside his skull by NMR-imaging, CT-scans, and the like. But this effort to surmount limitation, to be morally good, must remain embedded firmly in the matrix of the commandments and be free of all resentment should we fail in our effort.

Another example of disregard for limited good simply because it does not square with human values is seen in Janssens' remarks

that each concrete act implicates ontic evil because we are *temporal* and *spatial*, live together *with others* in the same *material world*, are involved and act in a *common sinful* situation. . . . [T]here is also a negative side. When we choose a certain action, we must at the same time . . . postpone all other possible acts. . . . "*Tout choix est un sacrifice*"; or as the traditional terminology puts it, each *commissio* (act) includes an *omissio*. . . . The conflict [of duties and values] is directly related to our temporality. . . . He [a moral agent with more to do than he has time for] has the feeling he is lacking something when he becomes aware of his inability to realize all these different values as much as he pleases. So there is ontic evil.⁷⁵

⁷⁴ Janssens, text to n. 8 above.

⁷⁵ *Ibid.*, 134–35. In later papers Janssens makes use of this "ambiguity" to introduce our need to establish an order among our values. Since we must choose among simultaneous alternatives, we have to set priorities and establish what he continues to call the *ordo*

Is this not a strange way to characterize the highest of man's natural perfections, his freedom?⁷⁶ Janssens fails to see that the true grandeur of human freedom lies in our ability to make just those choices that are irrecoverable, when we must choose between genuine goods, some of which must be let go forever. Free choices alone form each of us as a person with a true history. All else occurs by natural necessity, arising from agencies other than our own selves, even if from within ourselves. Freedom of choice delights in creaturely limitations as the stuff out of which personal growth is made—for what sort of growth can there be without time, space, limitation? Only by free moral choice among limited goods and under the limitations of a material world can human beings serve and worship God.

It should be noted that Janssens finds the ultimate and ineradicable source of ontic evil in matter. He begins the last section of his discussion of the nature of ontic evil: "The outstanding fact about these problems is that we cause ontic evil when we act immorally. And so we move to the question of the fundamental source of ontic evil—our sinful condition."⁷⁷ At first glance, one might take this to mean that he has thought better of his idea that ontic evil is present in every human action and that he is rather asserting that all ontic evil has its source in human sin. But the rest of the paragraph makes clear that this is not the case: "[A] very great amount of ontic evil is caused by or is tolerated by . . . immoral behavior. . . . [M]uch ontic evil is the fruit of moral evil" [emphases added]. Finally, the disappearance of sin would only make "the level of ontic evil present in the world . . . drop considerably."⁷⁸ Complete elimination of ontic evil would require not only the elimination of sin but of materiality (spatiality, temporality, multiplicity of individuals).⁷⁹ Indeed, since for the revisionists moral evil (sin) is simply the result of choosing ontic evil disproportionately, it seems not too much to say that, to the extent that they agree with Janssens' analysis, they must find the origin of all evil in matter.⁸⁰

bonorum. But he does not, for all that, cease to regard the necessity for such a choice as "a negative side" of our freedom ("Norms" 212) and as making us "neglect [my emphasis] all other possibilities" ("Artificial Insemination" 15). Knauer, too, finds evil inseparable from human action; cf., e.g., the text to n. 26 above.

⁷⁶ Cf. Quay, "Morality" 351–52.

⁷⁷ "Ontic Evil" 138.

⁷⁸ *Ibid.*

⁷⁹ So, also, in discussing "our spaciality" as a reason for ambiguity in our actions, he says: "[O]ur actions . . . are simultaneously both detrimental to and beneficial for the human person" ("Artificial Insemination" 16).

⁸⁰ McCormick seems generally to accept the position of Janssens and Knauer here (cf. text to nn. 16 and 19 above). Fuchs and Schüller, however, seem to make a conscious effort

What appeared at first as a mere inconsistency of language manifests itself now as linked, logically at least, to something a good bit worse. One of God's great gifts to Israel (in profound contrast to all other ancient religions) is the knowledge that the universe in its entirety is created by an all-good God. The world, therefore, can contain *no* immanent principle of evil and, as it came forth from God's hand, no ambivalence.⁸¹ We must, then, take seriously attitudes or arguments which see God's good creation no longer as good but as "ambiguous," with evil arising of necessity from materiality. Such arguments, however contrary to their authors' intent, lead logically toward genuine dualism and collapse of faith in God's absolute goodness.

In sum, the equivocity that runs all through revisionists' writings is sufficient to prevent them from formulating any self-consistent position whatever. More, if one removes the equivocity by interpreting it in either sense only, it becomes impossible for them to claim that one may do 'ontic evil' that good may come of it. Finally, one sees that their break with Catholic moral tradition can unwittingly involve them in a break with the Catholic understanding of the goodness of God's creation.

to avoid this approach. Whether in principle they can succeed in doing so depends, obviously, on the precise way they will choose to resolve the basic equivocity under discussion.

⁸¹ For an important development of the relations between the goodness of creation and moral theology, cf. Donald Keefe, S.J., "Biblical Symbolism and the Morality of *in vitro* Fertilization," *Theology Digest* 22 (1974) 308-23.



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