

THE CHALLENGE OF MORAL DISTINCTIONS¹

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IN THE PREFACE to his famous work on the degrees of knowledge, Jacques Maritain observed that "no one truly knows unity who does not also know distinction."² If this is considered altogether too speculative and daunting an introduction to reflecting on the challenge of moral distinctions, we may find more practical justification for the exercise in the observation of Dr. Samuel Johnson, "But if he does really think that there is no distinction between virtue and vice, why, Sir, when he leaves our houses let us count our spoons."³

The tradition of Catholic moral theology is one which is heavily dependent on the capacity of the human mind to see and identify distinctions and to explore their implications in assessing the moral quality of human behavior. In the final chapter of my study *The Making of Moral Theology*, I suggested that recent work in moral theology in the latter half of this century can be characterized by, among other things, an unconscious drive to totality which was partly in reaction to excessively analytical approaches in the past. But I also observed that the drive to totality is not a bid to abolish analysis. It is a move toward locating the parts (including analysis itself) in their total context.⁴ In other words, to recall Maritain's title, the purpose of distinction is to unite, but to unite in such a way that the full richness of the unity is appreciated as the internal coherence and integration of its contributory parts, much as one comes to a fuller appreciation of a painting as a whole through studying its details, or to a heightened enjoyment of a symphony through attention to its contrasting movements, melodies, and themes.

The challenge of moral distinctions implies the challenge of moral analysis, the consideration of human situations in a bid to penetrate

¹ This is a revised version of a lecture originally delivered at the Center for the Advanced Study of Ethics, Georgetown University, Washington, D.C., on 1 April 1992, as the First Annual Joseph B. Brennan Lecture in Applied Ethics.

² Jacques Maritain, *Distinguish to Unite; or The Degrees of Knowledge* (London: G. Bles, 1959) ix.

³ Boswell's *Life of Johnson* 1.432.

⁴ John Mahoney, *The Making of Moral Theology: A Study of the Roman Catholic Tradition* (Oxford: Clarendon, 1987) 309-10.

and understand them, with a view to determining how those involved in such situations ought to conduct themselves. The making of distinctions is like laying down markers or planting flags to identify the stages of one's mental and moral exploration. In fact, the original Greek term *stizō* underlying our modern word "distinction," from which we also get "stigma" and "stigmata," means to mark with a pointed instrument, or to give something an identifying mark; from it derived the Latin term *distinguo*, meaning to mark off, divide, and separate out. If in politics it is a practical rule to divide and conquer, in philosophy it is a practical maxim to divide and thus to begin to understand.

The making of moral distinctions, i.e. of morally relevant distinctions, presents us with a challenge to which we can respond in a variety of ways. One response is to ignore the challenge. Another is to consider it a challenge which modern society is incapable of accepting. A third, more positive, response is to accept some moral distinctions as an illuminating discovery throwing light on how we may, or should, behave. And a final response to the challenge is to accept some distinctions as satisfying or helpful at least for the time being, while keeping an open mind to the possibility of their being further refined or eventually superseded. In this study I propose to explore these four possible responses to the challenge of moral distinctions.

I

I have said that one response to the challenge of moral distinctions is to ignore it, and this is, in my view, a powerful tendency in much of modern living. It was to a large extent through the making of distinctions that moral casuistry developed, and that it acquired a reputation for moral permissiveness and deviousness, particularly from Pascal and the Jansenists, and became derided for what has been dismissively termed its "loophole" approach to moral behavior.⁵ The attitude which dismisses distinctions is still prevalent in some quarters today and is accompanied, and perhaps reinforced, by a new emphasis which has come to typify much Christian and Catholic thought and speech, the emphasis on social prophecy. Two powerful contributing factors to the modern stress on prophecy are the recovery of biblical thought and theology in the Catholic Church, and the growing sensitivity to the increasing demands of social justice in modern society, particularly,

⁵ See Mahoney 138-43; Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: Univ. of California, 1988) esp. 235-39.

but not exclusively, in less developed countries and in the Third World.⁶

The idea of social prophecy is a popular and powerful one today, concerned with denunciation of the evils which are identified in contemporary society, and adopting as role models the Hebrew prophets who condemned the idolatries and social injustices of their own times, or seeking inspiration in the Christian era from the castigations which Jesus is depicted as delivering against the religious teachers and others of his day (cf. Matthew 23). Impatient of complexity, prophecy seeks the clean thrust of an unambiguous moral imperative to cut through to the heart of a situation and, as Max Weber intimated, to act as the agent of radical social change.⁷

Attractive and appealing as the prophetic mode of speech and action is today, it nevertheless also suffers from certain weaknesses.⁸ Denunciation can warm the heart of the prophet or the prophetic group, and can in its crusading zeal engender a strong sense of self-identity and purposeful solidarity. Whether it actually brings about change is more questionable, for two reasons. One is that it relies strongly on the emotion of moral indignation in attacking what it perceives as entrenched positions, and this is as likely to arouse resistance and counteremotions as to bring about the desired change of mind or heart. As a consequence it can be led to increase the volume of its denunciation and incur the risk of moral bullying, with even less likelihood of success.

The second factor which can undercut the effectiveness of prophecy

⁶ Enda McDonagh writes for many when he contrasts what he calls the "managerial" justice of the Aristotelian-Thomist tradition with the modern insistence, arising from liberation theology and based on the biblical prophetic tradition, of a "more visionary kind of justice," that of "transformative justice" ("Moral Theology and Transformative Justice," in Raphael Gallagher and Brendan McConvery, eds., *History and Conscience: Studies in Honor of Sean O'Riordan, CSSR* [Dublin/New York: Gill & Macmillan, 1989] 73-84).

⁷ Max Weber, *The Sociology of Religion*, trans. Ephraim Fischoff (London: Methuen, 1963) 46-59. Cf. the remarks by Talcott Parsons: "The essential criterion of prophecy for Weber is whether or not the message is a call to break with an established order (ibid. lxxv-lxxvi and xxxv)."

⁸ From what follows I should not like it to be thought that I am hostile to the idea of prophecy in general or social prophecy in particular. On the contrary, I welcome the recovery of Christian prophecy within the Catholic community as an indispensable context for correcting the historical concentration of ecclesial prophecy in what came to be termed the episcopal and papal magisterium. See John Mahoney, "Magisterium and Moral Theology," *The Month* 20/3 (March 1987) 90-94. What I am concerned to identify here are the shortcomings of prophecy when it claims to offer the last, or even the only, word on public issues.

is that for it to succeed it must appeal to something in the hearers. It must strike a chord in them in order to arouse remorse and a change of heart. Within the Judaeo-Christian tradition the warrant claimed by the prophets, including Jesus, was that of God's law, and to that religious basis for claiming prophetic authority among Christian hearers I shall return. In a modern pluralist society, however, the authority of the prophet must come from the inherent power of his or her message, that is, from the validity and appeal of the moral values which are proclaimed. In other words, the only warrant for claiming to act as a conscience to modern society appears to lie in an appeal to such shared values as society may possess somewhere in its consciousness.

Yet, even if these shared values exist, there arises a further difficulty from the fact that of its nature social prophecy tends to concentrate on one particular value, and to pursue it singlemindedly, and indeed absolutely. The selection and promotion of precisely that value, however, can be open to question among those who might well accord it some respect, yet view it as only one among a cluster of moral values which they recognize. It is a particular feature of pressure groups, as they campaign for environmental or conservationist causes, or for nuclear disarmament or against war, or against or for abortion, or for minority rights, that they can choose to emphasise only one aspect of the truth, or absolutize only one value, and push it to extremes to the exclusion of other values and of other aspects of the truth.

In other words, a basic weakness of social prophecy, in its need to gain a hearing and its aim to make an impression, is that it tends to oversimplify issues, by resorting to slogans, stereotypes, and megaphone communication. You cannot win a following with a qualification, nor catch a headline with a distinction. The social function of such prophecy, as distinct from its own aims, is to ensure that the single value which is being proclaimed so loudly and often with such emotional investment should not be ignored or lost sight of by other people or by society at large in their policy choices or decision making. Thus, when the Catholic Church canonizes someone as a saint, or approves a particular form of consecrated religious life, it is not proposing the new saint's life as one to be slavishly imitated by others, nor is it advocating the prophetic Kingdom values of poverty, celibacy, and obedience as absolutes to be embraced by everyone in the Christian community to the exclusion of other values. More modestly, the aim of signalling or highlighting such values is that others may not ignore or disdain them, but may be encouraged to find room and recognition for them somewhere in their lives.

The problem with concentrating single-mindedly on individual values is that it does not allow for genuine conflicts of moral values. It

does not recognize the need often experienced in life to try to balance different factors and values in our moral decisions, as we consider, for example, the competing claims of both peace and justice, of both capital and labor, of both obedience to legitimate authority and individual responsibility, of both enterprise and welfare, or of both the sanctity of life and the quality of life. The danger, to use the distinction introduced by John Henry Newman in an Oxford University sermon, is to eschew wisdom and opt for bigotry, where he defines wisdom as "the application of adequate principles to the state of things as we find them," by contrast with bigotry, which he describes as "the application of inadequate or narrow principles."⁹ It is not surprising, then, that prophets are ill disposed to accept distinctions.

Moreover, if prophecy claims a religious authority, and specifically a Christian authority, then it has further weaknesses with which to contend. One is its failure to recognize that there are different types of prophecy in the Judaeo-Christian tradition. In particular, alongside the modern preferred type of denunciatory and adversarial prophecy there is a powerful strand of prophecy of comfort and of consolation, such as we find in Isaiah and the prophets of the exile; and such as we also find in the tender invitation of Jesus to all who labor and are burdened to find rest in him, and in his consoling promises which we have come to call the Beatitudes. Another can be its failure to realize that even in the Bible denunciatory prophecy and its single-minded insistence on particular values are by no means the whole story of salvation or of the moral life. The biblical tradition finds room and recognition for others in society who are deeply concerned about how humans behave and relate to each other, but who do not express that concern in prophetic simplifications. Jesus refers to God having sent his people in the past not only prophets but also those whom he terms "wise men and scribes" (Matt 23:34). The prophet Jeremiah expressed the hope that "the law shall not perish from the priest, nor counsel from the wise, nor the word from the prophet" (Jer 18:18). It appears that the "wise" of Jeremiah who give advice or counsel may be the predecessors of those Jewish scribes with whom Jesus is presented as being sometimes at variance and sometimes in harmony. He refers in the Jewish-Christian Gospel of Matthew to scribes who have been trained for the kingdom of heaven, and who can thus now bring out of their treasure not only what is old but also what is new (Matt 13:52). And it seems that such figures continued to play a part in the Christian community, as the "teachers of the word" to whom James and Paul refer (Jas 3:1; Gal 6:6), and whom Paul also lists after apostles

⁹ John Henry Newman, *University Sermons* (London: Rivington, 1844) 295.

and prophets as appointed by God "within our community" (1 Cor 12:28–29).

My conclusion is not that there is no place for prophecy or prophets in society or in the Church, but that we need to distinguish between prophecy and counsel, and to find a role for both true prophets and wise counsellors. For how to balance and reconcile often competing values in particular cases is not the task of the prophet. It was to tackle such practical problems that casuistry developed and made such ready and valuable use of moral distinctions. And in the increasing complexities of modern life there is ever more need for such empirical enquiry, practical analysis, and moral reasoning, not least on the part of Christians.¹⁰

Of course, if prophets have their occupational hazards, as I have outlined them, the same must apply to sages and counsellors. If they are preoccupied with cataloguing distinctions they will be in danger of losing sight of the whole. They may shrink from the need to identify priorities. And at worst they may sink into moral complacency and intellectual dishonesty. Karl Rahner had an immense sympathy for those engaged in the enterprise of postconciliar moral theology, and was himself a brilliant exponent of it. Yet on one occasion he made some uncharacteristically trenchant, and relevant, comments about the conclusions of some German moralists who were presented, during the Vietnam war, with a thought-experiment on the possible production of a cheap napalm bomb. The outcome, he wrote,

shows clearly that whenever a moral theologian merely dissects such a particular "case" into a thousand aspects and individual problems . . . , merely engaging in "casuistics"; whenever he fails to react simply and plainly from the instinct of faith to the single totality of the "case," he arrives at "solutions" which are simply blind to concrete reality; in plain language, they are *false*. . . . In order to see the helplessness of moral theology when it proceeds solely by analysis and deduction, one need only refer to the whole complex of problems involved in the moral evaluation, according to Catholic and Protestant moral theology, of making and using biochemical weapons.¹¹

Rahner's own context was an exploration of the "universal moral faith-instinct," which does not concern me here, and which he then proceeded to invoke against the genetic enhancement of the human species.¹² But the passage, with its criterion of "the single totality of the

¹⁰ The case is made cogently by R. Preston, *The Future of Christian Ethics* (London: SCM, 1987) 7–8.

¹¹ Karl Rahner, "The Problem of Genetic Manipulation," in *Theological Investigations* 9 (London: Darton, Longman & Todd, 1972) 240–41.

¹² Rahner 243. On the role of the "sense of faith" in moral theology, cf. Mahoney, *The Making* 207–10.

case," is a striking example of the occupational risks attendant on the careful calculations and distinctions of counsellors, which as a matter of principle Rahner himself would have been the last to decry, as his own achievements clearly indicate.

There remains, then, a place in society and in the Christian life both for eschatological impatience and prophecy, and also for wise and painstaking patience along the lines of what the other theological colossus of this century, Karl Barth, describes as God's own patience in giving his creatures time and space to respond to what Barth calls "the order of His wisdom."¹³ Or perhaps we should say simply, after the manner of Qoheleth, that there is a time for prophecy, and a time for distinctions. It will not do, therefore, when faced with the challenge of moral distinctions simply to disregard or disdain that challenge.

II

There is, however, an apparently basic difficulty in facing the challenge of moral distinctions, and that concerns not now ignoring it, but considering it a challenge which modern society cannot accept. For if prophecy, as I have suggested, requires a shared set of values to which to appeal, so too does the public enterprise of moral analysis and the making and accepting of moral distinctions which I am advocating. And there are those who maintain that such a shared set of values is not to be found among human beings today, since there is no commonality of moral understanding and discourse to be found any longer in modern society.

I have in mind here the gloom of Alasdair MacIntyre's popular diagnosis of the bankruptcy of modern moral philosophy, in his *After Virtue*, and his suggestion that the solution is to establish and strengthen moral communities in society, which will enable us, in MacIntyre's phrase, to live through the new dark ages which are upon us while we await the coming of another, doubtless very different, Saint Benedict.¹⁴ MacIntyre's thesis that there is no longer any public moral consensus on values is drawn upon by the equally popular study of Robert Bellah and others, *Habits of the Heart*, to claim that American society is ineradicably individualistic and emotivist, with no communitarian substructure to contextualize the views and behavior of disparate individuals.¹⁵

This pessimism about the possibility of public ethical discourse has

¹³ Karl Barth, *Church Dogmatics* 2/1 (Edinburgh: T. & T. Clark, 1957) 406–39.

¹⁴ A. MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981) 245.

¹⁵ Robert N. Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life* (New York: Harper & Row, 1985).

influenced such British writers on Christian ethics as Robin Gill, Duncan Forrester, and Bishop Lesslie Newbigin. Professor Gill, for example, builds upon MacIntyre's hint that the solution for moral philosophy, and for Christian ethics, is to establish and strengthen moral communities in society; and he concludes that we should foster worshipping Christian communities which are "harbingers" of the virtues which society requires.¹⁶ Professor Forrester also follows MacIntyre in concluding that in Western society "we have lost any kind of coherent system of shared values on which a healthy community may rest." And he supports MacIntyre's conclusion that we must rediscover sustainable forms of community.¹⁷ And Bishop Lesslie Newbigin finds in MacIntyre confirmation of his own disenchantment both with modern society and with the lack of any radical challenge from Christianity; so much so that he for his part concludes that what society needs is another Saint Augustine.¹⁸

Those thinkers who consider society as incapable of shared moral analysis, and thus as lacking the capacity to consider the challenge of moral distinctions, have themselves one distinction in common: the unreal distinction which they draw between a morally disunited modern society and harmoniously united communities and Christian enclaves. At the same time they also fail to make two essential distinctions: that between moral chaos and moral pluralism; and that between the good and the better. In his study *Ethics After Babel*, Jeffrey Stout refers trenchantly to what he calls the "communitarian wistfulness" which characterizes some writing in this area; and Christians of a particular cast of mind would do well to heed his warnings.¹⁹ For ethical pluralism and diversity are now increasingly recognized as a feature of the Bible, both the Hebrew Scriptures and the New Testament, and also as a feature of the early Christian communities. And those same features of pluralism and diversity are also inevitably and increasingly to be encountered in the reality of contemporary Christian churches and communities, in such areas of behavior as sexuality, procreation, marriage, economics, politics, warfare, modern technology, and the like. To ignore or turn a blind eye to this modern Chris-

¹⁶ Robin Gill, *New Directions in Christian Ethics* (London: Univ. of London, 1990); reprinted in R. Gill, *Christian Ethics in Secular Worlds* (Edinburgh: T. & T. Clark, 1991) 1-22.

¹⁷ Duncan B. Forrester, *Beliefs, Values and Policies: Conviction Politics in a Secular Age* (Oxford: Clarendon, 1989) 47.

¹⁸ James Edward Lesslie Newbigin, *Foolishness to the Greeks: The Gospel and Western Culture* (London: S.P.C.K., 1986) 133-34.

¹⁹ Jeffrey Stout, *Ethics After Babel: The Languages of Morals and their Discontents* (Boston: Beacon, 1988) 231.

tian pluralism and diversity is the fatal flaw in viewing Christian communities today as the faithful moral remnant in society and the custodian of rejected values.

The other distinction which I have suggested MacIntyre and those who follow him fail to make is that between what is good and what is better. And I am not alone in finding their strictures on modern society too bad to be true. In his critical assessment of both MacIntyre and Bellah, Jeffrey Stout judges that MacIntyre and others "play the role of Jeremiah to contemporary society";²⁰ and this verdict takes on added significance in the light of my comments on the inherent propensity of prophecy to simplify. Moreover, Stout contends, the gloomy conclusions of MacIntyre and Bellah are not borne out by their arguments, nor indeed by the research on which they base those arguments.²¹

By contrast, Stout argues for "a picture of our society both more complicated and less dismal than MacIntyre's," and he maintains that "even though we no longer share a single theory of human nature (when did we exactly?) and despite the fact that Aristotelian teleology has long since passed out of philosophical fashion, most of us do agree on the essentials of what might be called the provisional *telos* of our society." In other words, there is "a relatively limited but nonetheless real and significant agreement on the good." There is no lack of controversies, Stout freely concedes, of course, but to draw conclusions only from these is to ignore the fact that "public discourse, at least under conditions of relative freedom, tends to concentrate on controversial matters, the better to resolve them, leaving platitudes to one side." Yet there are, he maintains, vast regions of the moral terrain in which we can identify a quite substantial "overlapping consensus." It is such considerations that lead Stout to his concluding suspicion of MacIntyre, "that, in reaching his conclusions, he both underestimates the level of agreement on the good actually exhibited by our society and overestimates the level required for us to reason coherently with each other on most matters of common concern."²² In this interpretation offered by Stout, it appears that MacIntyre and those who would agree with him are making the better the enemy of the good, and are taking up a prophetic all-or-nothing stance, without making allowance either for pluralism or for what Stout calls "overlapping consensus."

While one may, however, take a less pessimistic line about such overlapping consensus, this should not blind us to the fact that there are nevertheless some profound moral disagreements in modern soci-

²⁰ *Ibid.* xii.

²² *Ibid.* 210-15.

²¹ *Ibid.* 192.

ety. It may be helpful, therefore, to try to probe such differences, and to pursue Stout's explanation that "controversial cases are the ones where conflicting considerations frustrate the search for clear answers."²³ It may be, of course, that one should question the common presupposition that in such controversial cases there actually is one clear answer to be found or asserted. If there is a lot to be said on both sides, for example, then perhaps there are two equally legitimate answers, and it is our impatience with complexity which forces us to demand only one, and that one, of course, our own. This is where the history of, and controversies over, moral Probabilism may still have something to offer contemporary ethics.²⁴

Perhaps, moreover, what is often going on in such controversial cases is not fundamental disagreement at the level of abstraction in recognizing particular basic human goods or individual moral values. It would not be difficult to establish that many of the most impassioned moral controversies in society are not about the ethical importance of peace and justice, freedom and responsibility, human development and planetary integrity, the sanctity of human life and the quality of that life, and the individual and the community. Where controversy enters in is more at the level of practical decision and action, when not all such values can be realized, and when choices have to be made between what are in the circumstances competing moral values. Then public moral debate differs little in principle from private moral reflection in facing a necessary choice between what Stout terms "conflicting considerations."

An interesting example of this, which also illustrates that profound moral disagreement is to be found even within Christian communities, was the 1982 message of Pope John Paul to a Special Session of the United Nations Organization on Disarmament, that under certain conditions nuclear deterrence could "still be judged morally acceptable."²⁵ In general, as he observed, the Church's attitude was clear: it deplored recourse to arms, while at the same time it upheld respect for the independence, freedom and legitimate security of every nation. "But the situation is complex and numerous values—some of them at the highest level—come into play. Differing points of view can be expressed. It is therefore necessary to face the problems with realism and honesty."²⁶

²³ *Ibid.* 213.

²⁴ "The pursuit of certainty is the enemy of the pursuit of truth" (Daniel J. O'Connor, *Aquinas and Natural Law* [London/Melbourne: Macmillan, 1967] 84).

²⁵ *Acta apostolicae sedis* 74 (1982) 872–83, at 879.

²⁶ "Mais la situation est complexe et de nombreuses valeurs—dont certaines du plus

III

It was and is out of what the Pope called "complex" situations, and what Stout termed "conflicting considerations," that the tradition of seeking to discover and articulate moral distinctions was born and continues to find its rationale. And with this possibility of recognizing at least some shared values in society as a basis for considering what purchase they might each have in particular situations when they appear to be in conflict, we can move on to the third type of response to the challenge of moral distinctions which I mentioned, that of accepting some moral distinctions as offering illumination and identifying markers to indicate the way in which we may, or should, morally proceed.

In this positive response distinctions are seen as the product of a dialectical process between moral principles and reality, or rather of the interaction between our understanding of moral principles and our reflection on our experience of reality. It is an oversimple approach to moral reasoning to view it as no more than the application of moral principles to particular situations by way of a practical syllogism. That may well be the final stage of the process, but the process as a whole is better described as the application of moral principles *in* a particular situation, where the juxtaposition of principle and situation can lead to an analysis and clarification of both.²⁷

For example, the standard moral principle which Catholic teaching regularly invokes in debates on abortion, embryo experimentation, and euthanasia is that "the direct taking of the life of innocent human beings is always wrong." Each of those adjectives in the statement, "direct," "innocent," and "human," is the fruit of a dialectic between principle and experience which concludes that it is not adequate to moral experience to reiterate simply as an absolute principle "thou shalt not kill," or that the taking of life is wrong in all circumstances.

haut niveau—entrent en jeu. Des points de vue divergents peuvent être exprimés. Il faut donc affronter les problèmes avec réalisme et honnêteté" (ibid. 876). It is surprising that moral theologians have not done more to exploit the methodological implications of this papal statement, not only in the field of public policy issues but also in areas of individual morality. Its significance for the ethics of nuclear deterrence was discounted by John Finnis, Joseph M. Boyle and Germain Grisez in *Nuclear Deterrence, Morality and Realism* (Oxford: Clarendon, 1987) 97–8. The attempt was implausible, but not surprising, given their opposition to nuclear deterrence, as well as their repeated attempts to maintain the incommensurability of values (cf., e.g., 286–87).

²⁷ Cf. John Mahoney, "The Meaning of Exceptions," in his *Seeking the Spirit: Essays in Moral and Pastoral Theology* (London: Sheed and Ward, 1981) chap. 3. For a similar treatment, cf. Oliver O'Donovan, *Resurrection and Moral Order: An Outline for Evangelical Ethics* (Leicester: Inter-Varsity, 1986) 194–97.

It is the study of experienced situations which has led on the one hand to the realization that it is morally legitimate to take life in some circumstances, and on the other hand to a conceptual and verbal refinement of the principle in the light of such circumstances. The effect of such refinements has been to indicate that the principle does not apply in the case of nonhumans; or in cases of humans who are considered guilty; or in cases where the death of an innocent is an unavoidable side effect, or is judged, in the traditional term, "indirect."

In other words, in the statement thus arrived at, "the direct taking of the life of innocent human beings is always wrong," each adjective is one half of a distinction which has been arrived at through the interaction between the unqualified principle and the complexity of various problematic situations. Pursuing the same line of analysis, current debates on abortion, embryo experimentation, brain death, brain absence, and euthanasia can correspondingly be expressed in terms of asking the question whether a fetus perceived by a pregnant woman as life-threatening can be considered an "innocent" human being; or whether a hospital patient in a permanently vegetative state can be considered still to enjoy "human" life in any recognized meaning of the term; or in what sense an anencephalic fetus or the human embryo in the first few days of its existence can be described as a "human being," if by human being is understood a human individual or a human person.

By contrast, another possible function of moral distinctions is to enable one to tackle slippery slopes. It has been perceptively observed that when you set foot on a slippery slope a lot depends on whether you are wearing skis or crampons. Another way of proceeding with care is to regard moral distinctions as stepping stones or stopping places on slippery slopes. Thus, again in the field of medicine, the advance of technology and of research and development offers physicians ever new ways of treating patients, and raises the issue of whether and to what extent experimentation on humans is morally legitimate. Once granted the principle, it may be feared, who knows to what lengths enthusiasm and the spirit of scientific enquiry may lead in subjecting the sick and vulnerable to untried and unproven procedures. Here is where the distinction between therapeutic and nontherapeutic experimentation provides one stopping place, in approving the principle of testing new medical resources but restricting its application in the interests of the patient. Here also is where, even in the case when nontherapeutic experimentation may in principle be countenanced, an ethical halt is built in by requiring the consent of the subject, and a consent which is adequately informed as a condition of its being fully free.

In another field, that of the ethical conduct of business, many moral implications follow from the now-standard basic distinction between the stockholders and the stakeholders in a company.²⁸ And other distinctions can also provide not only illumination but also warrant for going so far along one line of behavior while enabling one rationally to stop at a certain stage. In the matter of discrimination in employment and promotion, for instance, it is morally helpful to distinguish between discrimination against persons and discrimination between persons. Discrimination between persons can be legitimate when the reasons for treating them differently are related to a particular task, and when certain skills and qualifications which are essential to the successful performance of that task are possessed by one but not by another. It is only when the criteria of choice which are applied are non-job-related (such as color, sex, age, etc.) that discrimination becomes discrimination against the person rejected and is thereby unjust to that person. Similarly, in talk of equality it is both helpful and morally necessary as a guide to behavior to distinguish between different types of equality, and to view equality of opportunity and equality of access as matters of justice, but not necessarily to consider equality of outcome or of results in the same light.

One major concern in the conduct of business which can profit from the analysis which results in and is expressed by certain distinctions is the attitude and behavior which one should adopt towards the whole question of bribery and the payment of financial or other inducements to secure a particular service. Here one basic distinction which can be made is between bribing someone to do what they should not do, such as allocating a contract on grounds other than standard business criteria, and bribing someone to do what they should be doing as part of their duties, such as awarding contracts, handling documents, making transit arrangements, and expediting matters in general.

The dilemma which many ethical business people experience in cultures where such bribery just to get routine things done is well-nigh endemic, is whether they are justified in submitting to those conditions, or whether they and their company would do better, at least ethically, to trade elsewhere. However, the idea of submitting to such local conditions prompts the reflection, and the distinction, that what is at issue here is not so much bribery, as extortion, and that one's moral attitude to submitting to extortion may be different from one's attitude to resorting to bribery. In this analysis bribery involves the unforced offer of an inducement to gain an unfair advantage over com-

²⁸ Cf. R. Edward Freeman and Daniel R. Gilbert, *Corporate Strategy and the Search for Ethics* (Englewood Cliffs, N.J.: Prentice Hall, 1988).

petitors, while extortion involves the exacting of a levy as a necessary condition for any business being transacted. In this respect extortion is no different from old-fashioned "protection rackets," and the ethical question, as contrasted with the legal question, becomes whether in order to make a living or a legitimate profit one is justified, however reluctantly, in submitting to such extortion.

One conclusion could well be that in certain cultures such submission is justifiable in the circumstances for the good which will come of it—with the proviso, however, that one is also under an obligation to work to remedy the corrupt social situation. This is in principle similar to the policy which some companies in the U.S.A. and elsewhere adopted in trading with South Africa: to do so, if that was their decision, only on condition of accepting the Sullivan Principles which required that at the same time they should work to dismantle and remove apartheid from South Africa.²⁹ A similar approach can be considered for companies in their relations with Third World suppliers whose low charges depend on suppressed wages and unjust working conditions. In other words, there may be times when one is justified in doing the best in the circumstances, but only on condition that one is at the same time doing one's best to change the circumstances.

IV

The final way of responding to the challenge of moral distinctions, as I suggested at the beginning, can be by way of accepting them as satisfying at least for a time, while keeping an open mind to the possibility of their being further refined or eventually superseded. To consider this possible response I turn again to medical ethics, which is the field within the Catholic moral tradition in which distinctions have so far flourished most and been most influential. In this area no distinction has had more influence than that introduced by Pope Pius XII between ordinary and extraordinary means of preserving life, with the conclusion that it is morally obligatory to use ordinary means, but that when a means is identified as extraordinary then the obligation ceases. At times the distinction can be misunderstood, as when ordinary is understood as routine and standard medical practice, and extraordinary is taken to refer to unusual or heroic measures or measures involving considerable risk. However, the point of Pius XII's distinction was not to make distinctions between medical procedures but between their effects on the patient—and not their effects on any patient, but on this particular patient. It was, to apply another fundamental dis-

²⁹ See Thomas Donaldson, "Disinvestment," in his *The Ethics of International Business* (Oxford/New York: Oxford Univ., 1989) chap. 8.

tion, not medicine- or technology-centered, but patient-centered. For the distinguishing mark was how burdensome a procedure would be to this patient, and that consideration of personal burdensomeness can make even the most routine procedure extraordinary in certain circumstances. Ultimately what emerged was that the distinction between ordinary and extraordinary methods of treatment becomes a consideration of how proportionate the treatment is to the benefits to be hoped for for this person, and whether it is in the circumstances worth the trouble for them. In that sense the distinction becomes a judgment about the quality of life which can reasonably be hoped for for this person as a result of the treatment.

If this distinction between ordinary and extraordinary means of preserving life is at root a consideration about the ensuing quality of life of the individual, then, perhaps another standard distinction which will become increasingly important as genetic medicine develops invites similar scrutiny: the distinction between therapy and enhancement, which is viewed as a valuable stopping place on the slope leading to Aldous Huxley's brave new world. Of course, if this distinction between therapy and enhancement is taken as exhaustive in its ethical assessment of medical procedures, it leaves out of account the idea of preventive medicine. But more to the point in the context of genetic medicine, it raises the questions of what is to count as "therapy," and against what criterion of "health," and whether this latter ought to take more account not only of the physical and psychological equilibrium within the human organism but also of the individual person's social and environmental well-being and adaptability.

There are other distinctions which have served for one particular purpose which have been illegitimately transferred to another purpose, or which have come through time to be seen to be inadequate. Thus, the traditional distinction between killing and letting die, which enabled medical personnel to abandon futile attempts to keep patients alive without incurring the moral guilt of killing them, arose from considering what procedures were appropriate for patients identified as in the dying state. Increasingly, however, the idea of letting die, with its overtones of moral approval stemming from the context of appropriate treatment for the dying, has been wrested from that context and is now used by some as an argument, not for letting the dying die, but for letting the living die. As such it can become killing by neglect.³⁰ Nor is the traditional approval of letting the dying die helped by introducing a further, and misleading, distinction and de-

³⁰ Cf. John Mahoney, *Bioethics and Belief: Religion and Medicine in Dialogue* (London: Sheed & Ward, 1984) 49-51.

scribing that procedure as "passive euthanasia," as part of an argument that there is then little, if any, moral difference between it and "active" euthanasia.

Stepping back to look at the broader canvas of moral analysis, it is also possible to consider distinctions which may well have outlived their original usefulness and others which are being developed. One which appears to be of little further practical value is the theological distinction between nature and grace, and the further elaborate distinctions between different types of graces to classify God's activities towards his human creatures. However, in recent Catholic moral theology the growing distinction between nature and person, and the switch of moral focus from nature to person as the centre of moral attention and the source of moral criteria, is not only helping us to rethink the whole tradition of natural law.³¹ It also enables us to jettison old philosophical controversies about the meaning and import of nature, as well as old theological controversies and distinctions concerned with whether the nature in question is original, or fallen, or redeemed, or pure nature. And it also offers Christians a strong base of common ground with others in society to explore the whole field of human rights based on the dignity of the human person, claims for individuals which could not be substantiated simply on the basis of human nature.

At the same time, interestingly, the new moral focus on person which has become current in order to identify and recognize what human individuals possess uniquely as well as what they have in common, also offers a way of bridging the traditional distinction between the individual and the group, which at its worst can result either in atomic individualism or in amorphous collectivism. For it can profit from the important distinction to be made between the human person and the human individual, as found in the writings of the Scottish philosopher John Macmurray, as well as in the social writings of Archbishop William Temple, and in a recent environmental report of the Board of Social Responsibility of the Church of England.³² At its heart lies the important distinction made by Jacques Maritain between the human individual and the human person, where individuality is identified as what distinguishes us from each other, while personhood is seen as what binds us to each other.³³

I offer one final illustration, this time of a dubious moral distinction

³¹ On nature, grace, and person, cf. John Mahoney, *The Making* (n. 4 above) 111-15.

³² John Macmurray, *Persons in Relationship* (London: Faber & Faber, 1961); William Temple, *Christianity and Social Order* (London: Shephard-Walwyn, 1942); Church of England Board of Social Responsibility, *Faith in the Countryside* (London: Churchman, 1990) chap. 3, note 2, "Theological Reflections."

³³ Jacques Maritain, *Scholasticism and Politics* (New York: Macmillan, 1940).

which has been current on the world scene for almost half a century but which now has fresh grounds for review, the distinction between the Eastern and Western geopolitical blocs. If these are viewed, of course, as simply contrasting political systems or as based on contrasting economic theories, then it could well be asked what sense it makes to view the East–West divide as a *moral* distinction. But the two blocs have been more than that. As Pope John Paul II viewed them in his 1988 encyclical on Social Concern, at root their opposition was “ideological” (par 20). And it was his dispassionate moral critique of both together which stung some commentators in the United States into rejection of the “moral equivalence” between East and West which they considered this implied, thus themselves implying that the West was morally superior and that there was a moral distinction between the two.³⁴

One consequence of this rather widely held East–West moral distinction has been that, as with all ideologies concerned to preserve themselves, any attempt at internal criticism was viewed with hostility. In particular, the liberal capitalism which formed the essential basis of the Western bloc tended to be regarded as sacrosanct, and questions directed at it were easily brushed aside as disloyalty, or even as betrayal of the whole economic, political, and religious package of “Western values.”³⁵

But now all that has changed, of course, with the collapse of the Eastern bloc. And perhaps as a result two developments may be hoped for and worked for. The first is that magnanimity in victory may be accorded not only to one’s erstwhile opponents but also to one’s continuing critics. No longer on the defensive and concerned for ideological purity and survival, perhaps the committed proponents of capitalism and the market economy are now in a sufficiently confident and relaxed frame of mind to look constructively at ways of remedying the undoubted abuses resulting from market capitalism on an increasingly global scale. The second development to be hoped and worked for is that the conversion of Eastern Europe to the market economy should not be to the 19th-century model of the market from which the West had such difficulties extricating itself.³⁶ Insofar as free markets work today for human betterment it is partly because they are regu-

³⁴ Cf. *Origins* 18 (1988–89) 69–70.

³⁵ “The free market is in danger of becoming an ideology when it is invested with almost religious status. This certainly appeared to have happened at periods during the cold war, when capitalism and Marxism were regarded as competing religions” (Richard Harries, *Is There a Gospel for the Rich?* [Oxford: Mowbray, 1992] 103).

³⁶ For discussion on the Pope’s comments on capitalism and ways in which capitalism can be reformed, see David Hollenbach, “Christian Social Ethics after the Cold War,” *TS* 53 (1992) 75–95.

lated markets, operating within a social matrix of shared basic moral values and a political context of protective legislation, neither of which exists at present in sufficient strength in what was Eastern Europe. Hence, if there are human benefits to be derived from capitalism and the play of market forces, those benefits need to be affirmed and protected in the East as well as, or better than, they have been in the West. And ways need to be explored of how this can be done, perhaps primarily at first by the example, advice and leadership of reputable Western companies as they venture eastward, by conditions attached to loans and aid programs, by the media and other pressure groups, by industry-wide and professional agreements, and ultimately by new legislation, whether at national level or eventually at the level of an expanded economic community.

Another new and intriguing moral distinction to explore on the world scale, did space permit, would be the way in which, in the field of nuclear ethics, attention is moving away from the ethics of nuclear deterrence to focus on the new international challenge of nuclear policing and all that this will entail for national sovereignties and international law. However, the examples which I have been able to explore indicate, I hope, what I understand by the challenge of moral distinctions and the various responses which can be made to it, and lead me to offer a concluding reflection.

V

My concluding reflection concerns the move in some current writing in ethics to deplore defining the field of ethics solely in terms of ethical quandaries as if it were simply a problem-solving discipline, and the reemergence of character ethics, virtue ethics, and community ethics.³⁷ I wholeheartedly support this new stress on the moral agent and the moral community, particularly for the rich Catholic theological resources on which it can draw; but it may not surprise readers if I also have two distinctions to offer by way of reservation.

The first is to register disagreement with the use of the term "quandary ethics" as a new general term referring to applied ethics, for it appears to convey unduly a note of moral perplexity and of insoluble moral dilemmas, where, for example, the term "issue ethics" would beg fewer questions. The second reservation is certainly to recognize the

³⁷ E. Pincoffs, "Quandary Ethics," *Mind* 80 (1971) 552-71; reprinted in Stanley Hauerwas and Alasdair MacIntyre, eds., *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame: Univ. of Notre Dame, 1983) 92-112. For an excellent survey of the growing literature, see William C. Spohn, "The Return of Virtue Ethics," *TS* 53 (1992) 60-75.

need for Christian ethics, and more formally for moral theology, to concern itself with basic anthropological and community matters such as have now come to the fore again in the new or renewed interest in virtue ethics. But also to maintain that if Christian ethics does not have a word to say on the major ethical issues which preoccupy society, then the totality of its *raison d'être* is in question, in my view. For part of that *raison d'être* is to make a contribution to the ways in which human life in society is shaped, both by the choices, decisions, and actions of individuals, and in the formation and implementing of public and social policies.

In his seminal article on the subject of quandary ethics and on the importance of stressing what he calls "the cultivated moral self," Edmund Pincoffs has no quarrel with quandary ethics as such, but he concludes that the house of ethics "is a larger one than the quandarists would lead us to believe."³⁸ That is certainly true; and moreover, to pursue the metaphor, the house at least of moral theology is one in which there are many mansions. And if we are to distinguish in order to unite, it is not enough for us now to settle in the room of virtue ethics, with no further regard for the adjoining mansion of issue ethics. Or, to change the metaphor, for all the new interest in character and community ethics, we must not abandon the beckoning challenges of issue ethics. Rather, we may come to find ourselves now the better equipped to pick our way thoughtfully and patiently through the moral terrain of applied ethics.

That this need to pursue painstaking moral analysis and to seek enlightenment from moral distinctions is not a matter of moral pedantry or of ivory-tower casuistry appears to me borne out not only by the illustrations which I have offered, but also by a statement of the revolutionary writer Karl Marx and another of the mystical poet William Blake. The character and temper of Marx was such that, in the words of a recent biographer, "Like the prophets he saw the world in black and white, good and evil in mortal combat, the blessed and the damned at each other's throats."³⁹ And it was in that spirit that he penned one of his most famous aphorisms, the eleventh of his *Theses on Feuerbach*: "The philosophers have only *interpreted* the world in different ways, the point is to *change* it."⁴⁰ Christianity would certainly agree on the continual need to change society for the better. That

³⁸ In Hauerwas 107, 111. "Virtues are not complete alternatives to moral principles; both are needed for ethics to be practical" (Spohn 66).

³⁹ Robert Payne, *Karl Marx* (London: W. H. Allen, 1968) 498.

⁴⁰ "Die philosophen haben die Welt nur verschieden *interpretiert*, es kommt drauf an, sie zu *verändern*." (ibid. 120).

Marxism has failed to change the world for the better is now a matter of history, though not the end of history, but only a new start. For we are witnessing today the inevitable outcome of historical attempts to change the world along Marxist lines, and the economic, political, and above all human disastrous results to which they led. And so perhaps it will suffice to suggest that not only in Marx's own philosophical interpretation of the world, but also in his prophetic and simplistic program for change, a few moral distinctions would have saved a considerable amount of trouble.

For to grasp the full truth of a global vision for humanity, and for Christians to cooperate with God day by day in the great sweep of his creative and redemptive enterprise of love for his creation, one can truly know unity, as Maritain observed, only if one also knows distinction. The mystic William Blake expressed a similar sentiment rather more eloquently in his epic poem *Jerusalem*: "He who would do good to another, must do it in Minute Particulars. . . . For art and science cannot exist but in minutely organized Particulars."⁴¹ The challenge of moral distinctions is to promote the art and science of morality, and to promote moral behavior itself, by seeking to identify and to organize those particulars.

⁴¹ William Blake, *Jerusalem*, f. 55.