

## MORAL KNOWLEDGE AND THE STRUCTURE OF COOPERATIVE LIVING

KENNETH R. MELCHIN

*Saint Paul University, Ottawa*

**T**HIS STUDY draws upon Bernard Lonergan's concept of "recurrence schemes" to show how an analysis of the social structure of cooperative living can set the basis for understanding and evaluating moral issues. To illustrate this approach, a case study is selected for analysis, the case of a drunk-driving killing. This analysis yields some insights into the distinctive kinds of moral obligations which social schemes like the traffic system place upon their participants, it suggests that the direct/indirect distinction is inadequate for understanding these obligations, and it highlights the social character of moral problems and the cooperative structures which must be implicated in their solution. This study is presented as a contribution to the foundational and methodological debates which currently divide Catholic moral theologians.

To clarify some of the central issues in these debates I begin with a brief analysis of recent discussions of reproductive technologies. I suggest that a set of foundational questions concerning data selection and values prioritization lie at the root of these discussions and that these questions arise in all quarters of contemporary moral theology. I proceed to draw upon the work of Bernard Lonergan to help clarify the social structure of moral knowledge and the way experiential evidence bears upon moral knowledge. Next, using tools drawn from this analysis, I proceed to the case study of a killing by a drunk driver. The choice of such an issue, because of the considerable agreement on the overall moral valence of this type of killing, allows the discussion to focus upon the social structure of the object to which this moral judgment pertains. Finally, I conclude with a number of generalized observations regarding the social character of moral knowledge and the criteria for the control of data in moral analysis.

### DATA SELECTION AND VALUES PRIORITIZATION

In his 1988 contribution to "Notes on Moral Theology" Edward Vacek observes significant methodological differences among Catholic theologians on the morality of reproductive technologies.<sup>1</sup> His analysis high-

<sup>1</sup> Edward V. Vacek, S.J., "Notes on Moral Theology: Vatican Instruction on Reproductive Technology," *TS* 49 (1988) 110-31, esp. 117-20.

lights the way in which the authors and advocates of the Congregation for the Doctrine of the Faith's 1987 "Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation" differ from their critics on the range of data which they will admit as relevant to the morality of reproductive technologies. While critics of the Instruction appeal to a broad body of experiences on the family, on marriage, and on sexual intercourse in their moral analysis of such technologies as AIH (artificial insemination using sperm from the husband), the proponents restrict the relevant data to those pertaining to "the nature of the sexual act." Similarly when the issue arises as to the meaning of the norm "human nature considered in its integrity," the proponents restrict the field of data on "integrity" to those pertaining to the structure of the procreative act. Critics, on the other hand, argue that the norm of "integrity" requires understanding sexual intercourse in relation to a broader range of interpersonal and social structures operative in the dynamics of marital growth and responsible parenting.

Related to this issue of relevant data is the question of how observable deficiencies, disvalues, and evils affect the moral evaluation of reproductive techniques. Proponents of the Instruction argue that only disvalues pertaining to certain parts of the moral issue (e.g., "imperfections" in the sexual act) are to determine the total moral valence of AIH. Critics, on the other hand, argue that a host of values and disvalues from the couple's marital experience bear upon the issue. When the issue of "suffering" arises, the critics treat a wide range of types of suffering as disvalues which need to be "factored in" to the moral analysis. Proponents consider such experiences extrinsic to the moral analysis, for when the nature of the sexual act is violated directly then all other values and disvalues remain beside the point. Critics refuse to give absolute priority to this narrower set of evils and demand that the wider range of values and disvalues be weighed proportionately in the moral analysis.

This set of questions is not unique to the issue of reproductive technologies. I agree with Vacek that such questions are at the root of basic methodological differences that divide contemporary Roman Catholic moral theologians. The effects of such differences can be discerned in the full range of moral issues which confront Catholics today.<sup>2</sup> While Vacek's analysis reveals his preference for the arguments raised by the critics of the Instruction, it is clear that these arguments raise a number of methodological difficulties of their own whose solutions are not im-

<sup>2</sup> For an analysis of how the issues of data selection and value prioritization are at the root of methodological differences among contemporary Catholic moral theologians, see Kenneth R. Melchin, "Revisionists, Deontologists, and the Structure of Moral Understanding," *TS* 51 (1990) 389-416.

mediately apparent. Once it is granted that a wider range of experiential data are to be admitted as relevant to the moral analysis of AIH, then what is to define the limits of these data and how are we to weigh them proportionately? Hosts of concrete values and disvalues recurrently arise in the course of treatment programs of fertility clinics. Some are entirely case specific; others, more general. Some pertain to informed consent; others, to the interaction between the clinic and other hospital or medical facilities. Some pertain to the link between therapy programs and genetic experimentation; others, to equitable distribution of scarce health care resources; still others, to unforeseen and unforeseeable future effects of reproductive technologies. The proponents of the Instruction may be somewhat narrow in limiting their range of relevant data, and there may be legitimate disagreement as to which high priority values will render other values and disvalues secondary or irrelevant. But they are not incorrect in insisting upon criteria which will govern data selection and value prioritization.<sup>3</sup>

I suggest that at the root of these questions lies a basic set of issues concerning the integral structure of the object of moral evaluation and decision.<sup>4</sup> We have been used to thinking of moral norms in terms of the observable form of the actions they permit or forbid. But when we ask why they are permitted or forbidden, ethicists lead us into analyses of rather complex sets of personal, social, and historical relationships. Individual situations are considered in relation to social, political, and religious traditions. Individual motives and goals are analyzed with reference to the biological, civil, and religious constitution of personhood and identity. Effects and consequences of actions are treated in relation to social and historical structures that define the dynamics of present and future living towards ultimate eschatological goals. What determines the limits of the data which will bear upon moral norms? The answer will depend upon how we envision the goal of moral analysis. Does ethics grasp structures of meaning? If so, then what does the term "structure" mean in reference to acts and schemes of meaning?

If there is a single set of issues which divide Catholic moralists today, I suggest it concerns how we are to conceive the integral structure of the object of moral choice and, correlatively, how we are to delimit and interrelate the data on concrete experiential values and disvalues which will bear upon this object. Deontologists look to rules which define

<sup>3</sup> This call for precision in the revisionists' procedures for data selection and values prioritization is echoed in Lisa Sowle Cahill, "Contemporary Challenges to Exceptionless Moral Norms," in *Moral Theology Today: Certitudes and Doubts* (St. Louis: Pope John XXIII Center, 1984) 121-35, esp. 131-32.

<sup>4</sup> See Melchin, "Revisionists, Deontologists."

specific classes of situational data which, when present, will completely determine the intelligible structure and the moral valence of the object of moral choice.<sup>5</sup> Revisionists, on the other hand, admit the relevance of a much wider range of situational data in determining the structure and valence of the generalized moral objects. But their criteria for distinguishing relevant from irrelevant data remain, for the most part, inadequately differentiated. In the absence of clear criteria, moral subjects, confronted with a huge array of data, tend to be left to their own devices.

I suggest that an adequate resolution to these difficulties requires rethinking moral knowledge as irreducibly social. The elements of moral experience arise in our social living and the total set of relations which link them must be understood in their sociality. Bernard Lonergan has developed an approach to ethics which utilizes the concept of "recurrence schemes" to understand the structure of such relations.<sup>6</sup> In the following pages I propose to show how Lonergan's cognitional theory, first worked out in *Insight* and developed in *Method in Theology*,<sup>7</sup> provides tools which can help resolve some of these issues.

#### THE STRUCTURE OF MORAL KNOWLEDGE<sup>8</sup>

##### *Progress and Decline*

In its basic thrust, moral knowledge concerns human action towards the future. While factual knowledge is principally a grasp and an affirmation of the intelligibility of what has occurred in the past or what is occurring in the present, moral knowledge ultimately intends an answer to questions regarding the future: What am I to do? What are we to do? Furthermore, moral knowledge bears upon the future in a specific way; it concerns human action. It involves envisioning a future and acting to bring this future into being, either through one's own efforts or, more

<sup>5</sup> See *ibid.* 398–402, 408–10.

<sup>6</sup> For an analysis of the distinctive character of Lonergan's approach to ethics, see Kenneth R. Melchin, "Ethics in *Insight*," in *Lonergan Workshop* 8, ed. Fred Lawrence (Atlanta, Ga.: Scholars, 1990) 135–47; see also *History, Ethics and Emergent Probability* (Lanham, Md.: Univ. Press of America, 1987).

<sup>7</sup> Bernard J. F. Lonergan, S.J., *Insight* (New York: Philosophical Library, and London: Darton Longman & Todd, 1958); *Method in Theology* (New York: Herder & Herder, 1972).

<sup>8</sup> Bernard Lonergan's ethics is an integral part of his overall cognitional theory and, as such, is most fundamentally an empirical study of the process of knowing. However an understanding of the structure of moral knowing yields a set of insights into the heuristic structure of the object of this knowing, moral knowledge. Lonergan's explicit writings on ethics focussed, in the main, on the cognitional operations involved in moral knowing. The following is my own analysis of the structure of moral knowledge which, I suggest, is implied in his work.

usually, through one's participation in the coordinated efforts of a group.<sup>9</sup>

But moral knowledge involves a particular kind of concern with human futures. Moral knowledge expresses a direction of change traced by the movement from a present to an envisioned future state of world process. While factual knowledge can involve knowledge of the future (e.g. when an understanding of chemical laws allows one to predict the results of an experiment), moral inquiry intends something quite different about the future than the meaning expressed by the chemical laws. Moral prescriptions express a specific type of vector or direction of movement which the contemplated action proposes to constitute or to initiate. It is this vector or direction of change which is intended by the moral terms "better," "worse," "right," "wrong," "good," "evil," "progress," and "decline."<sup>10</sup> Certainly there will be diverse and conflicting views as to which human actions promote this direction of change towards "progress" and which futures constitute movement towards "the good" in real situations. However there will be little disagreement as to whether the intent of the actions is to leave us better or worse off than when we started. It is this direction of movement from a present towards a "better" or "worse" future which is the concern of moral inquiry.

Furthermore, while factual knowing can grasp the intelligibility of present and projected future states of world process and can discern the elements of the foreseen change, it is the orientation or the direction of the change which is grasped in moral knowing and intended in the prescriptive terms, "good" and "bad," "right" and "wrong." Moral knowledge, as distinctively moral, does not pertain to the intelligibility of static states of world process. Neither does it pertain to individual elements of experience (e.g. situations, actions, motives, goals, consequences) taken in their individuality or in isolation from each other. Rather, moral knowledge grasps a dynamic relation in a pattern of movement from a

<sup>9</sup> See Lonergan, *Insight* 609-16, esp. 610, and Melchin, "Ethics in Insight" 6-8. Note here that the term "future" need not imply long-range ends or goals. Rather all moral action involves some measure of cognitive representing or imaging of a course of action prior to acting it out. It is this future-oriented relationship between the cognitive representation and the acting which is referred to here. Moral knowing intends the future realization of the actions which are grasped and affirmed as morally right. Even when moral knowing recognizes a past action with respect to its prior historical context, still the judgment affirms the action as future with respect to the historical subject's respective acts of understanding and evaluating. Furthermore, the judgment affirms the rightness of such an action were similar conditions to obtain again in a possible future.

<sup>10</sup> See Melchin, *History* 189-99; "Ethics in Insight" 8-9. On moral knowledge as expressing dynamic patterns or directions of movement, see also Patrick H. Byrne's analysis of the economics of Jane Jacobs in the light of Bernard Lonergan's work, "Jane Jacobs and the Common Good," in *Ethics in Making a Living*, ed. Fred Lawrence (Atlanta, Ga.: Scholars, 1989) 169-89, esp. 180-84.

real historical situation, through a prescribed action, towards a future with its more or less remotely intended goals and foreseen consequences. Moral knowledge is irreducibly a knowledge of dynamic relationships within a framework of world process dynamically conceived.

### *Structure of Social Living*

The elemental notions of "progress" and "decline" are initially only patterns of expectations or structured modes of human engagement in reality. They are intentional operations which, on their own, specify no concrete content as to what types of human actions will constitute instances of progress.<sup>11</sup> Like all human knowing, moral knowing derives the concrete content of its prescriptive knowledge from experience. But the future-oriented pattern of moral knowing seeks out a specific kind of experience to fill the content of its notions of "progress" and "decline." The content of moral knowledge is derived from empirical attention to the direction of change expressed in the movement from past actions towards their respective futures. We all have had personal feelings, desires, and questions which longed for satisfaction. The past experience of these longings in relation to their respective future objects marks the beginning of moral knowledge. In addition, our social experiences of interpersonal harmony and discord furnish a massive body of experiential data which bear upon the concrete content of our open heuristic notions of progress and decline.<sup>12</sup> The future-oriented concern of moral inquiry has no difficulty turning its attention to past and present experiences of interpersonal relationships with a view towards discerning whether our actions succeeded in promoting their goals or, more importantly, whether such goals lived up to our expectations. It is this knowledge of past actions in relation to their historical contexts, their intended futures, and their actual outcomes that moral knowledge draws upon in service of its future-oriented task of directing human action.

But there is a specific way in which evidence drawn from past experience bears upon moral knowledge. As long as no conflicts arise between the expectation of progress and its achievement, moral knowledge remains unproblematic. In such cases progress is simply whatever has satisfied our desires and needs in similar situations in the past. However,

<sup>11</sup> Cognitional operations can be differentiated according to the different kinds of objects which they intend and whose grasp satisfies the immanent demands of the operations. While intentional operations, on their own, do not specify the content of their objects, they do specify what kinds of answers will qualify as content. So, for example, moral questions are not satisfied with factual answers. For a discussion of intentional operations see Lonergan, *Method* 7-13.

<sup>12</sup> On the meaning of the term "open heuristic notions," see Lonergan, *Insight* 392; and *Method* 22.

when conflicts arise over what actions will satisfy personal desires and needs or, more significantly, over which desires and needs we will choose to satisfy, then moral intelligence is faced with the task of selection and judgment. Which of our past experiences are to fill our open heuristic notions of progress and decline with their concrete content? It is in social living that such conflicts arise most dramatically. For in social living we encounter differences. Furthermore, since humans have virtually boundless creativity and flexibility in their ability to devise vast ranges of new desires, needs, and aspirations, the problem of moral selection and judgment among conflicting desires in social living is further complicated.

The criteria for selecting and rejecting evidence which bears upon moral knowledge have their basis in the structure of social living. While progress and decline, initially, are defined by personal needs, desires, and feelings, it is social living which thrusts upon us a common set of demands which our notions of progress and decline must satisfy. In social living the cooperative efforts of individuals working in groups deliver to their members wide ranges of "goods" which individuals could never aspire towards achieving on their own. Consequently, the manifold needs, desires, and aspirations which individuals actually seek to satisfy are, in fact, socially conditioned goals that can only be attained through complex systems of social cooperation. The dynamic logic of this relationship between individual desires and the cooperative social structures which are required to meet them establishes an order of priorities which moral intelligence grasps and utilizes in service of its future concerns. The result is that while individual desires and fears are the beginning of moral knowledge they do not constitute its proper object. Rather the content of moral knowledge pertains to the development, maintenance, and ongoing transformation of the cooperative systems of social relations which condition the emergence and satisfaction of wide ranges of individual desires and feelings.<sup>13</sup>

Our efforts in social living are directed towards coordinating the activities of groups towards satisfying the desires of their members. These efforts inevitably end up creating hosts of new interests, desires, and needs which are themselves conditioned upon ever more complex systems of social relations. Such coordinated social projects include families, industries, businesses, economies, religious groups, voluntary societies, bridge games, newspapers, baseball teams, cities, kingdoms, nations, professions, schools, neighborhood gangs, cultures, and civilizations. The goals of such cooperative projects are achieved through the division of labor and the differentiation of reciprocal roles and expecta-

<sup>13</sup> See Melchin, *History* 210-214; "Ethics in Insight" 9-11; Lonergan, *Method* 48-50. See Also Byrne, "Jane Jacobs" esp. 185-86.

tions corresponding to the various contributions to the common project. Moral reflection grasps this relationship between these manifold goals and the structure of the cooperative social systems that condition their attainment. Moral knowing seeks to prioritize alternative classes of actions in terms of their contributions to the cooperative social systems that condition the living of all. As moral intelligence comes to grasp the wider circles of interrelated social structures in the totality of this living, it begins to find selection criteria which pertain, to an ever-greater degree, to the dynamic health of the whole of society.

We seek to feed ourselves. But to do so requires the development and maintenance of complex economic patterns of investment, production, employment, income, and consumption. The procurement of food for an individual is an object of desire. But such a goal cannot be pursued in a manner which, in the long run, undermines the economic structures which condition the delivery of this food. Thus, all things being equal, theft is morally prohibited.<sup>14</sup> Social living is sustained by hosts of schemes or structures which require our collective cooperative input and which, in turn, set the stage upon which our personal lives are led in relative liberty. In each sphere of living these social schemes make recurrent demands upon the citizens whose lives are sustained by them. From the analysis of the social structures which condition the satisfaction of the desires and interests in a particular sphere of living the ethicist derives the moral norms which will be relevant to that sphere. The distinctively moral component of this knowledge is the dynamic movement towards progress expressed in the relationship between the social structures and the flows of concrete goods whose delivery they condition. Moral subjects experience this dynamism as a demand for a reciprocal concern for the social structures which condition the desired objects.

### *Fundamental Moral Knowledge*

This effort to understand the social structures that condition the objects of our personal desires and fears will yield concrete norms and

<sup>14</sup> Note that this is not a utilitarian "greatest good for the greatest number" approach to the moral prohibition of theft. Generally utilitarian approaches understand the "greatest good" as an aggregate of individual desires. This approach is quite different. Here the wider social good which theft violates is a system or ecology of social recurrence schemes whose functioning yields flows of diverse concrete goods to a society. The "good" which theft undermines is the normative dynamic relationship between the conditioning structures and the panoply of concrete wants, needs, and desires whose fulfillment are conditioned by them. Patrick Byrne discusses Jane Jacobs' work as an example of Lonergan's approach and he situates this within a "common good" tradition. However he distinguishes "classicist" conceptions of the "common good" from the dynamic, historically conscious theory of Lonergan. See "Jane Jacobs and the Common Good."



codes of action that are applicable to specific fields or spheres of life. These norms are field-specific because they have a limited relevance to the specific social meaning structures that are implicated in problems they seek to resolve.<sup>15</sup> Moral problems associated with war fighting, genetic engineering, environmental pollution, responsible parenthood, and chronic unemployment have terms and relations of their own. In their efforts to resolve issues arising in these fields, ethicists seek an understanding of the relevant social meaning structures which condition the delivery of the individual goods which are sought there.<sup>16</sup>

However moral analysis does not stop here. For individual social structures do not function in isolation from each other. Human living is a vast aggregate of interconnected, mutually interdependent social schemes. Furthermore, social systems are not static. The regular pursuit of solutions to human problems and the innovative efforts of individuals to better their lot introduce changes into social structures that can transform hosts of related schemes. Moral analysis in specific fields will reveal mutually conditioning relationships between and among fields of social structures. In the limit, ethics will reach a most general layer of fundamental norms which will be applicable to the full sweep of social, political, economic, cultural, and religious structures operative in human civilization.<sup>17</sup> This fundamental level of moral knowledge will pertain to

<sup>15</sup> For a good example of an ethicist who seeks to understand concrete norms in relation to structures of social relations which recur in specific "spheres" or "fields" of human living, see André Guindon, *The Sexual Creators* (Lanham, Md.: Univ. Press of America, 1986). One of Guindon's most important contributions to sexual ethics, I suggest, is this discovery that different kinds of human relationships involve different kinds of moral exigencies which the language of sexuality must integrate and satisfy.

<sup>16</sup> See, e.g., John Boyd Turner, "Loneragan's Practical Political Transformative Understanding: The Example of Development in the Philippine Province of Northern Samar," in *Communicating a Dangerous Memory*, ed. Fred Lawrence (Atlanta, Ga.: Scholars, 1987) 109-241; David Roy, "Bioethics as Anamnesis," in *Creativity and Method*, ed. Matthew L. Lamb (Milwaukee: Marquette Univ., 1981) 325-38, esp. 327-29.

<sup>17</sup> See, e.g., Kenneth R. Melchin, "The Challenges of Technological Society for the Understanding of Christian Faith," in *Défis présents et à venir de l'université catholique/ Present and Future Challenges Facing Catholic Universities*, ed. Jacques Croteau (Ottawa: Saint Paul Univ., 1990) 123-38. Current efforts in the field of bioethics to discern norms for conducting effective ethical discourse and for treating the patient as person are a good example of this movement from field-specific to fundamental moral knowledge. See, e.g. Hubert Doucet, "La bioéthique comme processus de régulation sociale; la contribution de la théologie," in *Bioéthique: Méthodes et Fondements*, ed. Marie-Hélène Parizeau (Montréal: ACFAS, 1989) 77-84; "Bioethics and the Practice of Christian Faith," in *Défis présents et à venir* 221-32; Roy, "Bioethics as Anamnesis." It might be argued that an approach which seeks fundamental moral norms from an analysis of social meaning schemes violates the principle of treating human persons as ends rather than means. A full response to this objection would be beyond the limits of time and purpose here. However I suggest that to

the broadest range of humanity whose experiences of progress and decline have been consulted in civilization's efforts at collective moral discernment to date. Such norms will be general or fundamental because they concern the social systems that condition all other schemes. Current debates over the meaning of terms like "human rights," "economic justice," "political liberty," and "religious freedom" pertain to this body of fundamental norms.

The maintenance of the economic systems which condition the delivery of food to a society is a significant moral good which undergirds the prohibition of theft. But such economic systems are themselves conditioned upon the wide-scale proliferation of much more complex and subtle habits and schemes of interpersonal meaning involving mutual trust, personal initiative, public notions of justice and rights, wide-scale cooperative will, and a confidence in the worth of the project of culture. Consequently the stability of extant economic systems is a conditioned good. Existing systems cannot be maintained if they erode the sense of justice, mutual trust, and hope which undergird all of the interconnected structures of social living that constitute our civilization.<sup>18</sup> Thus moral analysis will move beyond a study of field-specific social structures to grasp fundamental norms which are at stake in the emergence, development, and transformation of the full range of interconnected social structures that have constituted human civilization.

As in all concrete fields of moral analysis, fundamental moral knowledge is derived from an understanding of the dynamic structure of social systems or schemes. In this case the relevant schemes will be those which are implicated in all the other field-specific social structures. Such schemes will include the structure of moral understanding itself and the social meaning schemes of interpersonal discourse which set the dialog-

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understand this principle fully requires recognizing that the expression "treating human persons as ends" is an expression of a relationship among persons. An analysis of this relationship as a fundamental social meaning scheme (e.g. as a "covenant" structure) yields a grasp of a set of dynamic exigencies which ground the claim of the principle. See, for example, Thomas Ogletree, *Hospitality to the Stranger* (Philadelphia: Fortress, 1985).

<sup>18</sup> For analyses of more fundamental values which are at stake in economic systems see, e.g., Bernard Daly, "Technology and Unemployment," in *Christian Faith and Economic Justice*, eds. Cranford Pratt and Roger Hutchinson (Burlington, Ont.: Trinity, 1988) 23-54; David Hollenbach, *Justice, Peace, and Human Rights* (New York: Crossroad, 1988) chap. 4, esp. 65; Jane Jacobs, *Cities and the Wealth of Nations* (New York: Random House/Vintage Books, 1985); Patrick Byrne, "Economic Transformations: The Role of Conversion and Culture in the Transformation of Economics," in *Religion and Culture*, eds. P. B. Riley and T. Fallon (Albany, N.Y.: SUNY, 1987) 327-48; Byrne, "Jane Jacobs and the Common Good."

ical framework for the exercise of such personal cognitional skills.<sup>19</sup> In addition, there will be generalized schemes associated with the emergence of political identity and with the articulation of political societies in response to notions of truth and value.<sup>20</sup> At the limits of a civilization's horizons will lie the realm of religious truth and value, informing and being informed by the host of concrete projects in which the citizens of the planet work out their various notions of the good.<sup>21</sup> As in all fields of ethics, fundamental ethics will proceed and develop in response to concrete problems and conflicts arising in human living which reveal the limits or inadequacies of extant ideas of progress and decline. The degree to which fundamental moral knowledge can claim universality is the degree to which it has succeeded in meeting the demands of the actual problems and conflicts of the current human universe.

### *Sin, Evil, and Decline*

One final point requires consideration here. Ethics, traditionally, has been preoccupied with the fact of sin, evil, and decline. Just as there are individual desires and goods and social systems that condition wide-scale progress, so too are there individual experiences of decline and social systems that foster decline. I suggest that ethics has focused upon decline because of its concern for the social conditions supporting vast ranges of individual goods and because of the havoc which prevails when such conditions begin to unravel. Because social schemes are necessary for the attainment of hosts of individual goods it follows that their disruption or eclipse pose serious problems of decline for societies and for the course of civilization. Consequently the discipline of ethics, in the past, has

<sup>19</sup> For an analysis of how Lonergan's account of the structure of moral understanding operates within the context of the social meaning scheme of interpersonal discourse see Melchin, *History*, chaps. 6 and 7. See also Matthew L. Lamb, "The Social and Political Dimensions of Lonergan's Theology," in *The Desires of the Human Heart*, ed. Vernon Gregson (New York: Paulist, 1988) 255–84.

<sup>20</sup> See Eric Voegelin, *The New Science of Politics* (Chicago: Univ. of Chicago, 1954); *Anamnesis*, trans. and ed. Gerhart Niemeyer (Notre Dame: University of Notre Dame, 1978; orig. German, 1966); "Consciousness and Order: Foreword to 'Anamnesis,'" in *The Beginning and the Beyond*, ed. Fred Lawrence (Chico, Ca.: Scholars, 1984) 35–41; "The Meditative Origin of the Philosophical Knowledge of Order," *ibid.* 43–51; Fred Lawrence, "On 'The Meditative Origin of the Philosophical Knowledge of Order,'" *ibid.* 53–67.

<sup>21</sup> On the links between this religious horizon and social, political living see Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973) chaps. 4, 5; John W. Van Den Hengel's analysis of the work of Paul Ricoeur, *The Home of Meaning* (Washington: Univ. Press of America, 1982) chap. 8; Frederick Lawrence, "Political Theology and 'The Longer Cycle of Decline,'" in *Lonergan Workshop 1* (Missoula, Montana: Scholars, 1978) 223–55; Robert M. Doran, S.J., *Theology and the Dialectics of History* (Toronto: Univ. of Toronto, 1990); Voegelin, *New Science*.

tended to focus its concern upon those situations in which these structures of social living were threatened. It is for this reason, I would argue, that the common sense usage of the terms, "moral," and "ethical" have tended to evoke images of scolding parents and dour prohibitions.

Decline has a basis in bias in which human subjects live out a contradiction between the concrete goods which they pursue and the implicitly operative norms which sustain the recurrence schemes which they draw upon for their living.<sup>22</sup> However decline becomes truly problematic when recurrent instances of bias are fostered by social systems which promote the welfare of certain groups at the expense of others or which promote short-run goods at the expense of the long-run good of all.<sup>23</sup> In such cases the bias is reinforced by the dynamics of mutual confirmation among the members of the relevant groups. Such efforts at mutual confirmation find supporting evidence regarding apparently successful social living which is drawn from a common sense or an overly narrow analysis of those systems which support the privileged group or which promote the short-run goods. Since the broader dysfunctional effects of serious bias are usually somewhat slow in appearing, the narrower range of evidence seems to weigh in favor of decline and to accelerate its course until the breakdown of social living has reached a rather advanced stage. It is for this reason that fundamental ethics traditionally has been preoccupied with notions like "oppression," "justice," "sin," "intrinsic evil," and "divine law," which derive their intelligibility from a more subtle, often theoretical analysis of the broader course of human decline whose dynamics usually escape the gaze of common sense.

The analysis of decline yields moral norms pertaining to definable ranges of social schemes and these norms are rooted in systems of bias which foster long-range and wide-scale social breakdown.<sup>24</sup> Because

<sup>22</sup> On decline and bias see Lonergan, *Insight* chap. 7; *Method* 52–55. This formulation of the concept of bias is my own. Lonergan's overall presentation of bias in *Insight* and *Method* tends to focus more upon the subjective locus of bias than on its social operation. However his two chapters on "Common Sense" in *Insight* deal respectively with the subjective and objective fields of common sense, and the second of these chapters is devoted entirely to a study of the dynamic structure of society and the ways in which bias shapes structures of historical decline. In addition, his brief discussion of "ressentiment" in *Method* (33) reveals his appreciation of the social import of dramatic bias. For a discussion of the relationship between individual moral action and the structures of society and history see Melchin, *History*; and "History, Ethics and Emergent Probability," in *Lonergan Workshop* 7, ed. Fred Lawrence (Atlanta, Ga.: Scholars, 1988) 269–94.

<sup>23</sup> For Lonergan's discussions of group bias and general bias see *Insight* 222–42.

<sup>24</sup> See Kenneth R. Melchin, "Military and Deterrence Strategy and 'The Dialectic of Community,'" in *Religion and Culture*, eds. T. Fallon and P. B. Riley (Albany, N.Y.: SUNY, 1987) 293–309; Jane Jacobs, *The Death and Life of Great American Cities* (New York:

systemic bias poses such a serious threat to human living the discipline of ethics will tend to retain a high-priority concern with decline. The analysis of bias and decline will present stipulations or conditions which the concrete goals and projects of our daily living must meet if they are to avoid the debilitating contradictions which are inherent in bias. Clearly this theoretical enterprise of ethics will form only a small part of a total culture's collective efforts of moral discernment. However to the degree that ethicists succeed in understanding the dynamic structure of decline they will empower culture to pursue its wider moral task.

The ethicist's study of fundamental systems of decline will yield general moral criteria which will apply to field-specific social structures. Ethicists will seek to understand the historical conditions under which such criteria hold true. As more and more becomes known about the typically recurring kinds of situations in which citizens confront the difficult moral problems of the age, ethicists will achieve greater precision in defining integral complexes of contexts and actions in which longer cycles of decline are at stake.<sup>25</sup> Such concrete and generalized insights into decline will also define implicitly the general direction in which progress is to be sought. However, while the understanding of decline can achieve a certain level of concrete specificity the ethical concern with progress will tend to be open-ended. The fact is that a relatively small number of social structures can condition a much larger range of relatively compatible concrete projects and goods. Consequently the ethical analysis of decline can make specific demands upon our personal moral decisions without specifying every aspect of their concrete content. The task of ethicists will be to promote this concrete diversity in the pursuit of the good while specifying minimal conditions for the maintenance of social progress and the reversal of decline.

This brief sketch of the general structure of moral knowledge suggests a procedure and a heuristic which can guide ethicists through an analysis of a moral issue. What becomes clear from this sketch is that moral knowledge concerns the dynamic vectors of progress and decline which derive from the relation between individual desires and the social schemes which condition their recurrent satisfaction. The understanding of ranges

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Random House/Vintage Books, 1961) chaps. 13-16; *Cities and the Wealth of Nations* chaps. 11-14.

<sup>25</sup> For examples of other ethical analyses of structures of decline see Robert N. Bellah et al., *Habits of the Heart* (New York: Harper & Row/Perennial Library, 1986); Allan Bloom, *The Closing of the American Mind* (New York: Simon and Schuster, 1987); Patrick Byrne and Richard Carroll Keeley, "LeCorbusier's Finger and Jacobs' Thought: The Loss and Recovery of the Subject in the City," in *Communicating a Dangerous Memory*, ed. Fred Lawrence (Atlanta, Ga.: Scholars, 1987) 63-108; Matthew L. Lamb, *Solidarity with Victims* (New York: Crossroad, 1982) chaps. 1 and 2; Lawrence, "Political Theology."

of such conditioned relationships yields specific exigencies or social demands which the individual desires must respect and promote. Because such conditioned structures are never static, moral knowledge must reach beyond a concern with the stability of extant social structures to grasp the dynamic patterns of structural growth and decline which are operative in history. And because of the debilitating consequences of systemic decline, ethics will maintain a priority concern for social schemes which foster decline. Ethicists can draw upon this understanding in their efforts to formulate tools to evaluate critically the worth of future projects which we seek to bring into being.

In the case-study analysis which follows I will illustrate how this approach can prove fruitful in answering some of the concerns over data selection and value prioritization which were raised in the introductory comments above. Clearly there are a host of complex problems associated with specific multiple effect and conflicting value situations which this case study will not address directly. However it should become apparent as I proceed that this analysis, based upon Lonergan's cognitional theory, promises a range of conceptual tools which could prove helpful in such conflicting value issues.

#### SOCIAL RECURRENCE SCHEMES IN MORAL ANALYSIS: THE CASE OF DRUNK-DRIVING KILLING

The moral issue which I examine involves the killing of an innocent person by a drunk driver. The problem is significant and widespread, particularly in industrial societies and it evokes an outrage which is so common to all sectors of society that the public moral condemnation of such killings goes virtually undisputed. If dispute remains, it is over the measures which may be proposed to curb their proliferation. Consequently the goal of the following analysis will be to understand what is intended in this common moral judgment and what grounds its truth.

An initial response might focus upon the universality of the general prohibition of human killing. After all, it may be argued, all human killing is wrong. However upon closer examination it becomes apparent that we understand different types of killing differently. Consider the following examples: the killing of a child in a multi-vehicle auto accident in a snowstorm; a death in a drunk-driving accident; a self-defense killing; a hunting accident death; a man's death at the hands of his wife whom he had been abusing for years; a neighbor's death in a heated argument; the killing of a soldier in a just war; a hostage's death in a terrorist act; a killing by a war veteran who had never succeeded in adapting to peacetime living; a gangland-vengeance killing of a mob hitman; a woman's premeditated murder of her wealthy husband; the public execution of a convicted murderer; an obliteration bombing; the raping and killing

of a young woman by a gang of youths in a city park.

There may be legitimate dispute over the moral assessment of any of these cases. There may be some disagreement over the elements which they hold in common. However, there would be little dispute over the fact that each type of case has particular data which are relevant to its moral assessment. In each case the configuration of particulars is sufficiently distinctive that hosts of concrete situations can be understood as instances of such a class of killing, and each class can be differentiated from the next. Certainly, to assess any real case adequately requires more data than is provided in these descriptions. A closer analysis may reveal that a number of these cases can be understood similarly. However, readers should be able to recognize distinctive types of killings in these descriptions and significant differences in their responses to the various types. The fact is that ethicists and jurists have recognized that significant differences in such types of human killings warrant the different types being understood, evaluated, and dealt with differently.

Few of these cases could reasonably be judged morally right in an unequivocal or unambiguous sense. Even in cases where moralists traditionally have argued in favor of just cause (e.g. the just-war killing of the soldier or the self-defence killings), distinctions have been drawn between good actions and permissible evils. Consequently readers will note a common presumption against killing which runs across all of the cases. However this general presumption cannot be allowed to obscure the differences among the types of cases. The common presumption figures differently into each type of case. Furthermore, the common presumption only furnishes a part of the morally relevant data in each case. Even in two similar cases where the final judgment is a common resounding condemnation (like the rape and the premeditated murder) the fact remains that the two condemnations pertain to two different kinds of intelligibilities.

But while the general presumption against killing is not an adequate basis upon which to understand any of these cases completely, still there is something fundamental which is at stake in any human killing which can provide the starting point for understanding each type. This fundamental something is operative in all the examples and it lends a most grave seriousness to all of them. It is this general presumption against human killing which is violated by the drunk driver in the case selected for study, and we can begin to understand the drunk-driving killing by examining the grounds for this fundamental presumption.

#### *Basic Social Scheme of Human Discourse*

I suggest that the general presumption against killing can be understood in terms of a fundamental social recurrence scheme which is

operative in all instances of interpersonal discourse and which is the vehicle through which members of a social group constitute their common identity and mobilize themselves for cooperative action in a political society.<sup>26</sup> There is a recurrent pattern or structure to meaningful human exchange in which people initiate gestures or acts of meaning, others interpret the meaning of these gestures and respond to them, and the two parties enter into reciprocal role-taking actions in which they discern the interpreted meaning of their gestures through the eyes of their respondents.<sup>27</sup> Through successive engagements with others in this scheme of gesture, response, and role-taking, we come to take on a sense of our own identity in relation to a generalized collective identity which emerges in social living. As this social identity becomes objectified in concrete symbols, thematized in stories, narratives, and histories, and ratified in constitutions, it becomes a political identity which can rally large groups of people into common action for the good of the whole.<sup>28</sup>

The social discourse scheme of gesture, response, and role-taking is an extremely complex social structure whose internal operative structure interacts dialectically with the content of hosts of concrete meanings to yield patterned exigencies or demands which the daily course of human living must meet if the discourse is to sustain that living. One such patterned exigence concerns the relations of mutual trust and confidence among the citizens of a society. A recurrent sense of mutual trust needs to be confirmed in interpersonal discourse if this basic scheme is to condition the emergence of other cooperative schemes. For discourse to issue in cooperative living requires that all participants receive recurrent confirmation from each other that our lives will not be threatened when we turn our attention away from bodily self-defence to focus on our

<sup>26</sup> Lonergan introduces the concept of the "recurrence scheme" in *Insight* 118-20: "The notion of the scheme of recurrence arose when it was noted that the diverging series of positive conditions for an event might coil around in a circle. In that case, a series of events, A, B, C, . . . would be so related that the fulfillment of the conditions for each would be the occurrence of the others. Schematically, then, the scheme might be represented by the series of conditionals, If A occurs, B will occur; if B occurs, C will occur; if C occurs, . . . A will recur. Such a circular arrangement may involve any number of terms, the possibility of alternative routes, and in general, any degree of complexity" (118). See also Philip McShane, *Randomness, Statistics and Emergence* (Dublin: Gill and Macmillan, 1970) 206-29.

<sup>27</sup> For a more detailed discussion of this interpersonal meaning scheme see Melchin, *History* 181-87. This analysis is based upon Gibson Winter's reconstruction of George Herbert Mead. See Gibson Winter, *Elements for a Social Ethic* (New York: Macmillan, 1966); George Herbert Mead, *On Social Psychology*, ed. Anselm Strauss (Chicago: Univ. of Chicago, 1964).

<sup>28</sup> On the constitution of political identity and the mobilization of political societies into common action see Voegelin, *New Science*, and *Anamnesis*.



participation in the projects which promise to improve our collective living. When such confirmation is not recurrently forthcoming then social living becomes radically ambiguous.<sup>29</sup> For the projects which have been built upon the foundations of this mutual trust begin to crumble as time, attention, resources, and human will are drawn away from them to focus more and more on self-defence and retribution in the subtly escalating war of all against all.<sup>30</sup>

Furthermore, there is a recurrent sense of empathy or mutuality which emerges in the role-taking of human discourse and which bonds large groups of people together and conditions their various collaborative projects of social living. In such relationships we feel the suffering of others, we share their joys, we seek their welfare as we would our own, and we feel outrage when injustice is done to them. Our sense of personal identity becomes bound up with others. Our feelings about ourselves become implicated in the welfare of everyone in the group. These social bonds of mutuality reach across geographic and cultural distances to bring large numbers of people together in common commitment to complex economic, social, political, cultural, and religious projects of all kinds.<sup>31</sup> But these bonds which sustain wide-scale collaborative projects are easily ruptured when individuals in the group give evidence that their own personal desires can arbitrarily warrant their taking the lives of others. Instances of such killings, even when they involve virtual strangers, touch the sense of identity and security of all members of the group. They call for a collective act of reconciliation and restoration to mend the fabric of common identity and good will which sustains all of our projects of daily living.

Finally, the gesture, response, and role-taking discourse scheme involves its participants in the dynamics of a cumulative learning or socialization in which past instances of the scheme's operation set the anticipations with which we will enter into the next discourse situation. Our experiences of trustworthiness ground our subsequent willingness to cooperate and trust. Conversely, significant experiences of the violation

<sup>29</sup> Jane Jacobs' analysis of the degeneration of city living which occurs when sidewalks fail to secure the safety of their users provides a marvellous example of this link between recurrent expectations of bodily security and the manifold cooperative projects of social living. See *Death and Life* 29-88.

<sup>30</sup> The point of departure for Thomas Hobbes' political theory in *Leviathan* was his observation of these deteriorating conditions for social living. See C. B. Macpherson, "Introduction," in *Leviathan* (Harmondsworth: Penguin, 1981) 9-63, esp. 39-41. On the differences between Hobbes' and Lonergan's analysis of the roots of this problem and the road towards its solution see Melchin, *History* 210-14. See also Fred Lawrence, "Political Theology" esp. 236-43.

<sup>31</sup> See G. H. Mead, *On Social Psychology* chaps. 7 and 8, esp. 216-28.

of trust give rise to habits of suspicion and fear. Consequently, the violation of the normative dynamics of the scheme can have vast, cumulative effects upon the anticipations with which we greet all subsequent discourse situations and thus on the dynamics of subsequent cooperative living. Out of the erosion of mutual trust flow the habitual expectations that cooperative living is too risky. As this antecedent willingness is eclipsed so too are the cooperative schemes which are grounded in its recurrence. And every failure in cooperative living yields further evidence that the anticipations of suspicion and fear are well founded. The net result of this cumulative learning process is a dynamic trend towards decline which is grounded in the progressive erosion of willingness and whose fruits continually yield evidence to accelerate its own course. It is this general dynamic of decline which is accelerated when human life is taken by others.

Certainly much more needs to be said on the dynamics of this scheme's operative structure. What I am suggesting is that the presumption against killing can be understood in terms of the dynamic relation between the social recurrence scheme of human discourse and the full range of other social schemes which depend upon its successful recurrence. I suggest that the meanings of notions like order, law, justice, human rights, and social responsibility are grounded in an analysis of the dynamics of this discourse scheme. Because the scheme is fundamental it conditions the proliferation of the full range of other social structures which ground our manifold objects of desire. Human killing constitutes a fundamental threat to the expectations of good will which are essential to the scheme, to the structures that are built upon its foundation, and to the dynamic trends of social progress in which such structures emerge and develop. Consequently the vitality of social living will require that qualifications or exceptions to this general presumption be made only when significantly greater threats are imminent.<sup>32</sup> If particular instances of killing do not meet these criteria then collective social measures will be required

<sup>32</sup> I suggest that the meaning of the expression "significantly greater threats" cannot be understood adequately in terms of a common-sense image of a proportionate weighing or balancing of aggregated consequences. Problems in this line of thinking can be discerned in recent efforts to implement just-war criteria. See Kenneth R. Melchin, "Just War, Pacifism and the Ethics of Nuclear Policy," *Eglise et Théologie* 17 (1986) 41-55. Rather, threats to social living need to be understood in terms of dynamic cycles of decline which ensue when structures of social living are deformed as a result of debilitating transformations in the meanings with which the citizens of culture fulfill their contributions to the schemes. See, e.g. Melchin, "Military and Deterrence Strategy," and "The Challenges of Technological Society."

to restore the grounds of mutuality and reverse the cumulative socialization process which is at the root of long term decline.<sup>33</sup>

### *Traffic System as Social Meaning Scheme*

To proceed further in the moral analysis of this case requires leaving the sphere of fundamental moral norms and entering into an analysis of the specific social structures which are implicated in this particular field of human living. There is a significant difference between the drunk-driving killing and the premeditated murder of the husband. This difference is rooted, in part, in the fact that the drunk driver did not intend the death of the victim. But when this case is contrasted with the snowstorm accident, the inadequacy of the criterion of subjective intention become clear. There is a distinctive kind of culpability associated with the drunk-driving death that requires something more than an appeal to the psychology of intention.

This specific type of culpability is grounded in the structure of the social system of automobile transportation and the norms and procedures for responsible driving whose violation results in such fatal accidents. There is a definable set of skills and attitudes which are required by drivers as a condition for their ensuring the proper functioning of the traffic system and the safety of the other drivers on the road. This set is defined in relation to the design characteristics of automobiles, the structure of roads and highways, the standard languages with which we communicate with other drivers, the kinds of traffic situations which we regularly encounter, and the integral role which daily traffic flows play in sustaining the livelihood of a culture. The regular exercise of such skills and attitudes is the necessary condition for the traffic system to function, to fulfill its role in the economy and society, and to do so while safeguarding the lives of all the other drivers on the road. It is this set of conditioning links between the required skills and attitudes of drivers and the demands of the traffic system which grounds the prohibition of drunk driving.

To understand the structure of the traffic system adequately requires getting beyond an initial common-sense image of the motor skills of driving and the physical flows of automobiles. The events which condition the movement of the automobiles are acts of interpersonal meaning. The

<sup>33</sup> While the most obvious means for implementing these collective social measures would appear to be the legally constituted structures of law and government, I would suggest that contemporary liberation theologians are calling for a wider philosophical and theological framework for grounding such structures. One such call can be discerned in the work of Gustavo Gutiérrez. See Gutiérrez, *We Drink From Our Own Wells*, trans. M. J. O'Connell (Maryknoll, N.Y.: Orbis, 1984); Kenneth R. Melchin, "Liberation and Spirituality in Gustavo Gutiérrez," *Pastoral Sciences/Sciences Pastorales* 6 (1987) 65-80.

essential elements of driving in traffic are the linked sets of judgments and interpersonal gestures and responses in which we assess the intentions and capacities of other drivers, make accommodations for foreseeable situations, curb our anger arising from their hostile gestures, respond to their implied requests for road space, and, generally, coordinate our own driving actions with the constantly shifting order which we discern in the driving patterns of those who share the road. Driving in traffic involves coordinating the physical demands of highways and automobiles and the biological demands of muscles in accordance with higher-order schemes of intersubjective meaning. The total structure of the traffic system is not principally the physical pattern of movement of automobiles on the road. Rather, a dynamic scheme of mutually conditioning acts of meaning among drivers regulates this physical movement. The minimal expression of the skills and attitudes necessary for participating in this scheme of discourse is formulated in the traffic codes of law and in the drivers' handbooks issued by governments. But the full range of these required habits and skills extends well beyond the letter of this code to include all the habits and conventions of interpersonal mutuality that ground the discourse schemes of culture.

The moral problem in the drunk-driving death is rooted in the fact that the traffic system is a high-risk social meaning scheme whose functioning demands the coordinated inputs of all the participants.<sup>34</sup> Drunk drivers enter into this system without sufficient control over the skills and attitudes of meaning to ensure the functioning of the system and the safety of the other drivers on the road. In so doing they decisively violate the most fundamental exigence of the high-risk system, *the demand for each participant's responsible input into the process of systemic regulation*. It is the deliberate introduction of an inadequately controlled or an uncontrolled factor in a social meaning system which depends upon continued intelligent coordination at diverse centers of control that marks the distinctive culpability of the drunk driver. Drunk drivers are not guilty of deliberately or directly killing their victims. Their crime is that they place themselves in situations in which they cannot exercise effective control over whether or not they will kill them. I would suggest that this understanding lends a heightened culpability not only to the drivers involved in fatal accidents but also to the countless drunk drivers who, through no doing of their own, escape fatal consequences from their drunk driving.

The links between a driver's decision to drink and drive, the correlative

<sup>34</sup> There is a marked similarity in the structure of the traffic system and the structure of the economy. See Fred Lawrence, ed., *Ethics in Making a Living* (Atlanta, Ga.: Scholars, 1989).

forfeiture of control in a high-risk social system, and the consequent unfolding of the aggregate of events leading to the killing of an innocent victim constitute a complex type of intelligibility which cannot be handled adequately with the traditional moral categories of direct and indirect.<sup>35</sup> The killing was neither intended by the driver nor did it follow directly or immediately upon a chosen action whose fatal consequences were systematically assured. A typical accident of this sort would involve a cluster of aggregated factors such as would occur frequently in any day's driving. It would likely involve a situation which a drunk driver might handle somewhat regularly without fatal consequences. However, neither can the killing be understood as indirect, because drinking drivers have systematically altered the structure of the high-risk traffic system in the direction of a heightened randomness. Drunk drivers play a type of roulette with their own lives and with the lives of others on the road. But their drinking systematically alters the odds. Their actions increase the probabilities of fatal consequences arising from the normal flow of events. The distinctive character of their responsibility for the killings is grounded in this act of tampering with the personal conditions for the assurance of systemic security.<sup>36</sup>

### *Limits of Effective Freedom*

There is another level to the analysis of this case which brings us face to face with a third set of social meaning schemes and which introduces a further order of complexity into the moral problem of drunk-driving killings. These are the social schemes which link individual instances of drunk driving with the hosts of systemic lifestyle, family, social, and economic factors associated with drug and alcohol abuse. The proliferation of such schemes explains the fact that waves and waves of drunk drivers flow onto the highways every day. It is the statistics associated with these flows that ensure the volumes of killings which evoke our collective outrage and foster the suspicion, fear, and hostility that accel-

<sup>35</sup> For a critical discussion of the categories of direct and indirect see Richard A. McCormick, S.J. and Paul Ramsey, eds., *Doing Evil to Achieve Good* (Chicago: Loyola Univ., 1978).

<sup>36</sup> I suggest that the problem of the morality of contraception might be handled in terms of this approach which recognizes a third alternative to the notions of direct and indirect moral culpability and which would seek an understanding of the moral exigences of sexuality in terms of the normative dynamism of social structures operative in marriage and in the conceiving and nurturing of children. I suggest that this understanding of moral acts which shift the probabilities of the emergence and survival of higher-order structures of meaning could well contribute to understanding the kind of finality which is operative in sexuality. For some preliminary reflections in this direction see Bernard J. F. Lonergan, S.J., "Finality, Love, Marriage," in *Collection*, ed. F. E. Crowe (New York: Herder and Herder, 1967; Toronto: Univ. of Toronto, 1988) 16-53; the page references are to the 1967 publication.

erate long-term decline.

There is a general phenomenon of alcohol and drug abuse which has come under significant public scrutiny in the past three decades. Alcohol and drug abuse are not personal, private matters which fall totally under the control and the moral responsibility of the single individuals who are directly affected by them. They are diseases of gigantic social proportion in which we are all implicated. A great deal is currently known about the systemic import of social, economic, and family factors in sustaining and promoting social structures of substance abuse.<sup>37</sup> As such structures come to be understood they play a significant role in shaping our understanding of the kind of moral problem which drunk driving has become.

To understand the links between the systemic operation of such social structures of substance dependency and individual acts of drinking and driving requires pausing for a moment to reflect upon the meaning of the term "freedom." There is a distinction between two conceptions of human freedom which, I suggest, is relevant to this case. In a first sense, human freedom is understood as an absence of constraint. In this sense a dog which is unleashed is considered free, a man or woman who is released from prison is considered free, and a people who have successfully thrown off the yoke of oppression are considered free. However, a second conception understands freedom not as an absence of constraint but as a presence of capacity and skill. In this sense a skilled musician or crafts-person is free to pursue the range of creative options enabled by his or her level of skill. Adults are democratically free to the degree that they have the means and skills to participate effectively in shaping the course of political society. Moral subjects are free to the extent that they can envision ranges of action strategies, evaluate them in the light of relevant experiences to which they have become open, and act effectively in accordance with this judgment.

Drawing upon this second understanding, it becomes clear that while human freedom has a basic structure which is operative essentially in all sane persons, still there are limits to the ranges in which this capacity can operate effectively in our lives.<sup>38</sup> We know that systems of social expectations define the routines of our lifestyles. They shape the range of options which are presented to us in a given situation and they introduce an exigency or a felt pressure to decide in a certain direction. To be sure we have the capacity to reflect upon alternative options and to choose. However this capacity is not unrestricted. It is restricted by

<sup>37</sup> For a review of recently published literature on addictive behaviors see G. Alan Marlatt et al., "Addictive Behaviors: Etiology and Treatment," *Annual Review of Psychology* 39 (1988) 223-52. On the structural factors affecting substance abuse see esp. 227-37.

<sup>38</sup> On Lonergan's distinction between essential and effective freedom see *Insight* 619-22.

the extent to which the alternative options have been experienced and thought through, by the presence or absence of the ranges of specific judgment skills which the situation might require, by social expectations corresponding to the alternative options and by the magnitude of the exigencies or pressures arising from the social structures. It is restricted by the operation of systemic biases in our lives which keep a serious consideration of a problem at bay, which distort our weighing of alternatives, which limit our self-knowledge, or which make such massive physiological and psychological demands upon us—in the case of serious substance dependency—that the ability to execute a desired alternative can effectively be precluded in the situation.<sup>39</sup>

Social structures of alcohol dependency introduce systematic factors which delimit the subject's effective control over whether he or she will choose to drink and drive in an individual instance. Such structural factors do not operate so massively as to preclude the possibility of moral decision. But they do introduce exigencies which influence, to a greater or lesser degree, the direction of such decisions, they shift the moments where effective moral evaluation and choice are called for, and they specify systematic cycles of ever-shrinking ranges of effective freedom which will follow when such choices are not made.

There may be considerable debate among psychologists, philosophers, theologians, political scientists, jurists, politicians, lobbyists, and sociologists as to how, precisely, these social structures function, how they delimit the ranges of effective freedom, and how responsible decisions can alter their functioning. But there is little doubt, now, that in the case of drunk driving, such social structures operate and that they shift the moments of moral responsibility which can affect the systematic recurrence of the problem.<sup>40</sup> Aggressive consciousness-raising campaigns have been launched to educate citizens, massive programs for drug and alcohol therapy are in place to shape the links between lifestyles and drug abuse, and legislation seeks to regulate the advertising and sale of alcohol with a view towards minimizing the proliferation of systematic abuse.

### *Decision-Making Moments*

When the social structure of the drunk driver's accountability is set against the backdrop of social decline which is accelerated in any instance of human killing, and when this is coupled with an understanding of the wider social and lifestyle structures which accelerate the proliferation of instances of drunk driving, the overall moral character of this issue

<sup>39</sup> On the way in which bias limits effective freedom see Lonergan, *Insight* 191–206, 622–33.

<sup>40</sup> See Marlatt et al. 237–39.

begins to take shape. What becomes clear is that the problem is determined by a number of distinct decision-making moments, each of which shapes the course of specific social recurrence schemes, and each of which is accountable to a set of demands arising from the conditioned links between schemes and the desires which they condition. The future-oriented concern of moral knowing is served when moral analysis grasps these decision-making moments, when it explains their links to social meaning schemes, when it specifies the demands which the schemes make upon the actors, and when it reveals wider schemes which expand or restrict the actors' ranges of effective freedom to meet these demands. Such an analysis will not only help future drivers to understand the criteria which their decisions must meet, but it will also help future policymakers and educators to understand the loci and the norms for the regulation of these broader structures which condition ranges of effective freedom of individuals in society.

The first decision-making moment arises when drivers decide to drink and drive. These decisions do not intend the consequences of the killings nor do they intend the erosion of wide-scale mutuality and the cycles of decline which follow from them. Furthermore there is not a systematic or a direct relationship between the drunk driving and these ensuing consequences, either for the victim or for society. However, while the relationship between the decisions and the killings cannot be understood as direct, neither can it be understood simply as indirect. There is a distinct type of morally significant link between the decisions and the killings that is rooted in the fact that the decisions condition the probabilities of the killings. The drivers' decisions systematically reduce their capacity to regulate effectively the relationship between driving and killing in a social meaning system which requires this regulation from all of its participants. The demands or moral criteria which the drivers' decisions have failed to meet are rooted in the structure of this social system which has diverse centers of control and which requires the exercise of a set of social meaning skills on the part of all of its participants for its proper functioning. The decisions to drink and drive shift the probabilities of the consequences of death and decline by altering the conditions for systemic security.

The second decision-making moment pertains to the drunk drivers' role in shaping the lifestyle structures which reduce their own ranges of effective freedom, which sustain powerful exigencies to drink and drive, and which promote the biases that keep them from facing the import of their actions. While drinking drivers may act within restricted ranges of freedom in individual cases, still there remains a possibility of control and some correlative responsibility for shaping their own ranges of



effective freedom. In this case, the effective decision-making moments which bear upon the problem are often more remote from the circumstances surrounding the individual accidents. They may be moments which are precipitated by the input of friends or relatives, or when acquaintances experience the traumatic consequences of drunk driving, or when other factors call for the reevaluation of lifestyles. Or they may be moments in which the personal evidence of deteriorated living becomes too difficult to ignore and individuals recognize that help needs to be sought to reverse conditions which have gotten out of hand. The demands these moral decisions must meet are rooted in the links between lifestyle routines and the constraints which such routines place upon drivers' ranges of effective freedom. But they are also rooted in the dynamic structure of personal transformation and rehabilitation whose exigencies must be rigorously followed if the decisions are to bear fruit in expanded freedom.<sup>41</sup>

The third of these decision-making moments calls for the input of friends and family. Clearly there are complex sets of demands which these decisions must meet if they are to avoid totally alienating the drinking drivers and cutting them off from the help which they require. In individual situations friends will find themselves confronted with the problem of weighing conflicting values and multiple effects when the foreseeable consequences of deterrence measures appear to involve some personal hardship or risk. In such cases it is essential to recall that while we are used to appealing to principles of individual autonomy and liberty, the fact is that autonomy and liberty are socially conditioned goods and that drunk driving threatens the structure of these social conditions.

The fourth decision-making moment involves the input of educators and policymakers. To reverse the current trends requires recognizing the inputs which various social institutions make towards sustaining the reduced conditions of effective freedom. The demands which these decisions must meet derive in part from an understanding of this conditioning structure, and in part from an understanding of the structures of democratic government. The principal road towards this reversal will be public education and public financial support for substance-abuse awareness and therapy programs. However considerable legislative measures may also be required to heighten the stakes for drunk drivers, to reverse the socioeconomic conditions associated with systemic substance dependency, and to control the debilitating effects of the various media upon sustaining lifestyles of substance abuse.

But there is a fifth decision-making moment which has played a

<sup>41</sup> See Marlatt et al. 239-44.

significant role in shaping the current trends of drunk-driving killings and which calls for input which is informed by a precise understanding of the overall character of the problem. This moment involves the decisions of philosophers, ethicists, political scientists, jurists, social theorists, and theologians whose theories about morality and rights have shaped the habitual anticipations of the citizens of modern culture. To address the problem of drunk driving at its root requires a subtle but profound reshaping of the theories which inform our participation in all of social living. We have come to think of morality, justice, and rights in terms of a priori ontic categories pertaining to individuals, which ground our claims on society, and whose function is to secure a personal sphere within which we can pursue individual desires. For the most part we have abandoned the hope of reconciling these desires with others. Consequently we find ourselves in a lifelong adversarial relationship with our fellow citizens whose "nonnegotiable" desires are forever encroaching upon our personal living.<sup>42</sup> As long as these conceptions of morality and rights are maintained we will remain blind to the social recurrence schemes which ground our claims for justice and rights and which make demands upon the content of these claims. We will fail to recognize the theoretical roots of the escalating dynamics of fear and mistrust which arise from such problems as drunk driving. As the social structure of the problems remain misunderstood, our failure to curb their proliferation will yield progressive evidence that the cooperative project of human living is a silly ideal. We will naively imagine that historical laws, third-party institutions, equitable distribution of power, or the brute use of force will be capable of reversing the accelerating cycle of decline.

#### CONCLUSION

I have drawn on conceptual tools from Bernard Lonergan to illustrate how ethics can be understood in terms of social recurrence schemes and objects of desire which are conditioned by them. I suggest that a number of conclusions can be drawn from this analysis which bear upon the problems of data selection and value prioritization which were observed in the introduction to this study.

First, ethics has traditionally sought to identify classes of actions which could be described and evaluated with minimal reference to social, historical contexts of conditions. I would suggest that this goal needs to be reconceived. Moral knowing seeks to understand social recurrence

<sup>42</sup> On the ways in which the individualist tendencies of the liberal tradition have contributed to ethical relativism and have eroded the bonds of communal living, particularly in North America see Bellah et al., *Habits of the Heart*; and Alasdair MacIntyre, *After Virtue* (Notre Dame: Univ. of Notre Dame, 1981).

schemes and linked sets of decisions and consequences which are conditioned by them and which seek concrete goals in relation to them. The fact that ethicists can identify recurrent instances of such structures and that typical sets of decisions and consequences can be discerned in a variety of concrete situations suggests that not all situational data are relevant to every moral analysis. However, ethics needs to incorporate a much greater range of situational data into its generalizable norms than in times past. The limits of this data will be defined by the recurrence schemes which are decisively implicated in the problem under study.

Second, there are three levels of data which are relevant to the ethical analysis of an issue: (1) data on the concrete interests and desires which individuals seek to realize in the relevant field of living, (2) data on the social recurrence schemes which condition the satisfaction of these interests and desires, and (3) data on the fundamental social schemes which undergird these field-specific schemes and on the wider historical cycles of progress and decline which are implicated in the moral problem under study. The goal of the ethicist is to understand the conditioned relationships among these three levels of data and to identify the moments in which human decisions can and do affect the functioning of the conditioned series of schemes.

Third, the prescriptive notions of progress and decline are grounded in the conditioned relationship between individual desires and the two levels of social schemes which are essential for their recurrent satisfaction. A grasp of these conditioning relationships yields demands or exigencies which the various participants' decisions must meet if they are to avoid undermining the conditions for the attainment of their personal goals. This analysis furnishes criteria for prioritizing values and disvalues that are encountered in the moral analysis. Because fundamental social schemes are operative in sustaining the widest ranges of concrete schemes of social living, the norms which derived from their analysis will receive the highest priority.

Fourth, ethicists have sought in the past to explain the morality of acts in terms of the culpability of individuals. However, our analysis suggests that ethicists can expect to find a number of decision-making moments which implicate various people in different contributions to the solution of moral problems. The analysis of social schemes will yield an understanding of the impact of various participants upon the course of a problem. As problems come to be understood in terms of schemes of social relations, so too will solutions be conceived in terms of strategies of cooperative action.

Fifth, social recurrence schemes are irreducibly structures of human meaning. Their elements are individual acts of meaning. Their dynamic

structure is constituted by mutually conditioning relations of meaningful exchange which link the individual acts together into structured wholes.<sup>43</sup> Human subjects perform acts of meaning in a social context of language and discourse and there is a basic structure to discourse schemes whose analysis yields fundamental moral norms which are relevant to all field-specific schemes. Consequently, while moral analysis will invariably require understanding physical and biological processes, the proper object of moral explanation will be the social meaning schemes which order the demands of such processes in accordance with dynamic exigencies of meaning.

Sixth, the analysis of this issue reveals a type of social recurrence scheme which makes a distinctive moral demand upon its participants and whose understanding could prove relevant to other types of moral problems. The traffic system was revealed to be a complex, high-risk scheme whose elements are the interpersonal exchanges of meaning among its participants, whose overall structure is continually regulated through these diverse centers of control, and whose success and security is ensured by the competence with which all involved parties make their input in relation to those of all the others. This is clearly a system in which no single locus of control could systematically determine its overall functioning. Rather, each person's input shapes the conditions for the probable state of the system. Consequently participation in the system requires a significant capacity, a developed competence, and a willingness to implement the skills of discourse which regulate the system. To an ever-increasing degree, participants will need to understand this system's structure and they will need to appropriate the common goal of systemic success and security if individual disruptions are to be prevented from contributing to longer cycles of decline.

Seventh, the analysis of this issue reveals that the categories of direct and indirect are inadequate for understanding the various forms of implication in evil. Drunk-driving killings are actions in which drivers are responsible for altering the probabilities of killings by tampering with the conditions for systemic security. This is a distinctive form of moral culpability which arises from the social structure of the problem. I suggest that further investigations of this type could well reveal further types of

<sup>43</sup> As with all recurrence schemes, social meaning schemes can emerge and function without being planned, conceived, or understood by any human subject. But because their elements are acts of meaning, because the links that bind the acts together into dynamic social and historical structures are bonds of meaning, and because their historical import is to shape the course of countless subjective acts of meaning, they remain irreducibly structures of meaning. On this relationship between individual cognitional acts and the wider structures of meaning in society and history see Melchin, *History* chaps. 6 and 7.

implication in evil whose forms are grounded in different contributions to systemic decline.

If there is one final conclusion which can be drawn from this analysis, I suggest that it pertains to how we are to conceive the object of moral understanding and judgment. Traditional approaches envisioned that the goal of ethics was to arrive at the approval or condemnation of individual moral acts which could be described in terms of their outward, perceptible form. Usually ethicists have used common-sense categories to classify these acts. Standard procedures required that acts, motives, situations, and consequences be classified and evaluated separately and then juggled or weighed proportionately in a situation. I suggest that this approach involves a misconception of the object of moral understanding and judgment. Prescriptive notions like "good," "evil," "right," "wrong," "progress," and "decline" are essentially dynamic notions pertaining to patterns of changes in human living. As dynamic, these notions do not pertain to individual acts, motives, or consequences taken in their individuality. Rather prescriptive notions intend the total set of relationships expressed by the movement from social recurrence schemes which define historical contexts, through types of actions, towards intended goals and foreseeable consequences.

The object of moral understanding and judgment is this total set of relations which link these elements together in dynamic historical unities. To grasp these relations requires moving beyond common-sense descriptions of acts towards a theoretically differentiated understanding of the structure of historical progress and decline.<sup>44</sup> I have sought to show how this object can be conceived in terms of social recurrence schemes. My effort has been to illustrate this heuristic structure in reference to one case study. My hope is that this heuristic structure can furnish ethicists with tools for empirically understanding and verifying moral norms which could prove relevant to the growing body of moral problems which threaten human living in our age.

<sup>44</sup> I suggest that because moral norms pertain to the total intelligibility expressed in the relationships among all the elements of the moral analysis it would be a mistake to think that two moral judgments which arrive at similar conclusions by following different paths qualify as similar moral judgments. A moral judgment does not simply condone or censure an act, conceived in common-sense terms. The judgment pertains to the intelligibility of the total set of relationships. Consequently if you have different reasons you have different moral judgments. I suggest that the implications of this insight are far-reaching. A considerable number of confusions have arisen in discussions pertaining to continuity and discontinuity in moral traditions, to the distinctiveness of Christian ethics, and to theories of moral development, as a result of mistaken notions about the object of moral judgment.

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