

## “DIRECT” AND “INDIRECT” IN GRISEZ’S MORAL THEORY

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THE THEORY OF MORALITY developed by Germain Grisez, in collaboration with John Finnis and Joseph Boyle, appears on a first reading to be thoroughly traditional. To some extent, this impression is justified. This theory attempts to provide a systematic philosophical justification for the tenets of traditional Catholic morality, and it is presented in terms of the classical problematics and the language of that tradition.

Nonetheless, Grisez sometimes uses traditional language to express nontraditional views. One of the most significant ways in which his moral theory departs from traditional Catholic moral theology concerns the distinction between direct and indirect action. Traditionally, this distinction was associated with the doctrine of double effect. Grisez has reservations about this doctrine as it was understood by the moral manualists, and in the course of his writings he proposes a “clarification” which will accomplish the same theoretical purposes more directly.<sup>1</sup> In his most recent writings, he even expresses reservations about the terminology of direct and indirect action.<sup>2</sup> However, as we will see, his revision of the traditional position goes well beyond a clarification or a change in terminology.

Grisez’s moral theory has been extremely influential, and its partial adaption in the recent encyclical *Veritatis splendor* will extend its influence still further.<sup>3</sup> Nonetheless, his interpretation of the distinction between direct and indirect action has not received extensive examination. Yet Grisez’s overall theory, and in particular, his vigorous defense of the claim that there are some kinds of actions which are always morally prohibited, depends on the cogency of his interpretation of this distinction.

<sup>1</sup> Grisez describes this doctrine as “a somewhat cumbersome attempt” to resolve the difficulties generated by actions which have both good and bad effects (*The Way of the Lord Jesus 1: Christian Moral Principles* [Chicago: Franciscan Herald, 1983] 299); he discusses the doctrine at more length (*ibid.* 307–9). He describes his reformulation of this principle as a “clarification,” rather than a “radical revision” (“Toward a Consistent Natural-Law Ethics of Killing,” *American Journal of Jurisprudence* 15 [1970] 64–96, at 91).

<sup>2</sup> Germain Grisez, *The Way of the Lord Jesus 2: Living a Christian Life* (Quincy, Ill: Franciscan, 1993) 473–74.

<sup>3</sup> See *Veritatis splendor*, in *Origins* 23 (October 14, 1993) 297–334. The influence of the moral theory of Grisez and his collaborators is especially pronounced in the sections on the natural law, paragraphs 46–53, 311–14.

Accordingly, my purpose in this article is to examine Grisez's interpretation of the distinction between direct and indirect action, in order first of all to place his views on this point within the context of his overall theory, and secondly, to evaluate the soundness of his position. As will become apparent, I do not believe that Grisez succeeds in developing a cogent account of this distinction. His applications of the distinction apparently reflect prior moral judgments which the distinction serves to justify after the fact.

In this article, I limit myself to a consideration of Grisez's writings, without attempting to deal in any systematic way with the work of John Finnis, Joseph Boyle, and his other collaborators. I have done so in order to keep this article within manageable bounds, and because I believe Grisez's writings offer the most thoroughgoing exposition and defense of the theory which they have jointly developed.<sup>4</sup> However, as we will see, Finnis does disagree with Grisez over the application of the direct/indirect distinction in one important case.

#### PRELIMINARY CONSIDERATIONS

The main lines of Grisez's theory of morality are quite familiar. It takes its starting point from a general account of practical reason, which is then developed into a theory of moral action, interpreted as action that is reasonable in the fullest possible sense.<sup>5</sup> Central to this theory is the claim that all human action starts from the first principle of practical reason, "The good is to be done and pursued; the bad is to be avoided."<sup>6</sup> This principle in turn is given content in human reflection through the apprehension of certain basic goods, including life, knowledge, and friendship. These goods are basic in the sense that they are desirable in themselves (unlike, for example, wealth, which is always a means to some more fundamental good), and they are self-

<sup>4</sup> Both Boyle and Finnis have written on double effect and related matters; see, e.g., Joseph Boyle, "Toward Understanding the Principle of Double Effect," *Ethics* 90 (1980) 527-38, John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon, 1980) 120-24; and "Object and Intention in Moral Judgments According to Aquinas," *The Thomist* 55 (1991) 1-27. It does not seem to me that their views on this subject are significantly different from Grisez's.

<sup>5</sup> In addition to the two volumes of *The Way of the Lord Jesus*, I have relied here primarily on Germain Grisez, Joseph Boyle, and John Finnis, "Practical Principles, Moral Truth, and Ultimate Ends," *American Journal of Jurisprudence* 32 (1987) 99-151. That article presents a summary of the theory, including a detailed commentary on the earlier works through which it was developed, as well as responses to critics. It is the definitive statement of this theory as it was formulated before 1987, and as far as I can tell, *Living a Christian Life* does not add any major theoretical revisions. However, neither that article nor *Living a Christian Life* contains a detailed theoretical discussion of Grisez's reformulation of the principle of double effect, although the latter work discusses the application of Grisez's version of the principle in some detail. As far as I can determine, the most extensive theoretical discussion of his reformulation is found in "Toward a Consistent Natural-Law Ethic of Killing" (see n. 1 above).

<sup>6</sup> *Christian Moral Principles* 178, quoting Aquinas's *Summa theologiae* 1-2, q. 94, a. 2.

evident in the sense that once they are experienced, their value is intelligible and compelling to any rational person.<sup>7</sup>

The first principle of practical reason, being the fundamental norm for all practical thinking, is not itself a moral principle. Thus immoral as well as moral choices can be expressions of this principle.<sup>8</sup> How, then, can an appeal to the first principle of practical reason, as specified through apprehension of the basic goods, serve to generate criteria for moral judgment?

Grisez's response goes as follows.<sup>9</sup> While it is true that most or all actions are directed toward some basic good or other, not every action aims at attaining or safeguarding a basic good in a fully reasonable manner. An action which aims at one basic good while arbitrarily slighting others is unreasonable (although rational) because it involves turning from some other basic good without adequate justification. Admittedly, we cannot aim at all the basic goods all the time, but we can always act in such a way as to remain open to those basic goods that we do not actively pursue. Only in this way will our actions be fully reasonable, that is to say, morally good. Hence, the first principle of morality is: "In voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with a will towards integral human fulfillment."<sup>10</sup>

The reference to choice in the first principle of morality brings us to a further point. It is that Grisez's theory of morality incorporates a particular understanding of voluntariness and choice, which turns out to be critical for understanding his reformulation of the principle of double effect.<sup>11</sup> Indeed, the notion of choice is central to his theory taken as a whole, because in his view, "Choices . . . are actuations of the will, guided by moral norms, by which we determine ourselves with respect to human goods."<sup>12</sup> More specifically, a choice is a determination of the will following upon deliberation among competing alternatives. (Thus not every form of voluntariness involves choice; for example, spontaneous willing, which responds to an attainable good

<sup>7</sup> The seven basic goods are summarized in *Christian Moral Principles* 121–25 and in "Practical Principles" 107–08. More recently, Grisez has added an eighth good, marriage, to the list; see *Living a Christian Life* 568.

<sup>8</sup> Grisez and his colleagues express uncertainty about whether some immoral choices might be directed towards the effective satisfaction of immoral desires, without being specified by reference to any basic good ("Practical Principles" 147–48). Nonetheless, Grisez clearly believes that many, if not all immoral choices will in fact be expressions of the first principle of practical reason; see, e.g., *Christian Moral Principles* 179–80, and "Practical Principles" 103, 123–25.

<sup>9</sup> In what follows, I rely especially on *Christian Moral Principles* 184–89, and "Practical Principles, Moral Truths, and Ultimate Ends" 123–25.

<sup>10</sup> *Christian Moral Principles* 184.

<sup>11</sup> For Grisez's account of voluntary action in general, see *ibid.* 229–49; he discusses choice at 233–36.

<sup>12</sup> *Ibid.* 229.

without considering alternative courses of action, is not the same thing as choice.) In choosing, one adopts a proposal to act in a certain way, just as a legislative body settles on a proposal by voting on a motion. This proposal includes both the good at which the agent aims, and anything which one chooses to do as a means to that end. On the other hand, side effects of the agent's action are not included in the proposal which one adopts; therefore, they are not chosen, and they do not determine the stance of the will towards the basic goods in the same way as choices do. Elsewhere, Grisez adds that "We use intention to signify a volition bearing on the intelligible aspect (whether benefit or empowerment) for which an act *actually* is chosen."<sup>13</sup>

The first principle of morality is further explicated by means of what Grisez refers to as eight modes of responsibility, which are intermediate specifications of this principle.<sup>14</sup> All of these modes are integral to morality, and an act which violates any of them is ipso facto immoral. However, it is the last of these which is the most significant from the standpoint of this article: "One should not be moved by a stronger desire for one instance of an intelligible good to act for it by choosing to destroy, damage, or impede some other instance of an intelligible good . . ."<sup>15</sup>

It is this mode of responsibility, taken together with the seventh mode ("One should not be moved by hostility to freely accept or choose the destruction, damage, or impeding of any intelligible good . . ."<sup>16</sup>), that leads Grisez to the view that some kinds of actions are never morally justified, or as the Catholic tradition expresses it, are intrinsically evil. That is, if the description of an action indicates that it necessarily involves "destroy[ing], damag[ing], or imped[ing]" some instance of a basic good, then the act is ipso facto morally wrong. According to Grisez, this follows from the very idea of moral goodness, which necessarily implies an openness to the ideal of "integral human fulfillment," that is, the fullest possible instantiation of all the basic goods.<sup>17</sup> As he goes on to explain, "No one can act for all the human goods and avoid accepting every evil. However, if one follows this ideal [integral human fulfillment] articulated by the first principle of morality, one can and will act for some of the basic human goods and avoid choosing against any of them."<sup>18</sup>

<sup>13</sup> "Practical Principles" 106 (emphasis in the original); *Living a Christian Life* 470.

<sup>14</sup> See *Christian Moral Principles* 205–28 for a discussion of the modes of responsibility; they are summarized at 225–26.

<sup>15</sup> *Ibid.* 225–26 (emphasis in the original has been deleted). See *ibid.* 227 n. 2, for further elaboration on the meaning of "acting directly against" a basic good.

<sup>16</sup> *Ibid.* 226 (emphasis removed from the original).

<sup>17</sup> *Ibid.* 222–24.

<sup>18</sup> *Ibid.* 222–23; however, this should be read in the context of the qualification offered in "Practical Principles" 128, where Grisez underscores the point that the ideal of integral human fulfillment must be seen as the product of all of the modes of responsibility working in tandem.

At this point, we must be careful to avoid two misunderstandings. First of all, Grisez insists that the ideal of integral human fulfillment can only be attained by respecting all of the modes of responsibility, even though these modes do not all have normative force in the same specific ways.<sup>19</sup> Second, and more importantly, he also insists that integral human fulfillment is an ideal which guides action, but because it consists in a state of affairs in which all the basic goods are instantiated in the fullest possible way, "It is not a goal to be reached by human action."<sup>20</sup> That is to say, there is no overarching concept of goodness beyond the basic goods, in terms of which persons can or should direct their actions:

[I]ntegral human fulfillment cannot be the ultimate end in the sense of being the ultimate reason why one chooses or should choose whatever one chooses. In this sense, the basic goods are ultimate ends. . . . But they are aspects of human fulfillment—many, distinct, irreducible—which do not constitute a single ultimate reason why one chooses or should choose whatever one chooses. Is there no such thing?

There would be, if there were some one intelligible good unifying all the goodness of all the basic goods. But there is none. For there is no intelligible principle other than the basic goods to make choice-worthy the possibilities for which persons can act. And the basic goods correspond to the irreducibly diverse components of complex human nature.<sup>21</sup>

The upshot of this line of analysis is that the first principle of morality, together with the modes of responsibility which give it content, is not straightforwardly equivalent to the Kantian imperative of respect for persons, as it would be understood by most philosophers.<sup>22</sup> In Grisez's view, the first principle of morality is an enhancement, rather than an impoverishment of Kant's imperative: "Never turn directly against basic human goods" says what 'Respect the dignity of every person' says and more.<sup>23</sup> The basic goods deserve respect because they are aspects of persons: "Each good that is intrinsic to the human person participates in the dignity of the person, a dignity that is beyond calculable price and measurable worth. . . . The dignity of such goods is inalienable."<sup>24</sup> Correlatively, it is the basic goods themselves, and not

<sup>19</sup> For discussion of these points, see *Christian Moral Principles* 251–59, and "Practical Reason" 127–29.

<sup>20</sup> *Christian Moral Principles* 222; also "Practical Principles" 131–33.

<sup>21</sup> *Ibid.* 133. The authors go on to argue that not even God, or the end of union with God, can constitute such an end (*ibid.* 133–35).

<sup>22</sup> Alan Donagan makes this point in *The Theory of Morality* (Chicago: University of Chicago, 1977) 64–65. However, I believe that Donagan is mistaken to attribute the view which he rejects to Aquinas.

<sup>23</sup> Germain Grisez, "Against Consequentialism," *American Journal of Jurisprudence* 23–24 (1978–1979) 21–72, at 71.

<sup>24</sup> "Toward a Consistent Natural Law Ethics of Killing" 69.

human individuals, which provide the immediate reasons for action and the objects of choice:

Are we saying that the basic reasons for acting simply are persons—individually and in communion? Yes and no. Yes, in the sense that in acting one primarily loves persons. . . . In acting *for the basic goods*, one's hope simply is to foster them *in and for persons*. . . . But no, because the already existing reality of persons simply does not depend upon human action. So, the reasons for acting are more limited—the basic goods. These are not the whole reality of any individual or community, but those intelligible aspects of the fulfillment of persons (as individuals and in communion) to which human actions can contribute.<sup>25</sup>

In most of his writings, Grisez seems to assume that the only alternative to an account of practical reason focused in this way on the basic goods is some version of consequentialism, which he considers to be untenable.<sup>26</sup> He scarcely even considers, much less accepts the possibility of a conception of human well-being or harm which is not tantamount to consequentialism, but which is nonetheless more complex than participation in, or attack on one or more of the basic goods.<sup>27</sup> For this reason, we would expect Grisez's commitment to the view that there are some kinds of actions which are never morally justified to be absolute. Not only does he not allow for any sort of consequentialist justification for an act which would attack a basic good, but he also rules out any appeal to the overall well-being of an individual or to a ranking of importance or urgency among the basic goods which might seem to justify such an act:

[T]he goods represented by these different principles are equally basic and equally essential to the ideal of integral human fulfillment.

Thus, one can choose in a morally wrong way. One is wholly or partly voluntarily unresponsive to the appeal of some of the basic human goods. In making such a wrong choice . . . one's understanding of the various goods is itself affected. The good which is violated or down rated is no longer considered equally basic and incommensurable with the good which is preferred.<sup>28</sup>

Given this, it comes as something of a shock to realize that Grisez

<sup>25</sup> "Practical Principles" 115 (emphasis in the original).

<sup>26</sup> Grisez briefly considers other fallacious moral theories but the position to which he returns again and again, either to refute or to distinguish from his own position, is consequentialism, or the Catholic theory of proportionalism, which he considers to be a version of consequentialism (*Christian Moral Principles* 97–113).

<sup>27</sup> In "Practical Principles," e.g., the only concept of happiness which Grisez and his colleagues consider is the complete fulfillment of all one's desires, which the morally good person subordinates to an orientation towards integral human fulfillment; even a life integrated around a commitment, for example to faith, is judged to be satisfying insofar as it satisfies the desires of the agent; see 131–33, 135–37. Similarly, in the more extensive discussion in *Christian Moral Principles*, various false conceptions of the human good are considered, but all of them consist of some specific desideratum, such as fulfillment of desires or living in accordance with wisdom; see 115–40.

<sup>28</sup> *Ibid.* 197–98.

does allow for the moral legitimacy of killing under a number of circumstances, including self-defense, killing in wartime, and some kinds of abortion to save the life of the mother.<sup>29</sup> Or to be more exact, since the correct description of these kinds of actions is very much the point at issue, in these kinds of situations he would permit some actions which would normally be described as instances of killing a human being.

Perhaps we should not be so surprised to find Grisez endorsing the moral legitimacy of killing in some cases. After all, he is committed to defending Catholicism as a moral tradition, and since at least the Middle Ages, the Catholic Church has taught that killing is morally permissible under certain circumstances, specifically, in self-defense, in pursuit of a justifiable military engagement, and for the punishment of some kinds of criminals. However, this cannot be the whole story. For one thing, he acknowledges that his view is not consistent with traditional Catholic teaching on some specific questions.<sup>30</sup> More significantly, he departs from the mainstream Catholic tradition over the proper characterization of the forms of killing which he allows. While killing in self-defense and in wartime were traditionally considered to be forms of direct killing, Grisez insists that these, together with some forms of abortion traditionally thought to be problematic, should be considered to be forms of indirect killing.<sup>31</sup> Thus, his position is that "human life can never rightly be directly attacked, but that indirect killing covers more cases than has generally been supposed."<sup>32</sup>

At first glance, this qualification is even more surprising than the initial judgments about the legitimacy of some forms of killing which it explains. As Jonathan Bennett remarks, in the context of discussing killing in wartime, "In any reasonable sense of the words, it would be hard to kill a person much more directly than by dropping a bomb on

<sup>29</sup> There are numerous examples of this throughout Grisez's writings. In addition to "Toward a Consistent Natural Law Ethics of Killing" and his books and articles devoted specifically to the morality of killing (many of which are cited below), see *Christian Moral Principles* 299–300; *Living a Christian Life* 470–74, 500–503, 900–906.

<sup>30</sup> He repeatedly insists that capital punishment is never morally justified, while acknowledging that this is not traditional Catholic moral teaching; see, e.g., *Christian Moral Principles* 219–22 and *Living a Christian Life* 891–94. He also considers some forms of abortion to be forms of indirect killing, and therefore permissible, but he is careful to add that he submits his judgment to the final judgment of the magisterium on this point (and all others); see, e.g., *Christian Moral Principles* 309; "Toward a Consistent Natural-Law Ethics of Killing" 96.

<sup>31</sup> See, e.g., *Christian Moral Principles* 298–300; *Living a Christian Life* 471–74, 904–6; *Nuclear Deterrence, Morality and Realism*, with John Finnis and Joseph Boyle (Oxford: Clarendon, 1987) 309–19; *Abortion: The Myths, The Realities, and the Arguments* (New York: Corpus, 1970) 334–46; *Life and Death With Liberty and Justice*, with Joseph M. Boyle, Jr. (Notre Dame: University of Notre Dame, 1979) 394–414; and "Towards a Consistent Natural-Law Ethics of Killing" passim.

<sup>32</sup> "Toward a Consistent Natural-Law Ethics of Killing" 66. He makes the same point elsewhere; see, e.g., *Abortion: the Myths, the Realities, and the Arguments*, 345, and *Christian Moral Principles* 227–28.

him!"<sup>33</sup>—or, to continue on with examples that Grisez himself uses, by crushing his skull (in the case of a craniotomy to save the life of the mother), or by shooting him in the head (in the case of a woman defending herself against a rapist).<sup>34</sup>

Grisez defends this qualification, however, by offering what he considers to be a clarification of the traditional doctrine of double effect. He accepts, and indeed insists on the claim which is at the heart of this doctrine, that no one is ever justified in taking a bad means to a good end. As he says, "The means in human action therefore must be morally evaluated in itself—that is, in view of all the factors which determine its morality."<sup>35</sup> However, he differs from the traditional doctrine insofar as it interpreted "means" in a causal sense. He acknowledges that at least some of the cases of killing which he takes to be permissible *do* involve killing as a means to some further end, if "means" is construed in a causal sense. And so, for example, he acknowledges that "With respect to physical causality, craniotomy immediately destroys the baby, and only in this way saves the mother."<sup>36</sup> Nonetheless, he denies that these kinds of actions should be construed as the use of a bad means to attain a good end in another, morally relevant sense. Thus, he denies that the causal relationship between what the agent does and the effect sought is morally decisive.<sup>37</sup>

How, then, does Grisez interpret the means/end distinction? His interpretation is spelled out most fully in "Toward a Consistent Natural-Law Ethics of Killing." There, he explains that a means, understood in the morally relevant sense, must be a human act in its own right, and not a part of an act; otherwise it would not be an appropriate object for moral evaluation. Hence, the question is, how do we determine what counts as one human act? Grisez responds that a human act derives its unity from two sources, namely, the unity of the agent's intention and the indivisibility of performance. The latter criterion, in turn, is to be understood in terms of what the agent is actually capable of doing at the point of action.<sup>38</sup>

It would seem that Grisez understands a unified act to be an unbroken sequence of the agent's immediate bodily movements (which, fol-

<sup>33</sup> Jonathan Bennett, *The Act Itself* (New York: Clarendon, 1995) 204.

<sup>34</sup> Grisez discusses the case of a life-saving craniotomy several times; see most recently *Living a Christian Life* 502. And for the case of the woman who shoots her would-be rapist in the head, see *ibid.* 473.

<sup>35</sup> "Toward a Consistent Natural-Law Ethics of Killing" 87.

<sup>36</sup> *Living a Christian Life* 502.

<sup>37</sup> At one point, he does say that someone who accepts a bad side effect of his act does not cause it, but he then goes on to distinguish causing an effect in this sense from physical causality, i.e. from causing in the ordinary sense; see *ibid.* 471–73, 502; also *Christian Moral Principles* 248. It should also be noted that he does not say that the causal relationship between the good and bad effects of the act is never morally decisive, only that it need not be; however, I know of no instance where he says that this structure is in fact decisive.

<sup>38</sup> "Toward a Consistent Natural-Law Ethics of Killing" 87–96.



lowing Davidson, we may call his "primitive action") informed by a single intention.<sup>39</sup> Even if the natural causal process initiated by such an action is complex, or its outcome is remote in time and space from what the agent immediately does, the act remains unified from the moral point of view. If the intention which informs this act does not necessarily include an attack on a basic good, then the act is not ruled out by the eighth mode of responsibility, and any bad results are considered to be side effects of the act. Hence, because they are not intended, although they are voluntarily accepted, such bad results are considered to be indirect.<sup>40</sup>

However, if the good which the agent seeks can only be attained through subsequent acts, on the part of either the agent or someone else, then that would negate the indivisibility of performance which is essential to the unity of the act. Thus any attempt to secure some good through an attack on a basic good is ruled out by the eighth mode of responsibility, if the good sought can only be attained through subsequent actions. For example:

According to this understanding of the principle of double effect, a woman might interpose herself between her child and an attacking animal, since the unitary act would save the child as well as unintentionally damage the agent. She could not commit adultery to obtain the release of her child, because the good effect would be through a distinct human act, and she would have to consent to the adulterous act as a means to a good end.<sup>41</sup>

Hence, a bad effect is a (non-causal) means to a good end, in the sense which Grisez takes to be morally relevant, if the bad effect is the very point of the act, or if the good sought can only be attained through some further action, either by the agent, or by someone else.

At the conclusion of his account, Grisez remarks that "I have rejected radical revisions of the principle of double effect and instead proposed a clarification that will allow a limited extension of its power to justify acts hitherto regarded as evil."<sup>42</sup> It is understandable that he would describe his reformulation of the doctrine of double effect as a clarification. As Bennett notes, this doctrine has traditionally been understood as prohibiting both the production of a good effect through the causal means of a bad effect, and intending the bad effect as a means to the good effect; and the relation between these two is not always made clear.<sup>43</sup> Furthermore, as Bennett adds, "double effect moralists have usually meant to focus on the subjective condition (a) [the inten-

<sup>39</sup> On primitive actions, see Donald Davidson, "Agency" (1971), reprinted in Davidson, *Essays on Actions and Events* (Oxford: Oxford University, 1980) 43–62, esp. 49–52.

<sup>40</sup> Grisez makes this point in *Christian Moral Principles* 240; however, his later reservations about this language should also be noted (nn. 1–2 above).

<sup>41</sup> "Toward a Consistent Natural-Law Ethics of Killing" 90.

<sup>42</sup> *Ibid.* 91.

<sup>43</sup> *The Act Itself* 198–200.

tion to secure a good end through a bad means], and have not been clear in their minds about how if at all the objective condition (b) [the actual causing of the good effect by a bad means] fits in."<sup>44</sup> Given this, it is neither surprising nor implausible that Grisez should attempt to clarify the traditional doctrine by identifying the agent's intention as the sole morally determinative factor.

Nonetheless, Grisez's reformulation is more than a clarification. The relationship between the agent's intention and the causal structure of the act did play a crucial role in traditional moral theology, because it provided an objective basis for assessing the intention of the agent. Without some such basis, the agent's intention could be described in terms of whatever could be said to be the agent's purpose or motive in acting. In that case, it would be difficult to see how the doctrine of double effect would rule anything out, since any act can be said to be directed to some good or other, in terms of which the agent's intention could be described. As Elizabeth Anscombe remarks:

For after all we can *form* intentions; now if intention is an interior movement, it would appear that we can choose to have a certain intention and not another, just by e.g. saying within ourselves: "What I *mean* to be doing is earning my living, and *not* poisoning the household"; or "What I *mean* to be doing is helping those good men into power; I withdraw my intention from the act of poisoning the household, which I prefer to think goes on without my intention being in it." The idea that one can determine one's intentions by making such a little speech to oneself is bosh.<sup>45</sup>

The question that arises is: Does Grisez's interpretation of the direct/indirect distinction similarly provide an objective criterion for determining what the agent's intention is? Or does it leave open the possibility of describing the agent's intention in terms of whatever good purposes motivate the act in question? If the latter is the case, then Grisez cannot really distinguish between those acts which attack an instance of a basic good, and other, similar acts which merely allow damage to some instance of a basic good, simply on the basis of an analysis of the structure of the act. In that case, we must suspect that his distinction between direct and indirect harms actually reflects prior moral evaluations, which rest on other considerations.

In order to address these questions, it will be helpful to take each of the two considerations which Grisez puts forward in turn. Hence, we will first examine the criterion of goodness of intention, and then the criterion of indivisibility of performance.

<sup>44</sup> *Ibid.* 199.

<sup>45</sup> G. E. M. Anscombe, *Intention*, 2nd ed. (Ithaca: Cornell University, 1957) 42 (emphasis in original). For an example of an appeal to the structure of causality as a way of determining the agent's actual intention, see John C. Ford, S.J., "The Morality of Obliteration Bombing" (1944), abridged and reprinted in Richard A. Wasserstrom, *War and Morality* (Belmont, Calif.: Wadsworth, 1970) 15-41; however, it is noteworthy that Ford himself expresses reservations about the principle of double effect here.

## GOODNESS OF INTENTION AND THE DESCRIPTION OF AN ACT

What does it mean to say that an act may be morally justified, if the agent's intention is morally good, and the bad effect is not necessarily included in the attainment of the intended good? As we have already indicated, Grisez does not hold that the necessity in question is causal. Rather, in these cases, the bad effect is not necessary to the attainment of the good end because it is not necessarily included in the very idea of the good end. In such cases, the good and bad effects may be said to flow indivisibly from the agent's action, and the moral character of the action is determined by the good outcome at which he aims rather than by the bad outcome which he permits. And so, for example, a woman who shoots her would-be rapist in self-defense does not intend his death; she intends to stop his attack, and only accepts his death as a side effect (in the moral, not the causal sense) of her act. (This assumes, of course, that it is really necessary to kill the assailant, and also that the woman's purpose is good, in the sense that she is not using the necessity for self-defense as a pretext to kill out of hatred or a desire for revenge.)

On the other hand, if the proposal which the agent chooses, and which therefore determines his will, necessarily includes bringing about a death, then the act is ipso facto ruled out:

On this analysis, choosing to kill is adopting a proposal precisely to kill or to do something understood in such a way that its meaning includes bringing about death. For example, people who choose to shoot someone in the heart or to administer a lethal dose of opiates ordinarily understand what they choose as ways of ending life, and when a proposal is so understood, its very meaning includes bringing about death.<sup>46</sup>

What is the distinction between a proposal for action which necessarily includes the intention to kill, and a proposal which does not? Grisez rules out the traditional answer, that the distinction lies in the causal relation between the victim's death and the good sought by the agent, and he does not offer any alternative criterion in the physical order. Thus, when Grisez says that an action with both good and bad effects is not defined by the bad effect unless it is necessarily included in the agent's intention, the kind of necessity in question would appear to be logical necessity. In support of this interpretation, consider the following:

If an action's description, however limited, makes plain that such an action involves a choice to destroy, damage, or impede some instance of a basic human good, the wrongness of any action which meets the description is settled. Additional factors may affect the degree of wrongness, but further descriptions of

<sup>46</sup> *Living a Christian Life* 472.

the act cannot reverse its basic moral quality. So, moral norms derived from this mode of responsibility can be called "moral absolutes."<sup>47</sup>

If this interpretation is correct, then Grisez would be relying on a familiar feature of the logic of action descriptions, namely, the fact that any action may be described correctly in an indefinitely large number of ways. Thus, the action of the woman who stops her assailant by cutting his throat can be described as stopping an attack, or as stopping an attack by killing one's attacker, or as killing an attacker, or as killing a person, or as cutting a person's throat, or as making slashing motions with a knife. Clearly, each of these descriptions conveys something different about the action; but it is equally clear that none of them is incorrect as a description of the act and, correlatively, none is logically necessitated by the facts of the case. Thus nothing prevents Grisez from fixing on the first of these descriptions as the agent's "proposal," that is to say, the description under which her will is determined.

Nothing prevents this, but nothing requires it either. Herein lies the difficulty in Grisez's analysis. Supposedly, the fact that an act's description clearly indicates that it involves a choice to "destroy, damage, or impede" some instance of a basic good serves to distinguish it from an act which indirectly brings about the same effect. But as we noted above, an act which involves *indirect* killing in Grisez's terms can also be described in terms of the killing which it brings about. To continue with his own example, the action of a woman who stops her attacker by cutting his throat can be described as an act of self-defense by killing, or even just as an act of killing. By the same token, an act which is a direct act of killing in Grisez's terms could be redescribed in terms of the good sought, in such a way as to omit any mention of the killing itself. How, then, can Grisez distinguish between forbidden acts of killing and permissible acts which have deadly side effects on the basis of the description of the act alone?

Perhaps the key to Grisez's response can be found in a remark immediately preceding the passage quoted above: "Descriptions of actions adequate for moral evaluation must say or imply how the agent's will bears on relevant goods."<sup>48</sup> Following this line of analysis, Grisez could admit that there are indefinitely many correct descriptions for every act, and yet still hold that only one of these is morally relevant, namely, that which describes the act in terms of what the agent does in fact intend.

Yet this argument does not resolve the difficulty. If one accepts the Thomistic principle that every action is directed knowingly towards

<sup>47</sup> *Nuclear Deterrence, Morality and Realism* 293; for similar remarks, see *Life and Death with Liberty and Justice* 398, 406.

<sup>48</sup> *Nuclear Deterrence, Morality and Realism* 292; similarly, *Christian Moral Principles* 257, and *Living a Christian Life* 500.

the attainment of some good (as Grisez does), then it follows that every action can be described in terms of some good which the agent is voluntarily seeking. Why should the agent not describe his intention in terms of that good, relegating the harms which he brings about to foreseen but not chosen aspects of the act? This brings us to the position which Anscombe described as "bosh," namely, that the agent can determine his intention simply by focusing on the good at which he aims. Undoubtedly Grisez would agree that this position is bosh, but it is difficult to see how he can rule it out.

Perhaps he would respond by claiming that the intention in question must be understood psychologically as well as logically. If someone really wants to see his enemy dead, out of hatred or a desire for revenge, then no amount of redescription can change the reality of what the agent desires. Even in such a case as this, it might be said that what the agent really desires is relief from the tension generated by the fact that his enemy is alive and well, or something of the sort; but I think Grisez could fairly claim that this is hairsplitting. Thus, his theory does rule out malicious murders, and other actions in which someone seeks to inflict harm out of malice, envy, a desire for revenge, cruelty, or some similar motive.

Nonetheless, not every instance of killing is motivated by a malicious desire to harm the victim. People do sometime kill out of motivations which in themselves are laudable. If such is the case, how can Grisez claim that the agent's will must necessarily be focused on the killing, and not on the good which is sought?

In order to see the force of this difficulty, it is helpful to consider some examples. The first comes from Grisez's own writings. In *Christian Moral Principles*, he remarks:

One who chooses to kill one person to save the life of another constitutes himself or herself both by the intentional killing and by the intended saving of life. The inconsistency involved can exist in one's moral self only if one makes some sort of distinction between life worth saving and life which is expendable. In making such a distinction, one is qualifying one's basic love of life, limiting it to love of life of a certain quality, or something of the sort.<sup>49</sup>

Yet in *Living a Christian Life*, we read that "a woman who can safely and surely stop a man from raping or kidnapping her daughter only by slicing his throat rightly accepts his death as a side-effect of her protective act . . . [her] responsibilities preclude forgoing the use of the necessary, deadly force."<sup>50</sup>

The question which these passages raise is: Why does the woman's deadly act not count as an act of killing one person to save another? Perhaps the answer would be that the woman is obligated by her responsibilities to use deadly force; but then it would seem that Grisez is reduced to saying that the use of deadly force in defense of third

<sup>49</sup> *Christian Moral Principles* 236.

<sup>50</sup> *Living a Christian Life* 484.

parties is absolutely ruled out, except when it is morally required. In that case, clearly the distinction between what the agent intends and what she simply accepts has become dependent on a prior moral distinction, and is not itself the basis for the moral judgment.

Consider further how Grisez can distinguish morally between killing in self-defense and euthanasia, which he repeatedly condemns.<sup>51</sup> On the face of it, these two kinds of actions would seem to be similar in every morally relevant way. In each case, the agent aims at a good end, self-defense in the first case, the alleviation of suffering in the second case.<sup>52</sup> Moreover, in each case, the agent's primitive action brings about the good end and the bad end indivisibly. Just as the would-be rapist is stopped in the very same act which kills him, so the suffering patient is relieved of his pain in the very same act which kills him. In neither case is a subsequent act, either by the agent or by someone else, necessary to the attainment of the good end. How, then, can Grisez claim that the proposal which determines the will of the woman who kills in self-defense is intrinsically good, whereas the proposal determining the will of the physician who commits euthanasia is intrinsically bad? What objective nonmoral feature of these two kinds of acts can justify such a distinction?

In both the case of killing in self-defense, and the case of killing to relieve intractable suffering, the bad effect which the agent brings about is the causal means to the attainment of a good aim. At any rate, Grisez rules out the causal relation between the good and bad effects as a criterion for moral evaluation. Nor can he appeal to the fact that the woman defending herself "means well," because the same may well be true of someone who commits euthanasia. It would seem that the only objective feature which might distinguish between these two kinds of actions would have to be some logical feature, in virtue of which euthanasia, but not self-defense by means of lethal force, must *necessarily* be described as an act of killing.

Grisez seems to anticipate this objection, and his response is that in the case of euthanasia, as opposed to killing in self-defense, the agent's act is aimed precisely at the death of the individual who is killed. Someone who commits euthanasia may well regret the death of her patient, but the fact remains that what she aims at is the patient's death, and nothing else. Should she fail to bring about his death, she will undoubtedly try again. On the other hand, the woman who defends herself by lethal means does not desire the death of her assailant for its

<sup>51</sup> See, e.g., *Life and Death with Liberty and Justice* 412–14.

<sup>52</sup> Grisez might respond that in fact, the alleviation of suffering is not a morally good end, because pain is a sensible, but not an intelligible good; see *Christian Moral Principles* 120. This is hardly an acceptable response. Any moral theory which does not count the alleviation of pain as a morally good motive, albeit one which may be overruled by other considerations, is ipso facto ruled out as a plausible theory of morality. At any rate, Grisez himself claims that euthanasia is ruled out because it involves the use of a bad means to a good end (*Life and Death with Liberty and Justice* 412).

own sake. If by some chance she happens to injure him without killing him, she might well summon medical help, thus indicating that while she intended to stop him by her act, her intention was not precisely to kill him.<sup>53</sup>

This line of argument would seem on its face to be plausible, but on closer examination it does not establish the necessary and objective distinction which Grisez needs.<sup>54</sup> For in fact both the woman who kills in self-defense and the doctor who kills to relieve her patient's suffering are forced to kill by the circumstances of the situation which they face. In each case the agent is constrained by the same kind of necessity, namely, a practical as opposed to a logical necessity. It is easy to imagine that a woman who is attacked by a much stronger assailant might only be able to stop him by killing him, given the circumstances of the attack, her own capacities, and so forth. Similarly, we can envision a situation in which a doctor can only relieve her patient's extreme suffering by killing him, for example, because his pain cannot be relieved by drugs. But in this case too, the necessity in question is practical and not logical. If there were in fact some alternative way to stop the patient's suffering, the doctor would use it, just as the woman under attack, in the situation we are imagining, would presumably stop her attacker in some other way other than by killing him, if she could.

What are we to say to the claim that the woman who merely injures her assailant will try to rescue him, whereas the doctor who is intent on euthanasia will not do so? This comparison is misleading, because in the former case, but not in the latter, the implication is that the prior act has itself altered the circumstances in a relevant way. That is, we are expected to imagine that the woman who succeeds in injuring her assailant has hurt him so badly that it is no longer necessary to kill him in order to stop the attack. But if we suppose that such is not the case, if we imagine that her injured attacker continues with this attack, then presumably she would try again to kill him. By the same token, the doctor who tries and fails to kill her suffering patient will try again, if there is still no other effective way to relieve his pain. But if the circumstances should be changed by the first attempt—if, for example, the supposedly lethal drug which the doctor administers somehow relieves the patient's suffering without killing him—then there is no reason to suppose that the doctor would keep on stubbornly trying to kill her patient off.

Consider finally John Finnis's argument, contrary to Grisez, that capital punishment is sometimes morally justified. For in this case, too, the good aim which is sought is achieved by one and the same action which brings about the undoubted bad effect of killing a human being:

<sup>53</sup> *Living a Christian Life* 473.

<sup>54</sup> The following is inspired by a similar argument in *The Act Itself* 214–16.

The defining and essential . . . point of punishment is to restore an order of fairness which was disrupted by the criminal's criminal act. . . . This act of deprivation will be, in one sense, an intentional attack on or suppression of basic human goods. But . . . the deprivation or suppression will be intended neither for its own sake nor as a means to any further good state of affairs. Rather, it is intended precisely as itself a good, namely the good of restoring the order of justice, a restoration that cannot (logically cannot) consist in anything other than such an act of deprivation or suppression.<sup>55</sup>

He goes on to argue that an act of capital punishment need not be regarded as an instance of doing evil that good might come of it, nor as a choice to attack a basic good.<sup>56</sup>

It is difficult to know how Grisez could respond to this argument. He might say that the death of the criminal is necessarily included in the proposal which determines the executioner's will, since Finnis claims that the criminal's death is logically necessary for the restoration of the order of justice. Yet this claim of logical necessity is not persuasive, and Finnis himself seems undecided on this point. Immediately after the passage just cited, he goes on to say that capital punishment is not morally required, even for atrocious murders.<sup>57</sup> If this is so, and if we are also morally required to fulfill the demands of justice (as Finnis would surely affirm), then it is difficult to see how those demands can *logically* include the execution of some criminals. Perhaps Finnis's meaning is this: the order of justice demands that execution be a possible response to some crimes, but it does not necessarily require us to execute any particular criminal. Or perhaps he is simply saying that execution is an especially appropriate, but not a morally necessary response to some crimes. On either construal, the restoration of justice would not logically require the death of any particular criminal. If that is so, then the intention of an upright executioner would be determined by his proposal to restore the order of justice, without reference to the death which he causes in order to do so. On Grisez's own terms, this should count as a morally justifiable intention, and yet Grisez clearly holds that capital punishment is always wrong.<sup>58</sup>

More generally, it is difficult to see how Grisez's first criterion for distinguishing between direct and indirect harms could rule out any nonmalicious action, at least considered as a violation of the eighth mode of responsibility. As long as the agent acts in pursuit of an aim which is admittedly good, and as long as the second criterion for indirect harm is not violated, it will always be possible to describe the act in question in terms of the attainment of the good which is sought, omitting any reference to the bad which is brought about. And if this is so, then there is no way to rule out the possibility that the agent's

<sup>55</sup> *Fundamentals of Christian Ethics* (Washington: Georgetown University, 1983) 129–30.

<sup>56</sup> *Ibid.* 130.

<sup>57</sup> *Ibid.*

<sup>58</sup> Out of many possible examples of this point, see *Christian Moral Principles* 219–20.



intention is determined by the good which he seeks, and not by the bad effect which he brings about.

My arguments in this section should not be taken to imply that there are in fact no moral differences among killing in self-defense, killing in defense of third parties, euthanasia, and capital punishment. My only claim is that Grisez cannot explain or justify these differences by appealing to the distinction between direct and indirect action, as he interprets it. It would appear that Grisez's application of the distinction to these cases is determined by prior moral judgments that some kinds of killing are morally acceptable and others are not.

#### INDIVISIBILITY OF ACT AND UNITY OF PERFORMANCES

Grisez's second criterion for distinguishing between direct and indirect harms draws a line between actions which accomplish some good aim as the immediate result of the agent's primitive act, and actions which are directed at some good which requires further such actions, either by the agent or by someone else. Grisez judges that actions of the latter sort which bring about some bad effect are direct attacks on a basic good, and as such they are never morally justified.

What is the rationale for this second criterion? On a first consideration, it resembles the legal principle that an agent's responsibility may be mitigated or obviated by the subsequent act of another agent, or an "act of God," which is usually justified on the grounds that the second act breaks the causal chain between what the first agent does and the outcome.<sup>59</sup> Similarly, Grisez remarks that "when a human agent through his causality initiates a process in nature, all effects expected inevitably to follow belong within the unity of his performance insofar as that unity is a principle of the unity of action."<sup>60</sup> Yet as we have seen, Grisez elsewhere denies that the causal structure of an act is necessarily morally relevant, at least with respect to the causal relationship between good and bad outcomes of a particular act (indeed, that is one of the points being made in the passage just quoted). At the very least, it would be odd for Grisez to deny the moral decisiveness of the causal structure of an act in one respect and to affirm it in another.

I believe that the key to understanding this second criterion is found rather in the connection, which Grisez consistently affirms, between what the agent intends and the proposal which he adopts, that is to say, the description under which he chooses to do what he does. That is why, in the passage just cited, Grisez refers to all the effects *expected* to follow from an act. What is morally significant is not the fact that these effects are caused by what the agent does, but rather that the

<sup>59</sup> Needless to say, this principle and its application are more complicated than this summary would suggest; for a full discussion, see H. L. A. Hart and Tony Honore, *Causation in the Law*, 2nd ed. (Oxford: Clarendon, 1985) 225-49.

<sup>60</sup> "Toward a Consistent Natural-Law Ethics of Killing" 88.

agent foresees these effects as resulting from one primitive action, and thus includes them in the intention under which he acts. Thus, if an agent foresees that his primitive action will involve an attack on a basic good, then that act cannot be justified by the aim of preserving or securing some further good through a subsequent primitive action, because what the agent intends in such a case is to make use of a bad means (that is, the first action) to attain a good end.

Grisez's discussion of contraception offers a good example of his application of this criterion. In his view, contraception is wrong for the same fundamental reason that killing is wrong, namely, because it involves an anti-life will. Someone who uses contraception is acting in order to impede one of the basic goods, that is, the emergence of human life, and thus he determines his will in an anti-life way. Nor can such an act be justified in view of some further good, for example, responsible marital intercourse:

[I]n and of itself, a contraceptive act is nothing but contralife. For, being distinct from any sexual act that occasions it, a contraceptive act cannot be considered part of that sexual act, even if the outward behaviors involved in the two acts are closely associated. Contraception is related to sexual acts only instrumentally, inasmuch as it lessens the likelihood of pregnancy, which otherwise might be a motive to refrain from sexual intercourse.<sup>61</sup>

The indivisibility criterion seems on first consideration to offer a promising way of distinguishing between permissible and forbidden acts, unlike the first criterion of goodness of intention. That is, if the good which the agent seeks through a destructive act can only be attained through a further Davidsonian primitive act, on the part of either the agent or someone else, then it is ipso facto ruled out. Since we do know how to distinguish Davidsonian primitive acts from other events, it would seem that this criterion does provide an objective basis for moral judgments.

However, this criterion will only be convincing if one accepts Grisez's premise, namely, that what is morally decisive is one's stance towards basic goods, and not one's stance towards the well-being of persons. Otherwise, the fact that a primitive act involves the "harming or impeding" of a basic good would not be sufficient to establish that the agent's intention is thereby morally corrupted, without some examination of the way in which this primitive act relates to the overall well-being or harm of persons. Thus, this distinction is only plausible as a morally relevant distinction for someone who finds Grisez's overall theory convincing; it cannot be plausibly considered to be a distinction which any rational and well-intended person would consider to be of fundamental moral significance.<sup>62</sup>

<sup>61</sup> *Living a Christian Life* 509–10.

<sup>62</sup> Presumably Grisez would reply that persons cannot be the objects of choice, because they are already existing realities. However, there is a difference between saying that we

Even if one accepts Grisez's premise, however, it is not so clear that this second criterion gives us a definite, morally neutral basis for discrimination. Consider the case of the doctor who saves the life of a woman in labor by performing a craniotomy on her child. Such an act is justified, in Grisez's view, because it is inseparably an act of killing and an act of saving the woman's life. Yet strictly speaking, that is not the case. After all, it is not the act of the craniotomy per se which saves the mother's life; if the doctor were to walk away immediately after crushing the head of the child, the woman would almost certainly still die. In order to save her life, the doctor must perform a whole series of subsequent acts, beginning with pulling the child out of her birth canal (which is a separate primitive act from crushing its head), and continuing with a whole series of further acts, including further surgical maneuvers, the administration of antibiotics, and so on. Thus, in this case, too, it would seem that the good effects of a bad act are only attained through subsequent primitive actions.

As long as the fundamental unit of moral analysis is considered to be a Davidsonian primitive act, it is difficult to see how Grisez can allow for a craniotomy to save the life of the mother. Indeed, it is hard to see how he could allow any medical procedure which requires a series of primitive actions, some of which are destructive in their immediate effects. Yet perhaps what this example shows is that we are mistaken in assuming that the Davidsonian primitive act *is* Grisez's unit of moral analysis. At one point, he remarks that "a means in the order of human action must be a single, complete human act (*or a complex of such acts*)."<sup>63</sup> He does not go on to develop the latter possibility, but we can readily see how he could do so. After all, there are many cases in which we normally consider a series of primitive acts as if they were one act, defined by one intention. (Consider, for example, the acts of "writing an article" or "cooking dinner.") Perhaps the explanation of the craniotomy example lies in the fact that the primitive act of crushing, taken together with a series of other acts, is informed by the agent's overall life-saving intention, especially since Grisez insists that what is morally significant is the will of the agent, as determined by the proposal which he adopts.

If this is the case, however, then what prevents a similar line of analysis with respect to other problematic kinds of actions? For example, what prevents us from uniting the primitive actions of employing some contraceptive and engaging in sexual intercourse into one intention, say, an intention of expressing marital intimacy in a responsible fashion?

Grisez insists that the will of someone who uses contraceptives will

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cannot create persons by our acts, and saying that the overall well-being of persons should be the standard by which our acts are evaluated. A state of affairs which benefits or harms a person *can* be an object of choice.

<sup>63</sup> "Toward a Consistent Natural-Law Ethics of Killing" 87; emphasis added.

necessarily be hostile to the person who otherwise might be conceived, and yet it is difficult to see why this must be the case. He admits that a couple can refrain from sexual intercourse without necessarily adopting a hostile stance towards the baby which they do not conceive: "rather, their abstinence carried out a proposal not to cause a complex foreseen state of affairs, including not only a prospective child's coming to be, but, at once and inseparably, the bad consequences which made it reasonable for them to avoid having that child."<sup>64</sup>

There is no reason why the intention of a couple employing contraceptives could not be described in precisely the same way, unless we assume that there is a moral difference between using contraceptives and abstaining from sexual intercourse in order to avoid conception. In that case, however, we clearly cannot appeal to the putative difference in the intentions of the two couples in order to justify condemning the use of contraceptives, but not abstinence in order to avoid pregnancy.<sup>65</sup> Once again, it appears that the direct/indirect distinction is being used to justify a moral judgment which actually rests on other grounds.

Perhaps the relevant factor in the case of the doctor who performs a craniotomy lies in the fact that this act occurs as one of a series of primitive acts which are naturally unified. It is not clear that this would distinguish the craniotomy example from the use of contraceptives. However, it might justify Grisez's distinction between this kind of case and another kind of case in which the bad effect brought about is only related to the attainment of a good end through unusual circumstances, as for example, in the much-discussed case of a woman who engages in sexual intercourse in order to secure the release of her children from a concentration camp.

The difficulty here lies in unpacking the meaning of an expression like "naturally" in this context. If "naturally" means something like causally connected, then we would find ourselves appealing to a factor which on Grisez's view is not morally relevant. At any rate, if a given act is necessary to attain a further end under a particular set of circumstances, then in such a case the act and the good aimed for *are* causally connected, even though an act of that kind would not usually be connected with the intended good. If "naturally" means something more like "in accordance with social conventions" or "our normal way of thinking of things," then it is equally problematic as a moral criterion, on Grisez's own showing.<sup>66</sup>

This line of argument reveals a more basic difficulty with Grisez's

<sup>64</sup> *Living a Christian Life* 511.

<sup>65</sup> There is a further difficulty here. Grisez argues that an omission which is deliberately undertaken to bring about a given effect is morally equivalent to an act which is aimed at that effect. Thus, a deliberate omission which brings about death is morally equivalent to killing (*ibid.* 474). If this is so, however, then it is very hard to understand how Grisez can allow for abstinence which is undertaken for the purpose of avoiding conception. However, it would take us too far afield to pursue this point.

<sup>66</sup> *Christian Moral Principles* 102.

indivisibility criterion. That is, we normally do not think of our actions in terms of Davidsonian primitive acts; rather we think of them in terms of wider contexts of meaning, some of which reflect the normal causal relationships among different primitive acts, some of which are cultural constructs, and many of which combine both kinds of considerations. One implication of Grisez's analysis of morality in terms of basic goods is that he cannot make any such appeal. For a perfectly reasonable, and therefore perfectly moral agent, in Grisez's terms, causal connections and personal and social relationships do not enter into moral analysis at all, except secondarily and peripherally.<sup>67</sup> What is centrally important for such an agent are the basic goods, in terms of which every choice must be justified. Morally speaking, the world of human meanings recedes from view, except at the margins of moral decision making. In this way, Grisez rules out appeals to the very context which could alone justify his analysis of acts.

#### CONCLUSION

If the arguments of the preceding two sections are sound, then neither of Grisez's criteria for distinguishing between direct and indirect attacks on basic goods is cogent. In each case, the proposed criterion does not provide a justification for Grisez's distinctions between kinds of acts which are prohibited and those which are permissible. What this suggests is that Grisez is attempting to provide a compelling principle to justify moral distinctions which are in fact grounded in other considerations; for example, in reference to killing in self-defense, in the view that someone who attacks another thereby forfeits his or her own immunity to lethal attack.

Yet given the fact that Grisez's theory absolutely forbids any attack on any instance of a basic good, he needs either to forbid any act which can be construed as such an attack in any way at all, or he needs to provide a cogent criterion for distinguishing between direct and indirect attacks. He has not chosen to endorse the former position, and he has not been able to carry off the latter. At most, his first criterion allows him to rule out malicious attacks on instances of basic goods; but this provides him with a far weaker criterion than he needs to justify all of the distinctions between direct and indirect attacks which he draws.

At one point, Grisez remarks that

by locating commensuration in choice, McCormick implicitly admits that proportionalism has failed. It was to have been a rational method of moral judgment, and a rational method should determine what is right and wrong before one chooses. In other words, one should reach a judgment of conscience first and then choose afterwards. By locating the commensuration in choice, Mc-

<sup>67</sup> See, in this context, Grisez's discussion of the ways in which the different modes of responsibility have normative force, *ibid.* 251-63.

Cormick admits that the process of proportionalism is just the opposite: First one makes a choice and then one finds a reason for it.<sup>68</sup>

Yet if the arguments of this article are valid, Grisez himself does what he accuses McCormick and other proportionalists of doing; that is, he appeals to the distinction between direct and indirect action in order to support moral judgments which rest on other grounds. In other words, his own "rational method" does not serve to determine moral right and wrong, and by his own criterion, this invalidates his theory of morality.<sup>69</sup>

<sup>68</sup> Ibid. 157.

<sup>69</sup> I am grateful to Patricia Blanchette, Martha Nussbaum, and an anonymous reader for *Theological Studies* for their helpful comments on earlier drafts of this article.

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