

DOUBLE-EFFECT REASONING FROM JEAN PIERRE GURY TO PETER KNAUER

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[Editor's note: The author argues in favor of the thesis proposed by Peter Knauer and others that double-effect reasoning, or the principle of double effect, changes in character from Aquinas's initial formulation in his treatment of self-defense to the articulations offered by various manualists. However, Knauer and others fail to recognize that proportionalism is better understood as an extension of neo-Scholastic Jesuit manuals than as a recovery of Aquinas.]

MANY WORKING in moral philosophy and theology in the Catholic tradition today have emphasized the importance of history and historicity in ethical discourse.¹ The evaluation of acts with more than one morally significant effect has a history also. That history is the focus of this article, though not in the same manner as some earlier writers who sought to date and place the origin of the "principle of double effect."² It is important to note the changes that double-effect reasoning has undergone over time, one of which is that earlier formulations did not appear under the heading of "the principle of double effect," nomenclature that does not appear until sometime in the 20th century. This fact alone is no reason to cease speaking of the principle

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¹ Richard M. Gula, S.S., *Reason Informed by Faith: Foundations of Catholic Morality* (New York: Paulist, 1989) 32–33; Michael J. Himes, "The Human Person in Contemporary Theology: From Human Nature to Authentic Subjectivity," in *Introduction to Christian Ethics*, ed. Ronald P. Hamel and Kenneth R. Himes (New York: Paulist, 1989) 49–62; Richard McBrien, *Catholicism* (Minneapolis: Winston, 1980) 941–43. See also John Finnis, *Historical Consciousness and Theological Foundations*, Etienne Gilson Series 14 (Toronto: Pontifical Institute of Mediaeval Studies, 1992).

² In 1937, V. Alonso published a study on this in Rome. See Joseph Mangan, "An Historical Analysis of the Principle of Double Effect," *Theological Studies* 10 (1949) 41–61; Josef Ghoos, "L'Acte à double effet, étude de théologie positive," *Ephemerides theologicae lovanienses* 27 (1951) 30–52. For an overview of the history of casuistry, see Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California, 1990).

of double effect. However, this relative neologism is somewhat misleading. Most authors in the history of the tradition stemming from Aquinas have written not about a single principle, but about a number of criteria governing acts with more than one significant effect. Furthermore, it is not clear that these criteria were understood by all authors as principles. Rather, the criteria seem to have arisen from applications of more fundamental principles to particular cases. Avoiding these misunderstandings, Thomas Cavanaugh has spoken therefore more accurately of "double-effect reasoning."³

The history of double-effect reasoning has been shaped in its most important aspects by Thomas Aquinas's 13th-century *Summa theologiae*, in particular its treatment of self-defense. I begin by offering a reading of the Thomistic *locus classicus* for double-effect reasoning in its context in the *Summa*. I then compare what Aquinas wrote with the formulation given by Jean Pierre Gury in his often reprinted and influential *Compendium theologiae moralis*. Although Gury cited Aquinas as his authority, the Jesuit theologian distanced himself from Aquinas in a number of ways. When the differences between Aquinas and Gury are more clearly defined, one is in a better position to contextualize and appreciate the account of double-effect reasoning given by Peter Knauer. Thomas Aquinas in the 13th century, Jean Pierre Gury in the 19th, and Peter Knauer in the 20th (and their respective contemporaries) represent as it were three rival approaches to double-effect reasoning, supported by distinctive presuppositions about the moral life. In the final section, I note the importance and relevance of these insights for the contemporary discussion.

AQUINAS'S DOUBLE-EFFECT REASONING: THE CASE OF SELF-DEFENSE

Scholars often cite *Summa theologiae* 2-2, q. 64, a. 7, Aquinas's treatment of killing in self-defense, as the origin of double-effect reasoning.⁴ This discussion does not occur in *ST* 1-2 in which Aquinas explored and developed a theology of the fundamental principles of morality. Rather, the *locus classicus* of double-effect reasoning occurs in *ST* 2-2. Here, Aquinas undertook an exploration of certain applications of the fundamental principles, *singula in speciali*, as he wrote in the preface to *ST* 2-2. This observation does not exclude the possibility of the introduction of principles in *ST* 2-2. But, insofar as the principles underlying the treatment in q. 64, a. 7 can be traced to *ST* 1-2, the hypothesis of a novel introduction is superfluous. In the immediate

³ For this more accurate terminology, see Thomas Cavanaugh, "The Intended/Foreseen Distinction's Ethical Relevance," *Philosophical Papers* 25, no. 3 (November 1996) 179-88.

⁴ Another less commonly cited origin of double-effect reasoning is Aquinas's treatment of the direct and indirect voluntary in *Summa theologiae* (*ST*) 1-2, q. 6, a. 3. See also *ST* 1-2, q. 77, a. 7, c.; 1-2, q. 79, a. 1. Still other authors deny that double-effect reasoning, at least in anything similar to its modern forms, comes from Thomas at all.

context of q. 64, a. 7 Aquinas, following Aristotle, introduced the distinction between two kinds of justice, distributive and commutative.⁵ Acts of distributing the goods of the community, Aquinas noted, belong to those who exercise authority in the community.⁶ Distributive justice governs this distribution of rewards and punishments. In the first two questions treating commutative justice, questions 61 and 62, Aquinas wrote about restitution and respect of the person. Question 64, a. 7 falls within commutative justice, the justice that pertains to the relationship of individuals qua individuals to one another.

Within this context one finds the *locus classicus* often adduced by scholars as Aquinas's own treatment of double-effect reasoning:

Nothing prevents that there be two effects of one act: of which the one is in the intention, but the other is outside the intention. However moral acts take their species from that which is intended, not however from that which is outside the intention, since it is *per accidens*, as is clear from things said before. Therefore, from the act of one defending himself a twofold effect is able to follow: one the preservation of his own life, the other however the death of the aggressor. Therefore an act of this type, from the fact that the preservation of one's own life is intended, does not have the character of the illicit, since it is natural to anyone to preserve himself in his being insofar as he is able. Nevertheless, it can happen that some act proceeding from a good intention be rendered illicit, if it is not proportioned to the end. Therefore, if someone for the sake of defending his life uses more force than is necessary, it will be illicit. If however he repels the violence moderately, it will be licit defense. For according to rights, it is licit to repel force with force with the moderation of a blameless defense. Nor is it necessary for salvation that a man forgo an act of moderate defense so that he might avoid the death of another, since man is held to provide more for his own life than for the life of another. But since it is not licit to kill a man, except for the public authority acting for the common good, as is clear from what was said above, it is illicit that a man intend to kill a man, so that he might defend himself, save for him who has public authority, who intends to kill a man for his own defense referring this to the public good, as is clear in the case of a soldier fighting against the enemy, and an officer of the law fighting against thieves. Although even these too would sin, if they were moved by private animosity.⁷

One can read Aquinas's analysis of self-defense as an application of principles enunciated in *ST* 1-2, q. 18. First, the remote end or intention must not be evil (1-2, q. 18, a. 4 ad 3); second, the proximate end intended, the object, must not be evil (1-2, q. 18, a. 2); and finally, the circumstances must be fitting (1-2, q. 18, aa. 3 and 10; 1-2, q. 6, a. 3).

Aquinas established that in cases of legitimate self-defense the remote intention is not evil: "an act of this type, from the fact that the preservation of one's own life is intended, does not have the character of the illicit." Next, he argued that the proximate intention or object is

⁵ *ST* 2-2, q. 61, a. 1.

⁷ *ST* 2-2, q. 64, a. 7.

⁶ See *ST* 2-2, q. 61, a. 1, ad 3.

not evil: "it is lawful to repel force by force."⁸ Finally, he suggested circumstances which, if present, would vitiate the act, namely that the means taken in self-defense are not proportioned to the end. Aquinas immediately exemplified what he meant by the phrase "proportioned to the end," noting that "if someone for the sake of defending his life uses *more force than is necessary* [to achieve the end of self-defense] it will be illicit." In other words, the violence used must be the least amount possible that can secure the end of self-defense, since greater violence would be more force than necessary to achieve the end. The least violence possible may often be no violence; for instance, self-defense by evasion, argument, or flight. If violence is the only possible defense, this violence need not be deadly. One who uses more violence than necessary does not take care to avoid the evil effects of an act that, though not intended, can and should be avoided.⁹ The action of self-defense in terms of its three elements (intention, object, and circumstances) is licit and lawful but not obligatory for the private person, for "suffering injury to oneself is able to pertain to perfection when it is undertaken for the well-being of others."¹⁰ In *ST* 2-2, q. 64, a. 7, Aquinas applied the principles laid down in *ST* 1-2 to determine whether any human action is good to the case of self-defense.

DOUBLE-EFFECT REASONING ACCORDING TO GURY

The 19th-century French Jesuit Jean Pierre Gury (1801-1866) is often considered the originator of the modern notion of double-effect reasoning.¹¹ Considered by some modern scholars as "the leading Jesuit casuist of the nineteenth century,"¹² Gury, if not the most sagacious writer of the period, was at least among the most widely distributed and influential. His version of double-effect reasoning was introduced early in his *Compendium theologiae moralis* in the very first section, *De actibus humanis*. Here Gury divided his treatise into three parts, devoted respectively to the notion of human acts, the principles of human acts, and the morality of human acts. Double-effect reasoning was addressed in connection with the principles of human acts.

Following a discussion of the conditions under which indirectly voluntary effects become imputed to an agent, Gury offered his formula-

⁸ The act of self-defense considered as a generic kind of act does not always take the attacker's life, only sometimes. Thomas seems to hold that the death of the aggressor is risked, not inevitable; see Thomas Cavanaugh, "Aquinas's Account of Double Effect," *Thomist* 61 (1997) 107-21. For a different reading of Thomas on this matter, see Joseph Boyle, "Double Effect and a Certain Type of Embryotomy," *Irish Theological Quarterly* 44 (1977) 303-18, and his "Praeter Intentionem in Aquinas," *Thomist* 42 (1978) 649-65.

⁹ For an alternative understanding of why excessive violence used in self-defense renders the defense illicit, see Brian V. Johnstone, C.S.S.R., "The Meaning of Proportionate Reason in Contemporary Moral Theology," *Thomist* 49 (1985) 223-47.

¹⁰ *ST* 2-2, q. 188, a. 3, ad 1; see also *ST* 2-2, q. 40, a. 1, ad 1.

¹¹ Mangan, "An Historical Analysis" 59.

¹² Jonsen and Toulmin, *The Abuse of Casuistry* 155.

tion of the conditions of double-effect reasoning: "It is permitted to posit a good or indifferent cause, from which a twofold effect follows, one good, but the other bad, if there is present a proportionately grave reason, the end of the agent is honest, and the good effect follows from that [good or indifferent] cause, not from a mediating bad one."¹³ The first criterion of double-effect reasoning for Gury is that the cause set in motion must be good or indifferent. From this good or indifferent cause comes a twofold effect. Obviously, it is licit to posit something good or indifferent from which good follows, so the remaining qualifications refer to the evil effect. These qualifications include that the end of the agent is good. The agent should intend not the evil effect but the good effect that follows from his action. "The agent," he writes, "ought not to intend the evil effect, since in that case the evil effect would be in the will voluntarily."¹⁴ He adds as another criterion that there must be a proportionately grave reason. "[T]here must be a proportionately serious reason for actuating the cause, so that the author of the action would not be obliged by any virtue, e.g. from justice or charity, to omit the action."¹⁵ Gury, though not in the manner of Aquinas, connected his analysis at least nominally to the virtues. For Gury the actual emphasis of moral analysis is undertaken almost entirely in terms of law. Like Aquinas, Gury held that self-defense by private persons is licit, i.e. allowed but not required, although those who are essential to the common good or who would die in mortal sin are required to defend themselves.¹⁶

Later authors in the Scholastic tradition severed even this nominal link to virtues and understood this fourth condition as exclusively the weighing or balancing of various goods and evils. Joseph Mausbach and Gustav Ermecke, for instance, understood proportionate reason as "a positive, personal or general value or welfare, which outweighs the negative evil consequence."¹⁷ Gerald Kelly put it this way: "the good effect is sufficiently important to balance or outweigh the harmful effect."¹⁸ This shift in meaning, the emphasis on weighing or balancing effects, not as evident in Gury's formulation, came quite late in the tradition but became very important for proportionalism.

Finally, Gury noted that "the good effect follows from that [good or

¹³ Jean P. Gury, *Compendium theologiae moralis*, 2 vols. (Regensburg: F. Pustet, 1874) 1.5.

¹⁴ *Ibid.* 1.8.

¹⁵ *Ibid.*

¹⁶ "Licetum est unicuique defendere propriam vitam cum occasione iniusti aggressoris; . . . non autem debitum, nisi vita ejus, qui aggressionem patitur, sit valde utilis bono communi vel si invasus moriturus esset in peccato mortali" (*ibid.*).

¹⁷ Joseph Mausbach and Gustav Ermecke, *Katholische Moraltheologie* (Münster, 1954) 258, as cited in Lucius I. Ugorji, *The Principle of Double Effect: A Critical Appraisal of Its Traditional Understanding and Its Modern Reinterpretation* (Frankfurt: Peter Lang, 1985) 33.

¹⁸ Gerald A. Kelly, *Medico-Moral Problems* (St. Louis: Catholic Hospital Association of the U.S. and Canada, 1949) 12, as cited in Ugorji, *The Principle of Double Effect* 33.

indifferent] cause, not from a mediating bad one."¹⁹ Paramount is the causal relationship between the effects. Gury explained: "If the cause directly and without intermediary produces the evil effect and if the good effect comes about only by means of the evil effect, then the good is sought by means of evil. And it is never lawful to do evil, no matter how slight, in order that good may come of it. For according to the biblical maxim adduced by the Apostle in Rom. 3.8, Evil should not be done that good may follow."²⁰ The good effect must come from the good or indifferent cause, not from the bad effect. Since these causal relations and the positing of effects can be observed by third parties watching an agent, Gury's formulation is notably objective, facilitating judgment of acts.

Not only the causal links, but the chronological relationship of effects to cause become important for writers following Gury. Joseph Mausbach and Gustav Ermecke wrote: "The good effect should proceed from the cause as immediately as the evil effect. If the evil effect proceeds first and the good effect follows from it, the act will be forbidden, since a good end does not sanctify an evil means."²¹ Regatillo and Zalba likewise emphasized that the "good effect should at least be equally immediate as the evil effect, in the sense that it is not obtained by means of the evil, lest the evil effect be really intended 'in se' as a means."²² Elsewhere Benedict Merkelbach declared that "the effect which is evil must follow as immediately from the cause as the good one."²³ The chronological order in which the effects appear would seem to have gained an importance unseen in earlier episodes of the tradition.

DOUBLE-EFFECT REASONING ACCORDING TO PETER KNAUER

In a seminal article that began the movement now known as "proportionalism," Peter Knauer places double-effect reasoning at the very heart of moral analysis: "The principle of double effect leads a marginal existence in the handbooks of moral theology and appears to be useful only in making possible a species of hairsplitting. It is in reality, *the fundamental principle of all morality*."²⁴ Why is this the fundamental principle? Knauer answers, "Every human act brings evil effects with

¹⁹ Gury, *Compendium theologiae moralis* 1.5.

²⁰ *Ibid.* 1.8.

²¹ Mausbach and Ermecke, *Katholische Moraltheologie* 258, as cited in Ugorji, *The Principle of Double Effect* 33.

²² E. F. Regatillo and M. Zalba, *Theologiae moralis summa*, 3 vols. (Madrid: Editorial Católica, 1952) 1.211, as cited in Ugorji, *The Principle of Double Effect* 33.

²³ Benoit Henri Merkelbach, O.P., *Summa theologiae moralis* (Paris: Desclée de Brouwer, 1949) 1.166-67, as cited in Brian Thomas Mullady, *The Meaning of the Term "Moral" in St. Thomas Aquinas* (Vatican City: Libreria Vaticana, 1986) 30. Unlike many others, Merkelbach, following earlier tradition, adds, "By that is meant that the good effect may not be obtained by means of the evil effect."

²⁴ Knauer, "The Hermeneutical Function of the Principle of Double Effect," in *Read-*

it. The choice of a value always means concretely that there is denial of another value which must be given as a price in exchange."²⁵ The agent's inability to realize all the values that one could potentially realize is ontic evil. Joseph Fuchs, Louis Janssens, Richard McCormick, and Bruno Schüller, among many others, have agreed with this analysis.²⁶ Since every act is necessarily an omission of goods that could have been realized, the nonrealization of these goods is a premoral evil. Each and every act is governed by double-effect reasoning.

What are the conditions of double-effect reasoning in Knauer's account? He reinterprets the four conditions coming from Gury in an almost entirely new way.

The principle demands first that the act may not be morally bad. In place of this condition one may merely demand that the act must seek a premoral good, which anyhow in every act is the case and for this reason requires no special mention. As a second condition it was stipulated that the evil effect, which is caused or allowed in it, should not be intended in itself. The third condition can also be traced back to the second, that the bad effect should not be willed as a means to attainment of the good. Now it can be seen that the bad effect in fact would be always intended, when it is not—so claims the fourth condition—excused through a "serious" reason. Therefore it seems that the second and third conditions lead back again to the fourth. Since the first condition, as said, merits no special mention, the fourth condition alone remains.²⁷

The purpose of double-effect reasoning is to determine whether or not an act is ethically permitted. If the act is morally wrong, the question whether or not it is permitted is no longer open. The question at hand is whether an act, though having bad effects, is nevertheless permitted. Hence the first condition falls away as superfluous. In addition,

ings in Moral Theology 1: Moral Norms and Catholic Tradition, ed. Charles E. Curran and Richard A. McCormick, S.J. (New York: Paulist, 1979) 1–39, at 1.

²⁵ *Ibid.* 16. In later articles, Knauer's position is more accurately summarized by the idea that moral evil is present only due to the causing of some nonmoral evil. As double-effect reasoning governs judgments about whether a given evil brought about is justified or not, double-effect reasoning governs the whole of the moral life. "It is, indeed, quite difficult to imagine an act could be morally evil without the allowance or the causation of some harm, or at least without one thinking that some harm might be caused (even hatred of God is only really hatred of God if it consists in the will to bring about harm in God's creation)" ("A Good End Does Not Justify an Evil Means—Even in a Teleological Ethics," in *Personalist Morals: Essays in Honor of Professor Louis Janssens* [Leuven: Leuven University, 1988] 71–85, at 72).

²⁶ See, e.g., Josef Fuchs, "An Ongoing Discussion in Christian Ethics: 'Intrinsically Evil Acts?'" in his *Christian Ethics in a Secular Arena* (Washington: Georgetown University, 1984) 71–90, at 82; Louis Janssens, "Ontic Evil and Moral Evil," *Readings in Moral Theology* 1.62; Richard McCormick, "Notes on Moral Theology," *TS* 46 (1985) 62; Bruno Schüller, "The Double Effect in Catholic Thought: A Reevaluation," in *Doing Evil to Achieve Good: Moral Choice in Conflict Situations*, ed. Richard McCormick and Paul Ramsey (Chicago: Loyola University, 1978) 165–91.

²⁷ Knauer, "Fundamentaethik: Teleologische als deontologische Normenbegründung," *Theologie und Philosophie* 55 (1980) 321–60, at 330.

once the distinction between premoral and moral evil is made, the first condition drops out as begging the question.²⁸

The second condition (that the evil not be intended in itself) and the third (that evil not be intended as a means) both obviously depend upon some account of intention. Knauer's account of intention allows him to reduce the second and third conditions to the fourth, proportionate or commensurate reason. Double-effect reasoning became for the first time in this tradition a single principle: "Today the principle of double effect is most briefly formulated as follows: One may permit the evil effect of this act only if this is not intended in itself but is indirect and justified by a commensurate reason."²⁹ Not only have the four conditions been reduced in meaning to one,³⁰ but as we shall see, "intention" here has a new meaning as well, a meaning defined in terms of proportionate reason. This emphasis on the fourth condition has led to the use of the terms "proportionalist" and "proportionalism."

Knauer also offered an innovative account of intention. For him, the Catholic tradition had often mistaken physical categories for moral ones,³¹ for example when the causal or temporal relationship of effects is taken as morally important, as apparent in the accounts of double-effect reasoning given by Mausbach, Ermecke, Regatillo, and Zalba. Knauer suggests that the usual explanation of the direct/indirect or intended/foreseen distinction was in physical or chronological terms. Knauer retains the distinction between intended (direct) and foreseen (indirect) but interprets the pair in terms of proportionate reason.

The purely physical series of events is irrelevant to the moral qualification of good or bad. One and the same means can in one aspect be a value or lead to the realization of a value and simultaneously be a physical evil in another respect. If there is a commensurate reason for the permitting or causing of the evil, the means is effectively willed only in its good aspect. The effect or, more exactly, the aspect which is physically evil remains morally outside of what is intended.³²

For Knauer, what one *psychologically* intends differs from what one *morally* intends. If the agent has a proportionate reason, the evil caused, even used as a means, though psychologically intended, remains outside of the agent's moral intention. The moral intention here is not defined in terms of the agent's practical reasoning, the means chosen to achieve various chosen ends. This phenomenon is merely psychological intention. Instead, what one morally chooses, what one

²⁸ Ibid. 325–26.

²⁹ Knauer, "The Hermeneutic Function" 20.

³⁰ According to Knauer, an act defined as evil may not be used as a means to another end, nor may a good act be used as a means to an evil act; in this way, the usual conditions of double-effect reasoning may be more closely retained ("A Good End Does Not Justify an Evil Means" 82–83).

³¹ Knauer, "The Hermeneutic Function" 20.

³² Ibid.

intends morally speaking, is determined by the presence or absence of commensurate reason.

Other proportionalists, perhaps influenced by Knauer, explain the lack of importance of the distinction between intended and foreseen in other terms. For example, in a response to Joseph Boyle's argument that one cannot intend to kill a child in utero without setting oneself against the good of life, Richard McCormick writes that Boyle's reasoning "asserts what is to be proven: that there is a fundamentally different moral attitude involved when abortion is directly intended and where it is only permitted though fully foreseen."³³ Earlier, Bruno Schüller similarly concluded that although there is a descriptive difference between intended and foreseen consequences, there is no moral difference when the distinction is used with reference to premoral, ontic, or nonmoral goods and evils. Hence, the distinction is morally relevant only with respect to intending the sin of another person (a *moral evil*).³⁴ Garth Hallet further suggests that with respect to moral goods and evils the distinction between intending and foreseeing is of no moral import.³⁵

The fundamental moral category, then, is proportionate reason. What is proportionate or commensurate reason? Knauer writes that "unintelligent and therefore immoral acts are in the last analysis self-contradictions and consist in the unmeasured desire of taking the fruit from the tree before it is ripe."³⁶ A morally evil act means that "in this act there is a long-run contradiction in reality between the value sought and the way of achieving it."³⁷ For example, killing done to preserve life (self-defense, just war) does not represent a contradiction of act and end the way killing to take money does. In a surgical intervention necessary to remove a limb in order to save a life, although the mutilation is psychologically intended, it is not morally intended since the preservation of life is a commensurate reason for damaging the body.³⁸

How do we know when doing evil to achieve good is not commensu-

³³ McCormick, "Notes on Moral Theology," *TS* 46 (1985) 59.

³⁴ Schüller writes: "In sum, actions which immediately refer to the realization of moral values and disvalues apparently do not admit of any moral appraisal unless the agent's basic moral attitude is taken into account. In contrast to this, the rightness or wrongness of actions which result in nonmoral values and disvalues seems to be independent of the agent's fundamental character" ("Double Effect: A Reevaluation" 184).

³⁵ Garth Hallet, *Greater Good: The Case for Proportionalism* (Washington: Georgetown University, 1995) 109.

³⁶ Peter Knauer, "The Hermeneutic Function" 13.

³⁷ *Ibid.* 23.

³⁸ "[I]t is not true, for example, that a medically necessary amputation is willed in the moral sense as a removal of an organ. What is willed is only the removal of what is an obstacle to health in its entirety. That this obstacle is identical with the hitherto useful member of the body is accidental for moral judgment (*existimatio moralis*) because a commensurate reason justifies the acceptance of the loss" ("The Hermeneutic Function" 21-22).

rate? For Knauer, the answer lies in counter-productivity. When the way in which a good is sought is counterproductive "in the long run and on the whole," the act lacks proportionate reason. To use Knauer's example, to study intensely without the required rest, nourishment, and relaxation undermines the attaining of knowledge. Knowledge, the very good sought, is undermined by the disproportionate way in which the good is sought.

In contrast, most authors known as proportionalists understand proportionate reason and counter-productivity as imposing a duty to maximize value or minimize disvalue.³⁹ This version of proportionate reason has greater organic unity with the weighing of goods and evil present in the late manuals. Exemplary and influential are the words of Janssens, "[W]herever ontic evil can be lessened it must be lessened. . . . If we do not care to eliminate ontic evil to the best of our ability, we neglect our duty to ensure a truly human life in a truly human world for each and every human being."⁴⁰ On this account, an important but perhaps not the only aspect of proportionate reason is the maximizing of nonmoral goods and/or the minimizing of nonmoral evils.

FROM GURY'S READING OF AQUINAS TO KNAUER'S PROPORTIONALISM

After considering these three versions of double-effect reasoning, one might ask: What is their relationship? Knauer suggests that there might be discrepancy between Aquinas's account of double-effect reasoning and the account prominent in the work of various neo-Scholastics.⁴¹ Similarly Janssens noted, "The principles which govern [the moral evaluation of acts with several effects] were formulated in the sixteenth century and are not conformable with the thought of St. Thomas."⁴² There are reasons for supporting the contentions of Knauer and Janssens that the neo-Scholastics differed from Aquinas with respect to double-effect reasoning as in so many other matters. Although Gury cited Aquinas as the authoritative justification for his position, careful reading suggests significant differences between double-effect reasoning as proposed in Gury's *Compendium* and double-effect reasoning as found in the *Summa*. Both Knauer and Janssens suggest that proportionalism is a recovery of Aquinas and a rejection of the neo-Scholastic account.

³⁹ Knauer himself does not interpret proportionate reason in this way. He faults such weighing of values as leading to rigorism and presupposing the commensurability of goods; see "Teleologische als deontologische Normenbegründung" 328. Though he says elsewhere, "Evil may be accepted in exchange if, in relation to the whole, the *smallest possible evil* is exchanged for the *highest possible gain*" ("The Hermeneutic Function" 6, emphasis added).

⁴⁰ Janssens, "Ontic Evil and Moral Evil" 81, emphasis added. See also, Janssens, "Norms and Priorities in a Love Ethics," *Louvain Studies* 6 (1976-77) 207-38, at 222-23.

⁴¹ Peter Knauer, "The Hermeneutic Function" 6.

⁴² Janssens, "Ontic Evil and Moral Evil" 41.

However, proportionalism can be better understood as an extension of the trends that differentiate neo-Scholastics from Aquinas than as a recovery of Aquinas. Just as manualists such as Gury reworked Aquinas's account of double-effect reasoning, so too proportionalists such as Knauer reworked the Scholastic account—in fact extending and emphasizing the differences that had already developed between Aquinas and various neo-Scholastics. These accounts of double-effect reasoning differ in at least three ways.

The first difference among these authors is the importance placed on double-effect reasoning. Aquinas's treatment of double-effect reasoning comes as the 178th of 304 moral questions treated in *ST 2*. Aquinas's analysis of double-effect reasoning comes midway in *ST 2-2*, q. 64, after he had already treated many other moral topics, such as the nature of human action, virtues, vices, sins, grace (*ST 1-2*) and faith, hope, love, prudence, and justice (*ST 2-2*). Aquinas's two-fold conception of justice is central to his treatment of self-defense. Set within the context of commutative justice, Aquinas's analysis of self-defense can be understood as an application of the principles of judging human action given in *ST 1-2*.

On the other hand, Gury in his *Compendium* (1874) situated his formulation of the criteria for double-effect reasoning at the very beginning of his work, in the explication of the foundations of his moral system. Like many neo-Scholastics, Gury organized his "fundamental moral theology" around three elements: human action, conscience, and law. Double-effect reasoning arises in the first of these three basic elements, the treatment of human action, which is not so much a treatment of human action per se as an account of the conditions and aspects of voluntariness. Gury's treatment of double-effect reasoning comes in a very early and fundamental section of his work, in the second of more than a hundred chapters. In this, he follows St. Alphonsus's *Theologia moralis* (1748), Tamburini's handbook (1745), Bussembaum's manual (1848), but not the authority he cites, namely Thomas Aquinas. As opposed to Aquinas, whose treatment comes later as an application of basic principles laid down much earlier, the placement of the topic in the *Compendium* leads one to believe that Gury understood double-effect reasoning to be so indispensable to the proper understanding of the human act that its role must be made clear at the outset of the discussion.⁴³ According to Joseph T. Mangan, the originator of this innovation is Domingo de Santa Teresa's *Cursus theologicus* (1647). Mangan's often cited article "An Historical Analysis of the Principle of Double Effect" suggests that theologians after the *Cursus theologicus* "began discussing the principle more and more in their

⁴³ Double-effect reasoning appears later in the tradition in discussions of voluntariness and imputability of effects to agents. For Aquinas the question is not one of imputability but of justifiability. In this, Aquinas and the proportionalists side together against neo-Scholastics.

sections of general moral theology, and then in their sections of particular moral problems they referred back to the more general treatment.⁴⁴ Double-effect reasoning became not merely an application of fundamental principles of morality, but itself a fundamental moral principle. In the words of Mangan, "It is only beginning with the various editions of Gury's admirable and repeatedly edited *Compendium theologiae moralis* in the nineteenth century that the moral theologians universally gave an adequate, thorough explanation of the principle of double effect as a general principle applicable to the whole field of moral theology."⁴⁵

We find this increasing emphasis and importance placed on double-effect reasoning from Aquinas through Gury culminating in the work of Knauer.⁴⁶ Double-effect reasoning becomes absolutely central for Knauer. "The principle of double effect is, in reality, the fundamental principle of all morality."⁴⁷ In other forms of proportionalism, double-effect reasoning is just as central. If every act brings about premoral evil, and double-effect reasoning determines whether or not the bringing about of premoral evil is justified, then double-effect reasoning determines whether or not each and every act is justified. Thus, double-effect reasoning changes from being an application of fundamental principles in Aquinas, to one of a number of fundamental principles in Gury, to the single fundamental principle of all morality in Knauer and other proportionalists.

The second difference among Aquinas, Gury, and Knauer, is the role and meaning of intention. Historically, readers of Aquinas have been divided about the meaning and scope of intention both in general and specifically in ST 2-2, q. 64, a. 7. Does intention apply to means or only to ends? Does intention bear upon desired effects only or also upon effects not desired but closely connected with desired effects? Is intention merely subjective or is it governed by objective criteria? These questions cannot be fully addressed here. However, it would be appropriate to comment briefly about Aquinas's concept of intention and to note some contrasts between Aquinas and our exemplary later authors.

Aquinas spoke of intending ends, Gury of positing causes. *Ponere*, the word used in Gury's Latin, is ambiguous in regard to the intentional status of the agent. In other words, one could posit or set in motion a cause either intentionally or unintentionally. Unlike the *Summa*, Gury's initial formulation does not explicitly mention the moral difference between intended and foreseen consequences. Gury

⁴⁴ Mangan, "The Principle of Double Effect" 56.

⁴⁵ *Ibid.* 59.

⁴⁶ See also Daniel Maguire, *The Moral Choice* (Garden City, N.Y.: Doubleday, 1978) 164, as cited by Richard McCormick, *Notes on Moral Theology, 1981-1984* (Washington: University Press of America, 1984) 67.

⁴⁷ Knauer, "The Hermeneutic Function" 1.

did in fact acknowledge the moral importance of the distinction, mentioning it later in his explanation of the criteria of double-effect reasoning, but by changing Aquinas's formulation from *intending* a good or indifferent end to *positing* or *setting in motion* an effect, he underemphasized this importance. This underemphasis of the difference between the intended and the foreseen effects of an act may have come about because the rationale for the distinction's importance no longer obtained. Gury's focus on questions about voluntariness and his corresponding, though accidentally related, lack of interest in other aspects of human action put him in a position in which he lacked the resources available to Aquinas for giving moral importance to the intended/foreseen distinction.

Knauer returns to the language of intention, but the meaning of the term is no longer the same as in Aquinas. In Aquinas, the agent's intention is determined by the means and ends chosen by the agent in practical deliberation. Knauer on the other hand draws a distinction between *moral* intention (governed by proportionate reason) and *psychological* intention (that is, intention in Aquinas's sense). As long as one has a proportionate reason for allowing the evil, one's moral intention is just, even if one *psychologically* intends an evil means. This allows him to reduce the other conditions of double-effect reasoning, as found in Gury and his neo-Scholastic inheritors, to the condition of proportionate reason.

Among Gury's criteria of double-effect reasoning, the first criterion is that the cause posited be good or indifferent. However, one cannot determine what sort of act has taken place morally without reference to intention; hence if proportionate reason governs intention, it governs also the first criterion. The next criterion following proportionate reason is that the end of the agent is honest, but once again intention is needed to determine the moral nature of this end. The final condition, that the good effect follows from that cause, not from a mediating bad one, likewise depends upon an account of what it is to intend as a means. Hence, in Knauer's new understanding of intention, the language of intention found in Aquinas is retained but its meaning is replaced. What Knauer calls moral intention, parsed in terms of proportion reason, becomes the central moral category, replacing psychological intention governed by means/end relationships conceived through the practical deliberations of the agent.⁴⁸ Schüller, Fuchs, Janssens, and others suggest, like Knauer, that the distinction between intention and foresight lacks moral importance with respect to premoral evils. Thus, while Gury merely did not highlight the importance of the intention/foresight distinction in Aquinas's sense of the term, Knauer positively denies it. In sum, on the matter of the impor-

⁴⁸ Other proportionalists, as we shall see later, question not the psychological existence of a distinction between intention and foresight, the words here understood in their Thomistic sense, but once again its moral importance.

tance of psychological intention, Knauer emphasizes the tendencies that distinguished Gury's position from Aquinas's.

Finally, the meaning of "proportion" has changed over time among the authors here surveyed. As Brian Johnstone has suggested, an important question to ask is: "What is compared with what in the assessment of proportion?"⁴⁹ For Aquinas, the means used in self-defense must be proportioned to the end of self-defense. Disproportion obtains if one uses more violence than necessary to achieve the end. If pushing away the attacker is adequate for self-defense, slashing the attacker with a knife, though still achieving self-defense, brings about an evil that could and should have been avoided.⁵⁰ However unclear the application may be in the concrete, what is clear is that the proportion has to do with the relationship between the means (e.g. running, pushing, slashing) and the end (self-defense). Aquinas then spoke of what Johnstone calls "act/end proportion."⁵¹

Later in the tradition, the term "proportion" is used to indicate the relationship between good and bad effects. If the good effects outweigh the bad, one has proportionate reason for allowing the bad effects. For Aquinas, on the other hand, the moral legitimacy of potentially lethal self-defense does not rely upon the good effects *outweighing* the evil effects of the act. First, for Aquinas it is better not to use violent force than to use it, other things being equal. For Aquinas, who held as his highest ideal the nonviolent example of Christ in the Gospels, the greater good would be to avoid defending oneself with violence at the risk of another's life.⁵² Medieval Dominicans both before Aquinas, such as Albert the Great,⁵³ and after Aquinas, such as Pierre de Scala,⁵⁴

⁴⁹ Brian Johnstone, "The Meaning of Proportionate Reason" 229.

⁵⁰ The proportion might have to do with the weapons used in defense: if the one attacking does not wear armor, using a knife to defend oneself might be proportionate; and on the other hand, if the one attacking is wearing armor, using a sword might be proportionate means. Thomas seems to be thinking about the amount of violence needed in self-defense which would vary on account of other circumstances as well, e.g., if the attacker is strong and resilient or weak and easily defeated.

⁵¹ Brian Johnstone, "The Meaning of Proportionate Reason" 229–31.

⁵² Thomas Aquinas, *Super Evangelium Matthaei: Lectura* (Paris, 1876) chap. 26, 634. This commentary written in Aquinas's second Paris sojourn, 1269–70, is still being edited by the Leonine Commission. According to Torrell: "The text of this reportatio, as it is currently transmitted in printed editions, is not only incomplete but erroneous. It lacks Thomas's commentary for a good part of the Sermon on the Mount, which his first editor, Bartholomew of Spina (1527) replaced with a part of the commentary of Peter of Scala, who was a Dominican at the end of the thirteenth century" (339). Portions of the commentary missing in the Paris edition have later been published by J. P. Renard, "La Lectura Super Matthaeum V, 20–48 de Thomas d'Aquin," *Recherches de théologie ancienne et médiévale* 50 (1983) 145–90.

⁵³ Albertus, *Evangelium Matthaei*, chap. 26, 52, 627–28.

⁵⁴ Dominican Pierre de Scala, Bishop of Vérone from 1291–1295, is the author of sections of a commentary on Matthew which were mistakenly incorporated into Thomas's commentary, *Super Evangelium Matthaei* chap. 5, at 326.

held similar positions: avoiding the use of potentially deadly force is to be preferred to such defense, even at the risk of one's life. Hence, were one required to choose the "greater good," such defense would be illicit. Secondly, for Aquinas, one has the right to defend oneself even if this defense will end up with a net result of evil outweighing the good, understood in terms of nonmoral values. Although preserving five lives is a greater good than preserving a single life, other things being equal, for Aquinas the private agent has the prerogative of risking the lives of five or five hundred attackers to save his own. The prerogative of self-defense arising from the natural inclination to self-preservation would not appear to be weakened by the number of attackers, as it must if one justifies the prerogative by the weighing of goods.⁵⁵ Nor does this prerogative presuppose that one has taken "everything" into account. For instance, there is no reason to suppose that a woman without children cannot use potentially lethal means of self-defense against a man with children, for the interests of his progeny need not be taken into account. The act/end proportion of Aquinas does not have to do with seeking a present good in a way not detrimental to the long-term good or balancing good and evils against one another in justifying an act; it has to do with the possible disqualification of an otherwise just act that is pursued in a way that renders it evil.

What is compared in Gury's assessment of proportion? For Gury, proportionate reason obtained if "the author of the action would not be obliged by any virtue, e.g. from justice or charity, to omit the action."⁵⁶ This may no longer be described as act/end proportion. Then what sort of proportion is present? Gury continued, "For natural equity obliges us to avoid evil and prevent harm from coming to our neighbor when we can do so without proportionately serious loss to ourselves."⁵⁷ We are dealing with the relationship between two effects of action or what has been called by Johnstone "effect/effect proportion." One must balance then the possible harm to oneself against the possible harm coming to one's neighbor, though it seems that for Gury one has no obligation to chose the "greater good" impersonally considered at one's own grave disadvantage.

Later authors in the Scholastic tradition understood proportionate reason as exclusively the weighing or balancing of various goods and evils without the hint of personal prerogative left in Gury's account.

⁵⁵ Perhaps one could respond, however, that an innocent life is more valuable than an attacker's life, hence an innocent person can defend him- or herself against many attackers. But if this is the basis for the right of self-defense, surely the more attackers there are the less right one has to self-defense. This is counter-intuitive in so far as it implies that when one is most urgently threatened, by numerous attackers, one has a weaker prerogative to defend oneself.

⁵⁶ "Nec teneatur agens ex alia obligatione, ut ex iustitia, caritate, eam omittere" (Gury, *Compendium* 1.8).

⁵⁷ "Aequitas naturalis nos obligat ad vitanda mala, et praecavenda proximi damna, quando id sine damno proportionate gravi possumus" (*ibid.*).

Joseph Mausbach and Gustav Ermecke, for instance, spoke of “a positive, personal or general value or welfare, which outweighs the negative evil consequence.”⁵⁸ Gerald Kelly similarly spoke of effect/effect proportion: “the good effect is sufficiently important to balance or outweigh the harmful effect.”⁵⁹ This shift from Gury’s formulation, this emphasis on weighing or balancing effects, came quite late in the tradition, but it became very important for proportionalism. These authors also invoke effect/effect proportion.⁶⁰

What is compared with what in the assessment of proportion according to Knauer and other proportionalists? The answer is less clear for Knauer insofar as he rejects an account of proportionate reason as the maximizing of non-moral good or the minimizing non-moral evil so clear in effect/effect proportion. Disproportion, in his account, consists in a certain counter-productivity between an act and its end. The value sought by an act is in the end undermined by the way in which the act seeks the value in question. Clearly this sense of act/end proportion is not the same as Aquinas’s, who in speaking of proportion advocated nothing more than avoiding superfluous foreseen or risked evil. On the other hand, it does not seem to be the same as the effect/effect proportion of the manuals.

However, the examples Knauer gives to illustrate counter-productivity seem to reintroduce the idea that one effect or outcome of an act is being compared with another. He notes that a student who studies for a long time at a stretch may defeat by her straining the end sought by studying, namely the attainment of knowledge. He compares the short-term gain of extremely intense study to the long-term gain (or loss) in the attainment of knowledge. In other words, one knows disproportion by comparing the short-term and long-term effects of an action. This is particularly clear in later examples Knauer adduced to explain counter-productivity. “That people die in traffic accidents may be tolerated only because the total abolition of traffic would lead to still more deaths, for example, by starvation.”⁶¹ In this example, one compares the number of deaths brought about in traffic accidents to the number of deaths brought about through an abolition of traffic. Consider too Knauer’s example of an insurance company that seeks to induce customers not to procure any medical prescriptions for three months. By comparing the amount saved to the amount spent on more severe illnesses brought about by lack of treatment the company soon discovers that this strategy costs more than it saves. The judgment that the act is counterproductive presumably depends upon the com-

⁵⁸ Mausbach and Ermecke, *Katholische Moraltheologie* 258, as cited in Ugorj, *The Principle of Double Effect* 33

⁵⁹ Gerald Kelly, *Medico-Moral Problems* 12, as cited in Ugorj, *The Principle of Double Effect* 33

⁶⁰ Brian Johnstone, “The Meaning of Proportionate Reason” 229–31

⁶¹ Knauer, “A Good End” 76

parison of capital saved to capital expended.⁶² When the total of negative effects is compared with the total of positive effects, the negative effects predominate, and the act is deemed counterproductive. Though couched in similar language to Aquinas's act/end proportion, Knauer's analysis of various cases makes clear that in fact he offers another version of effect/effect proportion.⁶³

Insofar as they advocate choosing the "lesser evil" or "greater good," most proportionalists clearly invoke the effect/effect proportion, for judgments of "greater" or "lesser" depend, at least in part, on the various effects of an act. Janssens puts the point this way: "[W]e ought to give priority to the actualization of the premoral value which according to the *ordo bonorum* is the better one (or the better possible value). If we fail to act in that way, we do not realize premoral values as much as possible. [In situations of conflict], we ought to choose the alternative which indicates our preference for the lesser premoral disvalue."⁶⁴ Proportionate reason is, on this account, maximizing goods and minimizing evils which are to be "weighed" against one another. Most proportionalists endorse this account. In both Knauer and other proportionalists we see an extension of the late neo-Scholastic tradition of effect/effect proportion and not a recovery of the act/end proportion found in Aquinas.

In summary it is clear that Aquinas and Gury offered very different formulations of double-effect reasoning, while Knauer offers still a third alternative. Double-effect reasoning appeared in *ST* 2-2 as an application of fundamental principles laid down in *ST* 1-2. Gury treated double-effect reasoning as a topic necessary and primary to fundamental moral theology. Knauer goes one step further, suggesting that double-effect reasoning "is the fundamental principle of all morality." Aquinas differed from both Gury and Knauer in explicitly underscoring the importance of the distinction between intended and foreseen effects in terms of means and ends chosen. Gury altered Aquinas's language, while nevertheless invoking him, by speaking of "positing" causes. Knauer argues that the distinction between the intended and foreseen consequences (in the psychological sense meant by Aquinas) is of no moral import. Finally, Gury altered the meaning and purpose of "proportion" from its meaning and use in Aquinas. With

⁶² *Ibid.*

⁶³ Brian Johnstone, the original source of this observation, writes: "What the act ought to aim at as end [in Knauer's account] . . . is the long-term total realization of this particular value, i.e., what it ought to produce as long-term consequences. What [a wrong act] does produce as its immediate effect is such as to lead rather to the long-term consequence of the 'undermining' of this value. Thus we are dealing with a mode of effect/effect proportion. The particular characteristics which Knauer attributes to the act itself can only be defined as wrong making characteristics on the basis of the comparison between effects which ought to be realized and effects which are (likely to be?) realized" ("The Meaning of Proportionate Reason" 244-45).

⁶⁴ Janssens, "Norms and Priorities" 213-14.

Gury and the Scholastics who followed him, there is a shift from act/end proportion to effect/effect proportion. Likewise, Knauer and the proportionalists who follow him invoke effect/effect, and not act/end, proportion.

THE RELEVANCE OF THE GENEALOGY OF PROPORTIONALISM

If the argument thus far has been correct, then with respect to double-effect reasoning, proportionalism can be better understood as an extension of manual Scholasticism than as a recovery of Aquinas. Some authors have pointed out the continuity between proportionalism and the Scholasticism of the manuals in other respects. Servais Pinckaers sees the treatment of law in proportionalism as an outgrowth of Scholastic nominalism.⁶⁵ Martin Rhonheimer suggests that proportionalism inherits the manuals' conception of human action.⁶⁶ Romanus Cessario argues that both casuistry and revisionism marginalize the virtues and champion a particular understanding of freedom.⁶⁷ And if James Keenan and Brian Johnstone are correct, the account of binding erroneous conscience from which the rightness/goodness distinction developed finds its roots in the neo-Scholastic rejection of the Thomistic account of such cases as wrong but "excused" acts.⁶⁸ Likewise, Richard McCormick has written: "I would suggest that Paul McKeever has the matter very well in hand when he refers to contemporary Catholic discussions as an 'evolution,' with an organic relation to the past, rather than a 'revolution.'"⁶⁹ And again he wrote of proportionalism: "Unless I am mistaken, I can detect the general shape of this *Denkform* as early as 1951 in the work of Gerard Kelly. . . . Kelly was not at that time what is now known as a proportionalist. But . . . with a few minor analytic moves he would be."⁷⁰ If these authors are correct, there is a notable continuity, though certainly not in each and

⁶⁵ Servais Pinckaers, "La question des actes intrinsèquement mauvais et le 'proportionalisme,'" *Revue thomiste* 82 (1982) 181–212, and *Ce qu'on ne peut jamais faire* (Fribourg: Editions Universitaires, 1986).

⁶⁶ Martin Rhonheimer, " 'Ethics of Norms' and the Lost Virtues: Searching the Roots of the Crisis of Ethical Reasoning," *Anthropotes* 9, no. 2 (1993) 233, and "Intrinsically Evil Acts and the Moral Viewpoint: Clarifying a Central Teaching of Veritatis Splendor," *Thomist* 58 (1994) 38.

⁶⁷ Romanus Cessario, "Casuistry and Revisionism: Structural Similarities in Method and Content," in *Humanae vitae 20 anni dopo: Atti del II congresso internazionale di teologia morale (Roma, 9–12 novembre 1988)* 385–409.

⁶⁸ James Keenan, "Can a Wrong Action Be Good? The Development of Theological Opinion on Erroneous Conscience," *Eglise et théologie* 24 (1993) 205–19; Brian Johnstone, "Erroneous Conscience in *Veritatis Splendor* and the Theological Tradition," in *The Splendor of Accuracy: An Examination of the Assertions Made by Veritatis Splendor*, ed. Joseph Selling and Jan Jans (Grand Rapids: Eerdmans, 1994) 114–35.

⁶⁹ R. McCormick, *Notes on Moral Theology, 1965 through 1980* (Washington: University Press of America, 1981) 652.

⁷⁰ R. McCormick, "Moral Theology 1940–1989: An Overview," *TS* 50 (1989) 3–24, at 9–10.

every respect, between the manuals that immediately preceded and served as the textbooks for early revisionists and the movement that came to be known as proportionalism.

What difference, if any, does this continuity make to moral theory? The answer is not entirely clear. For some, the continuity between the manuals and proportionalism serves as an argument against those who consider proportionalism a novelty with no precedent. Furthermore, this continuity serves as evidence that proportionalism is not a radical shift in Catholic thought but part of the authentic development of doctrine. Authentic development, as described by Newman's *Essay on the Development of Christian Doctrine*, manifests an organic continuity of principle and logical sequence with previous teaching. Authentic development is not a radical shift or violent rejection of the past, but a bringing to perfection of what was already present, if only implicitly, in the doctrine. The fact that proportionalism manifests an organic unity with the tradition would serve as evidence that this revision authentically develops moral doctrine.

For others, the continuity between proportionalism and the Scholasticism of the manuals serves precisely the opposite function, namely as *prima facie* evidence against proportionalism. The value of being in continuity with a tradition would seem to depend on the authority of the tradition in question. What then is the authority of the Scholasticism of the manuals? It is safe to say that the consensus following Vatican II is not entirely favorable. Presumably in order to remove the negative connotations of the "Scholastic" label *Revue néoscholastique* became *Revue philosophique*, as *Scholastik* became *Philosophie und Theologie*, and *The New Scholasticism* became the *American Catholic Philosophical Quarterly*. In Bruno Schüller's words, "In most cases, when used as an evaluative term, 'Scholasticism' stands precisely for what one must totally abandon or, still better, completely forget."⁷¹ If one takes this view of the Scholasticism of the manuals, continuity with them might be considered more a liability than an asset.

But, whatever the merits or weaknesses of this kind of Scholasticism, it surely has not been completely forgotten. The manuals, on the contrary, shaped those involved in the early debate, though in ways not always completely recognized. It formed their operating assumptions, what Karl Rahner called their "global prescientific convictions." These convictions helped to explain the rapid acceptance of proportionalism in many but not all Catholic circles. From a sociological point of view, those educated in the Jesuit manuals that followed Gury's model tended to find proportionalism rather plausible. On the other hand, those who lacked training in the manuals or those whose manuals differed radically in organization from Gury's, such as Dominican and

⁷¹ Bruno Schüller, *Wholly Human: Essays on the Theory and Language of Morality*, trans. Peter Heinegg (Washington: Georgetown University, 1986) 1.

some diocesan manuals, tended to find proportionalism rather implausible.⁷²

Whose version of double-effect reasoning is to be preferred? That depends upon one's answer to many other questions, for instance questions about the nature of the human act, the specification of human acts, and the importance of consequences. Although I do not attempt to answer these questions, I do offer prolegomena that will help to answer them. Double-effect reasoning has a history. And if we take this history seriously, it can aid us in our present attempt to find the best way of understanding acts with more than one morally significant effect.⁷³

⁷² For a short summary of the difference between and relative influence of these two styles of manuals, see Todd Salzman, *Deontology and Teleology: An Investigation of the Normative Debate in Roman Catholic Moral Theology* (Leuven: Peeters, 1995) 414–17.

⁷³ A Coca-Cola Fellowship at the University of Notre Dame and an Alexander von Humboldt Federal Chancellor Fellowship at the University of Cologne's Thomas-Institut supported research for this article, as did the helpful comments of Michael Gorman, Randy Smith, Stephen Brock, Robert Gahl, Jean Porter, Martin Tracey, Andreas Speer, Albert Zimmermann, and Peter Knauer.

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