

PROPORTIONALISM: ONE VIEW OF THE DEBATE

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I APPROACH THE DEBATE over the adequacy of proportionalism with great hope and little hope: great hope because this discussion of the theoretical foundation of the moral life promises profound insight into the human condition; little hope because over the past ten years I have watched how time and time again intelligent persons read the views of the other side, report them rather accurately, then shake their heads at how someone so smart could be so benighted.

I

SOME DEFINITIONS

I will try to present what is called the proportionalist (*P*) view; but, as will be obvious, what follows is my own position. There is no theologian so pre-eminent in the *P* school that others understand themselves by reference to his or her position.¹ We have no Kants or Mills, no one like Aquinas or Plato. Throughout this paper the contrasting school will be called deontology (*D*). I will be talking more *about P* than developing it systematically. My desire is to summarize issues, clarify misunderstandings, show convergences, and push the debate forward. For convenience, I lump together respected thinkers like Grisez, May, Connery, Quay, and Ramsey as active advocates of *D*, and McCormick, Fuchs, Keane, O'Connell, and Hallett as proponents of *P*. I take only scant consolation in the fact that far better minds than mine have run aground in these waters. I fear contributing to the truth of MacIntyre's perception that Roman Catholic theologians seem only "mildly interested in God or the world; what they are passionately interested in are other Roman Catholic theologians."² (MacIntyre seems to miss the ecclesial nature of moral theology. Theologians argue not only about the nature of reality but also, though derivatively, about the identity of their community—hence about the views of their colleagues.)

Perhaps it is best to begin with two clarifications. First, *P* is not some new, upstart ethical theory trying to overthrow "traditional" ethics.³ An

¹ Richard McCormick, S.J., is perhaps the one who has spent most time in the trenches; accordingly, he has been most often shot at. In "Bioethics and Method," *Theology Digest* 29/4 (winter 1981) 313–14, he names 23 internationally known authors and adds that there is "a whole host of others."

² Richard McCormick, S.J., "Notes on Moral Theology: 1982," *TS* 44 (1983) 92.

³ See Louis Janssens, "Ontic Evil and Moral Evil," *Louvain Studies* 4 (1972) 115–56.

appeal to tradition, it has been noted, is often no more than an appeal to "what I was taught. . . ." Thus the principle of double effect is considered traditional, even though it achieved prominence only in the 19th century.⁴ Hallett may or may not have been successful in trying to show that *P* is the one theory most used by Christians throughout their history, but at least he shows that it has been one of their traditional approaches.⁵ Secondly, the advocates of *P* not only do not think it is opposed to a natural-law theory, but usually count it as one of the leading forms of natural law. The problem is that "natural law" has many meanings. If it means an objective ethic, or an experience-based ethic, or an ethic that pays special attention to the structures of human existence,⁶ *P* certainly strives to be just that.

I presume that most readers are aware of one or more expositions of *P* and *D*. However, for purposes of a common starting point, let me quote Frankena's classic description of these two theories (*P* is one form of Frankena's teleology [*T*]):

A teleological theory says that the basic or ultimate criterion or standard of what is morally right, wrong, obligatory, etc., is the nonmoral value that is brought into being. . . . Thus, an act is *right* if and only if it or the rule under which it falls produces, will probably produce, or is intended to produce *at least as great a balance of good over evil* as any available alternative; an act is *wrong* if and only if it does not do so. . . .

Deontological theories deny what teleological theories affirm. . . . They assert that there are other considerations . . . certain features of the act itself other than the *value* it brings into existence, for example, the fact that it keeps a promise, is just, or is commanded by God or by the state. . . . Deontologists either deny that this characteristic [comparative value] is right-making at all or they insist that there are other basic or ultimate right-making characteristics as well.⁷

Four comments on these descriptions are in order. First, they are drawn in opposition to one another: *D* denies what *T* affirms. In practice, however, both theories typically do not break into "only consequences" or "only right-making characteristics of acts." Rather, a "broad deontologist" might say that duty also requires attention to benefits, while a "broad teleologist" might say that it is part of the good that it must be distributed fairly.⁸ The "broad *T*" I am defending is one in which the

⁴ Lisa Sowle Cahill, "Teleology, Utilitarianism, and Christian Ethics," *TS* 42 (1981) 608.

⁵ Garth Hallett, S.J., *Christian Moral Reasoning* (Notre Dame: Univ. of Notre Dame, 1983) 205.

⁶ Timothy O'Connell, *Principles for a Catholic Morality* (New York: Seabury, 1978) 165-73.

⁷ William Frankena, *Ethics* (2nd ed.; Englewood Cliffs: Prentice-Hall, 1973) 14-16.

⁸ Cahill, "Teleology" 604; Amartya Sen, "Evaluator Relativity and Consequential Evaluation," *Philosophy and Public Affairs* 12/2 (spring 1983) 30-32.

values of *persons* and their *acts* and *relations* are included among the values to be "weighed."

Secondly, *D* and *T* have come to mean many things.⁹ In its contemporary version, *D* frequently means that there are certain "right-making or wrong-making characteristics" of acts which are decisive *regardless of circumstances or consequences* (e.g., the inviolability of "basic goods"). When there is a clash between two or more right/wrong-making characteristics, some forms of *D* will permit a person to compromise, but there can be no compromise between these characteristics and circumstances or consequences. Present-day Roman Catholic teaching, with its concern over "intrinsic evil," is a most stringent form of *D*, since it adds that one can never deliberately do an act with a wrong-making characteristic. It allows one to prescind from achieving certain intrinsic goods as long as one never acts against them. Perennial problems such as whether it can ever be moral to be dishonest (deliberately tell an untruth) divide these ethical systems. The debate is twofold. Are there some goods/evils that are morally decisive independently of all consequences? And are there intrinsic goods/evils that cannot be weighed even against other intrinsic goods/evils?

Thirdly, according to Frankena, *T* is said to concern itself only with nonmoral goods, and he takes this to mean that "moral" attributes of an act such as "being honest" or "being just" therefore do not count for *T*. Admittedly, in some non-Christian versions of *T*, there is a demand to maximize either material goods or subjective pleasures such that a sacrificial love or a costly honesty might be excluded. *P* is not this kind of *T*. Unlike utilitarianism, as we shall see, *P* insists on the virtues of honesty, justice, etc. These virtues, I will argue, can be understood as values of personhood.

Fourthly, the modern form of *T* described by Frankena seems distant from a classical natural-law *T* which looked to the fulfilment of basic human tendencies. In fact, Frankena's *D* and *T* are both "act-centered" to such a degree that they omit what is the mainstay of traditional Christian ethics: a theory of the person. A vision of the person must ground the meaning of "right" or "moral." Most contemporary versions of *P* and *D* side with classical *T* in giving pride of place to the person and the virtues.

As a broad theory, *P* tries to incorporate the insights of Frankena's *T* and *D*. *P* asserts that the free realization of "at least as great a balance of good over evil as any available alternative" is the moral criterion. Where it disagrees with or at least modifies Frankena's portrayal of *T* is

⁹ Bruno Schüller, "The Double Effect in Catholic Thought," in Richard McCormick, S. J., and Paul Ramsey, ed., *Doing Evil To Achieve Good* (Chicago: Loyola Univ., 1978) 167.

in the range of values it envisions. Thus, it agrees with *D* that features of acts such as honesty or loyalty have moral significance. The term "value" applies not just to results. It also pertains to the agent, to expressive and evolving natural tendencies, to intentions, acts, and manners of acting, to the circumstances as well as social situations (e.g., fair arrangements) and to the religious context (e.g., command of God). It departs from *D* when it does not allow certain right/wrong-making characteristics to be either necessary or sufficient for determining morality. *P* is a middle position¹⁰ between an ethic concerned only with external consequences and an ethic which determines the right in total independence of consequences. *P* asks not less than Frankena's *T* or *D* but more.

II

MORAL EXPERIENCE

Rowntree has, I think, accurately noted that both sides of the debate try to be faithful to moral experience.¹¹ The problem is that moral experience is very complex. Our moral experience includes times when we know we work to improve the world, times when we are aghast at some misdeed, times when we act in fidelity to and fulfilment of our own nature, times when we worry about consistency in our decisions, times when we submit in obedience to God or others, times when we stand resolutely on principle, times when we compromise, etc.—and all of these are part of moral experience. The ethicist's task is to integrate all these moments in one system. There are at least four levels to our moral experience.

Concrete Level

On the immediate level, we have at least some strong judgments that certain acts or ways of being are usually wrong. We hold these views because of some experience or reflection of our own¹² or, more usually, through the mediation of social/ecclesial conventions. Whatever their origin, a theory is generally expected to justify, not destroy, our confidence in these judgments. If a moral theory blessed slavery or rape, that fact would be a strong argument against the theory.¹³

¹⁰ McCormick, "Bioethics and Method" 314.

¹¹ Stephen Rowntree, S.J., "Ethical Issues of Life and Death," *Thought* 57 (1982) 450.

¹² Richard McCormick, S.J., "Does Religious Faith Add to Ethical Perception?" in John Haughey, S.J., ed., *Personal Values in Public Policy* (New York: Paulist, 1979) 163.

¹³ John Connery, S.J., "Morality of Consequences," in Charles Curran and Richard McCormick, S.J., eds., *Readings in Moral Theology No. 1* (New York: Paulist, 1979) 257.

Much of the debate between *P* and *D* consists in "hard cases," e.g., the standard "Southern sheriff case" or the "Bergmeier case," in which our spontaneous judgment seems to refute one or other theory. The hard cases are important for validating a theory, because on the easy cases most theories agree and thus seem valid.¹⁴ At the present stage of the debate, each theory has stock examples which, it thinks, undermine the other theories. In response, each theory has developed some explanation of those hard cases. Such explanations show either that our moral intuitions can be justified within the favored theory—even if sometimes rather tortuously—or that the spontaneous judgment is itself wrong. In the "Southern sheriff" case, some proportionalists have noted that the whole criminal-justice system is at stake, while others have remarked that, if the "unjust" penalty was something like a slap on the wrist, surely we should choose the unjust penalty in order to save hundreds of human lives.

Moral Decision-Making

In addition to immediate judgments about particular acts, we also have the experience of *making* moral judgments. We make such judgments all the time, and through a reflexive sort of awareness we are able to grasp how in fact we do go about making such judgments. Often our judgments are "instantaneous,"¹⁵ but occasionally we may go through a somewhat orderly process of deciding.

Hallett rightly insists upon a crucial distinction.¹⁶ On the one hand, there is criterion for right and wrong; on the other, there are various methods an individual uses to discover what to do. One person might guess the answer to a mathematical calculation, another might consult an expert, a third might use a computer; still, the criterion for rightness is independent of path traveled to discover that answer. In moral matters a Hegelian citizen may discover what to do simply by following the laws and customs of the state, just as a Christian might consult norms in Scripture, tradition, or Church teaching. How a person comes to a judgment of right and wrong is different from a criterion that would justify whether a deed is right or wrong.

Is there a method or style of thinking that characterizes *P* and another that characterizes *D*? An ethical theory will in part be judged inadequate to the extent that it seems to employ a distorted style of thinking about

¹⁴ Amartya Sen, "Rights and Agency," *Philosophy and Public Affairs* 11/1 (winter 1982) 15.

¹⁵ James Gleick, "Exploring the Labyrinth of the Mind," *New York Times Magazine*, Aug. 21, 1983, 23–24.

¹⁶ *Christian Moral Reasoning* 171–98.

practical matters. When parodied, what to *P* looks like its own open-mindedness looks to *D* like a crass mindset that "knows the price of everything and the value of nothing." When parodied, what to *D* looks like its own principledness looks to *P* as a fearful closed-mindedness that cannot deal with the complexity of reality.

Image of Human Existence in Creation

In his recent book, Ogletree insists that a perfectionist theory must be added to *D* and *T*.¹⁷ By perfectionism he means a theory that attends to virtue and to the person in addition to acts. We must ask what it means to be a decent or moral human being. We are aware that not only do we choose to do this or that particular act, but also that in so doing we are actualizing our humanity either authentically or inauthentically.¹⁸

Different views of our temporal being-in-the-world often underlie *T* and *D*. In its consequentialist form, only the future exists for *T*. Acts are judged according to the increase of good they bring about in the physical, personal, and social worlds. By contrast, *D* theories typically concentrate on present and past realities. The structures or basic tendencies of human existence are already present and not to be violated; past social relations are already formed and not to be severed. According to Ramsey, the future can be left to God.

A moral theory will be embraced to the extent that it well articulates a vision of being human in this world. *P*, as I hope to show, tries to account for all three phases of this temporal structure of human and creaturely existence.¹⁹

Ultimate Ground

On a fourth level, moral experience includes some sense of a moral order or universe whose horizon is God. We enter into a relation with this moral order, whether co-operating with it or resisting it. This moral order acts as an absolute horizon for our decisions, and like all horizons it is not able to be definitely grasped. Nonetheless, differences in horizons can make for differences in concrete decisions.²⁰ And what God enables and requires is the religio-ethical task.²¹

¹⁷ Thomas Ogletree, *The Use of the Bible in Christian Ethics* (Philadelphia: Fortress, 1983) 28-34.

¹⁸ Joseph Fuchs, S.J., *Personal Responsibility and Christian Morality* (Washington, D.C.: Georgetown Univ., 1983) 56.

¹⁹ Ogletree, *Use of the Bible* 34-41.

²⁰ McCormick, "Bioethics and Method" 308-10; James Gustafson, *The Contribution of Theology to Medical Ethics* (Milwaukee: Marquette Univ., 1975); Hallett, *Christian Moral Reasoning* 199-223.

²¹ James Gustafson, *Ethics from a Theocentric Perspective* 1 (Chicago: Univ. of Chicago, 1981) 235-50.

At this fourth level an individual or group recognizes its basic or fundamental relation to God. One may experience God as a lawgiver, a ground for a stable world, a source of creativity, a direction in the future, a person to obey or co-operate with, and so forth. A moral theory must not contradict this experience of God's self-communication.²²

Theoretical Adequacy

For a moral theory to be embraced, it has to ring true to all these levels of experience. If a moral theory shows that there is a need for God, as Kant's tries to do, then that counts *prima facie* in favor of such a theory. If Grisez's claim that consequentialism logically excludes religious existence is true, then all of us who are theists have a good reason to reject consequentialism.²³ If Skinner's behaviorism shows that to understand the determinism of actions is to forgive all, then most of us would say that such a theory is inadequate because it does not fit our experience of freedom and guilt.

On the other hand, we also recognize a dialectical movement in our reflection. Sometimes one level of our experience becomes more refined and points to a needed purification or reformation of the other levels of our experience. In the West our acceptance of slavery was challenged by the Enlightenment's view of what it means to be human. More recently, in medicine, ethical sensitivities which used to favor paternalism now favor patient autonomy; and this remarkable change has come about through a theoretical critique, a critique that initially seemed to fit neither the doctor's nor the patient's customary experience. It also happens that changes in our experience of concrete issues lead to alterations on other levels. An argument could be made that *Humanae vitae* has fueled the development of *P* in Catholic thought, and that the birth-control debate has been so drawn-out and intense precisely because it is really a debate over a style of moral reasoning and a vision of what it means to be human, not to mention over what God is doing in the world—therefore over much larger matters than the use of a pill.

In sum, as we discuss these issues, all of us appeal to experience. We should be careful to note which level of experience we are concerned with. Some, for instance, support *P* because it accounts for how they actually make or justify moral decisions. Others reject it because they think it leads to false practical judgments or to a false view of humanity or away from a religious ground. Christians who embrace either *P* or *D* or any other theory need to show its adequacy to all four levels. Let us now look at the contemporary debate in the light of these four levels.

²² Fuchs, *Personal Responsibility* 94.

²³ Cahill, "Teleology" 629.

III

COMPARISONS

Contrary to what its critics say, *P* is not opposed to the use of the terms "intrinsic evil," "duty," or "absolute," but it uses these terms only for concrete acts. One ought not—"absolutely" ought not—do an act that is wrong. Such an act is "intrinsically evil."²⁴ In the sphere of concrete moral decisions, *P* often is experientially indistinguishable from classical act-deontology.²⁵ What *P* refuses to do is use these terms for norms or for classes of acts viewed independently of the agent or the circumstances. "Absolutes" commonly refer to a class of acts that are always prescribed or proscribed, i.e., in all circumstances, at all times, in all places, and for all persons without exception. For *P*, the word "absolute" is reserved for a particular contingent deed that is objectively required.²⁶ Since no behavioral norm can foresee or include all the possible combinations of values involved in a concrete deed, absolute behavioral norms unjustifiably exclude consideration of features of an act that may be relevant.

The epistemological issue here is certitude about an intricately inter-related and evolving world. One can, and indeed must, strive for moral certainty. But *theoretically* one can never be sure that one has properly seen all the values resident in act. Hence one can never be theoretically certain that a given act is always wrong. Further, an "absolute" would have to be formulated in such a way as to ensure in advance that the uniqueness and development of individuals, the variations of cultures, the changes of history, and the involvement of God in the world will never introduce any significant differences. This seems impossible if one takes historicity seriously. New situations, conceivably, may appear which will introduce new values that would tip the balance or recharacterize, i.e., give a new *ratio* to, an action. With this in mind, Fuchs gives a modern interpretation to a Thomistic observation: "because it is necessary that human behavior vary with different personal and temporal conditions and with other circumstances, therefore conclusions drawn beforehand from the first precepts of natural law are not always valid, but only for the most part (*ut in pluribus*)."²⁷

To say that absolute behavioral norms arbitrarily cut short an examination of all that is involved in a concrete choice is not to deny that there are universally relevant values. A theory of objective value should assert that at least values such as those of life, love, and beauty are

²⁴ Philip Keane, S.S., "The Objective Moral Order" *TS* 43 (1982) 269–70. The word "intrinsic" seems both here and in recent Catholic thought to be a synonym for "moral." For an older and different Roman Catholic meaning, cf. McCormick, "Notes 1982" 86.

²⁵ Frankena, *Ethics* 16.

²⁶ Fuchs, *Personal Responsibility* 113–52.

²⁷ *Ibid.* 193.

always and everywhere valuable. It may be that an individual, e.g., a terminally ill patient, need not actively strive to realize some of these. But they remain objectively valuable *in se* and can be acknowledged as such even by those who do not have an obligation to realize them on this or that occasion. Conversely, disvalues remain disvalues even when they are tolerated. Grisez and Boyle get at this notion: "the basic requirement of morality is that one choose and act for some human goods, while at the same time maintaining one's appreciation, openness and respect for the goods one is not *now* acting for."²⁸ Celibates should do this toward marriage, and those who practice birth control should do it for fertility and children.

One of the areas where there should be far less misunderstanding between *P* and *D* is the status of the good that is omitted or even harmed in pursuing a greater good. Grisez argues that a moral choice must "not attempt to transform and belittle the goodness of what is not chosen, but only to realize what is chosen."²⁹ *P* readily agrees. Grisez adds: an immoral choice "presumes to negate what it does not embrace in order to exalt what it chooses. . . . Principles . . . are brushed aside as if they wholly lack validity."³⁰ The latter claim in *no way* reflects what *P* proposes. The metaphors of "balance" or "sum" imply that the loss of a good is recognized as a disvalue. The loss of a good decreases the "total amount" of good, and thus such a loss should never be chosen for itself. As McCormick notes, "To say that something is a disvalue or non-moral evil is to imply thereby the need to be moving constantly and steadily to the point where causing of such disvalues is no longer required. To forget that something is a non-moral evil is to settle for it, to embrace it into one's world."³¹ To be sure, persons *can* grow comfortable in permitting evil. Such a process is a forgetfulness of one's starting point. This forgetfulness might be reason for insuring that exceptions do not become the rule; it might be reason for strong social policy, based upon the "moral decline" version of the wedge argument;³² it is not, however, a theoretical basis for a universal proscription of all exceptions.

²⁸ Germain Grisez and Joseph Boyle, Jr., *Life and Death with Liberty and Justice* (Notre Dame: Univ. of Notre Dame, 1979) 364.

²⁹ Germain Grisez, *Abortion* (New York: Corpus, 1970) 315.

³⁰ Similarly, May writes that one must never, in an objective ethic, "say of these goods here and now that they are non-goods, no longer worthy of my love and respect" ("Ethics and Human Identity," *Horizons* 3 [spring 1976] 36-37); also Germain Grisez and Russell Shaw, *Beyond the New Morality* (Notre Dame: Univ. of Notre Dame, 1974) 88-90. No *P* need so deny reality.

³¹ Richard McCormick, S.J., "Moral Norms and Their Meaning," cited in Richard Gula, *What Are They Saying about Moral Norms?* (New York: Paulist, 1978) 106.

³² Tom Beauchamps and James Childress, *Principles of Biomedical Ethics* (New York: Oxford, 1979) 112-13.

P is often charged with relativism. The charge is ambiguous. If it means that *P* is arbitrary, "merely subjective," or groundless, the charge is false. *P* is, however, relativist if that term is taken to mean that the subject and its intentions plus the circumstances and all other objectively given facts are interrelated with one another and relevant to the morality of a decision.³³ Objectivity or fidelity to reality requires as much. The relational character of reality is not synonymous with relativism.

P affirms that the circumstances must count in moral evaluations. Such a position seems hardly novel. That the situation makes a difference does not mean that it makes all the difference. There never has been an act without circumstances. The act of "taking money" begs for a specification of its conditions before one can make a moral evaluation. So, too, does getting married, speaking the truth, and so forth. A type of act may be describable apart from any context, but one needs to know the context of a concrete deed before one can evaluate the deed performed. We shall return to this issue of wholistic assessment.

Again, *P* is not subjectivistic,³⁴ if that term means arbitrary. The popular "situation ethics" was really an ethics of "good intentions"; and frequently the intentions were only loosely related to the deeds that flowed from them. Maiming a disobedient child out of love for that child is an inconsistent act. There is a disfit between the intention and the deed which flows from it. Only a material act which is congruent with the intention adequately expresses the intention. Having said this, however, we can still assert that the intentions of the subject are part of the objective act. The difference between "killing out of self-defense" and "killing out of jealousy" is an objective difference. A "merely subjective" act is an act wherein the intentions of the subject do not correspond with the other objective determinants/values of that act.³⁵ In the eyes of *P*, traditional ethics too often spoke of (material) actions apart from intentions as if intentions were a distinct and perhaps only mitigating factor. But depositing money with a charity is not a human act until it is further and intrinsically specified as done out of vanity or out of generosity. Different intentions constitute different human acts.

Making Moral Decisions

MacDonald has noted that the category of "appropriateness" or *convenientia* is more characteristic of *P*-thinking than a strictly deductive approach.³⁶ The latter approach, he claims, characterizes that form of *D*

³³ Sen, "Rights and Agency" 19-32.

³⁴ Grisez and Boyle, *Life and Death* 340-45.

³⁵ Keane, "Objective Moral Order" 275-77.

³⁶ Sebastian MacDonald, "Can Moral Theology Be Appropriate?" *Thomist* 47 (1983) 541.

which dominated Catholic thought. This same observation has also been made by Gustafson in his analysis of the Roman Catholic position on abortion.³⁷ For *P*, ethical reasoning is not like speculative reasoning.³⁸ It demands that practical conversion called wisdom—an evaluative sensitivity to relative importances, their interrelation, their densities, their urgencies, and an assessment of their probable consequences. Ethical demonstrations often proceed by appeal to example, and they depend greatly on the richness or poverty of character of the discussants. Stories, images, and traditions inform our decisions by their power to reveal, constellate, and prioritize values and disvalues.³⁹ Above all, as a prerequisite for doing ethics, love is required. If love can be described as an emotional, participative union with the dynamisms of beings and Being moving in the direction of their value-enhancement,⁴⁰ then love is necessary not only for living ethically—as almost all religious persons agree—but also for doing ethics. Much of the aura of “cold calculation” that surrounds *P* could be dispelled if this idea of love as the pioneer into the value realm (plus the idea of reason as *ratio*-grasping) received greater emphasis in *P*.

Not Consequentialist Reasoning

Contrary to the views of its critics, *P* should not be identified with the sort of reasoning that goes on in consequentialism. Six differences can be noted.

First, *P* has to reject Ramsey's dichotomy between acting for value and acting for persons.⁴¹ *P* is concerned, above all, for the supreme *value* of persons.⁴² Again, *P* rejects the Grisez-Boyle contention that *P* is closed to the richness and growth of persons.⁴³ *P* agrees that the usual value-theory of utilitarianism is reductionistic. There is more to being human than “maximizing pleasure,” “preference-satisfaction,” or “happiness for the greatest number.”⁴⁴ These common utilitarian criteria acknowledge

³⁷ James Gustafson, “A Protestant Ethical Approach,” in John Noonan, Jr., ed., *The Morality of Abortion* (Cambridge: Harvard, 1970) 102–6.

³⁸ Fuchs, *Personal Responsibility* 93.

³⁹ McCormick, “Bioethics and Method” 310; William Spohn, S.J., “The Reasoning Heart,” *TS* 44 (1983) 30–52.

⁴⁰ Edward Vacek, S.J., “Scheler's Phenomenology of Love,” *Journal of Religion* 62 (1982) 177.

⁴¹ Paul Ramsey, *Basic Christian Ethics* (Chicago: Univ. of Chicago, 1978) 238–39.

⁴² Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Value* (Evanston: Northwestern, 1973) xxiv.

⁴³ Grisez and Boyle, *Life and Death* 369.

⁴⁴ Richard B. Brandt, “The Real and Alleged Problems of Utilitarianism,” *Hastings Center Report* 13/2 (April 1983) 39–40; Dan Brock, “Can Pleasure Be Bad for You?” *ibid.* 13/4 (August 1983) 30–34; Benedict Ashley, O.P., and Kevin O'Rourke, O.P., *Health Care Ethics* (St. Louis: Catholic Health Association, 1978) 174; Grisez and Boyle, *Life and Death* 347.

only certain subjective values and are incomplete with respect to the full range of values. *P* aims at the enhancement of all values. In the best of all possible worlds, that aim would lead to human happiness; but even in such a world happiness would be the result, not the criterion, of moral living. The enhancement of value, including human value, is the criterion of the morally good.

Secondly, consequentialism sometimes, e.g., in the hands of Joseph Fletcher, takes the short view, considering only immediate results. *P* insists that we must exercise "commensurate reason." Reason is not commensurate if in the long run the values chosen (or other equal or more basic values) are undermined by the choice. To choose in this way indicates that we are not really interested in those values. A judicial murder ruins respect for life or for law, and therefore it cannot be commensurately chosen. In the long run, sex-just-for-pleasure, in the absence of higher reasons, loses its appeal, and ever greater means have to be taken just to keep the original amount of pleasure. It becomes self-defeating.

Thirdly, a mindset bent on "getting results" overlooks the *intrinsic* (yet nonabsolute) *value* of many human activities. We sit faithfully by the side of a comatose spouse. We forgo advancement in order to spend (even "waste") more time with friends. We choose to do hands-on work with the poor rather than do political work to modify social structures, even if the latter might be more effective. *P* shares with consequentialism its concern for the future. After all, we are future-oriented beings; what we do alters the future, and thus is our responsibility; besides, we or other human beings will have to live in that future. But *P* also is concerned with values that lie in our past, e.g., divorce tends to devalue years of life shared in love; and with the present values of who we are and what we are doing, e.g., becoming a killer in order to get vital organs to save five sick persons. Present covenantal relations of marriage, friendship, society, or nation are *worth* our time and energy, love and devotion, regardless of any further good that comes of them. The very exercise of our faculties, as Aristotle noted, is an act of intrinsic worth, quite apart from any results. Such exercise constitutes "the point" of a liberal education. As Scheler has noted, Christianity became overly consequentialist when it made children the primary meaning of sexual intercourse, thereby failing to see the worth of the expressive and unitive aspects of that act.

Fourthly, in contrast to consequentialism, *P* can recognize that the *manner* in which consequences are achieved can greatly affect the moral meaning of an act. The concerned social worker may get no more food stamps for a client than the indifferent bureaucrat, but the former

performs in a more valuable manner and therefore, other things being equal, more ethically.

Fifthly, the focus on "consequences" implies a narrow, even technological understanding of reason. Indeed, the term "proportionalism" should be read as a theory of "proportionate *reason*." Consequentialism neglects reason's power to grasp or form natures and unities of acts. The determination of the nature of a particular act can be the crucial task. Is one a prostitute or a "working girl," performing an abortion rather than removing diseased fallopian tubes, stealing an apple or liberating it? Prior to any summation or comparison of values, reason and emotive consciousness must grasp the nature of the act.

Lastly, *P* need not follow those forms of consequentialism which claim that we must maximize goods or minimize evils.⁴⁶ There is a range of morally good alternatives which may be different in value without one being obligatory and all others being wrong. Thus, McCormick indicates that one may throw oneself on a grenade to save others and one also may run.⁴⁶ Both are positive acts, one heroic but not obligatory, the other ordinary but also not obligatory. *P* is not committed to a mindset which knows only a simple criterion of maximalization of value.

Uses of Rules

Practical reasoning frequently makes use of rules. Rules thematize a recurrent pattern of value or disvalue and thus function as summaries of *P*-thinking.⁴⁷ Some rules have the appearance of being always valid. From a *P* perspective, all behavioral rules contain the implied qualifiers "under normal circumstances," "unless there is a sufficient reason," or "all other things being equal." W. D. Ross's prima-facie duties are exceptionless qua prima facie. They have the same status as universally valid values in *P*. By designating certain rules as prima facie, Ross can say that it is always the case that they are relevant, even when some other rule overrides them.

Rules may also be so formulated as to apply in certain specific conditions (e.g., tell the truth to "persons owed the truth") or to the exclusion of certain other conditions (e.g., do not "directly" kill "the innocent"). For a theory in which morality is coextensive with rules, it is necessary to infinitely multiply rules to cover every condition or exception. Thus

⁴⁶ Cf. O'Connell, *Principles for a Catholic Morality* 152-54.

⁴⁶ Richard McCormick, S.J., and Paul Ramsey, ed., *Doing Evil To Achieve Good* (Chicago: Loyola Univ., 1978) 46; William Frankena, "McCormick and the Traditional Distinction," *ibid.* 159.

⁴⁷ Edward Vacek, S.J., "Values and Norms," *Annalecta Husserliana* (Boston: Reidel, forthcoming).

the efforts of Catholic casuistry. Thus, too, Ramsey argued that whenever a legitimate exception to a rule occurs, we need to reformulate the rule so as to include the "exception" as part of the rule, with the result that the exceptional case is no longer an exception.⁴⁸ For *P*, this move is unnecessary since moral reasoning can never be purely deductive. Insofar as concrete actions are never exactly the same, some (potentially relevant) aspect of reality will always be omitted by pure universals. The proper role of conscience is not merely to "apply" moral rules to decisions; it also judges whether and to what extent a rule is relevant.⁴⁹ Having said this, however, *P* quickly adds that some evils are so monstrous that countervailing exceptions can hardly be envisioned. Rules prohibiting these evils are described as "practical absolutes" or "virtually exceptionless."⁵⁰

Like its half sister utilitarianism, *P* can even affirm the necessity of some rules. Rules create social practices or institutions, and they establish patterns of social expectation. Social ethics develops an analysis of the values of these patterns, structures, roles, laws, etc.⁵¹ Rules are also useful. Armed with rules, we do not need on each occasion to consider all possible values and disvalues. They have a pedagogical function as guides enabling us to see more clearly what needs to be done. For example, otherwise "good people" today copy software because no commonly accepted rule including these acts under stealing has been established. Rules offer a great service to decision-making by pointing out patterns of disvalues/values which must be considered if we are to act responsibly.

In sum, rules are themselves valuable for human beings, and so their value counts in a system that tries to weigh values. What *P* tries to do is to give a theoretical grounding to these rules, laws, commandments, and so forth. It tries to answer two questions: Why this rule rather than another? What should we do when the rules clash?

⁴⁸ Paul Ramsey, "The Case of Curious Exception," in Gene Outka and Paul Ramsey, ed., *Norm and Context in Christian Ethics* (Philadelphia: Fortress, 1968) 67-135.

⁴⁹ Fuchs, *Personal Responsibility* 128-29.

⁵⁰ Hallett, *Christian Moral Reasoning* 110. W. E. May (quoted in Gula, *Moral Norms* 96-97) gives the following examples of absolutes: coition with a brute animal, or using public monies to pay one's mistress. It does not take much imagination to think of possible, though unreal, exceptions. Suppose that AIDS could only be cured through bestiality (of course, a typical next move by May might be to rename the act a form of therapy; but would not this sort of move erode the force of the word "absolute"?). Or suppose that part of the publicly approved compensation for public office was a mistress (the act of having a mistress might still be wrong, but not using public monies for this purpose.) *P* may use its imagination too freely, but *D* could use a bit more imagination.

⁵¹ Vacek, "Values and Norms."

Enhance Value-Realm

P often spends much of its time defending itself against its attackers. Because it has at bottom a simple criterion, its own set of questions to opposing theories seems rather rhetorical: Are you opposed to enhancing the good and eliminating the evil? Are you opposed to a wholistic view of agency? Are you opposed to taking into account all of reality? As Maguire once remarked, such questions have the ring of "I'm for truth. What are you for?" Nonetheless, the questions may help clarify the discussion. We begin with the notion of value.

Premoral and moral values. Values may be experienced as ideal or already realized; as inviting or obligating; and as concretely impossible, realizable, or realizable-by-me. Behind the notion of premoral values lies a metaphysical view: every object, act, person, relation, institution, and so forth is valuable or disvaluable in a great variety of ways. Beings are good in themselves; usually they are also good for others; and they may also be means to still other goods. Beings may be good/bad for the senses, the body, the psyche, the mind, or the religious soul. When values and disvalues are considered in relation to freedom, they are called "pre-moral values." "Premoral" in this phrase means "relevant to moral goodness or badness, but not *in se* constitutive of that goodness or badness." The term "pre-moral" is employed to indicate that a value has yet to be realized, but is contemplated as an aspect of a free act.

The term "moral value" commonly has at least two meanings. Theorists of *P* speak of moral value (human fulfilment) being created when premoral value is realized, but they also speak of moral values apart from such actions.⁵² Among these latter moral values they include such characteristics of the person and his/her acts as being just, chaste, honest, faithful, etc. Reflection, I think, shows that this second sense of moral value may not be essentially different from the first. Just arrangements and honest communication are not moral values when found in dogs or birds, even though among animals these "habits" are good. When consented to or freely developed by a person, these habits or virtues form our character and are called moral values. That is, they are *moral* values because they are *realized* virtues of the person. Moral values are premoral values of the *person* which have come to be in freely realizing other premoral values. As Aristotle observed, "The virtue of man [and woman] will be the state of character which makes a man [or woman] good and makes him [or her] do his [or her] work well."⁵³

⁵² Franz Böckle, *Fundamental Moral Theology* (New York: Pueblo, 1980) 239–40, uses the word "good" for what we call premoral value, and "value" only for moral values.

⁵³ See John Langan, S.J., "Values, Rules and Decisions," in Haughey, *Personal Values* 56.

Though Frankena⁵⁴ acknowledges that utilitarianism is not wed to any particular theory of values, he and others⁵⁵ claim that justice cannot be a premoral value, cannot be a good to be included among the values to be enhanced. The crucial question of our debate reappears: Why, for example, do we act justly? Because the world is "better off" when just, or because even if the world is worse off, it is right to be just?⁵⁶ Rawls's difference principle argues that it is moral that some people be better off if that improves the lot of the least well off. Why is it that Rawls's intuition fits many of us? Is it possible that some would prefer equal poverty to a system that allowed inequalities where the lot of all was improved? To be sure, some characteristics are more central to humanity and therefore of high and usually overriding value, without reducing other values to the morally irrelevant. Thus, a world in which no one was honest but in which everyone had a high material standard of living would not be a "better off" world. Still, a social system that was so rigidly structured that no one was tempted to be dishonest but also no one desired to improve his/her material well-being would not be a "better" world. One cannot lexically take care of moral values and only then attend to welfare values.

A secondary reason behind the use of the term "premoral" is to avoid a linguistic or logical difficulty, found more often in Protestant authors but also occasionally in Catholic authors.⁵⁷ These authors sometimes say that an act is sinful or intrinsically evil, but that morally we must do it. *Pecca fortiter*. Similarly, other theorists solve the problem of conflicts by a weighing of rightness and wrongness rather than goods and evils.⁵⁸ And W. D. Ross's device of prima-facie duties explains occasions where our (final) duty is not to do our (prima-facie) duty. In all of these theories there seems to be confusion of meanings. An obligation to sin is a contradiction; a wrong act cannot be made right; a duty either is or is not a duty. By using "premoral disvalue" instead of "intrinsic evil," "sinful," "wrongness," or "duty" for aspects of a deed, *P* is able to say that at times we may, when necessary, deliberately will a disvalue because it is only premorally disvaluable. By telling a lie to a murderer, we are less than perfectly honest, but on the whole we have enacted a positive relation to the realm of value.

Weighing Values. It is no secret that the most underdeveloped aspect of *P* is its value theory. Here the critics of *P* are quite correct. Parallel

⁵⁴ Frankena, *Ethics* 14–16.

⁵⁵ Ramsey, *Basic Christian Ethics* 239.

⁵⁶ Brandt, "Problems of Utilitarianism" 43; Sen, "Evaluator Receptivity" 30–32.

⁵⁷ Cf. Fuchs, *Personal Responsibility* 135; McCormick, *Doing Evil* 222; McCormick, "Notes 1982" 86.

⁵⁸ Frankena, "Traditional Distinction" 154.

to an analogy of being, there should be an analogy of value.⁵⁹ Accompanying the near obsession of epistemologists with analyzing conceptual judgment, there should be an in-depth analysis of value assessment. Values are not added like dollars and cents. Loyalties and vocations configure the concrete values that one individual but not another perceives and must realize or avoid. Some goods, such as food, are valuable relative to our changing hungers. Other goods, such as a relation to God, are universal demands of our existence, though even here there are variations in types. Biological, psychological, mental, and religious development modifies the range and depths of the values one can perceive and should respond to.⁶⁰

Various schemas, such as the elaborate one of Brandt⁶¹ or the simpler one of Hallett,⁶² aid in understanding how we might go about a rational assessment of value priorities. Since at least many of the acts we perform contain a mixture of value and disvalue, *P*-reasoning needs to establish what will represent an increase of the good and a decrease of the bad. Needless to say, such assessments are not easy, at least if we try to make them in a theoretical way. Obviously, we muddle through: people do not need to study epistemology before they learn about their world; so, too, people adequately evaluate the risks of crossing the street without first formulating a theory of value and value assessment. Nonetheless, for philosophical and theological adequacy, such a theory is greatly needed. Wisdom, not more sophisticated computers, is necessary for making these judgments. Compassion and depth of feeling are more important than calculation. *P*—to its detriment—continues to use metaphors that imply a quantitative enterprise, but at bottom it demands a qualitative sensitivity to the depth and breadth of value.⁶³ As Scheler insisted, it is the well-ordered heart that is both the origin and result of ethical decisions.

Grisez and Boyle, among others, oppose *P* not because (or not only because) it yields wrong answers but because it is “altogether unworkable.”⁶⁴ It is, they charge, a “calculative method,” and this “calculation

⁵⁹ Cf. Langan, “Values, Rules” 39–63.

⁶⁰ Keane, “Objective Moral Order” 274.

⁶¹ Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon, 1979) 46–69.

⁶² Hallett, *Christian Moral Reasoning* 165–69.

⁶³ One of the most challenging criticisms of *P* comes from an Episcopalian student of mine. She notes that *P* is filled with what I might call “sober Greek moderation.” It is all prudence with little emphasis on the joy and enthusiasm of being in love with God—or anyone else, for that matter. It resolves tensions of competing loyalties rather than exulting in such tensions. It downplays symbolism, art, wonder, music, and poetry. Cf. Hallett, *Christian Moral Reasoning* 116–17; Scheler, *Formalism in Ethics* xxiii.

⁶⁴ Grisez and Boyle, *Life and Death* 349–51.

simply cannot be done unless the values of various outcomes" can be measured against one another; but such outcomes are "simply incommensurable." Five things might be said in response.

First, Grisez and Boyle seem to presuppose that either the human mind would have to be a computer which processes data by reducing the data to multiples of some common denominator, or else it cannot make comparisons.⁶⁵ They argue that by definition the "better" alternative must include "all" that lesser alternatives possess plus an extra. For commensurability to work, they say, one might compare "prayer" and "prayer with a meal," but there is no "good plus more good" in "prayer" as compared to a "meal." Grisez and Boyle⁶⁶ argue that we cannot properly choose between goods, e.g., between a Julia Child meal and a van Gogh painting; we can only pick either a nourishment or an aesthetic standard, and then one or the other good accordingly becomes superior.⁶⁷ Since there is no common denominator, the calculator will not work. To this argument one might reply that human beings function more complexly than a computer. Even other animals do.

Secondly, we all do make such value assessments. *Ab esse ad posse*. The human mind, like the human body, is fortunately able to choose between "apples and oranges."⁶⁸ We are sure that loving a friend is in itself more valuable than tasting peaches, even if the former is fraught with pain and the latter consistently gives pleasure. Anyone who could not make such a comparison of these "incomparables" would have to be value-blind, bereft of value judgment. It is up to the epistemologists to explain how we do so, not to declare that such judgments are impossible.

Thirdly, and more to the point, there is a common standard which we call "value" and which, like the analogy of being or intelligibility, is not strictly a quantifiable standard but does nonetheless yield comparisons. If beings or actions are in fact incommensurable, then one cannot say that God or human beings are more valuable than stones. Aquinas' Fourth Way for proving the existence of God presupposes the possibility of comparisons. The fourth condition of the principle of double effect also demands comparisons. Like being, value, though it is indefinable, is the analogously "common" facet. Grisez and Boyle acknowledge that people speak comparatively in ethical matters.⁶⁹ They reply, however, that people do not understand what they are saying when they make

⁶⁵ Ibid. 350-57.

⁶⁶ Ibid. 354-55.

⁶⁷ Grisez and Shaw, *Beyond the New Morality* 113.

⁶⁸ Richard McCormick, S.J., "Abortion: A Changing Morality and Policy?" in Thomas Shannon, ed., *Bioethics* (2nd ed.; New York: Paulist, 1979) 32.

⁶⁹ Grisez and Boyle, *Life and Death* 357-58, 372.

such judgments. *P* thinks that people know what they are talking about. We just may be smarter than some theories say we can be.

Fourthly, Grisez and Boyle assert that where people do compare goods, such evaluation is a function of practical judgment concerning "some nonmoral sense of 'better.'"⁷⁰ Practical judgment, they say, decidedly is not moral judgment. Since the comparison of nonmoral goods is what *P* proposes as the criterion of morality, *P* has to ask why such a sharp distinction is drawn. Grisez and Shaw continue: "where there is no other moral issue," one can and indeed must be a utilitarian.⁷¹ *P* rejects the necessity for this two-step process: first moral issues, then nonmoral issues. To be sure, in practice we often do check our proposed act against various standard rules, then in default of prohibitions at this stage go further to see if there are additional considerations. But for *P*, in theory we must weight even the values/disvalues thematized in these initial *ut in pluribus* prohibitions and we must ask whether the peculiarities of the situation (the so-called nonmoral factors) warrant overriding even these prohibitions. The whole must be considered from the outset in order to be objective.

Fifthly, Grisez and Boyle say that when *P* examines alternatives, it must do so in the light of prior commitments and therefore it is subjectivist.⁷² They fail to make clear why a person's commitments must be subjectivist. Any human choice of standards must, analytically, be subjective, without for that fact necessarily being subjectivistic. The criterion for selecting between the meal and the painting is their respective power to promote human flourishing, but the aptness at a particular time of one over the other is objectively true. More importantly, "my commitments" to a friend rather than to peaches, or to peace and justice rather than profit and comfort, are, I hope, objective-value revealing commitments.

Conflicts. *P* can also take the offensive in this debate. Some questions it continuously asks of *D*, without receiving a satisfactory answer, are: How do you know that such and such an act is always wrong? How do you justify your norms? With what justification can you say that the presence of one factor obviates the need to look at other factors? If there is such a property of acts that *in se* marks them as always right or always wrong, what, so to speak, does that property look like? Concerning any behavioral norm, *P* asks a series of why-questions in the hope that *D* will finally admit that we must not do this or that, e.g., not kill innocent people, because there is a great premoral disvalue in doing so and because

⁷⁰ Ibid. 356.

⁷¹ Grisez and Shaw, *Beyond the New Morality* 113.

⁷² Grisez and Boyle, *Life and Death* 352–55, 365.

no proportionate value is achieved by so doing. *P* may point out to *D* that all or almost all of the traditional "intrinsic evils" have over time been modified. At one time, lying, birth control, taking of money as interest, active disobedience, and divorce with remarriage were absolutely forbidden. Now under special conditions all are tolerated. For example, St. Paul considered a peace-filled faith life to be a higher value than the sheer permanence of the marriage, and so he legitimated divorce and remarriage. If, in answer to the why-question, *D* gives reasons in the sense of some good enhanced or protected or of some evil eliminated, avoided, or diminished, then it embraces *P*-reasoning.

Proportionals typically continue the offensive by asking what one is to do in the case of conflicting "duties." If I "must" return the borrowed knife and I "must" protect my family, what should I do? What should I do when I am forced to choose between loyalty to a friend and being honest about revealing some fault of that friend? Grisez and Shaw are consistent when they argue that in the face of conflicting duties there are "no general principles by which one can say that the weight of moral responsibility lies in the direction of one duty or the other."⁷³ In fact, following their formal criterion of morality, "consistent inclusiveness," they suggest that if one consistently favors one duty over another, one acts unreasonably.⁷⁴ It would appear that a flip of a coin should be a moral device for solving conflicts of duty.

The tack of saying that duties are *prima-facie* duties follows a pattern similar to the weighing of premoral values. These are "duties" because *normally* the acts they describe contain a preponderance of value or, more usually, disvalue. They are *prima-facie* because the values enshrined in these duties may be overridden or outweighed by the values enshrined in other duties. Duties are not ultimate, theoretically speaking; rather, values are the solid foundation of the moral life.⁷⁵

Idea of Person in Creation

Wholistic Assessment

The richness of human value and the complexities of individual and social histories demand a more sophisticated analysis than that ordinarily provided by utilitarianism. Ashley and O'Rourke stress the dangers of utilitarianism:

To many it seems based on a very superficial, overly economic view of the needs of human persons and human communities. It makes its calculations of cost-and-

⁷³ Grisez and Shaw, *Beyond the New Morality* 124–26; cf. McCormick, *Doing Evil* 224–25.

⁷⁴ *Ibid.* 91.

⁷⁵ Scheler, *Formalism in Ethics* 163–237.

benefit consequences by treating human values as quantitatively comparable items, without taking adequate account of the unified, hierarchical, interdependent structure of the human person or the person's relation to a community sharing higher values.⁷⁶

P should agree. Classical teleology, at its best, makes wholistic assessments. (Again, the epistemology of the whole-part relations needs to be developed.) Moral theorizing must begin with persons/agents and not merely with acts. In the words of Grisez and Boyle, "the goodness of the person . . . lies in realizing, not all potentialities for action, but rather in realizing those which are conducive to fuller and fullest self-realization."⁷⁷ Here we have a self-fulfilment ethics which makes the realization of the self—or, better, a community of selves—the goal of our actions.

Therefore, to make wholistic judgments, ethics must insist that every act be understood and morally evaluated within the whole dynamism of that person.⁷⁸ *Agere sequitur esse*, or ought to. But this *esse* is that of personal being which transfuses all particular tendencies and facets of a person. Acts receive their significance (*ratio*) in part from the agent who performs them. To take a common example, sexual activity does not have a morality all to itself. Human sexual activity is human, and therefore it must be assessed in part by how it contributes to human individuals and communities. One does not simply establish the biological nature of the sexual organs and then set down rules for their use. Any theory that considers only one aspect of human nature does not take seriously the "being" of human persons. At least when it comes to human beings, one must avoid a crude pin-cushion substance theory which envisions human beings as unchanging substances in no way modified by their accidents. To be sure, each of the various dynamisms of a human person has its own semiautonomy which an objective ethic must respect. At the same time, each dynamism must be integrated within the developmental dynamism of the whole person⁷⁹ and, once again, within social and religious relations.⁸⁰ *Agere informat esse*.

Where *P* disagrees with *D* is that it thinks *D* absolutizes human tendencies as separate items; *D* offers an inadequate account of the unity of the person, a unity which is a structure of hierarchically ordered and interdependent dynamisms; and *D* gives insufficient attention to a person's relation to community. Put sharply, for *D* any serious disvalue *must*

⁷⁶ Ashley and O'Rourke, *Health Care Ethics* 171.

⁷⁷ Grisez and Boyle, *Life and Death* 363; cf. also Grisez and Shaw, *Beyond the New Morality* 85–87.

⁷⁸ Gustafson, "A Protestant Ethical Approach" 109.

⁷⁹ A. K. Ruf, O.P., and E. J. Cooper, *Grundkurs: Sexualmoral* (Freiburg: Herder, 1982) 142–59.

⁸⁰ Norbert Rigali, S.J., "The Moral Act," *Horizons* 10/2 (fall 1983) 252–57.

lead to an overall weakening, if not destruction, of the "unified, interdependent structure" of human existence. For *P*, however, a loss in one "item" of human experience *might* be the condition for a gain in the whole of the human-growth process or in communal relations. *D* says certain acts are wrong "regardless" of any fulfilment of other basic goods.⁸¹ For *P*, the fulfilment of other basic goods *may* mean the fulfilment of the whole person, and thus the dynamism of the whole may compensate for a loss in the dynamism of a "part."

Basic Goods

Mention has just been made of "basic goods." McCormick⁸² gives the following partial list of basic tendencies: preserve life, mate and raise children, explore and question, friendship, use intelligence in guiding action, be religious, develop and exercise skills in play and the arts.⁸³ The classical natural-law tradition spoke of basic human tendencies and noted that the fulfilment of these tendencies is our moral obligation.⁸⁴ Still, some questions can be asked. First, how is this criterion of "basic" established? Surely some aspects of human life are more basic than others. However, whether there is some clear line dividing eight or ten basic tendencies from all others seems uncertain. For *D*, of course, it seems essential to establish such a line. On one side of the line are those tendencies that can never be violated, while on the other more latitude, if not also moral indifference, is appropriate. In my view, the issue is more susceptible to the image of a continuum, with some tendencies very basic, others less so, and still others of small import.⁸⁵

Normally these basic tendencies or goods override other values both because these tendencies are so valuable in themselves and because they are the conditions for the realization of other values. That is, there are various essential and contingent interrelations between these grounding tendencies and the values that would not be without them.⁸⁶ Thus, prayer and life are both intrinsically valuable and the conditions for other goods.

⁸¹ Grisez and Boyle, *Life and Death* 336.

⁸² McCormick, "Bioethics and Method" 305.

⁸³ Cf. Grisez and Boyle, *Life and Death* 359–61, for a slightly different list (also Finnis, in Cahill, "Teleology" 621–22). They, however, explicitly exclude pleasure from the basic goods. After Freud, that hardly seems wise, though doing so enables Grisez and Boyle to accept the obvious necessity of going against pleasure in some instances. In a *P* system, the vast array of pleasures is an array of goods.

⁸⁴ McCormick, "Does Religious Faith Add" 164.

⁸⁵ McCormick, *Doing Evil* 201, 261, seems to take a narrower view. He says that the word "proportion" refers to a basic good, and he explains that the term "proportionate reason" means that "the value being sought will not be undermined by the contemplated action."

⁸⁶ Hallett, *Christian Moral Reasoning* 155–58; Sen, "Rights and Agency" 15–18.

P does not, as we have seen, subscribe to the optimistic thesis that these basic goods can never conflict with one another or with the thesis that these basic values have a lexical priority over all other values.⁸⁷ Life is sadly full of tragic choices.

The present debate centers on the fact that *D* asserts at this juncture that any act inconsistent with a basic human good is by that fact immoral.⁸⁸ If *D* says that this sort of act is immoral because it thwarts human flourishing,⁸⁹ *P*'s question is, does it necessarily and always do so? If it does, then *P* would normally⁹⁰ agree that such an act is immoral, and on *P* grounds. That which on the whole leads to lesser value than its alternative is wrong. If it always does so, it is always wrong.

Still, there is a question lurking: How can one make the is/ought leap from a "basic human good" to "always" or "necessarily" wrong to violate? *D*'s reply might be either empirical ("that's the way it works out") or conceptual (either a tautology, e.g., "unnecessarily self-limiting,"⁹¹ or a demonstration that any inconsistency with a basic good *must* lead to human diminishment). We have just seen that if the former is true, then such an act is wrong on *P*-grounds. Considering the finite and often tragic nature of life, I fail to understand why the latter (unless tautological) must be true.⁹² (McCormick's "association of basic goods" seems to me to be open to the same question.) It seems quite possible to choose in an instance to diminish a basic good (health in organ donation, e.g., or a particular friendship) in order to affirm some greater good (e.g., loyalty to one's child, family, nation, or God). Aquinas was willing to subordinate each of the basic human tendencies to some higher good, whether of the individual or of the common good.⁹³

Directly against

Grisez describes the basic goods as "equally ultimate."⁹⁴ For him, the word "equal" presumably is not meant as a term of comparison, but rather is meant negatively, i.e., incommensurable. He further claims that

⁸⁷ Fuchs, *Personal Responsibility* 151. Grisez and Boyle, *Life and Death* 371, establish something of a lexical priority when they add three secondary principles to their deontological principles. These three, in my words, are benevolence, impartiality, and accepted role-duties.

⁸⁸ Grisez and Boyle, *Life and Death* 360–68.

⁸⁹ *Ibid.* 366.

⁹⁰ I say "normally" because it is not clear how acts such as martyrdom or self-sacrifice count in a system that emphasizes human flourishing; cf. 115 below.

⁹¹ Grisez and Boyle, *Life and Death* 363.

⁹² McCormick, *Doing Evil* 228–30, 253.

⁹³ *Ibid.* 317.

⁹⁴ Grisez, *Abortion* 315.

we can never act directly against a (basic) good.⁹⁵ Respect for a basic good "means in practice refusing to violate any fundamental good in order to achieve another."⁹⁶ According to Grisez, one can omit a good if "that omission is essential to realize another good," or one need not act to preserve one of the equal goods since another equal good may be "very pressing."⁹⁷ We might ask: On what rational basis might one choose to realize one incommensurable good, omit another, and not preserve still another, if in fact they are incommensurable?

Much seems to rest on the qualification "direct." If by "direct" one means "deliberately" or with "full knowledge," then we often act "directly" against various goods for the sake of other goods. For example, Ignatius of Loyola had to suppress his urge to pray so that he could devote himself to study. We, on the other hand, may forbid playing during class. According to McCormick, "the mistake of the tradition was to believe that intending as a means necessarily involves approval."⁹⁸

If, however, by "direct" one means either that the disvalue is desired for itself or is at least a welcome concomitant to another desired goal, then all agree that one should never act directly for such a goal. The moral act is informed by intention; it receives part of its *ratio* from what the agent thinks he/she is doing. If I make a major medical discovery solely in order to embarrass a colleague, the moral act performed is that of doing a harm to my neighbor. Thus the language of directness seems to imply the following test: If I could achieve an enhancement of value without going against a value, would I do so?⁹⁹ If the negative effect is also desired, then I am acting directly for it, whether or not it precedes, accompanies, or follows other effects.¹⁰⁰

For *P*, to choose against any good or for any evil is *ipso facto* a premoral disvalue; the terminology of direct or indirect is not morally apposite.¹⁰¹ If there is a good to be realized, the evil permitted (or good lost) can be morally willed only as "part of the whole story." (And even if part of the whole story, the act is still not morally justifiable until a determination of proportionality and "commensurateness" has been made and, impor-

⁹⁵ Grisez and Boyle, *Life and Death* 386.

⁹⁶ Grisez and Shaw, *Beyond the New Morality* 130.

⁹⁷ Grisez, *Abortion* 319.

⁹⁸ McCormick, *Doing Evil* 264.

⁹⁹ Susan Nicholson, "Abortion: On Fetal Indications," in Thomas Shannon, ed., *Bioethics* (New York: Paulist, 1981) 87-90.

¹⁰⁰ Thus the third condition for the principle of double effect collapses into the second (intentionality). The first condition (an act good or indifferent in itself) must be understood as a premoral judgment. Frankena rightly notes that if "one gives up exceptionless principles, there is not much reason, if any, for retaining the principle of double effect" (*Ethics* 155).

¹⁰¹ McCormick, *Doing Evil* 241.

tantly, other alternatives have been considered. One who has a legitimate reason for an abortion—say, to save a life—cannot choose an abortion if some alternative course would save a life without the abortion.) McCormick summarizes:

Further reflection by practical reason tells us what it means to remain open and to pursue these basic human values. First we must take them into account in our conduct. Simple disregard of one or other shows we have set our mind against this good. Second, when we can do so as easily as not, we should avoid acting in ways that inhibit these values, and prefer ways that realize them. Third, we must make an effort on their behalf when their realization in another is in extreme peril. If we fail to do so, we show that the value in question is not the object of our efficacious love and concern. Finally, we must never choose against a basic good in the sense of spurning it. What is to count as “turning against a basic good” is, of course, the crucial moral question. Certainly it does not mean that there are never situations of conflicted values where it is necessary to cause harm as we go about doing good.¹⁰²

Intention

A similar analysis can be made through a consideration of intentions and intentionality. Some theorists divide foreseen consequences into intended and merely accepted consequences.¹⁰³ One is morally responsible for the former, but not necessarily for the latter since “it is no part of that to which they commit themselves.”¹⁰⁴ The notion of “intention” used here seems to be that of volition in the sense of desired. What is permitted is also willed, but not desired in itself and therefore not “intended.” It seems to me that some phenomenological refinement is called for.

When we perform an act that has consequences which we otherwise do not want, we identify ourselves with those consequences differently than when we desire those consequences. We do not align our heart in favor of their negative value. We are, nonetheless, aware that we are responsible for their coming to be, for without our action they would not be. We cannot be indifferent to evil of any stripe, but particularly not for evil that we cause, however unwillingly.

While we welcome the connection between ourselves and positive values,¹⁰⁵ we distance ourselves from disvalues. When we are foreseeably the cause of any disvalue, we are in the tension of both involving ourselves with what we are causing and yet distancing ourselves from that evil. This experience, I believe, is the phenomenological basis of Grisez and

¹⁰² McCormick, “Does Religious Faith Add” 102.

¹⁰³ Grisez and Boyle, *Life and Death* 381–92.

¹⁰⁴ Ibid. 385.

¹⁰⁵ Langan, “Values, Rules” 44.

Boyle's observation that any action against a basic good tends to disrupt our inner harmony.¹⁰⁶ An analogous disharmony, I would contend, is present even in merely accepted evil (unless we have hardened ourselves to the evil which we accept, e.g., killing animals for our food). This disharmony is, however, experienced differently than the evil chosen for itself. We are able to consent to this tension if we judge that on the whole we are moving toward the good in general and that the accepted evil is necessary to sustain that movement which at bottom is love. The tension is not overcome, but is experienced as a regrettable necessity entered upon only because it is the necessary cost for sustaining our union with the good to be achieved. If we could be united with the same good without the tension, i.e., without being simultaneously involved with and repelled by evil, then there is an obligation to do so if only because inner division is itself a disvalue.

For the *disordered* heart, however, as Augustine's famous meditation on stolen fruit reveals, participating in evil is the union we seek, and the good is repulsive. St. Ignatius' discernment of spirits reflects the same insight. For a disordered heart, good may be accepted so that greater evil might result. For the *ordered* heart, a disvalue or the absence of value is experienced as something to be overcome where possible. In the case of evil accepted with good, such possibility conflicts with the greater good to be achieved. Once the decision in favor of the greater good has been made, there is no *moral* regret for having realized (pre-moral) disvalue, since one has acted on the whole (morally, therefore) in favor of the good. Still, as the above long quotation from McCormick indicates, there is regret that the good without qualification could not be realized, and even the good realized wears tattered clothes.¹⁰⁷

The attempt to consider basic tendencies or goods separately as each decisive leads to a selectivity or narrowness of intentionality in considering the whole moral situation. Ramsey has criticized Grisez¹⁰⁸ for allowing that most abortions are not "killing in the strict sense" because most people who kill the fetus may in fact intend only to be free of the pregnancy and its subsequent responsibilities. In assessing the issue of research on infants, Ramsey has himself been criticized for saying that we cannot be concerned with future benefits to the human race but must look only at the act itself. Critics of such positions point out that in each case intentionality is too restricted. Intention in their sense of "desired in a morally upright way" has led to a partial blindness. Full intentionality requires a consciousness of the whole reality present to us.

¹⁰⁶ *Life and Death* 363.

¹⁰⁷ McCormick, *Doing Evil* 43; cf. Grisez and Boyle, *Life and Death* 373.

¹⁰⁸ Grisez and Boyle, *Life and Death* 406.

Although there are gradations of personal identification between intended and merely accepted consequences, still we experience both as part of the whole act. Because, for Grisez and Boyle,¹⁰⁹ basic goods are incommensurable, the omission of one is said to be “merely irrelevant” to the choice of another. The traditional view that in removing part of the fallopian tube in an ectopic pregnancy, one only does legitimate surgery on a threatening organ and that therefore one need not think of oneself as performing an abortion, seems to be mind-befuddling mental gymnastics.¹¹⁰ The same could be said for claims that by putting a bullet through the head of an attacker we are merely defending ourselves with an “incapacitating mortal wound.”¹¹¹

P tries to take into account all foreseen consequences.¹¹² It strives to be objective, faithful to whatever might make a relevant difference. Phrases such as “regardless of” or “merely irrelevant” are red flags to *P*. They indicate that some part of our experience is being sacrificed to our moral theory. Thus to *P*, a theory of *D* appears capricious, arbitrary, and nonobjective. Some part of reality is banned from consideration.

Ultimate Grounding

The fourth experiential level—divine grounding of morality—has, I fear, received insufficient attention by both *P* and *D*.¹¹³ O’Connell, for example, uses the doctrines of the Incarnation and redemption to declare that we need pay no further attention to specifically theological warrants in establishing our ethics, but rather need only devote our attention to universally grasped human nature.¹¹⁴

Nonetheless, both *P* and *D* in various ways affirm that we can participate in the eternal law. Our ethics can be experientially as well as metaphysically theocentric. Ethics need not be anthropocentric ethics—though the classical teleology of natural law makes this mistake somewhat likely.¹¹⁵ Both *D* and *P* are prone to the error of considering human value as the only value worthy of fulfilment. Ramsey rightly puts forward the old Calvinist corrective to anthropocentric ethics: “Are you willing

¹⁰⁹ Ibid. 365–66.

¹¹⁰ McCormick, *Doing Evil* 207–8.

¹¹¹ Grisez and Boyle, *Life and Death* 368–394.

¹¹² McCormick, *Doing Evil* 36–38, 149–52.

¹¹³ Edward Vacek, S.J., “God’s Action and Ours,” *Emmanuel* 90 (1984) 370–76.

¹¹⁴ *Principles for a Catholic Morality* 39.

¹¹⁵ Rowntree, “Ethical Issues” 453; Ashley and O’Rourke, *Health Care Ethics* 173–74; McCormick, “Bioethics and Method” 307; and Fuchs, *Personal Responsibility* 127—all come close to such an ethic. Grisez and Boyle at times slide toward this mistake: acting for transcendent principles is accepted only if it accords with self-fulfilment, and other persons seem a secondary consideration (*Life and Death* 362–68).

to be damned for the Glory of God?"¹¹⁶ It seems unlikely that a natural-law theorist would ever raise such a question. However, one can, as in Gustafson's recent emphasis on theocentrism, go to the other extreme.¹¹⁷

For *P*, the life of a snail darter in a Tennessee stream and a fortiori the holiness of God are relevant to moral living. Stated religiously, God is concerned for more than human flourishing and therefore so should we be.¹¹⁸ Theodicies which try to explain human suffering and loss often take a *P* form, justifying evil by the greater good God intends to achieve. The material world about us and, even more, the uncharted universe have a value beyond what they contribute to human beings. Humans can make sacrifices for the environment, and not simply because it will make their lives better. Humans most especially can and do make sacrifices for their God, and again not simply *because* it will make them better. A value ethic affirms rose buds wherever they may be found.

The usual anthropology behind a *P* view is that of a religious, developmental-relational model of human existence. To conclude this essay, we can sketch something of that model. Human nature is not an isolated or once-for-all-time nature. In phenomenological terms, our knowing, loving, and willing is able to be ever freshly directed to an evolving world within an ultimate horizon. Our existence is human and religious coexistence. At our depths we are related to God and to what God is doing in the world. Hence the primary ethical task is fidelity not to rules or norms but to changing worldly realities and Ultimate Reality. As Fuchs has pointed out, it is a mistake to think that that which is in the "eternal law" of God is itself eternal.¹¹⁹ In God's eternal law the changing is present as changing. Understood religiously, then, personal growth is, under God, human responsibility. But world history, again under God, is also our responsibility.¹²⁰ Teilhard de Chardin, with his usual broad strokes, excoriated ethics that try to keep human beings faithful to a static nature. Where there is no progress, there is immorality. Because of God's love, God is bringing about change. Resisting change is resisting God. Teilhard had no patience with views that hold we are not responsible for making a better world. Rather, he insisted, *we* are responsible under and with God for evolution itself. We are responsible for the enhancement of value and the elimination of disvalue, wherever humanly possible. We are responsible because that is what the Alpha and Omega is doing.

¹¹⁶ Ramsey, *Basic Christian Ethics* 151.

¹¹⁷ Gustafson, *Theocentric Perspective* 88-98.

¹¹⁸ George Vandervelde, "Creation and Cross in the Christology of Edward Schillebeeckx," *Journal of Ecumenical Studies* 20 (1983) 257-71.

¹¹⁹ Fuchs, *Personal Responsibility* 209.

¹²⁰ Ashley and O'Rourke, *Health Care Ethics* 174.

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