

# FUNDAMENTAL MORAL THEOLOGY



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## FUNDAMENTAL MORAL THEOLOGY

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### Basics of Moral Theology

**M**oral theology, also called Christian ethics, Christian theological discipline concerned with identifying and elucidating the principles that determine the quality of human behaviour in the light of Christian revelation. It is distinguished from the philosophical discipline of ethics, which relies upon the authority of reason and which can only call upon rational sanctions for moral failure. Moral theology appeals to the authority of revelation, specifically as found in the preaching and activity of Jesus Christ.

The moral teaching in Christian communities has varied in the different eras, regions, and confessional traditions in which Christianity has been professed. The Roman Catholic tradition has been inclined to emphasize the mediating role of ecclesiastical institutions in its approach to the moral authority of revelation. Protestant churches have often put great emphasis on the direct, or immediate, moral responsibility of the individual before God. The influence of the spiritual director for the moral

welfare of the individual Christian has been a significant aspect of Eastern Christianity.

Moral theology has at times seemed to have been restricted in its scope to a consideration of those thoughts, works, and actions that are viewed as offensive to God and spiritually harmful to human beings—that is, an enumeration of sins. It was thus seen as a negative complement of ascetical and mystical theology, which both presupposes a more positive orientation of the individual toward God. Many moral theologians, however, have believed that it is more faithful to the spirit of the New Testament and of early theology not to separate moral teaching from the religious anthropology that is implicit in the message of the Gospels. This approach has been reflected in the traditional Eastern Christian emphasis on the divinization of man through his association with Jesus Christ and in the Protestant concern with the moral power of justification. Medieval and post-Reformation Roman Catholic moral theology tended to separate moral teaching from dogmatic theology.

The significance of the relation of moral teaching to divine revelation lies in the problem of determining the nature of the particular “highest good” that characterizes any ethical system. Without such a determination of the nature of this good, one could easily have the impression that morality is simply obedience to a set of rules or laws the observance of which has been labeled, more or less arbitrarily, good. In the light of revelation, sin is seen as a deterioration of the fundamental disposition of a person toward God, rather than as a breaking of rules or laws. Virtue is viewed as the habitual capacity of a person to respond freely and consciously to situations in a manner that reflects and intensifies his conformity to Jesus Christ.

The diverse approaches to moral theology through the centuries have varied greatly in their recourse to logical reasoning and in the degree of their acceptance of general moral principles that are considered universally applicable. Contemporary moral theology must confront a variety of problems, including the scope of individual responsibility in large corporate institutions, the effects of human activities on the natural environment, the demands of social justice, the developments in genetics and other biological sciences, and the use of sophisticated technology in warfare.

### **Moral object**

Morality concerns acts (also called ‘human acts’), which are the knowing choices of a human person. In moral theology, an act is an exercise of intellect and free will. The mind understands, and the will freely chooses. All such knowing choices are subject to the eternal moral law of God. Each and every knowingly chosen act is either moral (permissible, not sinful) or immoral (not permissible, sinful).

What makes an act moral or immoral? The three fonts (or sources) of morality:

1. Intention
2. Moral object
3. Circumstances

Every knowingly chosen act, without any exception, has three fonts of morality. When all three fonts are good, the act is moral; it is at least morally permissible. When any one or more fonts are bad, the act is immoral; it is a sin to knowingly choose such an act.

All three fonts spring from the human will, and all three fonts are directed toward some type of end. But we should keep in mind that a good end does not justify an evil means, so both the end and the means must be morally good.

1. The intention is the intended end of the human person. The intention is in the subject, the person who acts. The intention is the purpose for which the act is chosen by the person; it is the motivation for choosing the act. If the intended end (or the intended means) is contrary to the love of God, or the love of neighbor as self, then the first font is bad, and the act is immoral. But if the only thing making your act immoral is your intention, then change your intention. To act with a bad intention is always a sin. The human will is the source of this font.

2. The moral object is the most difficult font of morality to understand; it is the font most often misrepresented or misused in moral evaluations. And it is the font most often attacked by those who wish to undermine the teaching of the Church on morality

3. The font called circumstances is good, if the reasonably anticipated bad consequences do not outweigh the reasonably anticipated good consequences, for all persons affected by the act.

These consequences must be evaluated according to their moral weight, that is, according to an ordered love of God, neighbor, self. The consequences of our knowingly chosen acts are the end result of the act; they are a type of end. The choice of an act that is reasonably anticipated, at the time that the act is chosen, to have bad consequences that morally outweigh the good consequences, is always a sin. The human will is the source of this font, in so far as the good and bad consequences were reasonably anticipated by the intellect at the time the act was chose, and the will, in the light of that knowledge, chose the act.

The Church has always taught, in Tradition, Scripture, the Magisterium, that certain types of acts are immoral, regardless of intention or circumstances. What makes these acts immoral is their moral species, that is, the type of act in terms of morality. These acts are immoral by the very nature of the act, in and of itself, regardless of the intention or purpose for which the act was chosen, and regardless of circumstances or consequences. These acts are called intrinsically evil; they are inherently immoral, and therefore always objectively sinful. The knowing choice of an intrinsically evil act by the human will is always a sin.

### **Intrinsic Evil and Moral Object**

The moral object of an act is not subjective; it is not in the person who acts, but in the act itself. That is why every act with an evil moral object is described by terms such as: intrinsically evil, illicit by its very nature, immoral in and of itself, inherently morally disordered, etc. The act is objectively sinful, and so the knowing choice of such an act by human free will is never justified.

The moral object is the end, in terms of morality, toward which the act is inherently ordered. When an act is intrinsically directed toward an evil end, the act is immoral by its very nature. The moral species of any act, its essential moral nature, is identical to this inherent ordering toward good or evil.

Note that it is not the attainment of that evil end which makes the act intrinsically evil, but the inherent ordering of the act toward the end. So, for example, a failed attempted murder is still an intrinsically evil act because the chosen act is inherently ordered toward the killing

of an innocent human being, even if the attempt fails and no innocent person dies. At the time the act is chosen, the person choosing this type of act (murder) does not know if he will succeed or fail. The ultimate success or failure of the attempt to kill the innocent is not what makes the act inherently wrong. Rather, it is the inherently ordering of the act toward that moral evil which makes the act intrinsically evil.

Every knowing choice of an intrinsically evil act is a sin. Intrinsically evil acts are immoral because of the objective moral nature of the act, which is determined by its ordering toward a good or evil object. The moral object is 'in the act' in the sense that the act is inherently directed toward that end, regardless of whether or not the end is attained. Intrinsically evil acts are objectively immoral, regardless of the subjective reason for choosing the act.

The intention for which the act is chosen is not the moral object. These are two different types of end. The intention or purpose of the act is the end intended by the subject, the person who acts. The moral object of the act is the end toward which the knowingly chosen act itself is ordered. It is as if the act has its own 'intention' (figuratively speaking) because the act tends toward, is inherently directed toward, is intrinsically ordered toward a particular type of end (in terms of morality).

The intention of the person who acts is entirely distinct from the moral object. A good intention can never make an intrinsically evil act into a type of act that is moral, that is no longer intrinsically evil. A good intention cannot change the moral object. A good intention cannot change an evil moral object into an unintended bad consequence. If the type of act is inherently directed toward an evil moral object, then it is always a sin to intentionally choose such an act, even for a good intended end, even in dire circumstances.

The human will is the source of this font, not in the sense that they will can choose which moral object is associated with which acts. Rather, the human will chooses one type of act or another, and in so choosing the will necessarily also chooses the moral nature of the act as determined by its moral object. The choice of an intrinsically evil act, for any purpose (intended end), in any circumstances, is necessarily also the choice of the act and its moral nature and its moral object. These three components of the act are interrelated and inseparable.

The moral nature of an act is its inherent moral meaning, its essential meaning before the eyes of God who is Good and Just and Love and Mercy and Truth. The meaning of the act, in terms of morality, is determined by its object, the end toward which it is ordered; when that end is immoral (contrary to the love of God, neighbor, self), then the act is intrinsically evil and always immoral.

The moral object is not determined or comprised, in whole or in part, by the intention. Every intrinsically evil act, in order to be a sin, must be intentionally chosen. Morality concerns knowingly chosen (intentionally chosen, deliberately chosen, voluntarily chosen) acts. But the intended end or purpose of the person who chooses the act has no effect on the moral object. The intentional choice of an intrinsically disordered type of act is a sin because the objective act is evil by its very nature, in and of itself, regardless of the purpose (intended end) for which the act was chosen.

The intention is a type of end that is of the subject. The moral object is a type of end that is of the act itself.

The moral object is not determined or comprised, in whole or in part, by the circumstances (by the good or bad consequences of the act). When an act is ordered toward an evil end, such as the killing of an innocent human being in an abortion, the consequences of the act do not affect the moral object. The voluntary (intentional, deliberate) and direct killing of an innocent human person is always gravely immoral.

Suppose that abortion is the only way to save the life of the mother. If abortion is done, the mother's life is saved as a consequence; if abortion is not done, the mother's life is lost as a consequence. Does the consequence that the mother's life is saved make the act of abortion indirect, rather than direct, and therefore no longer intrinsically evil? Not at all. The intentionally chosen act is still inherently ordered toward the killing of an innocent human person. Intrinsically evil acts are said to be direct because of this inherent ordering of the act toward an evil end. As long as the act is so ordered, it remains intrinsically evil.

Suppose that the killing of the innocent prenatal is not the intended end; the intended end (the purpose for which the act is chosen) is to save the mother's life. Does this intention make the act of abortion indirect, since abortion is not the intended end? Not at all. The act that is intentionally chosen is still inherently ordered toward the killing

of the innocent human being. Can we say that the death of the prenatal is an unintended side-effect, i.e. an unintended bad consequences in the font of circumstances, rather than an evil moral object? Not at all. The type of act that is chosen is ordered toward the killing of the innocent prenatal. Intention and circumstances are not what determines the moral object. The moral object is solely and entirely determined by the inherent ordering of the act toward a good or evil end. In this case, the killing of the innocent is the evil moral object of the abortion.

Intrinsically evil acts are always immoral, regardless of intention or circumstances. The moral object alone determines whether or not an act is intrinsically evil. Neither intention, nor circumstances, determine or comprise, in whole or in part, the moral object of the intentionally chosen act. Those who say otherwise are ignorant of the teaching of the *Magisterium in Veritatis Splendor*. Those who say otherwise utter material heresy; and some of these are guilty of formal heresy (which carries the penalty of automatic excommunication). Those who teach otherwise do grave harm to many souls by justifying acts that are inherently immoral. Those who teach otherwise are the blind leading the blind, teaching heresy on grave matters of morality. Those who teach otherwise are committing formal cooperation with the intrinsically evil acts that they claim are good and moral.

### Sources of Moral Theology

The chief source of moral theology is Sacred and Tradition together Scripture with the teachings of the Church. However, the following points must be observed regarding the Old Testament. Not all precepts contained in it are universally valid, as many belong to the ritual and special law of the Jews. These statutes never obliged the non-Jewish world and have simply been abrogated by the New Covenant, so that now the ritual observances proper are illicit. The Decalogue, however, with the sole change in the law enjoining the celebration of the Sabbath, has passed into the New Covenant a positive Divine confirmation of the natural law, and now constitutes the principal subject matter of Christian morality. Moreover, we must remember that the Old Covenant did not stand on the high moral level to which Christ elevated the New Covenant. Jesus Himself mentions things which were permitted to the Jews "on account of the hardness of their hearts", but against which He applied again the law at first imposed by God. Hence, not everything that was tolerated in the Old Testament and its writings, is tolerated now;

on the contrary, many of the usages approved and established there would be counter to Christian perfection as counseled by Christ. With these limitations the writings of the Old Testament are sources of moral theology, containing examples of and exhortations to heroic virtues, from which the Christian moralist, following in the footsteps of Christ and His Apostles, may well draw superb models of sanctity.

Apart from Sacred Scripture, the Church recognizes also Tradition as a source of revealed truths, and hence of Christian morals. It has assumed a concrete shape chiefly in the writings of the Fathers. Furthermore, the decisions of the Church must be regarded as a source, since they are based on the Bible and Tradition; they are the proximate source of moral theology, because they contain the final judgment about the meaning of Sacred Scripture as well as the teachings of the Fathers. These include the long list of condemned propositions, which must be considered as danger signals along the boundary between lawful and illicit, not only when the condemnation has been pronounced by virtue of the highest Apostolic authority, but also when the congregation instituted by the pope has issued a general, doctrinal decision in questions bearing on morals. What Pius IX wrote concerning the meetings of scholars in Munich in the year 1863 may also be applied here: "Since there is question of that subjection which binds all Catholics in conscience who desire to advance the interests of the Church by devoting themselves to the speculative sciences; let the members of this assembly recall that it is not sufficient for Catholic scholars to accept and esteem the above-mentioned dogmas, but that they are also obliged to submit to the decisions of the papal congregations as well as to those teachings which are, by the constant and universal consent of Catholics, so held as theological truths and certain conclusions that the opposite opinion even when not heretical, still deserves some theological censure." If this is true of the dogmatic doctrines in the strict sense of the word, we might say that it is still more true of moral questions, because for them not only absolute and infallibility certain, but also morally certain decisions must be accounted as obligatory norms.

The words of Pius IX just quoted, point to another source of theological doctrines, and hence of morals, viz., the universal teachings of the Catholic schools. For these are the channels by which the Catholic doctrines on faith and morals must be transmitted without error, and which have consequently the nature of a source.

From the unanimous doctrine of the Catholic schools follows naturally the conviction of the universal Church. But since it is a dogmatic principle that the whole Church cannot err in matters of faith and morals, the consent of the various Catholic schools must offer the guarantee of infallibility in these questions.

Moral theology, to be complete in every respect, must accomplish in moral questions what dogmatic theology does in questions pertaining to dogma. The latter has to explain clearly the truths of faith and prove them to be such; it must also, as far as possible, show their accordance with reason, defend them against objections, trace their connection with other truths, and, by means of theological argumentation, deduce further truths. Moral theology must follow the same processive questions of morals.-It is evident that this cannot be done in all branches of moral theology in such a way as to exhaust the subject, except by a series of monographs. It would take volumes to sketch but the beauty and the harmony of God's dispositions, which transcend the natural law, but which God enacted in order to elevate man to a higher plane and to lead him to his supernatural end in a future life - and yet all this is embraced in the subject of supernatural morals. Nor is moral theology confined to the exposition of those duties and virtues which cannot be shirked if man wishes to attain his last end; it includes all virtues, even those which mark the height of Christian perfection, and their practice, not only in the ordinary degree, but also in the ascetical and mystical life. Hence, it is entirely correct to designate asceticism and mysticism as parts of Christian moral theology, though ordinarily they are treated as distinct sciences.

The task of the moral theologian is by no means completed when he has explained the questions indicated. Moral theology, in more than one respect, is essentially a practical science. Its instructions must extend to moral character, moral behaviour, the completion and issue of moral aspirations, so that it can offer a definite norm for the complex situations of human life. For this purpose, it must examine the individual cases which arise and determine the limits and the gravity of the obligation in each. Particularly those whose office and position in the Church demand the cultivation of theological science, and who are called to be the teachers and counselors, must find in it a practical guide. As jurisprudence must enable the future judge and lawyer to administer justice in individual cases, so must moral theology enable

the spiritual director or confessor to decide matters of conscience in varied cases of everyday life; to weigh the violations of the natural law in the balance of Divine justice; it must enable the spiritual guide to distinguish correctly and to advise others as to what is sin and what is not, what is counseled and what not, what is good and what is better; it must provide a scientific training for the shepherd of the flock, so that he can direct all to a life of duty and virtue, warn them against sin and danger, lead from good to better those who are endowed with necessary light and moral power, raise up and strengthen those who have fallen from the moral level. Many of these tasks are assigned to the collateral science of pastoral theology; but this also treats a special part of the duties of moral theology, and falls, therefore, within the scope of moral theology in its widest sense. The purely theoretical and speculative treatment of the moral questions must be supplemented by casuistry. Whether this should be done separately, that is, whether the subject matter should be taken casuistically before or after its theoretical treatment, or whether the method should be at the same time both theoretical and casuistically, is unimportant for the matter itself; the practical feasibility will decide this point, while for written works on moral theology the special aim of the author will determine it. However, he who teaches or writes moral theology for the training of Catholic priests, would not do full justice to the end at which he must aim, if he did not unite the casuistically with the theoretical and speculative element.

### History of Moral Theology

In the first years of the early Church, when the Divine seed, nourished by the blood of the martyrs, was seen to sprout in spite of the chilling frosts of persecution, when, to the amazement of the hostile world, it grew into a mighty tree of heavenly plantation, there was hardly leisure for the scientific study of Christian doctrine. Hence morals were at first treated in a popular, parenetic form. Throughout the Patristic period, hardly any other method for moral questions was in vogue, though this method might consist now in a concise exposition, now in a more detailed discussion of individual virtues and duties. One of the earliest works of Christian tradition, if not the earliest after the Sacred Scripture, the "Didache" or "Teaching of the Apostles", is chiefly of a moral-theological nature. It is hardly more than a code of laws an enlarged decalogue, to which are added the principal duties

arising from the Divine institution of the means of salvation and from the Apostolic institutions of a common worship - in this respect valuable for dogmatic theology in its narrow sense. The "Pastor" of Hermas, composed a little later, is of a moral character, that is, it contains an ascetical exhortation to Christian morality and to serious penance if one should have relapsed into sin.

There exists a long series of occasional writings bearing on moral theology, from the first period of the Christian era; their purpose was either to recommend a certain virtue or to exhort the faithful in general for certain times and circumstances. Thus, from Tertullian (d. about 240) we have: "*De spectaculis*", "*De idololatria*", "*De corona militis*", "*De patientia*", "*De oratione*", "*De poenitentia*", "*Ad uxorem*", not to take into consideration the works which he wrote after his defection to Montanism and which are indeed of interest for the history of Christian morals, but cannot serve as guides in it. Of Origen (d. 254) we still possess two minor works which bear on our question, viz., "*Demartyrio*", parenetic in character, and "*De oratione*", moral and dogmatic in content; the latter meets the objections which are advanced or rather reiterated even today against the efficacy of prayer. Occasional writings and monographs are offered to us in the precious works of St. Cyprian (d. 258); among the former must be numbered: "*De mortalitate*" and "*De martyrio*", in a certain sense also "*De lapsis*", though it bears rather a disciplinary and judicial character; to the latter class belong: "*De habitu virginum*", "*De oratione*", "*De opere et eleemosynis*", "*De bono patientiæ*", and "*De zelo et livore*". A clearer title to be classed among moral-theological books seems to belong to an earlier work, the "*Pædagogus*" of Clement of Alexandria (d. about 217). It is a detailed account of a genuine Christian's daily life, in which ordinary and everyday actions are measured by the standard of supernatural morality. The same author touches upon Christian morals also in his other works, particularly in the "*Stromata*"; but this work is principally written from the apologetic standpoint, since it was intended to vindicate the entire Christian doctrine, both faith and morals, against pagan and Jewish philosophies.

In subsequent years, when the persecutions ceased, and patristic literature began to flourish, we find not only exegetical writings and apologies written to defend Christian doctrine against various heresies, but also numerous moral-theological works,



principally sermons, homilies, and monographs. First of these are the orations of St. Gregory of Nazianzus (d. 391), of St. Gregory of Nyssa (d. 395), of St. John Chrysostom (d. 406), of St. Augustine (d. 430), and above all the “Catecheses” of St. Cyril of Jerusalem (d. 386). Of St. John Chrysostom we have “*De sacerdotio*”; of St. Augustine, “*Confessiones*”, “*Soliloquia*”, “*De catechizandis rudibus*”, “*De patientia*”, “*De continentia*”, “*De bono coniugali*”, “*De adulterinis coniugiis*”, “*De sancta virginitate*”, “*De bono viduitatis*”, “*De mendacio*”, “*De cura pro mortuis gerenda*”, so that the titles alone suffice to give an intimation of the wealth of subjects discussed with no less unction than originality and depth of thought. A separate treatment of the supernatural morality of Christians was attempted by St. Ambrose (d. 397) in his books “*De officiis*”, a work which, imitating Cicero’s “*De officiis*”, forms a Christian counterpart of the pagan’s purely natural discussions. A work of an entirely different stamp and of larger proportions is the “*Expositio in Job, seu moralium lib XXV*”, of Gregory the Great (d. 604). It is not a systematic arrangement of the various Christian duties, but a collection of moral instructions and exhortations based on the Book of Job; *Alzog (Handbuch der Patrologie, 92)* calls it a “fairly complete repertory of morals”. More systematic is his work “*De cura pastoralis*” which was intended primarily for the pastor and which is considered even today a classical work in pastoral theology.

Having broadly outlined the general progress of moral theology during the Patristic era proper, we must supplement it by detailing the development of a very special branch of moral theology and its practical application. Moral theology must necessarily assume a peculiar form when its purpose is restricted to the administration of the Sacrament of Penance. The chief result to be attained was a clear notion of the various sins and their species, of their relative grievousness and importance, and of the penance to be imposed for them. In order to ensure uniform procedure, it was necessary for ecclesiastical superiors to lay down more detailed directions; this they did either of their own accord or in answer to inquiries. Writings of this kind are the pastoral or canonical letters of St. Cyprian, St. Peter of Alexandria, St. Basil of Cappadocia, and St. Gregory of Nyssa; the decretals and synodal letters of a number of popes, as Siricius, Innocent, Celestine, Leo I, etc.; canons of several ecumenical councils. These decrees were collected at an early date and used by

the bishops and priests as a norm in distinguishing sins and in imposing ecclesiastical penance for them.

### Penitential Books

The ascendancy of the so-called “penitential books” dated from the seventh century, when a change took place in the practice of ecclesiastical penance. Till then it had been a time-honoured law in the Church that the three capital crimes: apostasy, murder, and adultery, were to be atoned for by an accurately determined penance, which was public at least for public sins. This atonement, which consisted chiefly in severe fasts and public, humiliating practices, was accompanied by various religious ceremonies under the strict supervision of the Church; it included four distinct stations or classes of penitents and at times lasted from fifteen to twenty years. At an early period, however, the capital sins mentioned above were divided into sections, according as the circumstances were either aggravating or attenuating; and a correspondingly longer or shorter period of penance was set down for them. When in the course of centuries, entire nations, uncivilized and dominated by fierce passions, were received into the bosom of the Church, and when, as a result, heinous crimes began to multiply, many offences, akin to those mentioned above, were included among sins which were subject to canonical penances, while for others, especially for secret sins, the priest determined the penance, its duration and mode, by the canons. The seventh century brought with it a relaxation, not indeed in canonical penance, but in the ecclesiastical control; on the other hand, there was an increase in the number of crimes which demanded a fixed penance if discipline was to be maintained; besides, many hereditary rights of a particular nature, which had led to a certain mitigation of the universal norm of penance, had to be taken into consideration; substitutes and so-called *redemptions*, which consisted in pecuniary donations to the poor or to public utilities, gradually gained entrance and vogue; all this necessitated the drawing up of comprehensive lists of the various crimes and of the penances to be imposed for them, so that a certain uniformity among confessors might be reached as to the treatment of penitents and the administration of the sacraments.

There appeared a number of “penitential books” Some of them, bearing the sanction of the Church, closely followed the ancient canonical decrees of the popes and the councils, and the approved

statutes of St. Basil, St. Gregory of Nyssa, and others; others were merely private works, which, recommended by the renown of their authors, found a wide circulation, others again went too far in their decisions and hence constrained ecclesiastical superiors either to reprehend or condemn them. A more detailed account of these works will be found in another article.

These books were not written for a scientific, but for a practical juridical purpose. Nor do they mark an advance in the science of moral theology, but rather a standing-still, nay, even decadence. Those centuries of migrations, of social and political upheavals, offered a soil little adapted for a successful cultivation of the sciences, and though in the ninth century a fresh attempt was made to raise scientific studies to a higher level, still the work of the subsequent centuries consisted rather in collecting and renewing treasures of former centuries than in adding to them. This is true of moral-theological questions, no less than of other scientific branches. From this stagnation theology in general and moral theology in particular rose again to new life towards the end of the twelfth and the beginning of the thirteenth century. A new current of healthy development was noticeable in moral theology and that in two directions: one in the new strength infused into the practice of the confessors, the other in renewed vigour given to the speculative portion.

The twelfth century witnessed a busy activity in speculative theology, which centered about the cathedral and monastic schools. These produced men like Hugh and Richard of St. Victor, and especially Hugh's pupil, Peter the Lombard, called the Master of the Sentences, who flourished in the cathedral school of Paris towards the middle of the century, and whose "*Libri sententiarum*" served for several centuries as the standard text-book in theological lecture-halls. In those days, however, when dangerous heresies against the fundamental dogmas and mysteries of the Christian faith began to appear, the moral part of the Christian doctrine received scant treatment; Peter the Lombard incidentally discusses a few moral questions, as e.g., about sin, while speaking of creation and the original state of man, or more in particular, while treating of original sin. Other questions, e.g., about the freedom of our actions and the nature of human actions in general, are answered in the doctrine on Christ, where he discusses the knowledge and the will of Christ. Even the renowned commentator of the "Sentences", Alexander of Hales, O.

Min., does not yet seriously enter into Christian morals. The work of constructing moral theology as a speculative science was at last undertaken and completed by that great luminary of theology, St. Thomas of Aquin, to whose "*Summa theologica*" we referred above. Aside from this masterpiece, of which the second part and portions of the third pertain to morals, there are several minor works extant which bear a moral and ascetical character; the last-named branch was cultivated with extraordinary skill by St. Bonaventure of the Franciscan Order, though he did not equal the systematic genius of St. Thomas.

A new life was breathed into the Catholic Church by the Council of Trent. Reformation of morals gave a fresh impetus to theological science. These had gradually fallen from the high level to which they had risen at the time of St. Thomas; the desire of solid advancement had frequently given place to seeking after clever argumentations on unimportant questions. The sixteenth century witnessed a complete change. Even before the council convened, there were eminent scholars of a serious turn of mind as Thomas of Vio (usually called Cajetanus), Victoria, and the two Sotos, all men whose solid knowledge of theology proved of immense benefit to the Council itself. Their example was followed by a long series of excellent scholars, especially Dominicans and members of the newly-founded Society of Jesus. It was above all the systematic side of moral theology which was now taken up with renewed zeal. In former centuries, Peter the Lombard's "Sentences" had been the universal text-book, and more prominent theological works of subsequent ages professed to be nothing else than commentaries upon them; henceforth, however, the "*Summa theologica*" of St. Thomas was followed as guide in theology and a large number of the best theological works, written after the Council of Trent, were entitled "*Commentarii in Summam Sti. Thomæ*". The natural result was a more extensive treatment of moral questions, since these constituted by far the largest portion of St. Thomas's "Summa". Among the earliest classical works of this kind is the "*Commentariorum theologicorum tomi quattuor*" of Gregory of Valentia. It is well thought out and shows great accuracy; vols. III and IV contain the explanation of the "*Prima Secundæ*" and the "*Secunda Secundæ*" of St. Thomas. This work was succeeded, at the end of the sixteenth and the beginning of the seventeenth century, by a number of similar commentaries; among them stand out most

prominently those of Gabriel Vásquez, Lessius, Francisco Suárez, Becanus, and the works of Thomas Sanchez "i" as well as "*Consilia moralia*", which are more casuistically in their method; the commentaries of Dominic Báñez, which had appeared some time before; and those of Medina .

Prominent among all those mentioned is Francis Francisco Suárez, S.J., in whose voluminous works the principle questions of the "*Secunda*" of St. Thomas are developed with great accuracy and a wealth of positive knowledge. Almost every question is searchingly examined, and brought nearer its final solution; the most varied opinions of former theologians are extensively discussed, subjected to a close scrutiny, and the final decision is given with great circumspection, moderation, and modesty.

The method which Lugo applies to moral theological questions, may well be called mixed, that is, it is both speculative and casuistical. Such works of a mixed character now grow common, they treat the whole subject-matter of moral theology; in as far as it is serviceable for the confessor and the pastor, in this mixed manner, though they insist more on casuistry than did Lugo. A type of this kind is the "*Theologia moralis*" of Paul Laymann(d. 1635); in this category may also be numbered the "*Theologia decalogalis*" and "*Theologia sacramentalis*" of Sporer (d. 1683), the "*Conferentiæ*" of Elbel (d. 1756), and the "*Theologia moralis*" of Reuter (d. 1762). Almost numberless are the manuals for confessors, written in a simple casuistical form, though even these justify their conclusions by internal reasons after legitimatizing them by an appeal to external authority. They are not infrequently the fruit of thorough, speculative knowledge and extensive reading.

Before entering upon this new phase, let us glance at the development of the so-called systems of morals and the controversies which sprang up among Catholic scholars, as well as at the casuistical method of treating moral theology in general. For it is precisely the casuistry of moral theology around which these controversies centre, and which has experienced severe attacks in our own day. These attacks were for the most part confined to Germany. The champions of the adversaries are J. B. Hirscher (d. 1865), Döllinger, Reusch, and a group of Catholic scholars who, in the years 1901 and 1902, demanded a "reform of Catholic moral theology", though all were not moved by the same spirit. In Hirscher it was the zeal for a

supposedly good cause, though he was implicated in theological errors; Döllinger and Reusch attempted to cover their defection from the Church and their refusal to acknowledge the papal infallibility by holding up to the ridicule of the world ecclesiastical conditions and affairs which they thought militated against that infallibility; the latest phase of this opposition is mainly the result of misunderstandings. In order to elucidate the accusations brought against casuistry, we use the wholly unjustifiable criticism which Hirscher launched against Scholastic theology in general in his work of 1832, "On the Relation between the Gospel and Theological Scholasticism"; it is quoted approvingly by Döllinger and Reusch (*Moralstreitigkeiten*, 13sq.):

(1) "Instead of penetrating into the spirit which makes virtue what it is and underlies everything that is good in this world, in other words, instead of beginning with the one indivisible nature of all goodness, they begin with the material of the various moral precepts and prohibitions without adverting to where these originate, on what foundation they rest, and what is their life-giving principle." This means that Scholastics and casuists know only individual things, see nothing universal and uniform in the virtues and duties.

(2) "Instead of deriving these precepts and prohibitions from the one, individual essence of all goodness and thereby creating certainty in the moral judgments of their audience, they, rejecting principles, string 'shalt' to 'shalt', provide them with innumerable statutes and clauses, confuse and oppress the hearer by the overflowing measure of duties, half-duties, non-duties." In other words, the Scholastics oppress and confuse by an unnecessary multiplication of duties and non-duties.

(3) "It is more in accordance with the spirit of Mosaism than with that of Christianity when Christian morality is treated less as a doctrine of virtues than of laws and duties, and when by adding commandment to commandment, prohibition to prohibition, it gives us a full and shaken measure of moral rules instead of building up on the Christian spirit, deriving everything from it and pointing out all particular virtues in its light." Or briefly, casuistry promotes exterior sanctimoniousness without the interior spirit.

(4) "Those who treat morals from the standpoint of casuistry, assign an important part to the distinction between grave and light laws grave and light duties, serious and slight transgressions, mortal and venial sins.

. . . Now, the distinction between grievous and venial sins is not without a solid foundation, and if it is chiefly based on the different qualities of the will, and if, besides, the various degrees of goodness and malice are measured by the presence, e.g., of a purely good and strong will, of one less pure and less strong, of a weak, inert, impure, malicious, perverted will, then nobody will raise his voice against it. But it is wholly different when the distinction between mortal and venial sins is taken objectively, and based on the gravity and lightness of the commandments. . . Such a distinction between mortal and venial sins, founded on the material differences of the commandments and the prohibitions, is a source of torment and anxiety for many. . . True morality cannot be advanced through such an anxiety. . . The mass of the people will derive only this one profit from such a method: many will refrain from what is forbidden under pain of mortal sin and will do what is commanded under the same penalty, but they will care little for what is commanded or forbidden under pain of venial sin only; on the contrary they will seek a compensation in the latter for what they sacrificed to the grave commandments. But can we call the lives of such men Christian?" In other words, casuistry falsifies the consciences by distinguishing objectively between mortal and venial sins, leads to a contempt of the latter, and renders a genuinely Christian life impossible.

It is not difficult to refute all these accusations. One glance at the "Summa theologica" of St. Thomas will prove how incorrect is the first charge that Scholasticism and casuistry know only individual good acts and individual virtues, without inquiring into the foundation common to all virtues. Before treating the individual virtues and the individual duties, St. Thomas gives us a whole volume of discussions of a general nature, of which we may note the profound speculations on the last end, the goodness and malice of human actions, the eternal law.

The second accusation, that the Scholastic casuistry confuses the mind by its mass of duties and non-duties, can only mean that the Scholastic casuistry sets these up arbitrarily and contrary to truth. The complaint can only refer to those works and lectures which aim at the instruction of the clergy, pastors, and confessors. The reader or hearer who is confused or oppressed by this "mass of duties etc." shows by this very fact that he has not the talent necessary for the office of confessor or spiritual guide, that he should therefore choose another vocation.

The third charge, directed against Judaical hypocrisy which neglects the fostering of the interior life, is refuted by every work on casuistry, however meager, for every one of them states most emphatically that, without the state of grace and a good intention, all external works, no matter how difficult and heroic, are valueless in the sight of God. Can the necessity of the internal spirit be brought out more clearly? And even if, in some cases, the external fulfillment of a certain work is laid down as the minimum demanded by God or the Church, without which the Christian would incur eternal damnation, yet this is not banishing the internal spirit, but designating the external fulfillment as the low-water mark of morality.

Lastly, the fourth charge springs from a very grave theological error. There can be no doubt that, in judging the heinousness of sin and in distinguishing between mortal and venial sins, the subjective element must be taken into consideration, however, every compendium of moral theology, no matter how casuistically, meets this requirement. Every manual distinguishes sins which arise from ignorance, weakness, malice, without, however, labeling all sins of weakness as venial sins, or all sins of malice as mortal sins; for there are surely minor acts of malice which cannot be said to cause the death of the soul. Every manual also takes cognizance of sins which are committed without sufficient deliberation, knowledge, or freedom: all these, even though the matter be grave, are counted as venial sins. On the other hand, every manual recognizes venial and grievous sins which are such by the gravity of the matter alone. Or who would, abstracting from everything else, put a jocose lie on a par with the denial of faith? But even in these sins, mortal or venial according to their object, the casuists lay stress on the personal dispositions in which the sin was actually committed. Hence, their universal principle: the result of a subjectively erroneous conscience may be that an action which is in itself only venial, becomes a mortal sin, and vice versa, that an action which is in itself mortally sinful, that is, constitutes a grave violation of the moral law, may be only a venial sin. Nevertheless, all theologians, also casuists, consider a correct conscience a great boon and hence Endeavour, by their casuistic discussions, to contribute towards the formation of correct consciences, so that the subjective estimate of the morality of certain actions may coincide, as far as possible, with the objective norm of morality.

## Chapter 2

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### Moral Laws

**L**aw is a rule of conduct enacted by competent authority for the sake of the common good. The moral law presupposes the rational order, established among creatures for their good and to serve their final end, by the power, wisdom, and goodness of the Creator. All law finds its first and ultimate truth in the eternal law. Law is declared and established by reason as a participation in the providence of the living God, Creator and Redeemer of all. “Such an ordinance of reason is what one calls law.” Alone among all animate beings, man can boast of having been counted worthy to receive a law from God: as an animal endowed with reason, capable of understanding and discernment, he is to govern his conduct by using his freedom and reason, in obedience to the One who has entrusted everything to him (CCC 1951).

#### Introductory Remarks

##### 1. Moral Law Is Connatural to Man

Without an objective moral law, social order is impossible. Therefore, an objective moral law must exist

to guide human behavior, and prevent that individual freedom and the good of society be endangered. Not only must moral law be objective but also be in accordance with man’s nature, that is, connatural with him. If what the law commands, forbids and allows did not resonate deep within man’s conscience, the only thing keeping man from breaking the law would be the fear of the police. In that case, morality would depend entirely on the number of policemen, and each man would need a policeman to watch him at all times. But then, as Juvenal, a pagan Roman satirist, put it, “*Sed quis custodiet ipsos custodes?*” “But who shall watch the watchmen?”

##### 2. The Law and the Will of the Legislator

Let us consider another point. All law is a manifestation of the will of a legislator who imposes commands, forbids, permits and punishes. If the law is only a fruit of man’s will, how can it be imposed upon other men? Since we all have the same nature, the will of any man is equal to that of another and no one man can impose his will on another. Therefore, for a man-made law to bind other men, it must proceed from a will superior to man’s will. For a law to be effective, it must originate in the God’s divine will.

Saint Paul makes this clear when he affirms that all authority comes from God: “Let every soul be subject to higher powers: for there is no power but from God: and those that are, are ordained of God. Therefore he that resisteth the power resisteth the ordinance of God, and they that resist, purchase to themselves damnation.” This is the solution - a human legislator is only the representative of the Supreme Legislator, and when we obey the will of the human legislator, we submit to God’s will, not to a man’s will. The law that precedes all human law is called Eternal Law. How can we prove through reason the existence of Eternal Law?

##### 3. The Laws of Nature

We begin by observing reality. As we contemplate the universe, we sense a harmony, an order that reverberates deeply in our souls and fills us with peace and awe. Order is the proper disposition of things according to their end. Saint Thomas Aquinas teaches that the order of the universe is not random but of God.

As Supreme Wisdom, God could not create without a goal in mind. Being infinite, God has in Himself all that is necessary to the perfection

of His nature. Therefore, the goal of Creation could only be God's extrinsic glory. This goal is what orders and gives meaning to the universe. The order of the universe is only possible because created beings are endowed with perfection, with laws that guide them to their individual and general finality. For instance, all celestial bodies move in an orderly manner following a specific pattern. In a word, with the Psalmist we must say, "The heavens show forth the glory of God, and the firmament declareth the work of his hands." Thus, laws direct the whole universe. What about man?

#### 4. Intelligent Beings and the Laws of Nature

In this orderly universe-guided by the laws of nature that God uses to direct things-there are creatures that, though having material bodies, are endowed with a spiritual soul superior to matter: human beings.

The laws of nature compel material things to react in a predetermined manner. These are applicable to the human body, not to the soul. Would man in his superior part, the soul, not also have laws to help him understand and make decisions? In a universe guided by laws, could the creature whose intelligence and free will place him above all others be the only one not guided by laws? Of course not. In his intelligence and will, man is also guided by laws that help him without impairing his liberty. He is naturally subject to the laws of logic that direct his reasoning, and to the principles of morals that direct his behavior.

#### Divisions of Law

There are different expressions of the moral law, all of them interrelated: eternal law – the source, in God, of all law; natural law; revealed law, comprising the Old Law and the New Law, or Law of the Gospel; finally, civil and ecclesiastical laws. The moral law finds expression in:

1. The Eternal law,
2. The Natural law,
3. The Revealed law
4. Human law

### 1. Eternal Law

According to St. Thomas Aquinas eternal law is identical to the mind of God as seen by God himself. It can be called law because God stands to the universe which he creates as a ruler does to a community which he rules. When God's reason is considered as it is understood by God Himself, i.e. in its unchanging, eternal nature (q91, a1), it is eternal law. In order to explain Eternal Law, St. Aquinas makes a comparison: just as an artisan conceives a project, such as a stained glass window, or a ruler conceives a law before executing it, so does God, before creating something, conceive in His Divine Wisdom the idea that will serve as a model for the being He wanted to create. And since for God there is no time, He conceived Creation and its laws from all eternity. This is why we call eternal the laws that Infinite Divine Wisdom conceived. "Accordingly," says Saint Thomas, "Eternal law is nothing else than the type of Divine Wisdom, as directing all actions and movements."

Divine law is derived from eternal law as it appears historically to humans, especially through revelation, i.e., when it appears to human beings as divine commands. Divine law is divided into the Old Law and the New Law (q91, a5). The Old and New Law roughly corresponding to the Old and New Testaments of the Bible. When he speaks of the Old Law, Thomas is thinking mainly of the Ten Commandments. When he speaks of the New Law, the teachings of Jesus.

- Old Law - commands conduct externally-reaches humans through their capacity for fear-Law promised earthly rewards (social peace and its benefits)
- New Law - commands internal conduct- reaches humans by the example of divine love-promises heavenly reward

#### Natural Law

Saint Thomas Aquinas explains that natural law is nothing more than the rational creature's participation in the Eternal Law. Its general precept, from which all the others follow, is that "good is to be done and pursued, and evil is to be avoided." By his natural reason, man perceives what is good or bad for him. He preserves his life, his property; he tends to marry and procreate. At the same time, the fact

that he shares the same nature with all men creates a natural link of fraternity to his fellow men. Thus, man perceives the goodness of his life, the legitimacy of his property and the sanctity of his marriage; and he knows that it is bad to kill, to steal someone's property or to commit adultery. He also knows the end of each of his acts and how they must be in accordance with happiness on this earth and eternal beatitude.

As a consequence, he knows it is wrong to transform the means that help him accomplish an act into the finality of that act. For instance, if he did not take some pleasure in eating, an act that is fundamental for maintaining his life and health, he would tend to neglect eating. The same goes for procreation. If some pleasure were not linked to it, it would also be neglected, thereby causing problems for the perpetuation of the human race. But, if man transforms pleasure, which is a means that facilitates the abovementioned acts, into an end in it, he goes against his own reason that shows it as a disorder. And in doing so he contradicts natural law and violates the objective norm of morality. As further proof to this point, Saint Paul taught the Romans that the natural law is inscribed in man's heart.

Natural law is introduced in ST in q91, a2 (p20): "all things partake somewhat of the eternal law, insofar as, namely, from its being imprinted upon them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to divine providence in a more excellent way, insofar as it partakes of a share of providence, by being provident for it and for others. Wherefore it has a share of the eternal reason, whereby it has a natural inclination to its proper act and end, and this participation of the eternal law in the rational creature is called the natural law."

Aquinas conceives of creatures, according to types, as governed by final causes or ends which they naturally seek. These ends are implanted in them by the Creator. Most creatures actively seek their proper ends out of instinct. Although human beings too have proper ends, we do not always act as we should. Our actions are often determined counter to nature and natural law by our appetites. When reason rules in the human soul, we choose what accords with nature.

### **Natural Law - The Precepts**

Reason in human beings is capable of apprehending certain general principles implanted in human nature. The first principle of the natural

law is "good is to be done and pursued, and evil avoided" (q94, a2, p. 47). All other precepts of natural law rest upon this. What Aquinas seems to mean is that the several precepts of natural law are specifications of this precept, which is highly abstract). These other precepts include (p. 48):

"Whatever is a means of preserving human life and of warding off its obstacles belongs to natural law"; in other words, a good justification for a moral or legal rule is that it promotes the preservation of human life. Behind this is the fact that all living beings possess an inclination for survival [corresponding to the nutritive faculty of the soul, as Aristotelians apprehend it].

"Sexual intercourse, education of offspring," and the life have a proper place in human life, as in other animal life [corresponding to the sensitive faculty];

Corresponding our peculiar possession of reason, humans are under an obligation "to avoid ignorance" (and to seek to know God) and to avoid offending those among whom one has to live. [These pertain uniquely to the rational faculty.]

Aquinas never gives an exhaustive list of these precepts.

### **Grasping Natural Law - Synderesis**

The grasp of the principles of natural law is achieved by a special capacity called synderesis. This is a natural intellectual habit, in one sense of habit but not in the central sense.

It is natural because all human beings are born with it.

It is intellectual because it makes possible the grasp of principles.

As something found in the soul which is the foundation for grasping principles, it might be a capacity (power) or a habit. But mere capacities can go either way, towards good or evil; synderesis is oriented towards the good. So it's not a mere capacity, but a habit.

Habit (habitus) is a Latin Aristotelian's way of expressing what Aristotle called a hexis (state or disposition). A habit is a first act of the soul, which can be actualized, in a second act; here the act of conscience. Conscience is related to synderesis as actively thinking what you know (2nd act) is to the knowledge which you have but

which may or may not be active at any given time (1st act). We do not always experience conscience but every human being has the capacity called synderesis.

Aquinas, however, denies that synderesis is a habit in the fuller sense (q94, a1), i.e., a moral habit. He quotes Augustine, who says “a habit is that whereby something is done when necessary” (p. 45). The moral virtues, therefore, are habits; the person of courage may not exhibit courage at every moment (because not every action requires courage)-yet when necessary, she will do the courageous thing. And unlike most conditions that we call habits, synderesis is not acquired but innate or, as Aquinas puts it, “natural.” Now, synderesis is not a habit of the sort described by Augustine since it can be overridden by the appetites, as in infants and wicked persons.

The term synderesis has every appearance of being a Greek term. Yet it is not found in Aristotle or in any classical Greek author near to him in time. I have never seen it in any text earlier than Aquinas himself, though I am not sure that he invented it. It would seem to be a sometimes weak intellectual habit whose subject-matter is ethical.

Synderesis must not be confused with prudence, which is the Thomas’ term for what Aristotle calls *phronesis*, or practical wisdom. A person with the intellectual virtue of prudence will necessarily possess the moral virtues and will make good moral choices. Aristotle and Thomas agree on that. But you can have synderesis, i.e. know the principles of natural law, and yet not act accordingly. Synderesis, which all humans have, implies neither moral virtue nor prudence. On the basis of his understanding on natural law Aquinas derives the following conclusions:

- ❖ Saint Thomas Aquinas affirms that order is connatural with nature, and thus, when something is disordered, it does not proceed from nature. We can say that disorder is unnatural. Therefore, to disobey a law is to disobey God, and since God is the Author of natural law, to disobey natural law is to sin, and sin is a disorder.
- ❖ Being rooted in human nature, natural law is *universal* and *immutable* because it applies to the entire human race equally. It commands and forbids consistently, everywhere and always. All men who have the use of reason recognize natural law. This knowledge is incomplete in young children and impaired in insane

people. The same occurs with savages, since extreme cases of savagery can obscure the acknowledgement of natural law. Extreme religious or moral degradation can cause the same phenomenon. History registers several examples of religions engaging in human sacrifice as with the Carthaginians, and Aztecs and “sacred” prostitution in the case of the Phoenicians.

- ❖ Historically, even pagan cultures had the notion of Eternal Law and natural law. Thus, in *Antigone*, Sophocles writes of a tyrant, Creon, who upon conquering a city forbids that the corpse of the city’s leader be buried. Antigone, the sister of the city leader, defied this cruel law and buried her brother.

### Revealed Law or Divine Law

Divine Law is that which is enacted by God and made known to man through revelation. We distinguish between the Old Law, contained in the Pentateuch, and the New Law, which was revealed by Jesus Christ and is contained in the New Testament. The Divine Law of the Old Testament, or the Mosaic Law, is commonly divided into civil, ceremonial, and moral precepts. The civil legislation regulated the relations of the people of God among themselves and with their neighbours; the ceremonial regulated matters of religion and the worship of God; the moral was a Divine code of ethics. In this article we shall confine our attention exclusively to the moral precepts of the Divine Law. In the Old Testament it is contained for the most part and summed up in the Decalogue (Exodus 20:2-17; Leviticus 19:3, 11-18; Deuteronomy 5:1-33).

The Old and the New Testament, Christ and His Apostles, Jewish as well as Christian tradition, agree in asserting that Moses wrote down the Law at the direct inspiration of God. God Himself, then, is the lawgiver, Moses merely acted as the intermediary between God and His people; he merely promulgated the Law which he had been inspired to write down. This is not the same as to say that the whole of the Old Law was revealed to Moses. There is abundant evidence in Scripture itself that many portions of the Mosaic legislation existed and were put in practice long before the time of Moses. Circumcision is an instance of this. The Religious observance of the seventh day is another, and this indeed, seems to be implied in the very form in which the Third Commandment is



worded: “*Remember* that thou keep holy the sabbath day.” If we except the merely positive determinations of time and manner in which religious worship was to be paid to God according to this commandment, and the prohibition of making images to represent God contained in the first commandment, all the precepts of the Decalogue are also precepts of the natural law, which can be gathered by reason from nature herself, and in fact they were known long before Moses wrote them down at the express command of God. This is the teaching of St. Paul- “For when the Gentiles, who have not the law, do by nature those things that are of the law; these having not the law [of Moses], are a law to themselves: who show the work of the law written in their hearts, their conscience bearing witness to them” (Romans 2:14, 15). Although the substance of the Decalogue is thus both of natural and Divine law, yet its express promulgation by Moses at the command of God was not without its advantages. The great moral code, the basis of all true civilization, in this manner became the clear, certain, and publicly recognized standard of moral conduct for the Jewish people and through them for Christendom.

Because the code of morality which we have in the Old Testament was inspired by God and imposed by Him on His people, it follows that there is nothing in it that is immoral or wrong. It was indeed imperfect, if it be compared with the higher morality of the Gospel, but, for all that, it contained nothing that is blameworthy. It was suited to the low stage of civilization to which the Israelites had at the time attained; the severe punishments which it prescribed for transgressors were necessary to bend the stiff necks of a rude people; the temporal rewards held out to those who observed the law were adapted to an unspiritual and carnal race. Still its imperfections must not be exaggerated. In its treatment of the poor, of strangers, of slaves, and of enemies, it was vastly superior to the civilly more advanced Code of Hammurabi and other celebrated codes of ancient law. It did not aim merely at regulating the external acts of the people of God, it curbed also licentious thoughts and covetous desires. The love of God and of one’s neighbour was the great precept of the Law, its summary and abridgment, that on which the whole Law and the Prophets depended. In spite of the undeniable superiority in this respect of the Mosaic Law to the other codes of antiquity, it has not escaped the adverse criticism of heretic sin all ages and of Rationalists in our own day. To meet this adverse criticism it will be

sufficient to indicate a few general principles that should not be lost sight of, and then to treat a few points in greater detail.

It has always been freely admitted by Christians that the Mosaic Law is an imperfect institution; still Christ came not to destroy it but to fulfill and perfect it. We must bear in mind that God, the Creator and Lord of all things, and the Supreme Judge of the world, can do and command things which man the creature is not authorized to do or command. On this principle we may account for and defend the command given by God to exterminate certain nations, and the permission given by Him to the Israelites to spoil the Egyptians. The tribes of Chanaan richly deserved the fate to which they were condemned by God; and if there were innocent people among the guilty, God is the absolute Lord of life and death, and He commits no injustice when He takes away what He has given. Besides, He can make up by gifts of a higher order in another life for sufferings which have been patiently endured in this life. A great want of historical perspective is shown by those critics who judge the Mosaic Law by the humanitarian and sentimental canons of the twentieth century. A recent writer (Keane, “The Moral Argument against the Inspiration of the Old Testament” in the *Hibbert Journal*, October, 1905, p. 155) professes to be very much shocked by what is prescribed in Exodus 21:5-6. It is there laid down that if a Hebrew slave who has a wife and children prefers to remain with his master rather than go out free when the sabbatical year comes round, he is to be taken to the door-post and have his ear bored through with an awl, and then he is to remain a slave for life. It was a sign and mark by which he was known to be a lifelong slave. The practice was doubtless already familiar to the Israelites of the time, as it was to their neighbours. The slave himself probably thought no more of the operation than does a South African beauty, when her lip or ear is pierced for the lip-ring and the ear-ring, which in her estimation are to add to her charms. It is really too much when a staid professor makes such a prescription the ground for a grave charge of inhumanity against the Law of Moses. Nor should the institution of slavery be made a ground of attack against the Mosaic legislation. It existed everywhere and although in practice it is apt to lead to many abuses, still, in the mild form in which it was allowed among the Jews, and with the safeguards prescribed by the Law, it cannot be said with truth to be contrary to sound morality.

Polygamy and divorce, though less insisted on by Rationalist critics, in reality constitute a more serious difficulty against the holiness of the Mosaic Law than any of those which have just been mentioned. The difficulty is one which has engaged the attention of the Fathers and theologians of the Church from the beginning. To answer it they take their stand on the teaching of the Master in the nineteenth chapter of St. Matthew and the parallel passages of Holy Scripture. What is there said of divorce is applicable to plurality of wives. The strict law of marriage was made known to our first parents in Paradise: "They shall be two in one flesh" (Genesis 2:24). When the sacred text says two it excludes polygamy, when it says one flesh it excludes divorce. Amid the general laxity with regard to marriage which existed among the Semitic tribes, it would have been difficult to preserve the strict law. The importance of a rapid increase among the chosen people of God so as to enable them to defend themselves from their neighbours, and to fulfill their appointed destiny, seemed to favour relaxation. The example of some of the chief of the ancient Patriarchs was taken by their descendants as being a sufficient indication of the dispensation granted by God. With special safeguards annexed to it Moses adopted the Divine dispensation on account of the hardness of heart of the Jewish people. Neither polygamy nor divorce can be said to be contrary to the primary precepts of nature. The primary end of marriage is compatible with both. But at least they are against the secondary precepts of the natural law: contrary, that is, to what is required for the well-ordering of human life. In these secondary precepts, however, God can dispense for good reason if He sees fit to do so. In so doing He uses His sovereign authority to diminish the right of absolute equality which naturally exists between man and woman with reference to marriage. In this way, without suffering any stain on His holiness, God could permit and sanction polygamy and divorce in the Old Law.

Christ is the author of the New Law. He claimed and exercised supreme legislative authority in spiritual matters from the beginning of His public life until His Ascension into heaven. In Him the Old Law had its fulfillment and attained its chief purpose. The civil legislation of Moses had for its object to form and preserve a peculiar people for the worship of the one true God, and to prepare the way for the coming of the Messiah who was to be born of the seed

of Abraham. The new Kingdom of God which Christ founded was not confined to a single nation, it embraced all the nations of the earth, and when the new Israel was constituted, the old Israel with its separatist law became antiquated; it had fulfilled its mission. The ceremonial laws of Moses were types and figures of the purer, more spiritual, and more efficacious sacrifice and sacraments of the New Law, and when these were instituted the former lost their meaning and value. By the death of Christ on the Cross the New Covenant was sealed, and the Old was abrogated, but until the Gospel had been preached and duly promulgated, out of deference to Jewish prejudices, and out of respect for ordinances, which after all were Divine, those who wished to do so were at liberty to conform to the practices of the Mosaic Law. When the Gospel had been duly promulgated the civil and ceremonial precepts of the Law of Moses became not only useless, but false and superstitious, and thus forbidden.

It was otherwise with the moral precepts of the Mosaic Law. The Master expressly taught that the observance of these, inasmuch as they are prescribed by nature herself, is necessary for salvation—"If thou wouldst enter into life keep the commandments", - those well-known precepts of the Decalogue. Of these commandments those words of His are especially true - "I came not to destroy the law but to fulfill it." This Christ did by insisting anew on the great law of charity towards God and man, which He explained more fully and gave us new motives for practicing. He corrected the false glosses with which the Scribes and Pharisees had obscured the law as revealed by God, and He brushed aside the heap of petty observances with which they had overloaded it, and made it an intolerable burden. He denounced in unmeasured terms the externalism of Pharisaic observance of the Law, and insisted on its spirit being observed as well as the letter. As was suited to a law of love which replaced the Mosaic Law of fear, Christ wished to attract men to obey His precepts out of motives of charity and filial obedience, rather than compel submission by threats of punishment. He promised spiritual blessings rather than temporal, and taught His followers to despise the goods of this world in order to fix their affections on the future joys of life eternal. He was not content with a bare observance of the law, He boldly proposed to His disciples the infinite goodness and holiness of God for their model, and urged them to be perfect as their heavenly Father is perfect. For such

as were specially called, and who were not content to observe the commandments merely, He proposed counsels of consummate perfection. By observing these His specially chosen followers, not only conquered their vices, but destroyed the roots of them, by constantly denying their natural propensities to honours, riches, and earthly pleasures. Still it is admitted by Catholic theologians that Christ added no new merely moral precepts to the natural law. There is of course a moral obligation to believe the truths which the Master revealed concerning God, man's destiny, and the Church. Moral obligations, too, arise from the institution of the sacraments, some of which are necessary to salvation. But even here nothing is added directly to the natural law; given the revelation of truth by God, the obligation to believe it follows naturally for all to whom the revelation is made known; and given the institution of necessary means of grace and salvation, the obligation to use them also follows necessarily.

As we saw above, the Master abrogated the dispensations which made polygamy and divorce lawful for the Jews owing to the special circumstances in which they were placed. In this respect the natural law was restored to its primitive integrity. Somewhat similarly with regard to the love of enemies, Christ clearly explained the natural law of charity on the point, and urged it against the perverse interpretation of the Pharisees. The Law of Moses had expressly enjoined the love of friends and fellow-citizens. But at the same time it forbade the Jews to make treaties with foreigners, to conclude peace with the Ammonites, Moabites, and other neighboring tribes; the Jew was allowed to practice usury in dealing with foreigners; God promised that He would be an enemy to the enemies of His people. From these and similar provisions the Jewish doctors seem to have drawn the conclusion that it was lawful to hate one's enemies. Even St. Augustine, as well as some other Fathers and Doctors of the Church, thought that hatred of enemies, like polygamy and divorce, was permitted to the Jews on account of their hardness of heart. It is clear, however, that, since enemies share the same nature with us, and are children of the same common Father, they may not be excluded from the love which, by the law of nature, we owe to all men. This obligation Christ no less clearly than beautifully expounded, and taught us how to practice by His own noble example. The Catholic Church by virtue of the commission given to her by Christ is

the divinely constituted interpreter of the Divine Law of both the Old and the New Testament.

### Positive Law or Human Laws

Positive laws (Latin: *ius positum*) are those that God or man enacts, set as precept and command obedience under threat of punishment. In the first case, we have Divine Positive Law (for instance, the Decalogue). In the second case, we have human positive law, which is made by human legislators.

Human positive law must be based on natural law, and not on anyone's whims, popular consensus or historical circumstances. When positive law is not based on natural law, it is not a true law.

The concept of positive law is distinct from "natural law", which comprises inherent rights, conferred not by act of legislation but by "God, nature or reason." Positive law is also described as the law that applies at a certain time (present or past) and at a certain place, consisting of statutory law, and case law as far as it is binding. More specifically, positive law may be characterized as "law actually and specifically enacted or adopted by proper authority for the government of an organized jural society.

Thomas Aquinas conflated man-made law (*lex humana*) and positive law (*lex posita* or *ius positivum*). However, there is a subtle distinction between them. Whereas human-made law regards law from the position of its origins (i.e. who it was that posited it), positive law regards law from the position of its legitimacy. Positive law is law by the will of who ever made it, and thus there can equally be divine positive law as there is man-made positive law. (More literally translated, *lex posita* is *posited* rather than *positive* law.) In the *Summa contra Gentiles* Thomas himself writes of divine positive law where he says "*si autem lex sit divinitus posita, auctoritate divina dispensatio fieri potest.*" (SCG, lb. 3 cap. 125) Latin-English translation: "If, however, the law has been divinely placed, it can be done by divine authority." Martin Luther also acknowledged the idea of divine positive law, as did Juan de Torquemada.

Thomas Mackenzie divided the law into four parts, with two types of positive law: divine positive law, natural law, the positive law of independent states, and the law of nations. The first, divine positive

law, “concerns the duties of religion” and is derived from revelation. He contrasted it with divine *natural* law, which is “recognized by reason alone, without the aid of revelation”. The third, the positive law of independent states, is the law posited by “the supreme power in the state”. It is, in other words, man-made positive law. The fourth, the law of nations, regulates “independent states in their intercourse with each other”<sup>1</sup>

Thomas Aquinas has little difficulty with the idea of both divine positive law and human positive law, since he places no requirements upon the person who posits law that exclude either humans or the divine. However, for other philosophers the idea of both divine and human positive law has proven to be a stumbling block. Thomas Hobbes and John Austin both espoused the notion of an ultimate sovereign. Where Thomism (and indeed Mackenzie) divided sovereignty into the spiritual (God) and the temporal (Mackenzie’s “supreme power in the state”), both Hobbes and Austin sought a single, undivided, sovereign as the ultimate source of the law. The problem that this causes is that a temporal sovereign cannot exist if humans are subject to a divine positive law, but if divine positive law does not apply to all humans then God cannot be sovereign either. Hobbes and Austin’s answer to this is to deny the existence of divine *positive* law, and to invest sovereignty in humans, that are- however- subject to divine *natural* law. The temporal authority is sovereign, and responsible for translating divine natural law into human positive law.

Thomas’ philosophy, as we should expect knowing how much he is indebted to Aristotle, is pervaded with a sense of teleology. Nowhere is this clearer and more important than in his discussion of human law. You might think here that he would define human law as what we sometimes nowadays call positive law, the laws actually enacted and put in force in our human communities. But in fact human law fits just those so-called positive laws which are what written and enacted laws should be. So-called laws which fall short of what they should be are not true laws at all, according to Thomas.

Thomas’ own definition of human law relies upon the concept of natural law to which we will turn to later. We can say now that Thomas thinks of human laws as laws, devised by human reason, adapted to particular geographical, historical and social circumstances.

Law is directed to the common good, and human law is no exception. The promotion of virtue is necessary for the common good, and human laws are instruments in the promotion of virtue. Aristotle already pointed out that most people are kept from crime by fear of the law. Thomas accepts this judgment, suggesting (r. Ad 1, p. 57) that by coercion even men who are evilly disposed may be led in the direction of virtue. Laws are also important, says Thomas, for other reasons noted by Aristotle.

- ❖ It is easier to find a few wise persons who can make good laws than to find many who, in the absence of laws, can judge correctly in each instance.
- ❖ Lawmakers can deliberate at length before making laws while many particular cases must be judged quickly, when they arise.
- ❖ Lawmakers judge in the abstract and are less likely to be swayed by emotions evoked by concrete circumstances or by the kinds of things that tend to corruption. There is less danger of perversion of law, which is formulated in general, than there would be perversion of judgment in particular cases where no law exists to guide judgment.

Even though laws are general, they are still adapted to the nature of the community, which is not everywhere the same, and to the classes of individuals who make up the society. For example, there may be one set of laws that govern the conduct of trade, another set of laws that govern the control of parents over their children, another set of laws setting limits on the powers of what passes for a police force.

In other words, there may be different laws for different kinds of citizens, who have different functions in the community. Still laws are general to two ways. All human laws worthy of the name laws are directed towards the common good. And even specific laws, say, for merchants, are general in some way: that they go farther than a single case. (Q. 96, a. 1)

The human law, says Thomas, is not obliged to repress all vices. It is framed for most people, who are far from perfect in virtue. It is aimed at the more grievous vices from which the majority can abstain, i.e., those which are to the hurt of others, e.g., murder, theft, and the

like. Were the law to attempt to legislate perfection, it would make people hostile to the law and defeat its purpose. (Q. 96, a. 2)

For the same reason, the law does not prescribe all the acts of the virtues. But it does prescribe some acts corresponding to each virtue. For example, some acts that a just man would do are prescribed; some acts that a temperate person would do are prescribed. (A. 3)

Everyone is subject to human law and ought to obey the human law, that is, the true human law, not the occasional perversion of it which is sometimes presented as law. But the ruler (charged with stating and enforcing the law) is in a special position. Normally, he is obliged to follow the law which he himself has stated. But there is nobody over him to judge him in this life. However, he is not exempt, since he will be held accountable by God. (A.5).

Thomas considers when it may be permissible to violate the letter of the law (in A. 6). He realizes that, because it is by nature general, the law may require exceptions. In most cases, these should be made only with the consent of the political authorities, but there are exceptions even to this rule, when the common good is under unusual peril.

Human laws are subject to change, according to Aquinas, because experience in practical matters may allow us to improve them. (Q. 97, A. 1) Pp. 76-77 are interesting because, while they echo passages in Aristotle, they give a hint of that idea of long-term moral and political progress which would later become influential during the 17th and 18th c. Enlightenment.

Aristotle understood that there could be progress in the arts and in philosophy, but he saw history as cyclical, and he anticipated that social catastrophes would cultural and technical progress to be lost, though they might be recovered in a later cycle. Thomas, by contrast, has an essentially linear notion of history, which is connected with the Christian idea that there is just one Big Story and each human event has its unique place in that story.

Human law can be changed, and occasionally should be changed, but it should not be lightly changed. The reason is that respect for the law is largely a matter of custom or habit, and inessential change undermines this custom. The common good is not served by a more finely tuned, theoretically better law, if people have less respect for law and follow it less faithfully. (A.2)

## The Relation of Human Law and Natural Law

To define human law, a Thomist must refer to natural law. Thomas says that, “it is from the precepts of the natural law, as from general and indemonstrable principles, that the human reason needs to proceed to certain particular determinations of the laws. These particular determinations, devised by human reason, are called human laws.

- ❖ The natural law is law with moral content, more general than human law. Natural law deals with necessary rather than with variable things. In working out human laws, human practical reason moves from the general principles implanted in natural law to the contingent commands of human law.
- ❖ Natural law is more perfect than human laws, because of the variable subject-matter of human laws.
- ❖ Natural law is less specific than human laws, but human laws are applications of natural law and cannot deviate from what we might call the spirit of the natural law, as applied to the time and place of the human law’s promulgation. If a human law does deviate in this way, if it is not a proper and rationally defensible application of the natural law, then it is a perversion of law, which is to say, it is a law in name only.
- ❖ Natural law holds that in general human life should be preserved and steps should be taken to preserve it. But laws governing automobile traffic so as, among other things, to preserve human health and life are applications specific to the era in which automobiles exist. A further specification, codified in human law, is that in the U.S. one should normally drive on the right and, in Great Britain one should normally drive on the left. At this level the human law is partly a matter purely of custom. Human law in one place differs from human law in another, but if they are laws and not perversions of law they all have the same ends, those contained in the natural law, which is an expression of eternal law.

## Chapter 3

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### Human Acts

**A**cts are termed human when they are proper to man as man; when, on the contrary, they are elicited by man, but not proper to him as a rational agent, they are called acts of man.

#### Nature

St. Thomas and the scholastics in general regard only the free and deliberate acts of the will as human. Their view is grounded on psychological analysis. A free act is voluntary, that is, it proceeds from the will with the apprehension of the end sought, or, in other words, is put forth by the will solicited by the goodness of the object as presented to it by the understanding. Free acts, moreover, proceed from the will's own determination, without necessitation, intrinsic or extrinsic. For they are those acts which the will can elicit or abstain from eliciting, even though all the requisites of volition are present. They, consequently, are acts to which the will is determined neither by the object nor by its

own natural dispositions and habits, but to which it determines itself. The will alone is capable of self-determination or freedom; the other faculties, as the understanding, the senses, the power of motion, are not free; but some of their acts are controlled by the will and so far share its freedom indirectly. The active indeterminateness of the will, its mastery over its own actions, is consequent upon the deliberation of reason. For the intellect discerns in a given object both perfection and imperfection, both good and evil, and therefore presents it to the will as desirable in one respect and undesirable in another. But when an object is thus proposed, the will, on account of its unlimited scope, may love or hate, embrace or reject it. The resultant state of the will is indifference, in which it has the power to determine itself to either alternative. Hence, whenever there is deliberation in the understanding, there is freedom in the will, and the consequent act is free; vice versa, whenever an act proceeds from the will without deliberation, it is not free, but necessary. Wherefore, as deliberate and free actions, so in deliberate and necessary actions are identical. The free act of the will thus analyzed is evidently the act proper to man as a rational agent. For it is man who is its determining cause; whereas his necessary actions are unavoidably determined by his nature and environment. He is the master of the former, while the latter are not under his dominion and cannot be withheld by him. These, therefore, are properly styled acts of man, because elicited, but not determined, by him. The human act admits of increment and decrement. Its voluntariness can be diminished or increased. Ignorance, as far as it goes, renders an act involuntary, since what is unknown cannot be willed; passions intensify the inclination of the will, and thus increase voluntariness, but lessen deliberation and consequently also freedom.

#### Properties

Human acts are imputable to man so as to involve his responsibility, for the very reason that he puts them forth deliberately and with self-determination. They are, moreover, not subject to physical laws which necessitate the agent, but to a law which lays the will under obligation without interfering with his freedom of choice. Besides, they are moral. For a moral act is one that is freely elicited with the knowledge of its conformity with or deformity from, the law of practical reason proximately and the law of God ultimately.

But whenever an act is elicited with full deliberation, its relationship to the law of reason is adverted to. Hence human acts are either morally good or morally bad, and their goodness or badness is imputed to man. And as, in consequence, they are worthy of praise or blame, so man, who elicits them, is regarded as virtuous or wicked, innocent or guilty, deserving of reward or punishment. Upon the freedom of the human act, therefore, rest imputability and morality, man's moral character, his ability to pursue his ultimate end not of necessity and compulsion, but of his own will and choice; in a word, his entire dignity and preeminence in this visible universe.

### Recent views

Recent philosophic speculation discards free will conceived as capability of self-determination. The main reason advanced against it is its apparent incompatibility with the law of causation. Instead of indeterminism, determinism is now most widely accepted. According to the latter, every act of the will is of necessity determined by the character of the agent and the motives which render the action desirable. Character, consisting of individual dispositions and habits, is either inherited from ancestors or acquired by past activity; motives arise from the pleasurable or unpleasurable of the action and its object, or from the external environment. Many determinists drop freedom, imputability, and responsibility, as inconsistent with their theory. To them, therefore, the human act cannot be anything else than the voluntary act. But there are other determinists who still admit the freedom of will. In their opinion a free action is that which "flows from the universe of the character of the agent." And as "character is the constitution of Self as a whole", they define freedom as "the control proceeding from the Self as a whole, and determining the Self as a whole." We find freedom also defined as a state in which man wills only in conformity with his true, unchanged, and untrammelled personality. In like manner Kant, though in his "Critique of Pure Reason" he advocates determinism, nevertheless in his "Fundamental Metaphysics of Morals" admits the freedom of the will, conceiving it as independence of external causes. The will, he maintains, is a causality proper to rational beings, and freedom is its endowment enabling it to act without being determined from without, just as natural necessity is the need proper to irrational creatures of being determined to action by

external influence. He adds, however, in explanation, that they will must act according to unchangeable laws as else it would be an absurdity. Free acts thus characterised are termed human by these determinists, because they proceed from man's reason and personality. But plainly they are not human in the scholastic acceptation, nor in the full and proper sense. They are not such, because they are not under the dominion of man. True freedom, which makes man master of his actions, must be conceived as immunity from all necessitation to act. So it was understood by the scholastics. They defined it as immunity from both intrinsic and extrinsic necessitation. Not so the determinists. According to them it involves immunity from extrinsic, but not from intrinsic, necessitation. Human acts, therefore, as also imputability and responsibility, are not the same thing in the old and in the new schools.

So it comes to pass, that, while nowadays in ethics and law the very same scientific terms are employed as in former ages, they no longer have the same meaning as in the past nor the same in Catholic as in non-Catholic literature.

### The Morality of Human Acts

"Human acts, that is, acts that are freely chosen in consequence of a judgment of conscience, can be morally evaluated. They are either good or evil" (Catechism of the Catholic Church, 1749). "Acting is morally good when the choices of freedom are in conformity with man's true good and thus express the voluntary ordering of the person towards our ultimate end: God himself." The morality of human acts depends on:

- The object chosen;
- The end sought or the intention;
- The circumstances of the action.

"The object, the intention, and the circumstances make up the 'sources,' or constitutive elements, of the morality of human acts" (Catechism of the Catholic Church, 1750).

#### 1. The Moral Object

"The morality of the human act depends primarily and fundamentally on the 'object' rationally chosen by the deliberate will,

as is borne out by the insightful analysis, still valid today, made by Saint Thomas.” The moral value of human acts (whether they are good or evil) depends above all on the conformity of the object or act that is willed with the good of the person according to right reason. “The reason why a good intention is not itself sufficient, but a correct choice of actions is also needed, is that the human act depends on its object, whether that object is *capable or not of being ordered* to God, to the One who ‘alone is good,’ and thus brings about the perfection of the person.”

“Reason attests that there are objects of the human act which are by their nature ‘incapable of being ordered’ to God, because they radically contradict the good of the person made in his image. These are the acts which, in the Church’s moral tradition, have been termed ‘intrinsically evil’ (*intrinsece malum*): they are such *always and per se*, in other words, on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances.”

*Consequentialism* and *proportionalism* are erroneous theories concerning the moral object of an action. “The former claims to draw the criteria of the rightness of a given way of acting solely from a calculation of foreseeable consequences deriving from a given choice. The latter, by weighing the various values and goods being sought, focuses rather on the proportion acknowledged between the good and bad effects of that choice, with a view to the ‘greater good’ or ‘lesser evil’ actually possible in a particular situation.”

## 2. Intention

In human actions “the end is the first goal of the intention and indicates the purpose pursued in the action. The intention is a movement of the will toward the end: it is concerned with the goal of the activity” (*Catechism of the Catholic Church*, 1752). An act that “can be offered to God according to its object, is also *capable of being ordered* to its ultimate end. That same act then attains its ultimate and decisive perfection when the will *actually does order* it to God.” The intention of the person acting “is an element essential to the moral evaluation of an action” (*Catechism of the Catholic Church*, 1752).

“Intention is not limited to directing individual actions, but can guide several actions toward one and the same purpose; it can orient one’s

whole life toward its ultimate end... One and the same action can also be inspired by several intentions” (*Catechism of the Catholic Church*, 1752).

“A good intention does not make behavior that is intrinsically disordered, such as lying and calumny, good or just. The end does not justify the means” (*Catechism of the Catholic Church*, 1753). “On the other hand, an added bad intention (such as vainglory) makes an act evil that, in and of itself, can be good (such as almsgiving; cf *Mt* 6:2-4)” (*Catechism of the Catholic Church*, 1753).

## 3. Circumstances

Circumstances “are secondary elements of a moral act. They contribute to increasing or diminishing the moral goodness or evil of human acts (for example, the amount of a theft). They can also diminish or increase the agent’s responsibility (such as acting out of a fear of death)” (*Catechism of the Catholic Church*, 1754). Circumstances “of themselves cannot change the moral quality of acts themselves; they can make neither good nor right an action that is in itself evil” (*Ibid.*).

“A morally good act requires the goodness of the object, of the end, and of the circumstances together” (*Catechism of the Catholic Church*, 1755).

## 4. Indirect Voluntary Actions

“An action can be indirectly voluntary when it results from negligence regarding something one should have known or done” (*Catechism of the Catholic Church*, 1736).

“An effect can be tolerated without being willed by its agent; for instance, a mother’s exhaustion from tending her sick child. A bad effect is not imputable if it was not willed either as an end or as a means of an action, e.g., a death a person incurs in aiding someone in danger. For a bad effect to be imputable it must be foreseeable and the agent must have the possibility of avoiding it, as in the case of manslaughter caused by a drunken driver” (*Catechism of the Catholic Church*, 1737).

An effect can be said to be “willed indirectly” when it is not willed either as an end or a means for anything else, but it is something that



necessarily accompanies the desired action. This is important in the moral life, because at times actions can have two effects, one good and another bad, and it may be licit to carry them out in order to obtain the good effect (willed directly), even though the evil one cannot be avoided (which, therefore, is willed only indirectly). These situations at times require great moral discernment, where prudence dictates seeking advice from someone able to give sound guidance.

An act is voluntary (and thus blameworthy) *in causa* when, though not chosen for itself, it frequently follows a directly willed action. For example, a person who fails to keep proper custody of the eyes before obscene images is responsible (because it has been willed *in causa*) for the disorder (not directly chosen) in one's imagination.

### 5. Responsibility

“Freedom makes man responsible for his acts to the extent that they are voluntary” (*Catechism of the Catholic Church*, 1734). The exercise of freedom always brings with it responsibility before God: in every free act we either accept or reject God's will.

“Imputability and responsibility for an action can be diminished or even nullified by ignorance, inadvertence, duress, fear, habit, inordinate attachments, and other psychological or social factors” (*Catechism of the Catholic Church*, 1735).

### 6. Merit

“The term ‘merit’ refers in general to the recompense owed by a community or a society for the action of one of its members, experienced either as beneficial or harmful, deserving reward or punishment. Merit is relative to the virtue of justice, in conformity with the principle of equality which governs it” (*Catechism of the Catholic Church*, 2006).

We have no strict right to any merit before God for our good works (cf. *Catechism of the Catholic Church*, 2007). Nevertheless, “filial adoption, in making us partakers by grace in the divine nature, can bestow true merit on us as a result of God's gratuitous justice. This is our right by grace, the full right of love, making us ‘co-heirs’ with Christ and worthy of obtaining the promised inheritance of eternal life” (*Catechism of the Catholic Church*, 2009). “The merit of man

before God in the Christian life arises from the fact that God *has freely chosen to associate man with the work of his grace*” (*Catechism of the Catholic Church*, 2008).

### Errors about Morality

Errors about morality stem from errors about God, the last end, the different laws, the sources of morality, and conscience. Some of these errors are:

- ❖ *Epicureanism*, which identifies the standard of morality with what leads to the attainment of pleasure,
- ❖ *Social utilitarianism*, a variation of the former, which identifies morality with the attainment of the maximum welfare for the greatest number of people,
- ❖ *Stoicism*, which identifies the standard of morality with right reason so that man must live in accord with right reason without any regard for personal happiness,
- ❖ *Subjectivism*, which, in its different varieties, reduces morality to the good intentions of the agent, judged by subjective criteria,
- ❖ The false conception of the *fundamental option* according to which, once the person has chosen a right “fundamental option” or orientation in his life, he would not be accountable for the mortal sins he commits, as long as he does not change his overall attitude,
- ❖ *Consequentialism*, which claims that the morality of an action depends exclusively on the foreseeable consequences resulting from the choice of action (a technical way of stating that the end can sometimes justify the means),
- ❖ *Proportionalism*, which maintains that the morality of an action can be measured solely by weighing the values and goods being sought by the doer and comparing them with the resulting bad effects (this theory focuses merely on the proportion acknowledged between the good and the bad effects of a given choice).

## Chapter 4

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# Conscience

In English we have done with a Latin word what neither the Latins nor the French have done: we have doubled the term, making “conscience” stand for the moral department and leaving “consciousness” for the universal field of objects about which we become aware. In Cicero we have to depend upon the context for the specific limitation to the ethical area, as in the sentence: “*mea mihi conscientia pluris est quam omnium sermo*” (Att., XII, xxviii, 2). Sir W. Hamilton has discussed how far we can be said to be conscious of the outer objects which we know, and how far “consciousness” ought to be held a term restricted to states of self or self-consciousness. (See Thiele, *Die Philosophie des Selbstbewusstseins*, Berlin, 1895.) In the two words *Bewusstsein* and *Gewissen* the Germans have made a serviceable distinction answering to our “consciousness” and “conscience”. The ancients mostly neglected such a discrimination. The Greeks often used *phronesis* where we should use “conscience”, but the two terms are far from coincident. They also used *suneidesis*,

which occurs repeatedly for the purpose in hand both in the Old and the New Testament. The Hebrews had no formal psychology, though Delitzsch has endeavoured to find one in Scripture. There the heart often stands for conscience.

### Origin of conscience in the race and in the individual

Of anthropologists some do and some do not accept the Biblical account of man’s origin; and the former class, admitting that Adam’s descendants might soon have lost the traces of their higher descent, are willing to hear, with no pledge of endorsing, what the latter class have to say on the assumption of the human development even from an animal ancestry, and on the further assumption that in the use of evidences they may neglect sequence of time and place. It is not maintained by any serious student that the Darwinian pedigree is certainly accurate: it has the value of a diagram giving some notion of the lines along which forces are supposed to have acted. Not, then, as accepting for fact, but as using it for a very limited purpose, we may give a characteristic sketch of ethical development as suggested in the last chapter of Dr. L. T. Hobhouse’s “*Morals in Evolution*”. It is a conjectural story, very like what other anthropologists offer for what it is worth and not for fully certified science.

Ethics is conduct or regulated life; and regulation has a crude beginning in the lowest animal life as a response to stimulus, as reflex action, as useful adaptation to environment. Thus the amoeba doubles itself round its food in the water and lives; it propagates by self-division. At another stage in the animal series we find blind impulses for the benefit of life and its propagation taking a more complex shape, until something like instinctive purpose is displayed. Useful actions are performed, not apparently pleasurable in themselves, yet with good in the sequel which cannot have been foreseen. The care of the animal for its young, the provision for the need of its future offspring is a kind of foreshadowed sense of duty. St. Thomas is bold to follow the terminology of Roman lawyers, and to assert a sort of morality in the pairing and the propagating of the higher animals: “*ius naturale est quod natura omnia animalia docuit*”. (It is the natural law which nature has taught all animals.—In IV Sent., dist. xxxiii, a. 1, art. 4.) Customs are formed under the pressures and the interactions of actual living. They are fixed by heredity, and they await the analysis and the improvements of nascent reason. With the advent of man, in

his rudest state - however he came to be in that state, whether by ascent or descent-there dawns a conscience, which, in the development theory, will have to pass through many stages. At first its categories of right and wrong are in a very fluid condition, keeping no fixed form, and easily intermixing, as in the chaos of a child's dreams, fancies, illusions, and fictions. The requirements of social life, which becomes the great moralizer of social action, are continually changing, and with them ethics varies its adaptations. As society advances, its ethics improves. "The lines on which custom is formed are determined in each society by the pressures, the thousand interactions of those forces of individual character and social relationship, which never cease remoulding until they have made men's loves and hates, their hopes and fears for themselves and their children, their dread of unseen agencies, their jealousies, their resentments, their antipathies, their sociability and dim sense of mutual dependence all their qualities good and bad, selfish and sympathetic, social and anti-social." (Op. cit., Vol. II, p. 262.) The grasp of experience widens and power of analysis increases, till, in a people like the Greeks, we come upon thinkers who can distinctly reflect on human conduct, and can put in practice the *gnothi seauton* (know thyself), so that henceforth the method of ethics is secured for all times, with indefinite scope left for its better and better application. "Here we have reached the level of philosophical or spiritual religions, systems which seek to concentrate all experience in one focus, and to illuminate all morality from one centre, thought, as ever, becoming more comprehensive as it becomes more explicit" (ibid., p. 266.).

What is said of the race is applied to the individual, as in him customary rules acquire ethical character by the recognition of distinct principles and ideals, all tending to a final unity or goal, which for the mere evolutionist is left very indeterminate, but for the Christian has adequate definition in a perfect possession of God by knowledge and love, without the contingency of further lapses from duty. To come to the fullness of knowledge possible in this world is for the individual a process of growth. The brain at first has not the organization which would enable it to be the instrument of rational thought: probably it is a necessity of our mind's nature that we should not start with the fully formed brain but that the first elements of knowledge should be gathered with the gradations of the developing structure. In the morally good family the child slowly learns right conduct by imitation, by

instruction, by sanction in the way of rewards and punishments. Bain exaggerates the predominance of the last named element as the source whence the sense of obligation comes, and therein he is like Shaftesbury (Inquiry, II, n. 1), who sees in conscience only the reprover. This view is favoured also by Carlyle in his "Essay on Characteristics", and by Dr. Mackenzie in his "Manual of Ethics" (3rd ed., III, 14), where we read: "I should prefer to say simply that conscience is a feeling of pain accompanying and resulting from our non-conformity to principle." Newman also has put the stress on the reproving office of conscience. Carlyle says we should not observe that we had a conscience if we had never offended. Green thinks that ethical theory is mostly of negative use for conduct. (Prolegomena to Ethics, IV, 1.) It is better to keep in view both sides of the truth and say that the mind ethically developed comes to a sense of satisfaction in right doing and of dissatisfaction in wrongdoing, and that the rewards and the punishments judiciously assigned to the young have for their purpose, as Aristotle puts it, to teach the teachable how to find pleasure in what ought to please and displeasure in what ought to displease. The immature mind must be given external sanctions before it can reach the inward. Its earliest glimmering of duty cannot be clear light: it begins by distinguishing conduct as nice or as nasty and naughty: as approved or disapproved by parents and teachers, behind whom in a dim way stands the oft-mentioned God, conceived, not only in an anthropomorphic, but in a nepiomorphic way, not correct yet more correct than Caliban's speculations about Setebos. The perception of sin in the genuine sense is gradually formed until the age which we roughly designate as the seventh year, and henceforth the agent enters upon the awful career of responsibility according to the dictates of conscience. On grounds not ethical but scholastically theological, St. Thomas explains a theory that the unbaptized person at the dawn of reason goes through a first crisis in moral discrimination which turns simply on the acceptance or rejection of God, and entails mortal sin in case of failure. (I-II:89:6)

### **What conscience is in the soul of man?**

It is often a good maxim not to mind for a time how a thing came to be, but to see what it actually is. To do so in regard to conscience before we take up the history of philosophy in its regard is wise policy, for it will give us some clear doctrine upon which to lay hold,

while we travel through a region perplexed by much confusion of thought. The following points are cardinal:

- The natural conscience is no distinct faculty, but the one intellect of a man inasmuch as it considers right and wrong in conduct, aided meanwhile by a good will, by the use of the emotions, by the practical experience of living, and by all external helps that are to the purpose.
- The natural conscience of the Christian is known by him to act not alone, but under the enlightenment and the impulse derived from revelation and grace in a strictly supernatural order.
- As to the order of nature, which does not exist but which might have existed, St. Thomas (I- II:109:3) teaches that both for the knowledge of God and for the knowledge of moral duty, men such as we are would require some assistance from God to make their knowledge sufficiently extensive, clear, constant, effective, and relatively adequate; and especially to put it within reach of those who are much engrossed with the cares of material life. It would be absurd to suppose that in the order of nature God could be debarred from any revelation of Himself, and would leave Himself to be searched for quite irresponsively.
- Being a practical thing, conscience depends in large measure for its correctness upon the good use of it and on proper care taken to heed its deliverances, cultivate its powers, and frustrate its enemies.
- Even where due diligence is employed conscience will err sometimes, but its inculpable mistakes will be admitted by God to be not blameworthy. These are so many principles needed to steady us as we tread some of the ways of ethical history, where pitfalls are many.

### **The philosophy of conscience considered historically**

#### ***In pre-Christian times***

The earliest written testimonies that we can consult tell us of recognized principles in morals, and if we confine our attention to the good which we find and neglect for the present the inconstancy and the admixture of many evils, we shall experience a satisfaction in the history. The Persians stood for virtue against vice in their support of Ahura Mazda against Ahriman; and it was an excellence of

theirs to rise above “independent ethics” to the conception of God as the rewarder and the punisher. They even touched the doctrine of Christ’s saying, “What doth it profit a man if he gain the whole world, and lose his own soul?” when to the question, what is the worth of the whole creation displayed before us, the Zend-Avesta has the reply: “the man therein who is delivered from evil in thought, word, and deed: he is the most valuable object on earth.” Here conscience was clearly enlightened. Of the moral virtues among the Persians truthfulness was conspicuous. Herodotus says that the youth were taught “to ride and shoot with the bow”, and “to speak the truth”. The unvarnished Greeks, who admired the wiles of an Odysseus, were surprised at Persian veracity (Herodotus, I, 136, 138); and it may be that Herodotus is not fair on this head to Darius (III, 72). The Hindus in the Vedas do not rise high, but in Brahminism there is something more spiritual, and still more in the Buddhist reform on its best side, considered apart from the pessimistic view of life upon which its false asceticism was grounded. Buddhism had ten prohibitive commandments: three concerning the body, forbidding murder, theft, and unchastity; four concerning speech, forbidding lying, slander, abusive language, and vain conversation; and three concerning the mind internally, covetousness, malicious thoughts, and the doubting spirit. The Egyptians show the workings of conscience. In the “Book of the Dead” we find an examination of conscience, or rather profession of innocence, before the Supreme Judge after death. Two confessions are given enunciating most of the virtues (chap. cxxv): reverence for God; duties to the dead; charity to neighbours; duties of superiors and subjects; care for human life and limb; chastity, honesty, truthfulness, and avoidance of slander; freedom from covetousness. The Assyro-Babylonian monuments offer us many items on the favourable side; nor could the people whence issued the Code of Hammurabi, at a date anterior to the Mosaic legislation by perhaps seven hundred years, be ethically undeveloped. If the Code of Hammurabi has no precepts of reverence to God corresponding with the first three Commandments of the Mosaic Law, at least its preface contains a recognition of God’s supremacy. In China Confucius (c. 500 B. C.), in connection with an idea of heaven, delivered a high morality; and Mencius (c. 300 B. C.) developed this code of uprightness and benevolence as “Heaven’s appointment”. Greek ethics began to pass from its gnomonic condition

when Socrates fixed attention on the *gnothi seauton* in the interests of moral reflection. Soon followed Aristotle, who put the science on a lasting basis, with the great drawback of neglecting the theistic side and consequently the full doctrine of obligation. Neither for “obligation” nor for “conscience” had the Greeks a fixed term. Still the pleasures of a good conscience and the pains of an evil one were well set forth in the fragments collected by Stobaeus *peri tou suneidotos*. Penandros, asked what was true freedom, answered: “a good conscience” (Gaisford’s Stobaeus, vol. I, p. 429).

### *In the Christian Fathers*

The patristic treatment of ethics joined together Holy Scripture and the classical authors of paganism; no system was reached, but each Father did what was characteristic. Tertullian was a lawyer and spoke in legal terms: especially his Montanism urged him to inquire which were the mortal sins, and thus he started for future investigators a good line of inquiry. Clement of Alexandria was allegoric and mystic: a combiner of Orientalism, Hellenism, Judaism, and Christianity in their bearing on the several virtues and vices. The apologists, in defending the Christian character, dwelt on the marks of ethical conduct. St. Justin attributed this excellence to the Divine Logos, and thought that to Him, through Moses, the pagan philosophers were indebted (*First Apology* 44). Similarly Origen accounted for pre-Christian examples of Christian virtue. As a Roman skilled in legal administration St. Ambrose was largely guided by Latin versions of Greek ethics, as is very well illustrated by his imitation in style of Cicero’s “*De Officiis*”, which he made the title of his own work. He discusses *honestum et utile* (I, ix); *decorum*, or *to prepon* as exhibited in Holy Scripture (x); various degrees of goodness, mediocre and perfect, in connection with the text, “if thou wilt be perfect” (xi); the passions of hot youth (xvii). Subsequent chapters dwell on the various virtues, as fortitude in war and its allied quality, courage in martyrdom (xl, xli). The second book opens with a discussion of beatitude, and then returns to the different virtues. It is the pupil of St. Ambrose, St. Augustine, who is, perhaps, the most important of the Fathers in the development of the Christian doctrine of conscience, not so much on account of his frequent discourses about moral subjects, as because of the Platonism which he drank in before his conversion, and afterwards got rid of only by degrees. The abiding

result to the Scholastic system was that many writers traced their ethics and theology more or less to innate ideas, or innate dispositions, or Divine illuminations, after the example of St. Augustine. Even in St. Thomas, who was so distinctly an Aristotelean empiricist, some fancy that they detect occasional remnants of Augustinianism on its Platonic side.

Before leaving the Fathers we may mention St. Basil as one who illustrates a theorizing attitude. He was sound enough in recognizing sin to be graver and less grave; yet in the stress of argument against some persons who seemed to admit only the worst offenses against God to be real sins, he ventured without approving of Stoic doctrine, to point out a sort of equality in all sin, so far as all sin is a disobedience to God (*Hom. de Justitia Dei*, v-viii). Later Abelard and recently Dr. Schell abused this suggestion. But it has had no influence in any way like that of St. Augustine’s Platonism, of which a specimen may be seen in St. Bonaventure, when he is treating precisely of conscience, in a passage very useful as shedding light on a subsequent part of this article. Some habits, he says, are *acquired*, some *innate* as regards knowledge of singulars and knowledge of universals. “*Quum enim ad cognitionem duo concurrant necessario, videlicet praesentia cognoscibilis et lumen quo mediante de illo judicamus, habitus cognoscitivi sunt quodammodo nobis innati ratione luminis animo inditi; sunt etiam acquisiti ratione speciei*”- “For as two things necessarily concur for cognition, namely, the presence of something cognoscible, and the light by which we judge concerning it, cognitive habits are in a certain sense *innate*, by reason of the light wherewith the mind is endowed; and they are also *acquired*, by reason of the species.” (“*Comment. in II Lib. Sent.*”, dist. xxxix, art. 1, Q. ii. Cf. St. Thomas, “*De Veritate*”, Q. xi, art. 1: “*Principia dicuntur innata quae statim lumine intellectus agentis cognoscuntur per species a sensibus abstractas*”. - Principles are called innate when they are known at once by the light of the active intellect through the species abstracted from the senses.) Then comes the very noticeable and easily misunderstood addition a little later: “*si quae sunt cognoscibilia per sui essentiam, non per speciem, respectu talium poterit dici conscientia esse habitus simpliciter innatus, utpote respectu upote respectu hujus quod est Deum amare et timere; Deus enim non cognoscitur per similitudinem a sensu, immo ‘Dei notitia naturaliter est nobis inserta’, sicut dicit Augustinus*”-“if there are some things cognoscible through

their very essence and not through the species, conscience, with regard to such things, may be called a habit simply innate, as, for example, with regard to loving and serving God; for God is not known by sense through an image; rather, 'the knowledge of God is implanted in us by nature', as Augustine says" (Tractate 106 on the Gospel of John, no. 4; "Confess.", X, xx, xxix; "De Lib. Arbitr.", I, xiv, xxxi; "De Mor. Eccl.", iii, iv; *On the Holy Trinity* XIII.3-6; "Joan. Dam. de Fide", I, i, iii). We must remember that St. Bonaventure is not only a theologian but also a mystic, supposing in man *oculus carnis*, *oculus rationis* and *oculus contemplationis* (the eye of the flesh, the eye of reason, and the eye of contemplation); and that he so seriously regards man's power to prove by arguments the existence of God as to devoted his labour to explaining that logical conviction is consistent with faith in the same existence (Comm. in III Sent., dist. xxiv, art. 1, Q. iv). All these matters are highly significant for those who take up any thorough examination of the question as to what the Scholastics thought about man having a conscience by his very nature as a rational being. The point recurs frequently in Scholastic literature, to which we must next turn.

### In Scholastic times

It will help to make intelligible the subtle and variable theories which follow, if it be premised that the Scholastics are apt to puzzle readers by mixing up with their philosophy of reason a real or apparent apriorism, which is called Augustinianism, Platonism, or Mysticism.

- As a rule, to which Durandus with some others was an exception, the Schoolmen regarded created causes as unable to issue in any definite act unless applied or stimulated by God, the Prime Mover: whence came the Thomistic doctrine of *proemotio physica* even for the intellect and the will, and the simple *concursus* of the non-Thomists.
- Furthermore they supposed some powers to be *potential* and *passive*, that is, to need a creative determinant received into them as their complement: of which kind a prominent example was the *intellectus possibilis* informed by the *species intelligibilis*, and another instance was in relation to conscience, the *synteresis*. (St. Thomas, *De Verit.*, Q. xvi, art. 1, ad 13.)

- First principles or habits inherent in intellect and will were clearly traced by St. Thomas to an origin in experience and abstraction; but others spoke more ambiguously or even contradictorily; St. Thomas himself, in isolated passages, might seem to afford material for the priorist to utilize in favour of innate forms. But the Thomistic explanation of *appetitus innatus*, as contrasted with *elicitus*, saves the situation.

Abelard, in his "Ethics", or "Nosce Teipsum", does not plunge us into these depths, and yet he taught such an indwelling of the Holy Ghost in virtuous pagans as too unrestrictedly to make their virtues to be Christian. He placed morality so much in the inward act that he denied the morality of the outward, and sin he placed not in the objectively disordered deed but in contempt for God, in which opinion he was imitated by Prof. Schell. Moreover he opened a way to wrong opinions by calling free will "the free judgment about the will". In his errors, however, he was not so wholly astray as careless reading might lead some to infer. It was with Alexander of Hales that discussions which some will regard as the tedious minutiae of Scholastic speculation began. The origin lay in the introduction from St. Jerome (in *Ezech.*, I, Bk. I, ch. 1) of the term *synteresis* or *synderesis*. There the commentator, having treated three of the mystic animals in the Prophecy as symbolizing respectively three Platonic powers of the soul - *to epithumetikon* (the appetitive), *to thumikon* (the irascible), and *to logikon* (the rational) - uses the fourth animal, the eagle, to represent what he calls *sunteresis*. The last, according to the texts employed by him to describe it, is a supernatural knowledge: it is the Spirit Who groans in man (Romans 8:26), the Spirit who alone knows what is in man (1 Corinthians 2:11), the Spirit who with the body and the soul forms the Pauline trichotomy of 1 Thessalonians 5:23. Alexander of Hales neglects this limitation to the supernatural, and takes *synteresis* as neither a *potentia* alone, nor a *habitus* alone but a *potentia habitualis*, something native, essential, indestructible in the soul, yet liable to be obscured and baffled. It resides both in the intelligence and in the will: it is identified with conscience, not indeed on its lower side, as it is deliberative and makes concrete applications, but on its higher side as it is wholly general in principle, intuitive, a *lumen innatum* in the intellect and a native inclination to good in the will, *voluntas naturalis non deliberativa* (*Summa Theologica* I-II:71 to I-II:77). St. Bonaventure, the pupil, follows on the same lines

in his “Commentarium in II Sent.” (dist. xxxix), with the difference that he locates the synteresis as *calor et pondus* in the will only distinguishing it from the conscience in the practical intellect, which he calls an innate habit - “rationale iudicium, habitus cognoscitivus moralium principiorum” - “a rational judgment, a habitcognoscitive of moral principles”. Unlike Alexander he retains the name conscience for descent to particulars: “conscientia non solum consistit in universali sed etiam descendit ad particularia deliberativa” - “conscience not only consists in the universal but also descends to deliberative particulars”. As regards general principles in the conscience, the habits are innate: while as regards particular applications, they are acquired (II Sent., dist xxxix, art. 1, Q; ii).

As forming a transition from the Franciscan to the Dominican School we may take one whom the Servite Order can at least claim as a great patron, though he seems not to have joined their body, Henry of Ghent. He places conscience in the intellect, not in the affective part-“non ad affectivam pertinet”-by which the Scholastics meant generally the will without special reference to feeling or emotion as distinguished in the modern sense from will. While Nicholas of Cusa described the Divine illumination as acting in blind-born man (virtus illuminati coecinati qui per fidem visumacquirat), Henry of Ghent required only assistances to human sight. Therefore he supposed:

- an *influentia generalis Dei* to apprehend concrete objects and to generalize thence ideas and principles;
- a light of faith;
- a *lumen speciale* wherewith was known the *sincera et limpida veritas rerum* by chosen men only, who saw things in their Divine exemplars but not God Himself;
- the *lumen gloriae* to see God.

For our purpose we specially note this: “conscientia ad partem animae cognitivam non pertinet, sed ad affectivam”-“conscience belongs not to the cognitive part of the mind, but to the affective” (Quodlibet., I, xviii). St. Thomas, leading the Dominicans, places synteresis not in the will but in the intellect, and he applies the term conscience to the concrete determinations of the general principle which the synteresis furnishes: “By *conscience* the knowledge given through *synteresis* is applied to particular actions”. (“De Verit.”, Q.

xvii, a. 2.; Cf. *Summa Theologica*, Q. lxxix, a. 13; “III Sent.”, dist. xiv, a. 1, Q. ii; “Contra Gent.”, II, 59.) Albertus agrees with St. Thomas in assigning to the intellect the synteresis, which he unfortunately derives from *syn* and *hoerere* (haerens in aliquo) (*Summa Theol.*, Pt. II, Q. xcix, memb. 2, 3; *Summa de Creaturis*, Pt. II, Q. lxxix, a. 1). Yet he does not deny all place to the will: “Est rationis practicae... non sine voluntate naturali, sed nihil est voluntatis deliberativae (*Summa Theol.*, Pt. II, Q. xcix, memb. 1). The preference of the Franciscan School for the prominence of will, and the preference of the Thomistic School for the prominence of intellect is characteristic. (See Scotus, IV Sent., dist. xlix, Q. iv.) Often this preference is less significant than it seems. Fouillée, the great defender of the *idée force*- idea as the active principle-allows in a controversy with Spencer that feeling and will may be involved in the idea. Having shown how Scholasticism began its research into conscience as a fixed terminology, we must leave the matter there, adding only three heads under which occasion was given for serious errors outside the Catholic tradition:

- While St. Augustine did excellent service in developing the doctrine of grace, he never so clearly defined the exact character of the supernatural as to approach the precision which was given through the condemnation of propositions taught by Baius and Jansenius; and in consequence his doctrine of original sin remained unsatisfactory. When Alexander of Hales, without distinction of natural and supernatural, introduced among the Scholastics the words of St. Jerome about synteresis as *scintilla conscientia*, and called it *lumen innatum*, he helped to perpetuate the Augustinian obscurity.
- As regards the intellect, several Scholastics inclined to the Arabian doctrine of *intellectus agens*, or to the Aristotelean doctrine of the Divine *nous* higher than the human soul and not perishable with it. Roger Bacon called the *intellectus agens* a distinct substance. Allied with this went Exemplarism, or the doctrine of archetypic ideas and the supposed knowledge of things in these Divine ideas. [Compare the *prolepseis emphutoi* of the Stoics, which were universals, *koinai ennoiai*]. Henry of Ghent distinguished in man a double knowledge: “primum exemplar rei est species eius universalis causata a re: secundum est ars divina, continens rerum ideales rationes” - “the first exemplar of a thing is universal

*species* of it caused by the thing: the second is the Divine Art containing the ideal reasons (*rationes*) of things” (Theol., I, 2, n. 15). Of the former he says: “per tale exemplar acquisitum certa et infallibilis notitia veritatis est omnino impossibilis”-”through such an acquired exemplar, certain and infallible knowledge of truth is utterly impossible” (n. 17); and of the latter: “illi soli certam veritatem valent agnoscere qui eam in exemplari (aeterno) valent aspicere, quod non omnes valent”-”they alone can know certain truth who can behold it in the (eternal) exemplar, which not all can do” (I, 1, n. 21;). The perplexity was further increased when some, with Occam, asserted a confused intuition of things singular as opposed to the clearer idea got by the process of abstraction: “Cognitio singularis abstractiva praesupponit intuitivam ejusdem objecti”-”abstractive cognition of a singular presupposes intuitive cognition of the same object” (Quodlib., I, Q. xiii). Scotus also has taught the confused intuition of the singulars. Here was much occasion for perplexity on the intellectual side, about the knowledge of general principles in ethics and their application when the priority of the general to the particular was in question.

- The will also was a source of obscurity. Descartes supposed the free will of God to have determined what for conscience was to be right and what wrong, and he placed the act of volition in an affirmation of the judgment. Scotus did not go thus far, but some Scotists exaggerated the determining power of Divine will, especially so as to leave it to the choice of God indefinitely to enlarge a creature’s natural faculties in a way that made it hard to distinguish the natural from the supernatural. Connected with the philosophy of the will in matters of conscience is another statement open to controversy, namely, that the will can tend to any good object in particular only by reason of its universal tendency to *the good*. This is what Alexander of Hales means by *synteresis* as it exists in the will, when he says that it is not an inactive habit but a habit in some sense active of itself, or a general tendency, disposition, bias, weight, or virtuality. With this we might contrast Kant’s pure noumenal will, good apart from all determinedly good objects.

The history of ethics outside the Scholastic domain, so far as it is antagonistic, has its extremes in Monism or Pantheism on the one side and in Materialism on the other.

### Spinoza

Spinoza is a type of the Pantheistic opposition. His views are erroneous inasmuch as they regard all things in the light of a fated necessity, with no free will in either God or man; no preventable evil in the natural course of things; no purposed good of creation; no individual destiny or immortality for the responsible agent: indeed no strict responsibility and no strict retribution by reward or punishment. On the other hand many of Spinoza’s sayings if lifted into the theistic region, may be transformed into something noble. The theist, taking up Spinoza’s phraseology in a converted sense, may, under this new interpretation, view all passionate action, all sinful choice, as an “inadequate idea of things”, as “the preference of a part to the detriment of the whole”, while all virtue is seen as an “adequate idea” taking in man’s “full relation to himself as a whole, to human society and to God”. Again, Spinoza’s *amor Dei intellectualis* becomes finally, when duly corrected, the Beatific Vision, after having been the darker understanding of God enjoyed by Holy men before death, who love all objects in reference to God. Spinoza was not an antinomian in conduct; he recommended and practiced virtues. He was better than his philosophy on its bad side, and worse than his philosophy on its good side after it has been improved by Christian interpretation.

### Hobbes

Hobbes stands for ethics on a Materialistic basis. Tracing all human action to self-love, he had to explain the generous virtues as the more respectable exhibitions of that quality when modified by social life. He set various schools of antagonistic thought devising hypotheses to account for disinterested action in man. The Cambridge Platonists unsatisfactorily attacked him on the principle of their eponymous philosopher, supposing the innate *noemata* to rule the empirical *aisthemata* by the aid of what Henry More called a “boniform faculty”, which tasted “the sweetness and savour of virtue”. This calling in of a special faculty had imitators outside the Platonic School; for example in Hutcheson, who had recourse to Divine “implantations” of benevolent disposition and moral sense, which remind us somewhat of *synteresis* as imperfectly described by Alexander of Hales. A robust reliance on reason to prove ethical truth as it proved mathematical truths, by inspection and analysis, characterized the



opposition which Dr. Samuel Clarke presented to Hobbes. It was a fashion of the age to treat philosophy with mathematical rigour; but very different was the “geometrical ethics” of Spinoza, the necessarian, from that of Descartes, the libertarian, who thought that God’s free will chose even the ultimate reasons of right and wrong and might have chosen otherwise. If Hobbes has his representatives in the Utilitarians, the Cambridge Platonists have their representatives in more or less of the school of which T. H. Green is a leading light. A universal infinite mind seeks to realize itself finitely in each human mind or brain, which therefore must seek to free itself from the bondage of mere natural causality and rise to the liberty of the spirit, to a complete self-realization in the infinite Self and after its pattern. What this pattern ultimately is Green cannot say; but he holds that our way towards it at present is through the recognized virtues of European civilization, together with the cultivation of science and art. In the like spirit G.E. Moore finds the ascertainable objects that at present can be called “good in themselves” to be social intercourse and æsthetic delight.

### **Kant**

Kant may stand midway between the Pantheistic and the purely Empirical ethics. On the one side he limited our knowledge, strictly so called, of things good to sense-experiences; but on the other he allowed a practical, regulative system of ideas lifting us up to God. Duty as referred to Divine commands was religion, not ethics: it was religion, not ethics, to regard moral precepts in the light of the commands of God. In ethics these were restricted to the autonomous aspect, that is, to the aspect of them under which the will of each man was its own legislator. Man, the noumenon, not the phenomenon, was his own lawgiver and his own end so far as morality went: anything beyond was outside ethics proper. Again, the objects prescribed as good or forbidden as bad did not enter in among the constituents of ethical quality: they were only extrinsic conditions. The whole of morality intrinsically was in the good will as pure from all content or object of a definite kind, from all definite inclination to benevolence and as deriving its whole dignity from respect for the moral law simply as a moral law, self-imposed, and at the same time universalized for all other autonomous individuals of the rational order. For each moral

agent as noumenal willed that the maxim of his conduct should become a principle for all moral agents.

We have to be careful how in practice we impute consequences to men who hold false theories of conscience. In our historical sketch we have found Spinoza a necessarian or fatalist; but he believed in effort and exhortation as aids to good life. We have seen Kant assert the non-morality of Divine precept and of the objective fitness of things, but he found a place for both these elements in his system. Similarly Paulsen gives in the body of his work a mundane ethics quite unaffected by his metaphysical principles as stated in his preface to Book II. Luther logically might be inferred to be a thorough antinomian: he declared the human will to be enslaved, with a natural freedom only for civic duties; he taught a theory of justification which was in spite of evil deeds; he called nature radically corrupt and forcibly held captive by the lusts of the flesh; he regarded divine grace as a due and necessary complement to human nature, which as constituted by mere body and soul was a nature depraved; his justification was by faith, not only without works, but even in spite of evil works which were not imputed. Nevertheless he asserted that the good tree of the faith-justified man must bring forth good works; he condemned vice most bitterly, and exhorted men to virtue. Hence Protestants can depict a Luther simply the preacher of good, while Catholics may regard simply the preacher of evil. Luther has both sides.

### **Conscience in its practical working**

#### *The supremacy of conscience*

The supremacy of conscience is a great theme of discourse. “Were its might equal to its right”, says Butler, “it would rule the world”. With Kant we could say that conscience is autonomously supreme, if against Kant we added that thereby we meant only that every duty must be brought home to the individual by his own individual conscience, and is to this extent imposed by it; so that even he who follows authority contrary to his own private judgment should do so on his own private conviction that the former has the better claim. If the Church stands between God and conscience, then in another sense also the conscience is between God and the Church. Unless a man is conscientiously submissive to the Catholic Church his subjection is not really a matter of inner morality but is mechanical obedience.

***Conscience as a matter of education and perfectibility***

As in all other concerns of education, so in the training of conscience we must use the several means. As a check on individual caprice, especially in youth, we must consult the best living authorities and the best traditions of the past. At the same time that we are recipient our own active faculties must exert themselves in the pursuit with a keen outlook for the chances of error. Really unavoidable mistakes will not count against us; but many errors are remotely, when not proximately, preventable. From all our blunders we should learn a lesson. The diligent examiner and corrector of his own conscience has it in his power, by long diligence to reach a great delicacy and responsiveness to the call of duty and of higher virtue, whereas the negligent, and still more the perverse, may in some sense become dead to conscience. The hardening of the heart and the bad power to put light for darkness and darkness for light are results which may be achieved with only too much ease. Even the best criteria will leave residual perplexities for which provision has to be made in an ethical theory of probabilities which will be explained in the article **PROBABILISM**. Suffice it to say here that the theory leaves intact the old rule that a man in so acting must judge that he certainly is allowed thus to act, even though sometimes it might be more commendable to do otherwise. In inferring something to be permissible, the extremes of scrupulosity and of laxity have to be avoided.

***The approvals and reprovals of conscience***

The office of conscience is sometimes treated under too narrow a conception. Some writers, after the manner of Socrates when he spoke of his *daemon* as rather a restrainer than a promoter of action, assign to conscience the office of forbidding, as others assign to law and government the negative duty of checking invasion upon individual liberty. Shaftesbury (Inquiry II, 2, 1) regards conscience as the consciousness of wrongdoing, not of rightdoing. Carlyle in his "Essay on Characteristics" asserts that we should have no sense of having a conscience but for the fact that we have sinned; with which view we may compare Green's idea about a reasoned system of ethics (Proleg., Bk. IV, ch. ii, sect. 311) that its use is negative "to provide a safeguard against the pretext which in a speculative age

some inadequate and misapplied theories may afford our selfishness rather than in the way of pointing out duties previously ignored". Others say that an ethics of conscience should no more be hortatory than art should be didactic. Mackenzie (Ethics, 3rd ed., Bk. III, ch. I, sect. 14) prefers to say simply that "conscience is a feeling of pain accompanying and resulting from nonconformity to principle". The suggestion which, by way of contrary, these remarks offer is that we should use conscience largely as an approving and an instigating and an inspiring agency to advance us in the right way. We should not in morals copy the physicists, who deny all attractive force and limit force to *vis a tergo*, a push from behind. Nor must we think that the positive side of conscience is exhausted in urging obligations: it may go on in spite of Kant, beyond duty to works of supererogation. Of course there is a theory which denies the existence of such works on the principle that every one is simply bound to the better and the best if he feels himself equal to the heroic achievement. This philosophy would lay it down that he who can renounce all and give it to the poor is simply obliged to do so, though a less generous nature is not bound, and may take advantage - if it be an advantage - of its own inferiority. Not such was the way in which Christ put the case: He said hypothetically, "if thou wilt be perfect", and His follower St. Peter said to Ananias "Was not [thy land] thine own? and after it was sold, was it not in thine own power? . . . Thou hast not lied unto men, but unto God." (Acts 5:4) We have, then, a sphere of duty and beyond that a sphere of free virtue, and we include both under the domain of conscience. It is objected that only a prig considers the approving side of his conscience, but that is true only of the priggish manner, not of the thing itself; for a sound mind may very well seek the joy which comes from a faithful, generous heart, and make it an effort of conscience that outstrips duty to aim at higher perfection, not under the false persuasion that only after duty has been fulfilled does merit begin, but under the true conviction that duty is meritorious, and that so also is goodness in excess of duty. Not that the eye is to be too narrowly fixed on rewards: these are included, while virtue for virtue's sake and for the sake of God is carefully cultivated.

## Chapter 5

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### Moral Principle of Totality and Integrity

**T**he human body is an integral part of the human person and is therefore worthy of human dignity. It must be kept whole. No body part should be removed, mangled or debilitated unless doing so is necessary for the health of a more essential body part or the body of a whole. An unessential or redundant body part may be removed for the good of another person. Human nature is an integration of body and spirit. These two dimensions can never be separated (in fact, separation of the spirit from the body is the definition of death). The human body shares in the dignity of the human person. To dismember the body or to otherwise deface it abuses that dignity by treating the human person as a machine or as a thing to be used and discarded.

Bioethics is a blooming branch among academic disciplines, helping people to take moral decisions in health-related contexts and biological issues. People take decision either from the secular perspectives or from religious perspectives. On the one side, many of the

secular approaches based their decision from quality of life arguments. On the other side, religions take their ethical decision from sanctity of life arguments; this means we have to respect the human being from the beginning to the end. Regarding bioethical issues, Catholic Church also takes decision from the sanctity of life arguments. This teaching can be seen from the scripture and the tradition of the Church, and the teaching is very clear. However, in certain circumstances, the theological concept of life is not enough to take decision when the life issues produces simultaneously good effect and bad effect. In this context catholic bioethical principles, based on the sanctity of life arguments, such as principle of totality and double effect, help the faithful to take the decisions in conflict situations. Many of the secular approaches, which are based on quality of life, are against these principles.

Moral theology clarifies the need of these two principles in catholic bioethics. For example, to justify the morality of mutilation of the human body, we need the principle of totality and the principle of double effect. We have to use both principles to justify mutilation outside the generative system and mutilation within the generative system. The principle of totality is considered to take mutilation outside the generative system. It is used as the general moral principle for determining the justification of all mutilations except those that suppress the generative function. Within the generative system, traditional teaching follows the principle of double effect. For instance, in order to justify the evil effect of the mutilation (e.g. sterilization), the principle of double effect is also taken into account. The generative organs have two separate functions and purposes, such as it exists 1) for the good of the body; and 2) good of the species. It must be seen under the principle of double effect. For instance, “in their existence as part of the whole body they may be removed or functionally suppressed, if they are destructive of the good of the whole body. This is indirect or therapeutic sterilization which is viewed in the light of the principle of totality. But since this will result in a limitation of the procreative faculty (the contraceptive effect of this mutilation) it must also be judged in light of the principle of double effect, for the contraceptive effect must not be intended but merely foreseen and permitted.” In this context, we ask: are these principles relevant in bioethical issues? In this article, since the concepts of the two principles

are vast, we try to evaluate only the relevance of the principle of totality in bioethics.

### 1. The Concept of the Principle of Totality

A simple expression of the principle of totality means, “The parts of the physical entity, as parts, are ordained to the good of the physical whole.” From the medical perspective, the principle of totality would mean that “all the parts of the human body, as parts, are meant to exist and function for the good of the whole body, and are thus naturally subordinated to the good of the whole body.” The term “totality” points to the duty to preserve intact the physical component of that integrated whole. In the following sections we will discuss the philosophical and theological foundations, different views, and the scope of the principle of totality.

#### 1.1 Philosophical and Theological Foundations of the Principle of Totality

The roots of the principle of totality are spread through the writings of Aristotle and Aquinas. St. Bonaventure and the Scholastic moral theologians also expressed the idea of the principle of totality. This principle has been used for many centuries as a justification for mutilation. Concerning the official teaching on the principle of totality, we find application of the principle very briefly in *Casti Connubii* (no. 23) by Pius XI and, in a wider perspective in the writings of Pius XII. Although moralists had incorporated the teachings of Aquinas on the subordination of the part to the whole, Pius XII made many official statements regarding the medico-moral application of the principle. He first named it as the principle of totality (13th September 1952, in his allocution to the Italian Society of Histopathologists). Our aim in this section is to present the foundation and the development of this principle of totality in moral theology, especially from the views of Aristotle and Aquinas, Pius XI, and Pius XII.

##### 1.1.1 Aristotle and Thomas Aquinas

In this section, first, we discuss the theory of the principle of totality itself by clarifying terms from Aristotle and Aquinas; and secondly, we treat its Thomistic application with regard to mutilation; and thirdly, we see briefly the principle of totality and the justification of mutilation in moral theology.

**a) Theory:** The principle of totality presupposes that “parts exist for the whole ... The good of the part is subordinated to the good of the whole; the whole is the determining factor for the part and can dispose of its own interest”. Aristotle puts it briefly as *totum quam parte, prius esse necesse est*. The main notions on which the principle grounds itself are “the whole, the part, and their mutual relationships.”

Regarding the part, Aristotle explains it in the following manner: 1) A part denotes any portion of a *quantum* into which it can “be divided, for that which is taken from *a quantum qua quantum*” remains always a part of it. For example, two can be named “in a sense a part of three.” There are two types of meaning for it. In the first place, part means “only those which measure the whole,” which includes only two. In another sense a part cannot be considered as a “part of three.” 2) Part can be understood as the constituent element of a dividable kind “apart from the quantity.” For instance, “species are part of the genus.” 3) Whole, which includes a part, can be divided. Here Aristotle uses the term ‘whole’ in the sense of “form or that which has form.” He gives the example of the bronze sphere or bronze cube which is from bronze or it can denote a portion of material body which gives form to that. 4) Finally, the constituent “elements in the definition which explain a thing are also parts of the whole.” Here, too, Aristotle gives the example of genus and species to substantiate his point. In this understanding “genus is called a part of the species,” in another understanding “the species is part of the genus”. In addition, H. Driesch understands a part as what logical nature-ness of a whole is with its constitutes.

Concerning the whole, in a general understanding it is very difficult to define. However, in everyday life we see whole things, either they are natural composites (plants, animals, human persons) or they are things made by a human person for his/her own use (machines, houses, ships). Here, the totality is seen as a harmonious development of a human person’s powers in the psychological or ethical sense. So the notion is analogous in a restricted sense, and it is transcendental. In a limited sense “a whole is properly conceived in relation to its parts, and God has no parts. But even this limited transcendentality which it enjoys makes it impossible to be defined in the strict sense of the word, viz., through genus and difference, for it transcends them all.” In general, a whole is in reference to parts and a part is in reference to a whole.

Aristotle explains the ‘whole’ in the following way. The whole is (1) “that from which is absent none of the parts of which it is said to be naturally a whole, and (2) that which so contains the things it contains that they form a unity; and this in two senses - either as being each severally one single thing, or as making up the unity between them.” According to Thomas, Aristotle’s concept of a whole includes two things: 1) “the perfection of the whole is integrated from the parts of which it is constituted;” 2) “that these parts form a unity.” Without its parts, there is no ground for the whole. Hence, the concepts of part and whole are correlative.

The idea of totality is closely related to the concept of unity. Unity does not include division, whereas there is a different intensity in the totality of a unity. Thomas makes a difference between unity as a ‘simply so unity’ (*simpliciter unum*) and as a ‘unity in some respect’ (*secundum quid unum*). A simple unity receives its species from some one element, it is the form or the composition or the order whereas a unity under one respect or other obtains its species from the multitude of its parts. For Thomas, the “substantial unity and totality comes first in order.” It is also known as the natural unity.

Thomas presents three types of ends or final causes for the parts in a whole. The first is the particular activity to which the individual part is oriented; for example, the eye is for seeing. The second considers the function as in an operation; a minor (less important) part gives service to a more important part. For instance, the veins serve the heart in the cardio-vascular system. Third, “the final cause of all the parts is the perfection of the whole that they comprise.” This includes a person’s overall well-being.

Concerning the philosophical foundation for the principle of totality in Thomas’ thinking, Martin Nolan presents that metaphysically the principle of totality is mainly concerned with the ordination of the parts to the overall perfection of the whole. This means, parts are integrated in the whole, which is a “perfect being.” At the same time parts receive their own perfection as parts in the whole. Thus, parts are destined for the good of the whole. There is a mutual interrelation of parts and whole “being directed toward the perfection of totality.”

**b) The Principle of Totality and the Justification of Mutilation by Thomas:** Moreover, with regard to the justification of mutilation,

Thomas brings the principle of totality under the topic “injuries to the person.” He raises the following question: “Is it ever legitimate to mutilate somebody?” Thomas answers from two perspectives, viz., penal and medical. With regard to medical mutilation, he observes: an organ that is endangering an individual’s whole body may legitimately be removed by his own consent for the sake of the well-being of the body as a whole, since each individual is responsible for the well being of his body as a whole. And the same reasoning applies where it is somebody else’s responsibility to look after the person with the infected organ. In any other case it is wrong to mutilate another.

Hence, one may conclude that mutilation is licit according to Thomas when it is necessary for the good of the entire body.

Concerning penal amputation, Thomas never justifies mutilation against innocent persons. Thomas observes that individual life is greater than “any component good of that life” and hence the former should not be subordinated to the latter. So only those who are entrusted with the good of the community can deprive the individual of his life.

Finally, there are three basic elements that justify mutilation in the teachings of Thomas. 1) Mutilation is justified for the well-being of the whole body. 2) It is not against the role of the human person as the protector of his/her body. This is done on the basis of a human person’s limited power over his/her body for the betterment of whole body. 3) Mutilation in the form of penalty for a crime can be done by the state.

As a whole, the application of the principle of totality by a human person depends on the principle of God’s domination over man/woman. A person’s right to mutilate parts of his/her body for the well-being of the whole is the protective responsibility of the human person over his/her life. Thomas did not develop particular limitations on human person’s right to use his/her body or, more clearly, the right of the whole’s domination over the part.

**c) The Principle of Totality and the Justification of Mutilation in Moral Theology:** The justification of mutilation on the basis of the principle of totality by moral theologians of the 17th century, viz., L. Molina, L. Leonardus, J. De Lugo, and P. Laymann followed the

same reasoning as Aquinas without any difference. We do not find any new developments in their teachings. As well, moral theologians of the 18th and the 19th centuries accepted the conclusion regarding mutilation in the same manner as their predecessors. Again, the teachings of the theologians in the first forty years of the 20th century also continued in the same traditional direction. In addition, even though the scholastics unanimously accepted the justification of mutilation by Thomas Aquinas, there are differences in the application of these principles to particular issues. 1) A diseased part is harmful to the whole body. All moral theologians unanimously agree upon a legitimate sacrifice of a part for the good of the whole. 2) Another question pertains to “the predicament of a person who was ordered by a tyrant to cut off his own hand.” The scholastic moralists hold that the “self-inflicted mutilation was licit” when “the sacrifice of the part was” to safeguard the whole. 3) Another case is “the necessity to amputate an extremity.” The example is that “the foot of a person is caught in the railroad track as the train rapidly approaches.” Traditional moralist justified “the subordination of the part to the whole.”

Above all, concerning the morality of mutilation, traditional moral theologians base their arguments on the fifth commandment, that man/woman has only a limited right over his/her body. More precisely, mutilation on the ground of the principle of totality is justified only by the physical good of the person. Further, we will see that the application of the principle of totality is considered more with medical issues during the period of Pius XI and Pius XII. In the following section we analyse the writings of Pius XI and Pius XII on the principle of totality.

### 1.1.2 Pius XI

The concept of the principle of totality is treated very briefly in the teachings of Pius XI. For instance, the encyclical *Casti Connubii* (Dec. 31, 1930), no. 23 states:

It is to be observed also that even the individual human being-as Christian doctrine teaches and the light of reason clearly shows-has no power over the members of his own body except so far as he uses them for their natural purpose; he cannot destroy or mutilate them, or in any other way render himself incapable of his natural

functions, except where there is no other way of providing for the welfare of the body as a whole.

The text justifies mutilation for the welfare of the entire body. Many argue that this paragraph is considered as the official position regarding the application of the principle of totality. G. Kelly says that Pope Pius XI presented the principle in the good composition. As one may notice Pius XI follows the teachings of Thomas. It is enough for us to say that Pope Pius XI accepts mutilation on the basis of the principle of totality in his encyclical *Casti Connubii*.

### 1.1.3 Pius XII

The real debate of the principle of totality can be seen in the writings of Pius XII. He bases his teaching on the principle of totality on the Aristotelian-Thomistic philosophical background. The official statement of the Church regarding the application of the principle of totality to medical problems can be seen mainly in the period of Pius XII. He reaffirmed, clarified, and applied the principle of totality to medico-moral questions in many addresses delivered from 1944-1958. According to him, “a part of the body has no meaning outside its reference to the whole that as a part is to be thought of only in relation to the whole.” He applied the principle of totality to the human person (physical totality) and the society (moral totality). In the following sections we describe these aspects of the principle of totality.

#### 1.1.3.1 The Physical Concept of the Principle of Totality: The Human Person

Pius XII explained the physical totality of the human person in the context of his discussion on 1) the human person and metaphysics, 2) the human person as an integral totality, 3) the well-being of the whole person, 4) the rights of the person and the principle of totality.

1) Human Person and Metaphysics: Pius XII does not limit unity and totality of a human being only to the physical organic unity but he discusses the principle in relation to the metaphysical foundations, which means it takes to the “plan of nature which is that of the Creator.” On September 30, 1954, at the Eighth Assembly of the World Medical Association, he asserted that the foundation on which a medical ethics was to be built upon “being, reason and God.”

Pius XII further observed that a human person's totality comes from the essential nature of body and soul. It is the "substantial form" of the human body which makes a human being an integral whole. In the Congress of Psychotherapy and Clinical Psychology on April 15, 1953, he named soul the main constituent of human beings as "the substantial form of human nature." He also pointed out that the soul was the source of all human life activities and psychic forces. From a rational point of view, especially from the philosophical view, soul is the "substantial form of the body." This means that "the parts in this whole are determined in structure and estimated in value." Hence, totality does not depend on personal judgment, but it is pointed to the essence of the human being. Pius XII presents, "the essential man, the *homo ut sic* does not exist; only the existential man, the *homo ut hic*, is circumscribed in place and time." The structure of the personal ego, even in its minute state is characterized by the "ontological and metaphysical laws of human nature."

The metaphysical aspect of the soul bestows on every human being, finally, his/her unity and totality. From womb to tomb a human being is a metaphysical personality. He/she retains his/her unity and totality irrespective of his/her physical and mental conditions and illness because this unity and totality belongs to his/her very nature. So Pius XII argues that a metaphysical personality has the right to life and also includes bodily integrity. Since one receives one's rights from God, one has a duty to protect oneself from danger.

2) The Human Person an Integral Totality: In order to understand the human person as an integral totality, one has to understand Pius XII's text properly. He writes that "each of the members, for example the hand, the foot, the heart, the eye, is an integral part destined by all its being to be inserted in the whole organism. Outside the organism it has not by its very nature, any sense, any finality." Many understood this passage narrowly to mean the limited applicability of the principle of totality to a strictly physical wholeness. A correct reading of Pius XII's texts never limits the applications of the principle of totality to the physical perspectives of human life. Physicians and the surgeons are more interested in the organic nature of human body. But the body is dependent on the spiritual soul. The total harmony is seen as the togetherness of the body parts. This would mean that "[a]ll the members, faculties and functions fulfil their part for the good of the

whole, and the value of each is measured by the good of the whole." So the unity between the parts is physical and "together with the soul one substantial whole" is formed. Furthermore, Pius XII stressed the priority of the soul in human beings who are a composite of matter and form. For him, the principle of totality includes the whole being of man/woman, not simply its physical side. This shows the integral totality of a human being, which is both physical and spiritual.

3) The Principle of Totality as the Well-being of the Whole Person: The principle of totality aims at the subordination of a part to the good of the whole: This means the good of the whole person "not with the extrinsic finality of the whole, but with the intrinsic or immanent good of the being in question." Totality leads to the attainment of God.

One can find both the physical and spiritual good of the whole person in the concept of the principle of totality. In some addresses Pius XII refers the principle of totality to the physical well-being of the whole body. For instance, at the Italian Medical-biological Union of St. Luke (Nov. 12, 1944) his address reads as follows:

*In forming man, God regulated each of his functions, assigning them to the various organs. In this way, he distinguished those which are essential to life from those which contribute only to the integrity of the body, however precious be the activity, well being, and beauty of this last. At the same time, God fixed, prescribed, and limited the use of each organ. He cannot therefore allow man now to arrange his life and the functions of his organs according to his own taste, in a manner contrary to the intrinsic and immanent function assigned them.*

Similar ideas can be seen in the first International Congress on the Histopathology of the Nervous System (September 13, 1952), the International Commission for the documentation of Military medicine (October 19, 1953), the allocution to the promoters of the Italian association of corneal donors (May 14, 1956). In all of the above referred addresses, Pius XII points out the principle of totality to the physical good of the whole body, which means the parts, are aimed at the well-being of the whole organism.

However, Pius XII also mentions that the principle of totality includes both the physical and the spiritual good of the whole person.

The person is not a mere thing but a whole person. At the International Congress of the International College of Neuro-Psycho-Pharmacology (September 9, 1958) he clearly expresses that a human person consists of a physical organism and an immortal soul. The point is that the principle of totality also describes the good of the whole person. Pius XII's idea of physical well-being is subordinated to the person as a whole. More concretely, it aims at the total good of the person. John Connery observes that the phrase 'total good of the person' is applied in the medico-moral use of the principle of totality. Similarly, Gerald Kelly observes that Pius XII was not simply concerned about the "physical organism" alone; rather, he had also spoken of the 'being as a whole' which is to be best understood as the person.

The human being is seen in a broad sense of integral totality which includes both quantitative and qualitative parts. Pius XII, speaking to the Fifth International Congress of Psychotherapy and Psychology, explains: "[t]he various psychic faculties and functions form part of the whole spiritual being, and are at the service of its final purpose." He says that physicians and psychologists are more interested in the psychological personality of the human beings rather than in the metaphysical personality. Pius XII further remarks: "the psychosomatic unity of man in so far as it is determined and governed by the soul." So the human being is a psychosomatic unity. This means the "mutual influence of body and soul." To summarize, in the observation of Martin Nolan, Pius XII makes a harmonious union between the physical element and the spiritual element in the principle of totality, which points to the good of the whole person. To put it differently, the totality of the person subsists "as a spiritual-material entity," which we can see in his allocution to the International College of Neuro-Psycho-Pharmacology.

**4) Rights of the Person and the Principle of Totality:** Many addresses of Pius XII present the principle of totality in connection with the rights of the human person. There are two basic principles for this, viz., 1) the human person is only the administrator and God is the owner of the body; 2) the human person has the right to dispose of his/her organs for the well-being of the whole body. In his address to the Italian Medical-Biological Union of St. Luke (November 12, 1944) Pius XII reminds that since it is God who designed the organs

with special functions and use, man/woman cannot rearrange them in such a way that these organs function in a "manner contrary to the original intrinsic" functioning.

Regarding the right to remove the part for the good of the whole, he teaches in the First International Congress on the Histopathology of the Nervous System (September 13, 1952): "... [man/woman] does not possess unlimited power to allow acts of destruction or of mutilation of anatomic or functional character. But in virtue of the principle of totality, of his right to employ the services of the organism as a whole." Similarly, at the meeting of the Italian Society of Urology, on October 8, 1953 Pius XII speaks of the justification of the mutilation of an organ in the case of serious danger to the whole body.

However, Pius XII also clarifies how one person can use his/her rights. He observes that doctors and nurses have no right to use patients for medical research and experimentation, when they create a serious danger to the person. He further observes, during the Allocution to the Sixteenth Session of the International Office for the Documentation of Military Medicine, that the patient does not have the right to cease either the integrity or the very existence of his/her own organism. Nor should he/she assume the right to remove his/her own organs except to the extent it is required for the good of the whole organism. The same argument is expressed in his allocution to the Urologists on October 8, 1953, and his address to the International College of Neuro-Psycho-Pharmacology, September 9, 1958.<sup>86</sup>

In simple terms, the teachings of Pius XII on the principle of totality can be summarized as follows: The principle of totality is seen in an integral manner, which includes spiritual and physical dimensions.

### **Different Views of the Principle of Totality**

Theologians interpret principle of totality from different perspective. The main types of the interpretations include physicalist and integrated concept of the principle of totality.

#### **1.2.1 The Physicalist Concept of the Principle of Totality**

In the history of moral theology, one can see the concept of physicalism and ecclesiastical positivism. Physicalism means: the modality of application of theological principles whereby the emphasis is placed on the physical *finis operis*, *objectum*, or actual physical



properties, motions, and goals of the action under consideration. Within a static natural law understanding of human nature, the ethical judgements arrived at are considered to be universally applicable to all situations involving the same physical act.

The history of Roman Catholic medical ethics discloses a gradual shift of emphasis from physicalism to ecclesiastical positivism (from about 1940 to 1960). One cannot find a definite dividing line between the time of the development of physicalism and its approval by ecclesiastical authorities in medical ethics. Ecclesiastical positivism is defined as a “specific kind of theological voluntarism or metaethical supernatural absolutism.” The main point is that the divine will is presented by the revelation that is given through the interpretations and pronouncements of the Catholic Church. Hence, the rightness and the wrongness of the action is judged by the authority of the Church. As a whole, we can say that ecclesiastical positivism acted on the basis of an authoritative defence of physicalistic criteria and on the conclusions reached in accordance with it. Thus, the principle of totality is used only for the justification of the physical good of the person.

The physicalist concept of the principle of totality can be seen in the teachings of several moral theologians. For instance, Austin O’Malley observes that “a direct mutilation may be permitted when it is for the physical good of the patient’s own body, but not for any other reason,” otherwise it is de-ordination. It is against the authority of God. Hence, for him, “direct mutilation is not permissible to effect immediately a spiritual good, or the good of the soul.” Similarly, P. Finney, D. Prümmer, H. Merkelbach, H. Noldin, A. Tranquerey, H. Davis, S. A. La Rochelle and C. T. Fink, C. McFadden, J. Kenny, J. Paquin, E. Healy, N. Lohkamp, L. Bender, and P. Palazzini held more or less the same idea.

Furthermore, concept of the principle of totality can be seen in the teachings of Paul VI in *Humanae Vitae* (July 25, 1965). The main aim of the encyclical is the regulation of birth. Our purpose is only to show the understanding of the principle of totality in *Humanae Vitae*. We see that sections 3, 14, 15 (footnote 19) and 17 of *Humanae Vitae* deal with the principle of totality. Joseph Selling analyses the principle of totality as expressed in *Humanae Vitae*. The principle of totality can be seen from three perspectives, viz., arguments A, B,

and C. Argument A refers to the traditional understanding of the principle of totality which is used by Pius XII: When one part of the organ is diseased, it can be removed for the good of the whole. This argument concerns only the sick organs and not the healthy organs. For instance, it cannot be applied to the cases of “direct sterilization” in which healthy sex organs are involved “or pregnancy (even if related complications may threaten the health of the mother).” Argument B is not based purely on the principle of totality. The reason is that “it deals neither with the health of the organism nor with the specific physical acts. Rather, this is the reasoning outlined above as found in the Commission’s report that applied a principle (intrinsic orientation of sexuality to procreation) to the totality of marriage.” Argument C states that the principle of totality should be understood on the basis of the spiritual, psychological, social, and physical perspectives of the human person.

Another understanding of the principle of totality is that “which does not relate to any principle as such but seems to be a restatement of the ‘indissoluble connection’ idea.” More clearly, applying this argument to the “act of coitus” we may say that, intercourse is an act of totality in itself. Any interference, like contraception, deprives this act of coitus of its totality and hinders it from realizing its ends, especially “the expression of love.” Selling says that this is another argument for justifying the conclusions of *Humanae Vitae*. He evaluates arguments A, B and C in *Humanae Vitae* as follows: the encyclical names [argument] B (*Humanae Vitae*, 3) and rejects it (*Humanae Vitae*, 14) while restating A to be the only valid use of the principle of totality (*Humanae Vitae*, 17; it is also invoked in n. 19 to para. 15 on therapeutic means). It is unfortunate that it did not deal directly with argument C, but it would seem safe to assume that this, too, would be rejected because “an evil cannot be used to bring about a good” (*Humanae Vitae*, 14), and because the appeal to artificially ordering conception for the sake of higher values is also precluded (*Humanae Vitae*, 16).

Janet E. Smith also observes that the footnote reference of *Humanae Vitae* no. 17 mentions the principle by which somebody can formulate an argument against the use of the principle of totality to justify contraception. He writes that “those who dissent from *Humanae Vitae* on the basis of the principle of totality have in

fact no basis for dissent...The principle of totality cannot ground the claim that singular acts which, taken as such are offensive, cease to be so when considered in the light of the moral life taken as a whole. The moral imperative is not that we should act well more often than not. Rather it is: Do well and avoid evil.” Paul VI uses Pius XII’s interpretation of the principle of totality. It is interesting to note that Pius XII uses the principle of totality for removal of an organ that is harmful for the healthy organs. Many authors argue that Pius XII did not condemn living organ donation, though he could have done so on several occasions. Likewise, the traditional understanding of the composition of the principle of totality makes a good deal of progress. For instance, mutilation is prohibited except in case of genuine necessity.

Louis Janssens comments on the principle of totality as given in *Humanae Vitae*. According to him, “... if the principle of totality imposes some limits on our rights over our body, it does not define “insurmountable limits (*Humanae Vitae* 17).” For example, living organ donation is morally justified on the basis of charity if the organ donation does not prevent the organic function of the donor. The principle of totality became an absolute principle in *Humanae Vitae*. Louis Janssens notes that the relational reality will overcome the biological principle of totality.

In short, we argue that *Humanae Vitae* does not mention living organ donation and transplantation, it gives stress to the concept of the principle of totality in the context of sterilization and contraception. From these perspectives, we will debate the integrated approach of the principle of totality in the next section.

### **An Integrated Concept of the Principle of Totality**

Theologians argue that “good of the whole” means not only the good of the physical organism, but also the good of the whole person. A. M. Hamelin observes that “it is not the principle of totality in itself that licenses these acts in which the individual exercise his rights over his body. It is only a criterion assuring man’s prudent usage of the goods entrusted to him by the Creator. Human goods, let us not forget, are made for man’s use; man himself is created for God.” Here, the bodily organs (diseased or not) and the total good of the person in question are taken into consideration. We can find the

relation between common good and the principle of totality. For instance, Thomas Aquinas mentions as “a particular good is ordered to the common good as to an end; indeed, the being of a part depends on the being of the whole. So, also, the good of a nation is more godlike than the good of one man.” In this section, we present mainly the arguments of A. Vermeersch, Bert Cunningham, Gerald Kelly, and, briefly, the views of other scholars who have taken the integrated approach on the principle of totality to justify mutilation.

A. Vermeersch is the first moral theologian to justify mutilation in the case of skin-graft and blood transfusion on the basis of unity of human nature. He argues: “Must there not be admitted some ordination of our members to the body of the neighbor?” This points out an integrated concept of the principle of totality, which includes both the spiritual and the physical concept to justify mutilation. This type of argumentation can be seen in the writings of many moral theologians.

Again, Bert Cunningham rejects explicitly the physicalist approach in Catholic medical ethics in his dissertation on the *Morality of Organic Transplantation*. He has done this in presenting his judgement concerning the question of organ transplantation. Cunningham quotes a number of Fathers and theologians on the question of God’s dominion over life. He analyses the view of Thomas Aquinas (*Summa Theologica, Secunda Secundae, q. 65, a.1*) on shaping of the principle of totality. With a physicalistically limited principle of totality, one would argue, “man does not have absolute dominion over his body.” Here mutilation is permitted only for the physical good of the body. But Cunningham makes a change in these restrictions in the case of organ transplants. He observes that “direct mutilations are indeed licit according to the principle of totality, if this principle is extended to include not only the particular physical body from which the organ is removed, but the entire Mystical Body of Christ.” Cunningham uses this type of concept of the principle of totality here.

Gerald Kelly holds that the principle of totality itself must be limited to the good of the individual physical organism. According to him, the principle of totality has a physicalist limitation. He strongly argues that the principle of totality can be used in the case of the subordination of part to the whole. Since each person is different and society is for the individual, there is no such type of subordination between human

beings or between persons and society. Hence, for G. Kelly, “no mutilation for the good of the neighbour, even a minor mutilation, can be justified by the principle of totality.” Though G. Kelly interprets the principle of totality in the strict sense, he allows mutilation especially in the case of organ donation and transplantation on the ground of charity. This may be considered as an integrated concept of the principle of totality.

### Relevance in Bioethics

We argue that principle of totality is relevant in many bioethical issues. However, there are theologians who criticises the relevance of the principle of totality in bioethical issues. They have seen it from the physicalist perspective. This happened because of the one-sided understanding of the principle. Principle of totality is an adequate principle in Catholic bioethics. For instance, Pius XII points out a harmonious relation between the physical element and the spiritual element in the principle of totality, which reveals the good of the whole person. He says that society cannot use individual for evil purposes. He also makes the difference between physical entity and the moral entity. In his opinion, principle of totality can be applied to the physical entity. This type of interpretation expresses the unjust discrimination.

Theologians have seen the principle of totality in relation with functional integrity. McFadden made a significant division between functional integrity and anatomical integrity. B. M. Ashley & K. D. O’Rourke presents their own formulation of the principle of totality and calls it the principle of ‘Totality and Integrity.’ It reads as follows: “Except to save life itself, the fundamental functional capacities which constitute the human person should not be destroyed, but preserved, developed, and used for the good of the whole person and of the community.” On the one side this principle grants priority for some human values over others. On the other side, it breaks the “fundamental integrity” of human person for certain kind of worth, “except in the most extreme choice between life and death.”

Organ donation and transplantation is the best example of principle of totality which explains its use in bioethical issues. Principle of totality justifies living organ donation and transplantation. For Benedict M. Ashley and Kevin D. O’Rourke, organ transplants are justified when

the functional integrity of the donor is maintained. They give a summary of moral teaching of the theologians on living organ donation and they present certain principles for living organ donation and transplantation: 1) There should be a serious need faced by the patient, which can only be satisfied by organ donation. 2) Even if donation reduces “anatomical integrity, it should not diminish the “functional integrity” of the person. 3) The risk in donation as “an act of charity is [to be] proportionate to the good resulting for the recipient.” 4) There should be “free and informed consent” by the donor. All these norms can be seen in the principle of totality.

The 1975 Ethical and Religious Directives for Catholic Health Care Facilities states that “[t]he transplantation of organs from living donors is morally permissible when the anticipated benefit to the recipient is proportionate to the harm done to the donor.” The Directives also mention that the donations of organ do not reduce the “functional integrity” of one’s body. Moreover, the 1994 Directives, section no. 30 directly deals with living organ donation and transplantation. It reads as follows:

The transplantation of organs from living donors is morally permissible when such a donation will not sacrifice or seriously impair any essential bodily function and the anticipated benefit to the recipient is proportionate to the harm done to the donor. Furthermore, the freedom of prospective donor must be respected, and economic advantage should not accrue to the donor.

Principle of totality defends basic human values. Our assessment in this article shows that the historical root of the principle of totality is based on the sanctity of life concept. It always protects human life from the beginning to the end. It is against, murder, killing, harm to the people. This is very clear from the application of the principle of totality which depends on the whole and its parts. Many moral theologians argue for the justification of mutilation by the principle of totality on the basis of the well-being of the body. Parts are destined for the whole means; the diseased part can be removed for the well-being of the body.

Moreover, principle of totality promotes the virtue of charity. This is also obvious from the case of organ donation and transplantation. According to Torracco Stephen, whenever the Magisterium speaks of

organ donation it simply speaks about charity as the motivating force behind it. Until *Veritatis Splendour*, the Magisterium has not dealt with the specific act of mutilation involved in organ donation apart from its intention and circumstances. And even in VS, there are only passing remarks. The morality of major mutilation is justified in terms of charity, and the supernatural virtue of charity transcends the natural principle of totality. The point of Torraco Stephen is that “there is an aspect of organ donation that can be extremely helpful in gaining a deeper appreciation of the meaning of the intrinsically evil.” John Paul II justifies organ donation and transplantation based on charity in general. In the address on blood and organ donations of August 1984, John Paul II commended the National Association of Italian volunteer blood and organ donors for their spirit and initiative. He urged them “to promote and encourage such a noble and meritorious act as donating your own blood or an organ to those of your brothers and sisters who have need of it.” The donation of blood and organs is a sign of generous inspiration of the heart. It is, at the same time, human and Christian solidarity. This means the love of neighbour, which is rooted in the Gospel message of the new commandment, namely, love one another (John 13: 34). In addition, in an address to a Congress on Renal Illness and Transplants (April 30, 1990), he speaks about the Church’s main concern for renal illness and donations. The Pope asks the directors of Catholic institutions to encourage this generous act of organ donations: “Those who believe in our Lord Jesus Christ, who gave his life for the salvation of all, should recognize in the urgent need for a ready availability of organs for renal transplants a challenge to their generosity and fraternal love.” Further, in his address to the participants of the first International Congress of the Society Organ Sharing (June 20, 1992), the Pope considered organ transplantation as a new way of serving the human family. In organ transplantation man/woman has found a way to give himself/herself, in blood and body. This gesture allows others to continue to live. This gift is actually an authentic form of human and Christian solidarity. Similarly, John Paul II writes in *Evangelium Vitae* no. 86 that organ donation is an act of love when it is done in an ethical manner.

The principle totality is against intrinsically evil act. This is very understandable from paid organ donation. Donation for the sake of money is an intrinsically evil act. The Boston-based Council for

Responsible Genetics declared that “the commercialization and expropriation of these life materials is a violation of the sanctity of human, animal, and plant life.” It amounts to a decreased respect for life and the sanctity of the human body. R.C. Fox observes that commodification of the human body is the most serious argument against commerce. Organ donation becomes an intrinsically evil act when it leads to the reduction of a human person to a form of marketplace parts. In reference to blood donation, John Keown also notes that paid donation makes the human body a property. It regards the human body as property in which one does not find the subjective dimension of human person. Again, he argues that “the morally undesirable form of exploitation is the use of people for our own ends in ways that are detrimental to those people and/or that fail to respect their own autonomy.” U. Fasting, J. Christian & S. Glending observes that there is a highly profitable black market trade in human organs. Even children have been kidnapped. Sometimes they will re-appear later lacking one kidney. Other times they are killed to have all their transplantable organs removed for profit. Thus Church teaches that the principle of totality cannot be applied to paid organ donation.

#### **Practical Applications of the Principle of Totality**

- Surgeries that needlessly remove body parts or organs are immoral.
- Tattoos and piercings are not inherently immoral but they may be immoral if they deface the body by quantity or content.
- Torture is a moral evil because it seeks to dis-integrate the body and the spirit
- Self-mutilation is self-hatred expressed through spite of the body
- That chemical contraception effectively shuts down a healthy bodily system is part of what makes it immoral.
- Even if the pro-choice argument that an embryo is part of the woman’s body rather than an independent human person is true, it should not be removed except when its presence endangers the woman’s life.

## Chapter 6

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### Principle of Double Effect

The doctrine (or principle) of double effect is often invoked to explain the permissibility of an action that causes a serious harm, such as the death of a human being, as a side effect of promoting some good end. According to the principle of double effect, sometimes it is permissible to cause a harm as a side effect (or “double effect”) of bringing about a good result even though it would not be permissible to cause such a harm as a means to bringing about the same good end.

#### 1. Formulations of the principle of double effect

Thomas Aquinas is credited with introducing the principle of double effect in his discussion of the permissibility of self-defense in the *Summa Theologica* (II-II, Qu. 64, Art.7). Killing one’s assailant is justified, he argues, provided one does not intend to kill him. In contrast, Augustine had earlier maintained that killing in self-defense was not permissible, arguing that “private self-defense can only proceed from some

degree of inordinate self-love.” Aquinas observes that “Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention. ... Accordingly, the act of self-defense may have two effects: one, the saving of one’s life; the other, the slaying of the aggressor.” As Aquinas’s discussion continues, a justification is provided that rests on characterizing the defensive action as a means to a goal that is justified: “Therefore, this act, since one’s intention is to save one’s own life, is not unlawful, seeing that it is natural to everything to keep itself in being as far as possible.” However, Aquinas observes, the permissibility of self-defense is not unconditional: “And yet, though proceeding from a good intention, an act may be rendered unlawful if it be out of proportion to the end. Wherefore, if a man in self-defense uses more than necessary violence, it will be unlawful, whereas, if he repel force with moderation, his defense will be lawful.”

The passage can be interpreted as formulating a prohibition on apportioning one’s efforts with killing as the goal guiding one’s actions, which would lead one to act with greater viciousness than pursuing the goal of self-defense would require.

Later versions of the double effect principle all emphasize the distinction between causing a morally grave harm as a side effect of pursuing a good end and causing a morally grave harm as a means of pursuing a good end. We can summarize this by noting that for certain categories of morally grave actions, for example, causing the death of a human being, the principle of double effect combines a special permission for incidentally causing death for the sake of a good end (when it occurs as a side effect of one’s pursuit of that end) with a general prohibition on instrumentally causing death for the sake of a good end (when it occurs as part of one’s means to pursue that end). The prohibition is absolute in traditional Catholic applications of the principle. Two traditional formulations appear below.

*The New Catholic Encyclopedia* provides four conditions for the application of the principle of double effect:

1. The act itself must be morally good or at least indifferent.
2. The agent may not positively will the bad effect but may permit it. If he could attain the good effect without the bad effect he should do so. The bad effect is sometimes said to be indirectly voluntary.

3. The good effect must flow from the action at least as immediately (in the order of causality, though not necessarily in the order of time) as the bad effect. In other words the good effect must be produced directly by the action, not by the bad effect. Otherwise the agent would be using a bad means to a good end, which is never allowed.
4. The good effect must be sufficiently desirable to compensate for the allowing of the bad effect (p. 1021).

The conditions provided by Joseph Mangan include the explicit requirement that the bad effect not be intended:

A person may licitly perform an action that he foresees will produce a good effect and a bad effect provided that four conditions are verified at one and the same time:

1. that the action in itself from its very object be good or at least indifferent;
2. that the good effect and not the evil effect be intended;
3. that the good effect be not produced by means of the evil effect;
4. that there be a proportionately grave reason for permitting the evil effect” (1949, p. 43).

In both of these accounts, the fourth condition, the proportionality condition is usually understood to involve determining if the extent of the harm is adequately offset by the magnitude of the proposed benefit.

Double effect might also be part of a secular and non-absolutist view according to which a justification adequate for causing certain harm as a side effect might not be adequate for causing that harm as a means to the same good end under the same circumstances. Warren Quinn provides such an account while also recasting double effect as a distinction between direct and indirect agency. On his view, double effect “distinguishes between agency in which harm comes to some victims, at least in part, from the agent’s deliberately involving them in something in order to further his purpose precisely by way of their being so involved (agency in which they figure as intentional objects), and harmful agency in which either nothing is in that way intended for the victims or what is so intended does not contribute to their harm” (1989, p. 343). Quinn explains that “direct agency requires

neither that harm itself be useful nor that what is useful be causally connected in some especially close way with the harm it helps bring about” (1989, p. 344). He remarks that “some cases of harming that the doctrine intuitively speaks against are arguably not cases of intentional harming, precisely because neither the harm itself (nor anything itself causally very close to it) is intended” (1991, p. 511). On this view, the distinction between direct and indirect harmful agency is what underlies the moral significance of the distinction between intended and merely foreseen harms, but it need not align perfectly with it.

## 2. Applications

Many morally reflective people have been persuaded that something along the lines of double effect must be correct. No doubt this is because at least some of the examples cited as illustrations of DE have considerable intuitive appeal:

1. The terror bomber aims to bring about civilian deaths in order to weaken the resolve of the enemy: when his bombs kill civilians this is a consequence that he intends. The tactical bomber aims at military targets while foreseeing that bombing such targets will cause civilian deaths. When his bombs kill civilians this is a foreseen but unintended consequence of his actions. Even if it is equally certain that the two bombers will cause the same number of civilian deaths, terror bombing is impermissible while tactical bombing is permissible.
2. A doctor who intends to hasten the death of a terminally ill patient by injecting a large dose of morphine would act impermissibly because he intends to bring about the patient’s death. However, a doctor who intended to relieve the patient’s pain with that same dose and merely foresaw the hastening of the patient’s death would act permissibly. (The mistaken assumption that the use of opioid drugs for pain relief tends to hasten death is discussed below in section 5.)
3. A doctor who believed that abortion was wrong, even in order to save the mother’s life, and might nevertheless consistently believe that it would be permissible to perform a hysterectomy on a pregnant woman with cancer. In carrying out the hysterectomy, the doctor would aim to save the woman’s life while merely

foreseeing the death of the fetus. Performing an abortion, by contrast, would involve intending to kill the fetus as a means to saving the mother.

4. To kill a person whom you know to be plotting to kill you would be impermissible because it would be a case of intentional killing; however, to strike in self-defense against an aggressor is permissible; even if one foresees that the blow by which one defends oneself will be fatal.
5. It would be wrong to throw someone into the path of a runaway trolley in order to stop it and keep it from hitting five people on the track ahead; that would involve intending harm to the one as a means of saving the five. But it would be permissible to divert a runaway trolley onto a track holding one and away from a track holding five: in that case one foresees the death of the one as a side effect of saving the five but one does not intend it.
6. Sacrificing one's own life in order to save the lives of others can be distinguished from suicide by characterizing the agent's intention: a soldier who throws himself on a live grenade intends to shield others from its blast and merely foresees his own death; by contrast, a person who commits suicide intends to bring his or her own life to an end.

### 3. Misinterpretations

Does the principle of double effect play the important explanatory role that has been claimed for it? To consider this question, one must be careful to clarify just what the principle is supposed to explain. Three misinterpretations of the principle's force or range of application are common.

First, it is a misinterpretation to claim that the principle of double effect shows that agents may permissibly bring about harmful effects provided that they are merely foreseen side effects of promoting a good end. Applications of double effect always presuppose that some kind of proportionality condition has been satisfied. Traditional formulations of the proportionality condition require that the value of promoting the good end outweigh the disvalue of the harmful side effect.

For example, a physician's justification for administering drugs to relieve a patient's pain while foreseeing the hastening of death as a

side effect does not depend only on the fact that the physician does not intend to hasten death. After all, physicians are not permitted to relieve the pain of kidney stones or childbirth with potentially lethal doses of opiates simply because they foresee but do not intend the causing of death as a side effect! A variety of substantive medical and ethical judgments provide the justificatory context: the patient is terminally ill, there is an urgent need to relieve pain and suffering, death is imminent, and the patient or the patient's proxy consents. Note that this last constraint, the consent of the patient or the patient's proxy, is not naturally classified as a concern with proportionality, understood as the weighing of harms and benefits.

Michael Walzer (1977) has argued that an additional condition is required: those agents minimize the foreseen harm even if this will involve accepting additional risk or foregoing some benefit. Whether this kind of condition is satisfied may depend on the agent's current circumstances and the options that exist. For example, as techniques for managing pain, for titrating the doses of pain-relieving medication, and for delivering analgesic medication have been refined, what might in the past have been an adequate justification for hastening death in the course of pain relief would now fail because current techniques provide the better alternative of managing pain without the risk of hastening death.

A second misinterpretation is fostered by applications of double effect that contrast the permissibility of causing a harm as a merely foreseen side effect of pursuing a good end with the impermissibility of aiming at the same kind of harm as one's end. Since it is widely accepted that it is wrong to aim to produce harm to someone as an end, to rule this out is not part of double effect's distinctive content. The principle presupposes that agents do not aim to cause morally grave harms as an end and seeks to guide decisions about causing harm in pursuing a morally good end. For example, double effect contrasts those who would (allegedly permissibly) provide medication to terminally ill patients in order to alleviate suffering with the side effect of hastening death with those who would (allegedly impermissibly) provide medication to terminally ill patients in order to hasten death in order to alleviate suffering. In the allegedly impermissible case, the physician's ultimate end is a good one - to alleviate suffering- not to cause death.

The principle of double effect is directed at well-intentioned agents who ask whether they may cause a serious harm in order to bring about a good end of overriding moral importance when it is impossible to bring about the good end without the harm. A third common misinterpretation of double effect is to assume that the principle assures agents that they may do this provided that their ultimate aim is a good one that is ordinarily worth pursuing, the proportionality condition is satisfied and the harm is not only regretted but minimized. That is not sufficient: it must also be true that causing the harm is not so implicated as part of an agent's means to this good end that it must count as something that is instrumentally intended to bring about the good end. Some discussions of double effect wrongly assume that it permits acts that cause certain kinds of harm because those harms were not the agent's ultimate aim or were regretted rather than welcomed. The principle of double effect is much more specific than that. Harms that were produced regretfully and only for the sake of producing a good end may be prohibited by double effect because they were brought about as part of the agent's means to realizing the good end. Double effect is silent about cases in which harm might permissibly be brought about as a means to a good end.

#### **4. One principle or many loosely related exceptions?**

It is not at all clear that all of the examples that double effect has been invoked to justify can be explained by a single principle.

Proponents of the principle of double effect have always acknowledged that a proportionality condition must be satisfied when double effect is applied, but this condition typically requires only that the good effect outweigh the foreseen bad effect or that there be sufficient reason for causing the bad effect. Some critics of the principle of double effect have maintained that when double effect has been invoked, substantive independent justifications for causing the kind of harm in question are implicitly relied upon, and are in fact, doing all of the justificatory work. These independent considerations are not derived from the distinction between intended and merely foreseen consequences and do not depend on it (Davis (1984), McIntyre (2001)). If this criticism is correct, then perhaps the cases that have been cited as applications of the principle of double effect

are united only by the fact that each is an exception to the general prohibition on causing the death of a human being.

The historical origins of the principle of double effect as a tenet of Catholic casuistry might provide a similar explanation for the unity of its applications. If one were to assume that it is absolutely prohibited to cause the death of a human being, then it would not be permissible to kill an aggressor in self-defense, to sacrifice one's life to protect others, to hasten death as a side effect of administering sedation for intractable pain, or to endanger non-combatants in warfare. If one were to assume instead that what is absolutely prohibited is to cause the death of a human being intentionally, then these cases can be viewed as cases of non-intentional killing. Controversy about the principle of double effect concerns whether a unified justification for these cases of non-intentional killing can be provided and if so, whether that justification depends on the distinction between intended and merely foreseen consequences.

Critics of the principle of double effect claim that the pattern of justification that these cases share requires that the agent acts in order to promote a good end, shows adequate respect for the value of human life in so acting, has attempted to avoid or minimize the harm in question, but that the justification for causing the harm in question depends on substantive considerations that are not derived from the contrast between intention and foresight.

T.M. Scanlon (2008) has recently developed this kind of criticism by arguing that the appeal of the principle of double effect is, fundamentally, illusory: an agent's intentions are not relevant to the permissibility of an action in the way that the proponents of the principle of double effect would claim, though an agent's intentions are relevant to moral assessments of the way in which the agent deliberated. That an agent intended to bring about certain harm does not explain why the action was impermissible, but it can explain what is morally faulty about the agent's reasoning in pursuing that line of action.

#### **5. End of Life Decision-Making**

The principle of double effect is often mentioned in discussions of what is known as palliative care, medical care for patients with terminal illness in need of pain relief. Three assumptions often operate in the background of these discussions:



1. The side effect of hastening death is an inevitable or at least likely result of the administration of opioid drugs in order to relieve pain.
2. The hastening of death is a not unwelcome side effect of providing pain relief in the context of palliative care.
3. It would be impermissible to hasten death intentionally in order to cut short the suffering of a terminally ill patient.

When these assumptions are made, double effect seems to provide at least part of a justification for administering drugs to relieve pain.

Yet the first assumption is false. Physicians and researchers have insisted repeatedly that it is a myth that opioids administered for pain relief can be expected to hasten death (Sykes and Thorns, 2003 provide a review of a large number of studies supporting this claim). There is no research that substantiates the claim that opioid drugs administered appropriately and carefully titrated are likely to depress respiration. In a survey of research bearing on this issue, Susan Anderson Fohr (1998) concludes: "It is important to emphasize that there is no debate among specialists in palliative care and pain control on this issue. There is a broad consensus that when used appropriately, respiratory depression from opioid analgesics is a rarely occurring side effect. The belief that palliative care hastens death is counter to the experience of physicians with the most experience in this area." The mistaken belief that pain relief will have the side effect of hastening death may have the unfortunate effect of leading physicians, patients, and the patients' families to under treat pain because they are apprehensive about causing this alleged side effect.

The appropriate conclusion, then, is that double effect plays no role whatsoever in justifying the use of opioid drugs for pain relief in the context of palliative care. Why is double effect so frequently mentioned in discussions of pain relief in the context of palliative care if its application rests on (and thereby perpetuates) a medical myth? The popularity and intuitive appeal of this alleged illustration of double effect may have two sources. First, the point of mentioning the permissible hastening of death as a merely foreseen side effect may be to contrast it with what is deemed morally impermissible: administering drugs that are not pain relievers to a patient with a terminal illness in order to hasten death and thereby cut short the

patient's suffering. Second, the myth that pain relief hastens death might have persisted and perpetuated itself because it expresses the compassionate thought behind the second assumption: that the hastening of death may be a welcome side effect of administering pain relief to patients at the end of life.

Yet even this apparently compassionate assumption may be unduly paternalistic. Patients receiving palliative care whose pain can be adequately treated with opioid drugs may well value additional days, hours or minutes of life. It is unjustified to assume that the hastening of death is itself a form of merciful relief for patients with terminal illnesses and not a regrettable side effect to be minimized. Recall that the most plausible formulations of double effect would require agents to seek to minimize or avoid the merely foreseen harms that they cause as side effects. On this point, popular understandings of double effect, with the second assumption in place, may diverge from the most defensible version of the principle.

Some members of the U.S. Supreme Court invoked double effect as a justification for the administration of pain-relieving drugs to patients receiving palliative care and also as a justification for the practice known as terminal sedation in which sedative drugs are administered to patients with intractable and untreatable pain in order to induce unconsciousness (*Vacco et al. v. Quill et al.*, 117 S.Ct. 2293 (1997)). If artificial hydration and nutrition are not provided, sedation undertaken to deal with intractable pain may well hasten death. (If death is immediately imminent, then the absence of hydration and nutrition may not affect the time of death.) The most plausible and defensible version of the principle of double effect requires that the harmful side effect be minimized, so the principle of double effect provides no justification for withholding hydration and nutrition in cases in which death is not immediately imminent. The decision to withhold hydration and nutrition seems to depend on a judgment that death would not be harm to the patient who has been sedated. In circumstances in which it would not be a harm to cause a person's death, the principle of double effect does not apply.

Terminal or full sedation is a response to intractable pain in patients suffering from terminal illness. It involves bringing about a set of conditions (sedation, unconsciousness, the absence of hydration and

nutrition) that together might have the effect of hastening death if death is not already imminent. In any case, these conditions make death inevitable. Two important moral issues arise concerning this practice. First, is terminal sedation appropriate if it is necessary to relieve intractable pain in patients diagnosed with a terminal illness, even if death is not imminent? This is what Cellarius (2008) calls *early terminal sedation* because it does not satisfy the requirement that death is imminent that is typically cited as a condition of the permissibility of terminal sedation. Early terminal sedation could be expected to hasten death as a side effect of providing palliative care for unusually recalcitrant pain. A second issue concerns the moral significance of the fact that once sedation has occurred, death is inevitable either because it was imminent already or because the withholding of nutrition and hydration has made it inevitable. Would it be permissible to increase the level of sedation foreseeing that this would hasten the death that is now inevitable? Traditional applications of the principle of double effect rest on the assumption that the death of an innocent human being may never be brought about intentionally and would rule against such an action. Yet the assumptions that inform the popular understanding of double effect - that the physician's guiding intention is to relieve pain, that the hastening of death would not be unwelcome in these very specific circumstances, and that this course of action should be distinguished from a case of active euthanasia that is not prompted by the duty to relieve pain - might seem to count in favor of it. It may obscure rather than clarify discussion of these situations to view the principle of double effect as a clear guideline. In this discussion, as in many others, the principle of double effect may serve more as a framework for announcing moral constraints on decisions that involve causing death regretfully than as a way of determining the precise content of those decisions and the judgments that justify them.

## Principle of Material Co-operation

### What is the principle of cooperation?

The best answer to this question is the explanation in the appendix of the recently revised *Ethical and Religious Directives for Catholic Health Care Services*, unanimously approved by the National Conference of Catholic Bishops (NCCB):

The principles governing cooperation differentiate the action of the wrongdoer from the action of the cooperator through two major distinctions. The first is between formal and material cooperation. If the cooperator intends the object of the wrongdoer's activity, then the cooperation is formal and, therefore, morally wrong. Since intention is not simply an explicit act of the will, formal cooperation can also be implicit. Implicit formal cooperation is attributed when, even though the cooperator denies intending the wrongdoer's object, no other explanation can distinguish the cooperator's object from the wrongdoer's object. If the cooperator does not intend the object of the wrongdoer's activity, the cooperation is material and can be morally licit.

The second distinction deals with the object of the action and is expressed by immediate and mediate material cooperation. Material cooperation is immediate when the object of the cooperator is the same as the object of the wrongdoer. Immediate material cooperation is wrong, except in some instances of duress. The matter of duress distinguishes immediate material cooperation from implicit formal cooperation. But immediate material cooperation- without duress- is equivalent to implicit formal cooperation and, therefore, is morally wrong. When the object of the cooperators' action remains distinguishable from that of the wrongdoers', material cooperation is mediate and can be morally licit.

Moral theologians recommend two other considerations for the proper evaluation of material cooperation. First, the object of material cooperation should be as distant as possible from the wrongdoers' act. Second, any act of material cooperation requires a proportionately grave reason.

Prudence guides those involved in cooperation to estimate questions of intention, duress, distance, necessity and gravity. In making a judgment about cooperation, it is essential that the possibility of scandal should be eliminated. Appropriate consideration should also be given to the church's prophetic responsibility.

### 1. How is the principle used?

Until recent years the principle was used to help individuals find out how they could continue to act morally when they came into contact with others- superiors, partners, or clients - who were involved in what the Catholic tradition labels as wrongful activity. The principle was used to help individuals determine to what extent they could perform their own activity when others were acting wrongly and the activity of each intersected. Thus, in the category of superiors, there was the servant who transported letters for his master to a woman with whom he was having an affair. How could the subordinate continue his employment in that situation? Concerning partners, there was the case of the spouse who practiced birth control methods against the will of the partner. What were the conditions by which the partner could engage in legitimate marital relations with the one practicing such methods? Finally, concerning clients, there was the

judge who, among other activities, ruled on couples petitioning divorce; the nurse who assisted a physician who was performing an illicit operation; the priest who distributed communion to a known sinner; and the craftsperson who made, among other items, emblems for the local Masonic temple.

All three categories show that the principle was not abstracted above time and space, but that it developed in application to context-specific cases. Today, with the reconfiguration of healthcare through networks, alliances, and mergers, the principle must be applied in analogous and legitimate ways.

### 2. Isn't the principle used only to help people keep their jobs?

Though some philosophers have written that the principle of cooperation applied only to individual subordinates (generally those trying to keep their jobs), the tradition shows that a variety of individuals were involved with the principle. Cooperation can concern nearly every expression of human activity that intersects with other human activity. Thus Bernard Haering has noted that, without the principle, "the exercise of the lay apostolate" would be "totally impossible." The principle enables the Catholic to discern the extent to which he or she can be involved with an agent whose act is deemed morally unacceptable.

In almost all instances, the upholders of the tradition believed that the presence of persons of conscience in institutions helped prevent those institutions from engaging in more morally wrong behavior. Similarly today, Catholic healthcare facilities and other Catholic organizations (e.g., educational and social services) invoke the principle of cooperation to maintain their distinctive moral contribution to a pluralistic society that increasingly permits and promotes morally unacceptable practices. In both personal and institutional contexts, the principle thus helps us to perceive the wrongdoing and differentiate it from the sphere of our intended interests and activities.

### 3. Can the principle be used institutionally?

Yes. Long before the *ERD* were revised, Church leaders recognized the import of cooperation. After centuries of the Vatican's negotiation of concordances and treaties with foreign powers, Church leaders knew what it meant for one institution to be allied with another

when the other engaged in some activity deemed morally unacceptable.

But, more recently, the Congregation for the Doctrine of the Faith (CDF) and the United States Catholic Conference (USCC) invoked the principle of cooperation in considering when a Catholic healthcare facility, under duress, could cooperate in sterilization. Moral philosophers concur about the principle's institutional import. In fact, as Catholic healthcare providers and payers continue to turn to the principle to guide them in contracts with other facilities, Catholics are likely to associate the principle more often with institutions than with individuals.

**4. The principle contains two major distinctions and two or three attending considerations. What is the first distinction between formal and material cooperation?**

On one hand, formal cooperation means that the person cooperating intends, desires, or approves the wrongdoer's conduct. Thus, in the examples cited above, if the nurse helps in the operation because she wants the operation performed, if the servant transports the letters because he approves of the liaison, if the priest intends that the sinner receive communion, or if the judge applauds the couple's divorce-then, regardless of any other distinctions, the cooperator is also wrong. We cannot formally cooperate in morally wrong activity, because we cannot intend wrong conduct. For this reason the Vatican held that no Catholic healthcare facility could ever formally cooperate in providing sterilizations-that is, no facility could perform sterilizations on the basis of an institutional policy that welcomed and sanctioned routine sterilizations.

On the other hand, material cooperation simply means that although we do not share the intention of the wrongdoer, we are involved in the matter or the actual doing of the action. Thus the distinction between formal and material asks whether we intend, desire, or approve the wrong activity. If we do, we are wrongdoers too. If not, then we should consider the other issues.

**5. Could people claim they are not formally cooperating when actually they are?**

Yes. Someone could claim to be only materially cooperating, when actually he or she is intending, approving, or desiring the activity.

Thus some theologians inject the category "implicit formal cooperation." For instance, the judge who adjudicates only divorce cases is no different than the Catholic healthcare facility that freely (i.e., without duress) promotes throughout the local community the use of contraceptives. Though neither expresses explicit approval or intention, both are implicitly formally cooperating, and formal cooperation (both implicit and explicit) is always wrong. On the evidence of their consistent activity we can see no reason for the cooperators' conduct other than that they freely intend and approve of the activity.

**6. What is the second distinction between immediate and mediate cooperation?**

This distinction concerns the action and not the intention; it concerns material, not formal, cooperation. If cooperation is licit, it can only be material; legitimate material cooperation requires that we be able to distinguish our activity from the wrongdoer's.

To distinguish between the two activities, we consider what the tradition calls the "object" of activity. The word "object" simply describes what one is doing. The late Rev. Gerald Kelly, SJ, demonstrated the specific determination of an object in the case of nurses cooperating in an operation considered morally wrong:

In itself, the work done by the nurses is not morally wrong. It is exactly the same work that they would do at a perfectly moral operation; hence, it would come under the classification of indifferent or morally good actions. To render this kind of assistance to one who is performing or about to perform an evil action and evil purpose, is called material cooperation.

For centuries theologians carefully examined the object of moral activity. Thus they held that the object of the servant's action is transporting letters, which is morally indifferent and not like the object of his master's illicit action, that is, adultery. Similarly, in an institutional context, moral theologians today would recognize that if a non-Catholic partner in an alliance were providing morally unacceptable reproductive technologies, the Catholic partner should be able (with proportionate reason) to participate in the alliance so long as the Catholic partner does not deliver the illicit reproductive services. Those

instances in which we can distinguish the objects of activity are cases of licit material cooperation.

When we can distinguish between the two objects of activity, then we have mediate cooperation, which is often licit. In contrast to mediate material cooperation is immediate material cooperation. For instance, if the nurse performed the illicit operation, or a Catholic institution provided the illicit reproductive services, their acts would be immediate material cooperation, which is always wrong, except in certain occasions of duress.

**7. How does duress impact the principle’s legitimate application?**

The issue of duress will play an important role in determining legitimate institutional application of the principle. In forging new partnerships with healthcare providers, the autonomy of the Catholic partner will often be diminished. Partnerships are often entered into under a sense of duress: e.g., the loss of resident physicians upon whom a clinic depends; the loss of an obstetrics department due to managed care contracts; the slow but sure erosion of involvement in the local community. The issue of duress cannot be exaggerated to justify any cooperation in wrongdoing, but neither should its importance be underestimated. A legitimate application of the principle of cooperation requires that all realistic and feasible options to distance the Catholic organization from the wrongdoing of another be explored and written into the contract before the organization forms new partnerships. One might say, then, that the closer one comes to the wrongdoing, the more the duress must be in evidence.

**8. If the object of one’s activity is the same as the object of the wrongdoer, then why is the activity immediate material cooperation, not formal cooperation?**

Immediate material cooperation characterizes by act what implicit formal cooperation characterizes by intention. But, as the *ERD* note, “the matter of duress distinguishes immediate material cooperation from implicit formal cooperation.”

As we saw earlier, a Catholic healthcare facility that freely promotes (even without explicit approval) the distribution of contraceptives is implicitly formally cooperating. That same activity

can also be described as immediate material cooperation. Since both explicit and implicit formal cooperation are always wrong, immediate material cooperation is always wrong except when instances of duress distinguish it from formal cooperation. For instance, if the Catholic healthcare facility is a clinic providing services to the poor, and must, under the duress of losing its resident physicians, provide contraceptives, that activity is immediate material cooperation, but not formal cooperation.

**9. What are the other two conditions to the principle?**

The first requires us to distance ourselves as far as possible from the wrongdoer’s activity. Thus we are called to be as remote from the activity as possible. This is simply to avoid any cause of scandal. The other condition says that we can only cooperate in wrongdoing when there is a proportionately grave reason.

**10. What role does concern about scandal have?**

The *ERD* say that when a partnership may “involve” a Catholic facility in morally wrong activities, the facility “should limit its involvement in accord with the moral principles governing cooperation.” They add that cooperation “may be refused because of the scandal that would be caused in the circumstances.” Thus even if one were to consider giving remote, mediate material cooperation for grave proportionate reason, the possible resulting scandal might prompt a prudential judgment to not cooperate.

But the Appendix of the *ERD* specifies what the real issue of scandal often is: “In making a judgment about cooperation, it is essential that the possibility of scandal should be eliminated.” Often scandal arises when we cooperate and do not demonstrate reasonably to our communities that our conduct is actually in keeping with traditionally accepted forms of behavior. The possibility that our communities might misconstrue what we are doing imposes on us the duty to help them to understand. Especially in light of healthcare reform, Catholic organizations must, before entering new partnerships, educate their communities about the partnerships, particularly when they are likely to cause scandal. Our efforts must make clear that our entering into a partnership is to advance Catholic interests in healthcare.

Moreover, we must distinguish scandal from alarm. Many are “alarmed” by new endeavors. The issue, however, is not an endeavor’s newness, but whether it is congruent with Church tradition.

### **11. Are there any matters that the ERD say cannot be used for cooperation?**

Yes. Directive 45 stipulates “Catholic health care institutions are not to provide abortion services even based upon the principle of material cooperation.” Thus, regardless of any alliance or partnership, a Catholic healthcare institution cannot provide abortions. The same directive adds, “In this context, Catholic health care institutions need to be concerned about the danger of scandal in any association with abortion providers.”

### **12. Is the principle of cooperation nothing more than the principle of double effect?**

We should not confuse but distinguish between these two traditional moral principles. Cooperation differs from double effect in two significant ways. First, double effect concerns those rare actions that, although they have but a single (either morally right or neutral) object of activity, cause two effects, one of which is wrong. Cooperation, on the other hand, has two distinct objects of activity, the wrongdoer’s and the cooperator’s. The infrequent instances suitable for double effect pale by comparison to those fitting for cooperation. Cooperation can concern nearly every form of human activity.

Second, double effect addresses only one agent; if the agent does not act, the harmful effect will not occur. Cooperation, however, involves two agents, including one who already does or will do wrong independently of the cooperator. The cooperator uses the principle, then, to contain involvement in the wrongdoing.

Thus, unlike double effect, cooperation is not primarily a permitting principle concerning *whether* one may act, but rather a guiding principle concerning *how* one should act in the face of wrongdoing. It provides instructions for negotiating one’s participation in work with another, some of whose actions are morally wrong.

### **13. Do the ERD adequately present the principle of cooperation?**

We think so. Writing in 1958 about how to apply the principle, the moralist Henry Davis noted there is “no more difficult question than this in the whole range of Moral Theology.” Earlier, in 1923, Jerome Noldin noted that most major moralists were routinely unable to come to agreement on several key points of application.

A study of the numerous drafts of the directives shows constant reference to the principle of cooperation. But in what form? In one draft there is a skeletal listing of the four distinctions of the principle. But, in broad consultation, agencies and bishops demanded something more descriptive for the next draft. The drafters then contacted several writers, all living in North America but mostly trained at Roman, pontifical universities. These writers contributed cases that were incorporated into the next draft. That draft aroused such controversy among the bishops that it never made it to any consultation. Illustrative application was out of the question. Davis and Noldin’s insights proved right.

Later the principle was presented, with more commentary but no application. This aroused all sorts of disagreement. Some claimed the text was too restrictive, others that it was too loose. This section of the document received the most discussion, scrutiny and revision by the Committee on Doctrine (COD). The final version was done in light of the suggested changes by the CDF and after consultation with the full body of bishops before the November meeting. This occasioned three rounds of meetings in the course of two months. Then, at the meeting four days before the bishops’ vote, the chairperson of the COD, Bp. Alfred Hughes, devoted the bulk of his presentation time to a painstakingly thorough explanation of the principle.

The bishops’ work helped them to appreciate Davis and Noldin’s insight. In that light, after COD’s struggle for six years, and responding to the request of many bishops for assistance as they support the changing nature of the Catholic healthcare ministry, the NCCB’s administrative committee formed a new ad hoc committee to be chaired by Bp. Donald Wuerl. This committee, which also represents the NCCB, would refer interested bishops whose healthcare facilities were contemplating major alliances or partnerships to dioceses where similar questions were faced. The committee will also refer bishops to the ERD and its “clarification of the terms relative to the principles governing cooperation and their application to concrete situations.”

## Chapter 8

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### Moral Analysis of Sin

Since sin is a moral evil, it is necessary in the first place to determine what is meant by evil, and in particular by moral evil. Evil is defined by St. Thomas (*De malo*, 2:2) as a privation of form or order or due measure. In the physical order a thing is good in proportion as it possesses being. God alone is essentially being, and He alone is essentially and perfectly good. Everything else possesses but a limited being, and, in so far as it possesses being, it is good. When it has its due proportion of form and order and measure it is, in its own order and degree, good. Evil implies a deficiency in perfection, hence it cannot exist in God who is essentially and by nature good; it is found only in finite beings which, because of their origin from nothing, are subject to the privation of form or order or measure due them, and, through the opposition they encounter, are liable to an increase or decrease of the perfection they have: “for evil, in a large sense, may be described as the sum of opposition, which experience shows to exist in

the universe, to the desires and needs of individuals; whence arises, among human beings at least, the suffering in which life abounds”.

#### Nature of Sin

According to the nature of the perfection which it limits, evil is metaphysical, physical, or moral. Metaphysical evil is not evil properly so called; it is but the negation of a greater good, or the limitation of finite beings by other finite beings. Physical evil deprives the subject affected by it of some natural good, and is adverse to the well-being of the subject, as pain and suffering. Moral evil is found only in intelligent beings; it deprives them of some moral good. Here we have to deal with moral evil only. This may be defined as a privation of conformity to right reason and to the law of God. Since the morality of a human act consists in its agreement or non-agreement with right reason and the eternal law, an act is good or evil in the moral order according as it involves this agreement or non-agreement. When the intelligent creature, knowing God and His law, deliberately refuses to obey, moral evil results.

Sin is nothing else than a morally bad act (St. Thomas, “*De malo*”, 7:3), an act not in accord with reason informed by the Divine law. God has endowed us with reason and free-will, and a sense of responsibility; He has made us subject to His law, which is known to us by the dictates of conscience, and our acts must conform with these dictates, otherwise we sin (Romans 14:23). In every sinful act two things must be considered, the substance of the act and the want of rectitude or conformity (St. Thomas, I-II:72:1). The act is something positive. The sinner intends here and now to act in some determined matter, inordinately electing that particular good in defiance of God’s law and the dictates of right reason. The deformity is not directly intended, nor is it involved in the act so far as this is physical, but in the act as coming from the will which has power over its acts and is capable of choosing this or that particular good contained within the scope of its adequate object, i.e. universal good (St. Thomas, “*De malo*”, Q. 3, a. 2, ad 2um). God, the first cause of all reality, is the cause of the physical act as such, the free-will of the deformity (St. Thomas I-II:89:2; “*De malo*”, 3:2). The evil act adequately considered has for its cause the free-will defectively electing some mutable good in place of the eternal good, God, and thus deviating from its true last end.

In every sin a privation of due order or conformity to the moral law is found, but sin is not a pure, or entire privation of all moral good (St. Thomas, “*De malo*”, 2:9; I-II:73:2). There is a twofold privation; one entire which leaves nothing of its opposite, as for instance, darkness which leaves no light; another, not entire, which leaves something of the good to which it is opposed, as for instance, disease which does not entirely destroy the even balance of the bodily functions necessary for health. A pure or entire privation of good could occur in a moral act only on the supposition that they will could incline to evil as such for an object. This is impossible because evil as such is not contained within the scope of the adequate object of the will, which is good. The sinner’s intention terminates at some object in which there is a participation of God’s goodness, and this object is directly intended by him. The privation of due order, or the deformity, is not directly intended, but is accepted in as much as the sinner’s desire tends to an object in which this want of conformity is involved, so that sin is not a pure privation, but a human act deprived of its due rectitude. From the defect arises the evil of the act, from the fact that it is voluntary, its imputability.

### Division of sin

As regards the principle from which it precedes sin is original or actual. The will of Adam acting as head of the human race for the conservation or loss of original justice is the cause and source of original sin. Actual sin is committed by a free personal act of the individual will. It is divided into sins of commission and omission. A sin of commission is a positive act contrary to some prohibitory precept; a sin of omission is a failure to do what is commanded. A sin of omission, however, requires a positive act whereby one wills to omit the fulfilling of a precept, or at least wills something incompatible with its fulfillment (I-II:72:5). As regards their malice, sins are distinguished into sins of ignorance, passion or infirmity, and malice; as regards the activities involved, into sins of thought, word, or deed (*cordis, oris, operis*); as regards their gravity, into mortal and venial. This last named division is indeed the most important of all and it calls for special treatment. But before taking up the details, it will be useful to indicate some further distinctions which occur in theology or in general usage.

### *Material and formal sin*

This distinction is based upon the difference between the objective elements (object itself, circumstances) and the subjective (advertence to the sinfulness of the act). An action which, as a matter of fact, is contrary to the Divine law but is not known to be such by the agent constitutes a material sin; whereas formal sin is committed when the agent freely transgresses the law as shown him by his conscience, whether such law really exists or is only thought to exist by him who acts. Thus, a person who takes the property of another while believing it to be his own commits a material sin; but the sin would be formal if he took the property in the belief that it belonged to another, whether his belief were correct or not.

### *Internal sins*

That sin may be committed not only by outward deeds but also by the inner activity of the mind apart from any external manifestation, is plain from the precept of the Decalogue: “Thou shalt not covet”, and from Christ’s rebuke of the scribes and pharisees whom he likens to “whited sepulchres... full of all filthiness” (Matthew 23:27). Hence the Council of Trent (Sess. XIV, c. v), in declaring that all mortal sins must be confessed, makes special mention of those that are most secret and that violate only the last two precepts of the Decalogue, adding that they “sometimes more grievously wound the soul and are more dangerous than sins which are openly committed”. Three kinds of internal sin are usually distinguished:

- ❖ *delectatio morosa*, i.e. the pleasure taken in a sinful thought or imagination even without desiring it;
- ❖ *gaudium*, i.e. dwelling with complacency on sins already committed; and
- ❖ *desiderium*, i.e. the desire for what is sinful.

An *efficacious* desire, i.e. one that includes the deliberate intention to realize or gratify the desire, has the same malice, mortal or venial, as the action which it has in view. An *inefficacious* desire is one that carries a condition, in such a way that the will is prepared to perform the action in case the condition were verified. When the condition is such as to eliminate all sinfulness from the action, the desire involves no sin: e.g. I would gladly eat meat on Friday, if I had



a dispensation; and in general this is the case whenever the action is forbidden by positive law only. When the action is contrary to natural law and yet is permissible in given circumstances or in a particular state of life, the desire, if it include those circumstances or that state as conditions, is not in itself sinful: e.g. I would kill so-and-so if I had to do it in self-defence. Usually, however, such desires are dangerous and therefore to be repressed. If, on the other hand, the condition does not remove the sinfulness of the action, the desire is also sinful. This is clearly the case where the action is intrinsically and absolutely evil, e.g. blasphemy: one cannot without committing sin, have the desire - I would blaspheme God if it were not wrong; the condition is an impossible one and therefore does not affect the desire itself. The pleasure taken in a sinful thought (*delectatio, gaudium*) is, generally speaking, a sin of the same kind and gravity as the action which is thought of. Much, however, depends on the motive for which one thinks of sinful actions. The pleasure, e.g. which one may experience in studying the nature of murder or any other crime, in getting clear ideas on the subject, tracing its causes, determining the guilt etc., is not a sin; on the contrary, it is often both necessary and useful. The case is different of course where the pleasure means gratification in the sinful object or action itself. And it is evidently a sin when one boasts of his evil deeds, the more so because of the scandal that is given.

### ***The capital sins or vices***

According to St. Thomas (II-II:153:4) “a capital vice is that which has an exceedingly desirable end so that in his desire for it a man goes on to the commission of many sins all of which are said to originate in that vice as their chief source”. It is not then the gravity of the vice in itself that makes it capital but rather the fact that it gives rise to many other sins. These are enumerated by St. Thomas (I-II:84:4) as vainglory (pride), avarice, gluttony, lust, sloth, envy, anger.

St. Bonaventure (Brevil., III, ix) gives the same enumeration. Earlier writers had distinguished eight capital sins: so St. Cyprian (*De mort.*, iv); Cassian (*Institutes* 5, *Conferences* 5); Columbanus (“*Instr. de octo vitiis princip.*” in “*Bibl. max. vet. patr.*”, XII, 23); Alcuin (*De virtut. et vitiis*, xxvii sqq.). The number seven, however, had been given by St. Gregory the Great (*Lib. mor. in Job.* XXXI, xvii), and it was retained by the foremost theologians of the Middle Ages.

It is to be noted that “sin” is not predicated univocally of all kinds of sin. “The division of sin into venial and mortal is not a division of genus into species which participate equally the nature of the genus, but the division of an analogue into things of which it is predicated primarily and secondarily” (St. Thomas, I-II:88:1, ad 1um). “Sin is not predicated univocally of all kinds of sin, but primarily of actual mortal sin ... and therefore it is not necessary that the definition of sin in general should be verified except in that sin in which the nature of the genus is found perfectly. The definition of sin may be verified in other sins in a certain sense” (St. Thomas, II, d. 33, Q. i, a. 2, ad 2um). Actual sin primarily consists in a voluntary act repugnant to the order of right reason. The act passes, but the soul of the sinner remains stained, deprived of grace, in a state of sin, until the disturbance of order has been restored by penance. This state is called habitual sin, *macula peccati. reatus culpæ* (I-II:87:6).

The division of sin into original and actual, mortal and venial, is not a division of genus into species because sin has not the same signification when applied to original and personal sin, mortal and venial. Mortal sin cuts us off entirely from our true last end; venial sin only impedes us in its attainment. Actual personal sin is voluntary by a proper act of the will. Original sin is voluntary not by a personal voluntary act of ours, but by an act of the will of Adam. Original and actual sin are distinguished by the manner in which they are voluntary (*ex parte actus*); mortal and venial sin by the way in which they affect our relation to God (*ex parte deordinationis*). Since a voluntary act and its disorder are of the essence of sin, it is impossible that sin should be a generic term in respect to original and actual, mortal and venial sin. The true nature of sin is found perfectly only in a personal mortal sin, in other sins imperfectly, so that sin is predicated primarily of actual sin, only secondarily of the others. Therefore we shall consider: first, personal mortal sin; second, venial sin.

### **Mortal sin**

Mortal sin is defined by St. Augustine (*Reply to Faustus* XXII.27) as “*Dictum vel factum vel concupitum contra legem æternam*”, i.e. something said, done or desired contrary to the eternal law, or a thought, word, or deed contrary to the eternal law. This is a definition of sin as it is a voluntary act. As it is a defect or privation it may be

defined as an aversion from God, our true last end, by reason of the preference given to some mutable good. The definition of St. Augustine is accepted generally by theologians and is primarily a definition of actual mortal sin. It explains well the material and formal elements of sin. The words “*dictum vel factum vel concupitum*” denote the material element of sin, a human act: “*contra legem æternam*”, the formal element. The act is bad because it transgresses the Divine law. St. Ambrose (De paradiso, viii) defines sin as a “prevarication of the Divine law”. The definition of St. Augustine strictly considered, i.e. as sin averts us from our true ultimate end, does not comprehend venial sin, but in as much as venial sin is in a manner contrary to the Divine law, although not averting us from our last end, it may be said to be included in the definition as it stands. While primarily a definition of sins of commission, sins of omission may be included in the definition because they presuppose some positive act (St. Thomas, I-II:71:5) and negation and affirmation are reduced to the same genus. Sins that violate the human or the natural law are also included, for what is contrary to the human or natural law is also contrary to the Divine law, in as much as every just human law is derived from the Divine law, and is not just unless it is in conformity with the Divine law.

### **Biblical description of sin**

In the Old Testament sin is set forth as an act of disobedience (Genesis 2:16-17; 3:11; Isaiah 1:2-4; Jeremiah 2:32); as an insult to God (Numbers 27:14); as something detested and punished by God (Genesis 3:14-19; Genesis 4:9-16); as injurious to the sinner (Tobit 12:10); to be expiated by penance (Psalm 51:19). In the New Testament it is clearly taught in St. Paul that sin is a transgression of the law (Romans 2:23; 5:12-20); a servitude from which we are liberated by grace (Romans 6:16-18); a disobedience (Hebrews 2:2) punished by God (Hebrews 10:26-31). St. John describes sin as an offence to God, a disorder of the will (John 12:43), an iniquity (1 John 3:4-10). Christ in many of His utterances teaches the nature and extent of sin. He came to promulgate a new law more perfect than the old, which would extend to the ordering not only of external but also of internal acts to a degree unknown before, and, in His Sermon on the Mount, He condemns as sinful many acts which were judged honest and righteous by the doctors and teachers of the Old Law. He

denounces in a special manner hypocrisy and scandal, infidelity and the sin against the Holy Ghost. In particular He teaches that sins come from the heart (Matthew 15:19-20).

### **Systems which deny sin or distort its true notion**

All systems, religious and ethical, which either deny, on the one hand, the existence of a personal creator and lawgiver distinct from and superior to his creation, or, on the other, the existence of free will and responsibility in man, distort or destroy the true biblico-theological notion of sin. In the beginning of the Christian era the Gnostics, although their doctrines varied in details, denied the existence of a personal creator. The idea of sin in the Catholic sense is not contained in their system. There is no sin for them, unless it be the sin of ignorance, no necessity for an atonement; Jesus is not God. Manichaeism with its two eternal principles, good and evil, at perpetual war with each other, is also destructive of the true notion of sin. All evil, and consequently sin, is from the principle of evil. The Christian concept of God as a lawgiver is destroyed. Sin is not a conscious voluntary act of disobedience to the Divine will. Pantheistic systems which deny the distinction between God and His creation make sin impossible. If man and God are one, man is not responsible to anyone for his acts, morality is destroyed. If he is his own rule of action, he cannot deviate from right as St. Thomas teaches (I:63:1). The identification of God and the world by Pantheism leaves no place for sin.

There must be some law to which man is subject, superior to and distinct from him, which can be obeyed and transgressed, before sin can enter into his acts. This law must be the mandate of a superior, because the notions of superiority and subjection are correlative. This superior can be only God, who alone is the author and lord of man. Materialism, denying as it does the spirituality and the immortality of the soul, the existence of any spirit whatsoever, and consequently of God, does not admit sin. There is no free will, everything is determined by the inflexible laws of motion. “Virtue” and “vice” are meaningless qualifications of action. Positivism places man’s last end in some sensible good. His supreme law of action is to seek the maximum of pleasure. Egotism or altruism is the supreme norm and criterion of the Positivistic systems, not the eternal law of God as revealed by Him, and dictated

by conscience. For the materialistic evolutionists man is but a highly-developed animal, conscience a product of evolution. Evolution has revolutionized morality, sin is no more.

Kant in his “Critique of Pure Reason” having rejected all the essential notions of true morality, namely, liberty, the soul, God and a future life, attempted in his “Critique of the Practical Reason” to restore them in the measure in which they are necessary for morality. The practical reason, he tells us, imposes on us the idea of law and duty. The fundamental principle of the morality of Kant is “duty for duty’s sake”, not God and His law. Duty cannot be conceived of alone as an independent thing. It carries with it certain postulates, the first of which is liberty. “I ought, therefore I can”, is his doctrine. Man by virtue of his practical reason has a consciousness of moral obligation (categorical imperative). This consciousness supposes three things: free will, the immortality of the soul, the existence of God, otherwise man would not be capable of fulfilling his obligations, there would be no sufficient sanction for the Divine law, no reward or punishment in a future life. Kant’s moral system labours in obscurities and contradictions and is destructive of much that pertains to the teaching of Christ. Personal dignity is the supreme rule of man’s actions. The notion of sin as opposed to God is suppressed. According to the teaching of materialistic Monism, now so widespread, there is, and can be, no free will. According to this doctrine but one thing exists and this one being produces all phenomena, thought included; we are but puppets in its hands, carried hither and thither as it wills, and finally are cast back into nothingness. There is no place for good and evil, a free observance or a willful transgression of law, in such a system. Sin in the true sense is impossible. Without law and liberty and a personal God there is no sin.

That God exists and can be known from His visible creation, that He has revealed the decrees of His eternal will to man, and is distinct from His creatures (Denzinger-Bannwart, “Enchiridion”, nn. 1782, 1785, 1701), are matters of Catholic faith and teaching. Man is a created being endowed with free will (ibid., 793), which fact can be proved from Scripture and reason (ibid., 1041-1650). The Council of Trent declares in Sess. VI, c. i (ibid., 793) that man by reason of the prevarication of Adam has lost his primeval innocence, and that while free will remains, its powers are lessened (see ORIGINAL SIN).

### Protestant errors

Luther and Calvin taught as their fundamental error that no free will properly so called remained in man after the fall of our first parents; that the fulfillment of God’s precepts is impossible even with the assistance of grace, and that man in all his actions sins. Grace is not an interior gift, but something external. To some sin is not imputed, because they are covered as with a cloak by the merits of Christ. Faith alone saves, there is no necessity for good works. Sin in Luther’s doctrine cannot be a deliberate transgression of the Divine law. Jansenius, in his “Augustinus”, taught that according to the present powers of man some of God’s precepts are impossible of fulfillment, even to the just who strive to fulfill them, and he further taught that grace by means of which the fulfillment becomes possible is wanting even to the just. His fundamental error consists in teaching that the will is not free but is necessarily drawn either by concupiscence or grace. Internal liberty is not required for merit or demerit. Liberty from coercion suffices. Christ did not die for all men. Baius taught a semi-Lutheran doctrine. Liberty is not entirely destroyed, but is so weakened that without grace it can do nothing but sin. True liberty is not required for sin. A bad act committed involuntarily renders man responsible (propositions 50-51 in Denzinger-Bannwart, “Enchiridion”, nn. 1050-1). All acts done without charity are mortal sins and merit damnation because they proceed from concupiscence. This doctrine denies that sin is a voluntary transgression of Divine law. If man is not free, a precept is meaningless as far as he is concerned.

### Conditions of mortal sin: knowledge, free will, grave matter

Contrary to the teaching of Baius (prop. 46, Denzinger-Bannwart, 1046) and the Reformers, a sin must be a voluntary act. Those actions alone are properly called human or moral actions which proceed from the human will deliberately acting with knowledge of the end for which it acts. Man differs from all irrational creatures in this precisely that he is master of his actions by virtue of his reason and free will (I-II:1:1). Since sin is a human act wanting in due rectitude, it must have, in so far as it is a human act, the essential constituents of a human act. The intellect must perceive and judge of the morality of the act, and the will must freely elect. For a deliberate mortal sin there must be full advertence on the part

of the intellect and full consent on the part of the will in a grave matter. An involuntary transgression of the law even in a grave matter is not a formal but a material sin. The gravity of the matter is judged from the teaching of Scripture, the definitions of councils and popes, and also from reason. Those sins are judged to be mortal which contain in themselves some grave disorder in regard to God, our neighbour, ourselves, or society. Some sins admit of no lightness of matter, as for example, blasphemy, hatred of God; they are always mortal (*ex toto genere suo*), unless rendered venial by want of full advertence on the part of the intellect or full consent on the part of the will. Other sins admit lightness of matter: they are gravesins (*ex genere suo*) in as much as their matter in itself is sufficient to constitute a grave sin without the addition of any other matter, but is of such a nature that in a given case, owing to its smallness, the sin may be venial, e.g. theft.

### Imputability

That the act of the sinner may be imputed to him it is not necessary that the object which terminates and specifies his act should be directly willed as an ends or means. It suffices that it be willed indirectly or in its cause, i.e. if the sinner foresees, at least confusedly, that it will follow from the act which he freely performs or from his omission of an act. When the cause produces a twofold effect, one of which is directly willed, the other indirectly, the effect which follows indirectly is morally imputable to the sinner when these three conditions are verified:

- first, the sinner must foresee at least confusedly the evil effects which follow on the cause he places;
- second, he must be able to refrain from placing the cause;
- third, he must be under the obligation of preventing the evil effect.

Error and ignorance in regard to the object or circumstances of the act to be placed, affect the judgment of the intellect and consequently the morality and imputability of the act. Invincible ignorance excuses entirely from sin. Vincible ignorance does not, although it renders the act less free. The passions, while they disturb the judgment of the intellect, more directly affect the will. Antecedent passion increases the intensity of the act, the object is more intensely desired, although less freely, and the disturbance

caused by the passions may be so great as to render a free judgment impossible, the agent being for the moment beside himself (I-II:6:7, ad 3um). Consequent passion, which arises from a command of the will, does not lessen liberty, but is rather a sign of an intense act of volition. Fear, violence, heredity, temperament and pathological states, in so far as they affect free volition, affect the malice and imputability of sin. From the condemnation of the errors of Baius and Jansenius (Denz.-Bann., 1046, 1066, 1094, 1291-2) it is clear that for an actual personal sin a knowledge of the law and a personal voluntary act, free from coercion and necessity, are required. No mortal sin is committed in a state of invincible ignorance or in a half-conscious state. Actual advertence to the sinfulness of the act is not required, virtual advertence suffices. It is not necessary that the explicit intention to offend God and break His law be present, the full and free consent of the will to an evil act suffices.

### Malice

The true malice of mortal sin consists in a conscious and voluntary transgression of the eternal law, and implies a contempt of the Divine will, a complete turning away from God, our true last end, and a preferring of some created thing to which we subject ourselves. It is an offence offered to God, and an injury done Him; not that it effects any change in God, who is immutable by nature, but that the sinner by his act deprives God of the reverence and honor due Him: it is not any lack of malice on the sinner's part, but God's immutability that prevents Him from suffering. As an offence offered to God mortal sin is in a way infinite in its malice, since it is directed against an infinite being, and the gravity of the offence is measured by the dignity of the one offended (St. Thomas, III:1:2, ad 2um). As an act sin is finite, the will of man not being capable of infinite malice. Sin is an offence against Christ Who has redeemed man (Philippians 3:18); against the Holy Ghost Who sanctifies us (Hebrews 10:29), an injury to man himself, causing the spiritual death of the soul, and making man the servant of the devil. The first and primary malice of sin is derived from the object to which the will inordinately tends, and from the object considered morally, not physically. The end for which the sinner acts and the circumstances which surround the act are also determining factors of its morality. An act which, objectively

considered, is morally indifferent, may be rendered good or evil by circumstances, or by the intention of the sinner. An act that is good objectively may be rendered bad, or a new species of good or evil may be added, or a new degree. Circumstances can change the character of a sin to such a degree that it becomes specifically different from what it is objectively considered; or they may merely aggravate the sin while not changing its specific character; or they may lessen its gravity. That they may exercise this determining influence two things are necessary: they must contain in themselves some good or evil, and must be apprehended, at least confusedly, in their moral aspect. The external act, in so far as it is a mere execution of a voluntary efficacious internal act, does not, according to the common Thomistic opinion, add any essential goodness or malice to the internal sin.

### **Gravity**

While every mortal sin averts us from our true last end, all mortal sins are not equally grave, as is clear from Scripture (John 19:11; Matthew 11:22; Luke 6), and also from reason. Sins are specifically distinguished by their objects, which do not all equally avert man from his last end. Then again, since sin is not a pure privation, but a mixed one, all sins do not equally destroy the order of reason. Spiritual sins, other things being equal, are graver than carnal sins. (St. Thomas, “De malo”, Q. ii, a. 9; I-II.73.5).

### ***Specific and numeric distinction of sin***

Sins are distinguished specifically by their formally diverse objects; or from their opposition to different virtues, or to morally different precepts of the same virtue. Sins that are specifically distinct are also numerically distinct. Sins within the same species are distinguished numerically according to the number of complete acts of the will in regard to total objects. A total object is one which, either in itself or by the intention of the sinner, forms a complete whole and is not referred to another action as a part of the whole. When the completed acts of the will relate to the same object there are as many sins as there are morally interrupted acts.

### **Subject causes of sin**

Since sin is a voluntary act lacking in due rectitude, sin is found, as in a subject, principally in the will. But, since not only acts elicited

by the will are voluntary, but also those that are elicited by other faculties at the command of the will, sin may be found in these faculties in so far as they are subject in their actions to the command of the will, and are instruments of the will, and move under its guidance (I-II:74).

The external members of the body cannot be effective principles of sin (I-II:74:2, ad 3um). They are mere organs which are set in activity by the soul; they do not initiate action. The appetitive powers on the contrary can be effective principles of sin, for they possess, through their immediate conjunction with the will and their subordination to it, a certain though imperfect liberty (I-II:56:4, ad 3um). The sensual appetites have their own proper sensible objects to which they naturally incline, and since original sin has broken the bond which held them in complete subjection to the will, they may antecede the will in their actions and tend to their own proper objects inordinately. Hence they may be proximate principles of sin when they move inordinately contrary to the dictates of right reason.

It is the right of reason to rule the lower faculties, and when the disturbance arises in the sensual part the reason may do one of two things: it may either consent to the sensible delectation or it may repress and reject it. If it consents, the sin is no longer one of the sensual part of man, but of the intellect and will, and consequently, if the matter is grave, mortal. If rejected, no sin can be imputed. There can be no sin in the sensual part of man independently of the will. The inordinate motions of the sensual appetite which precede the advertence of reason, or which are suffered unwillingly, are not even venial sins. The temptations of the flesh not consented to are not sins. Concupiscence, which remains after the guilt of original sin is remitted in baptism, is not sinful so long as consent is not given to it (Council of Trent, sess. V, can. v). The sensual appetite of itself cannot be the subject of mortal sin, for the reason that it can neither grasp the notion of God as an ultimate end, nor avert us from Him, without which aversion there cannot be mortal sin. The superior reason, whose office it is to occupy itself with Divine things, may be the proximate principle of sin both in regard to its own proper act, to know truth, and as it is directive of the inferior faculties: in regard to its own proper act, in so far as it voluntarily neglects to know what it can and ought to know; in regard to the act by which it directs the inferior

faculties, to the extent that it commands inordinate acts or fails to repress them (I-II:74:7, ad 2um).

The will never consents to a sin that is not at the same time a sin of the superior reason as directing badly, by either actually deliberating and commanding the consent, or by failing to deliberate and impede the consent of the will when it could and should do so. The superior reason is the ultimate judge of human acts and has an obligation of deliberating and deciding whether the act to be performed is according to the law of God. Venial sin may also be found in the superior reason when it deliberately consents to sins that are venial in their nature, or when there is not a full consent in the case of a sin that is mortal considered objectively.

### Causes of sin

Under this head, it is needful to distinguish between the efficient cause, i.e. the agent performing the sinful action, and those other agencies, influences or circumstances, which incite to sin and consequently involve a danger, more or less grave, for one who is exposed to them. Here we have to consider only the efficient cause or causes of sin. These are interior and exterior. The complete and sufficient cause of sin is the will, which is regulated in its actions by the reason, and acted upon by the sensitive appetites. The principal interior causes of sin are ignorance, infirmity or passion, and malice. Ignorance on the part of the reason, infirmity and passion on the part of the sensitive appetite, and malice on the part of the will. A sin is from certain malice when the will sins of its own accord and not under the influence of ignorance or passion.

The exterior causes of sin are the devil and man, who move to sin by means of suggestion, persuasion, temptation and bad example. God is not the cause of sin (Council of Trent, sess. VI, can. vi, in Denz.-Bann., 816). He directs all things to Himself and is the end of all His actions, and could not be the cause of evil without self-contradiction. Of whatever entity there is in sin as an action, He is the cause. The evil will is the cause of the disorder (I-II:79:2). One sin may be the cause of another inasmuch as one sin may be ordained to another as an end. The seven capital sins, so called, may be considered as the source from which other sins proceed. They are sinful propensities which reveal themselves in particular sinful acts. Original

sin by reason of its dire effects is the cause and source of sin in so far as by reason of it our natures are left wounded and inclined to evil. Ignorance, infirmity, malice, and concupiscence are the consequences of original sin.

### Effects of sin

The first effect of mortal sin in man is to avert him from his true last end, and deprive his soul of sanctifying grace. The sinful act passes, and the sinner is left in a state of habitual aversion from God. The sinful state is voluntary and imputable to the sinner, because it necessarily follows from the act of sin he freely placed, and it remains until satisfaction is made. This state of sin is called by theologians' habitual sin, not in the sense that habitual sin implies a vicious habit, but in the sense that it signifies a state of aversion from God depending on the preceding actual sin, consequently voluntary and imputable. This state of aversion carries with it necessarily in the present order of God's providence the privation of grace and charity by means of which man is ordered to his supernatural end. The privation of grace is the "*macula peccati*" (St. Thomas, I-II.86), the stain of sin spoken of in Scripture (Joshua 22:17; Isaiah 4:4; 1 Corinthians 6:11). It is not anything positive, a quality or disposition, an obligation to suffer, an extrinsic denomination coming from sin, but is solely the privation of sanctifying grace. There is not a real but only a conceptual distinction between habitual sin (*reatus culpe*) and the stain of sin (*macula peccati*). One and the same privation considered as destroying the due order of man to God is habitual sin, considered as depriving the soul of the beauty of grace is the stain or "macula" of sin.

The second effect of sin is to entail the penalty of undergoing suffering (*reatus pene*). Sin (*reatus culpe*) is the cause of this obligation (*reatus pene*). The suffering may be inflicted in this life through the medium of medicinal punishments, calamities, sickness, temporal evils, which tend to withdraw from sin; or it may be inflicted in the life to come by the justice of God as vindictive punishment. The punishments of the future life are proportioned to the sin committed, and it is the obligation of undergoing this punishment for un-repentant sin that is signified by the "*reatus poene*" of the theologians. The penalty to be undergone in the future life is divided into the pain of loss (*pena damni*) and the pain of sense (*pena sensus*).

The pain of loss is the privation of the beatific vision of God in punishment of turning away from Him. The pain of sense is suffering in punishment of the conversion to some created thing in place of God. This two-fold pain in punishment of mortal sin is eternal (1 Corinthians 6:9; Matthew 25:41; Mark 9:45). One mortal sin suffices to incur punishment. Other effects of sins are: remorse of conscience (Wisdom 5:2-13); an inclination towards evil, as habits are formed by a repetition of similar acts; a darkening of the intelligence, a hardening of the will (Matthew 13:14-15; Romans 11:8); a general vitiating of nature, which does not however totally destroy the substance and faculties of the soul but merely weakens the right exercise of its faculties.

### Venial sin

Venial sin is essentially different from mortal sin. It does not avert us from our true last end, it does not destroy charity, the principle of union with God, nor deprive the soul of sanctifying grace, and it is intrinsically reparable. It is called venial precisely because, considered in its own proper nature, it is pardonable; in itself meriting, not eternal, but temporal punishment. It is distinguished from mortal sin on the part of the disorder. By mortal sin man is entirely averted from God, his true last end, and, at least implicitly, he places his last end in some created thing. By venial sin he is not averted from God, neither does he place his last end in creatures. He remains united with God by charity, but does not tend towards Him as he ought. The true nature of sin as it is contrary to the eternal law, repugnant namely to the primary end of the law, is found only in mortal sin. Venial sin is only in an imperfect way contrary to the law, since it is not contrary to the primary end of the law, nor does it avert man from the end intended by the law. (St. Thomas, I-II.88.1; and Cajetan, I-II, Q. lxxxviii, a. 1, for the sense of the *præter legem* and *contra legem* of St. Thomas).

### Malice of venial sin

The difference in the malice of mortal and venial sin consists in this: that mortal sin is contrary to the primary end of the eternal law, that it attacks the very substance of the law which commands that no created thing should be preferred to God as an end, or equaled to

Him, while venial sin is only at variance with the law, not in contrary opposition to it, not attacking its substance. The substance of the law remaining, its perfect accomplishment is prevented by venial sin.

### Conditions

Venial sin is committed when the matter of the sin is light, even though the advertence of the intellect and consent of the will are full and deliberate, and when, even though the matter of the sin be grave, there is not full advertence on the part of the intellect and full consent on the part of the will. A precept obliges *sub gravi* when it has for its object an important end to be attained, and its transgression is prohibited under penalty of losing God's friendship. A precept obliges *sub levi* when it is not so directly imposed.

### Effects

Venial sin does not deprive the soul of sanctifying grace, or diminish it. It does not produce a *macula*, or stain, as does mortal sin, but it lessens the lustre of virtue - "*In anima duplex est nitor, unus quidem habitualis, ex gratia sanctificante, alter actualis ex actibus virtutem, jamvero peccatum veniale impedit quidem fulgorem qui ex actibus virtutum oritur, non autem habituales nitorem, quia non excludit nec minuit habitum charitatis*" (I-II:89:1). Frequent and deliberate venial sin lessens the fervour of charity, disposes to mortal sin (I-II:88:3), and hinders the reception of graces God would otherwise give. It displeases God (Revelation 2:4-5) and obliges the sinner to temporal punishment either in this life or in Purgatory. We cannot avoid all venial sin in this life. "Although the most just and holy occasionally during this life fall into some slight and daily sins, known as venial, they cease not on that account to be just" (Council of Trent, sess. VI, c. xi). And canon xxiii says: "If any one declare that a man once justified cannot sin again, or that he can avoid for the rest of his life every sin, even venial, let him be anathema", but according to the common opinion we can avoid all such as are fully deliberate. Venial sin may coexist with mortal sin in those who are averted from God by mortal sin. This fact does not change its nature or intrinsic reparability, and the fact that it is not coexistent

with charity is not the result of venial sin, but of mortal sin. It is *per accidens*, for an extrinsic reason, that venial sin in this case is irreparable, and is punished in hell. That venial sin may appear in its true nature as essentially different from mortal sin it is considered as *de facto* coexisting with charity (1 Corinthians 3:8-15). Venial sins do not need the grace of absolution. They can be remitted by prayer, contrition, fervent communion, and other pious works. Nevertheless it is laudable to confess them (Denz.-Bann., 1539).

### **Sense of sin**

The understanding of sin, as far as it can be understood by our finite intelligence, serves to unite man more closely to God. It impresses him with a salutary fear, a fear of his own powers, a fear, if left to himself, of falling from grace; with the necessity he lies under of seeking God's help and grace to stand firm in the fear and love of God, and make progress in the spiritual life. Without the acknowledgment that the present moral state of man is not that in which God created him, that his powers are weakened; that he has a supernatural end to attain, which is impossible of attainment by his own unaided efforts, without grace there being no proportion between the end and the means; that the world, the flesh, and the devil are in reality active agents fighting against him and leading him to serve them instead of God, sin cannot be understood. The evolutionary hypothesis would have it that physical evolution accounts for the physical origin of man, that science knows no condition of man in which man exhibited the characteristics of the state of original justice, no state of sinlessness. The fall of man in this hypothesis is in reality a rise to a higher grade of being. "A fall it might seem, just as a vicious man sometimes seems degraded below the beasts, but in promise and potency, a rise it really was" (Sir O. Lodge, "Life and Matter", p. 79). This teaching is destructive of the notion of sin as taught by the Catholic Church. Sin is not a phase of an upward struggle; it is rather a deliberate, willful refusal to struggle. If there has been no fall from a higher to a lower state, then the teaching of Scripture in regard to Redemption and the necessity of a baptismal regeneration is unintelligible. The Catholic teaching is the one that places sin in its true light, that justifies the condemnation of sin we find in Scripture.

The Church strives continually to impress her children with a sense of the awfulness of sin that they may fear it and avoid it. We are fallen creatures, and our spiritual life on earth is a warfare. Sin is our enemy, and while of our own strength we cannot avoid sin, with God's grace we can. If we but place no obstacle to the workings of grace we can avoid all deliberate sin. If we have the misfortune to sin, and seek God's grace and pardon with a contrite and humble heart, He will not repel us. Sin has its remedy in grace, which is given us by God, through the merits of His only-begotten Son, Who has redeemed us, restoring by His passion and death the order violated by the sin of our first parents, and making us once again children of God and heirs of heaven. Where sin is looked on as a necessary and unavoidable condition of things human, where inability to avoid sin is conceived as necessary, discouragement naturally follows. Where the Catholic doctrine of the creation of man in a superior state, his fall by a willful transgression, the effects of which fall are by Divine decree transmitted to his posterity, destroying the balance of the human faculties and leaving man inclined to evil; where the dogmas of redemption and grace in reparation of sin are kept in mind, there is no discouragement. Left to ourselves we fall, by keeping close to God and continually seeking His help we can stand and struggle against sin, and if faithful in the battle we must wage shall be crowned in heaven.



## Chapter 9

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# Various Approaches in Moral Theology

**E**thics is about knowing and doing what is good or right, and workplace ethics is about knowing and doing what is good or right at work. For the Christian, this means applying the Bible and other resources of the Christian faith to help decide and do what is ethical or moral at work. (In this article, “ethics” and “morality” are used interchangeably.)

Three general approaches to ethics have achieved widespread use both in Christian moral thinking and in the world at large. The approaches are:

1. **Command**- What do the rules say is the right way to act?
2. **Consequences**- What actions are most likely to bring about the best outcome?
3. **Character** - What kind of moral person do I want to be or become?"

### Command Approach

The command approach asks, “Is this action right or wrong in itself, according to the rules?” It is often called the deontological approach (from the Greek *deon* for duty or rule). It is based on the proposition that actions are inherently right or wrong, as defined by a set of rules or duties. This set of duties/rules may be given by divine command, natural law, rational logic or another source. In Christian ethics, we are interested in commands given by God or logically derived from God’s self-revelation in the Bible.

### Consequences Approach

The consequences approach asks, “Will this action produce good or bad results?” It is often called the teleological approach (from the Greek *telos* for end) because it says that end results decide what the morally correct course of action is. The most moral course of action may be decided by:

- ❖ What will result in the greatest good? One well-known example of the teleological approach is called Utilitarianism, which defines the greatest good as whatever will bring the greatest happiness to the greatest number of people.
- ❖ What advances one’s self interest best? For example, the system known as Ethical Egoism assumes that the most likely way to achieve what is in the best interests of all people is for each person to pursue their own best interest, within certain limits.
- ❖ What will produce the ends that are most in accord with God’s intent for his creation? This approach can focus on subordinate goals, e.g., gaining a better quality of life for a disabled person, or an ultimate goal, such as glorifying God and enjoying him forever. In the case of complicated circumstances, this approach tries to calculate which actions will maximize the balance of good over evil.

Because neither happiness nor self-interest seem to be the highest results God desires for his creation, neither Utilitarianism nor Ethical Egoism are generally considered Christian forms of ethics. But this does not mean that consequences are not ethically important to God, any more than the fact that there are unbiblical systems of rules means that ethical commands are not important to God.

### Character Approach

This approach asks, “Is the actor a good person with good motives?” In this approach, the most moral course of action is decided by questions about character, motives and the recognition that individuals don’t act alone because they are also part of communities that shape their characters and attitudes and actions. This is often called virtue ethics. Since the beginning of the Christian era, virtues have been recognized as an essential element of Christian ethics. However, from the time of the Reformation until the late 20th century, virtue ethics- like consequential ethics-was overshadowed by command ethics in most Protestant ethical thinking.

But how do these three different approaches apply to Christian ethics?

### The Command Approach in Practice

Christians from most church traditions are agreed that the Bible plays an essential role in determining our understanding of such commands and principles. And it is not hard to find Bible verses that speak about work.

- In the first two chapters of the Bible, men and women are given work to do, both caring for and cultivating natural resources given by God (Gen. 1:26-29; Gen. 2:15; Gen. 2:18-20).
- God models a seven day pattern of work and rest (six days work, one day rest) that God’s people are called to emulate (Gen. 2:2; Ex. 20:9-11; Mark 2:27). There is also a daily pattern of work and rest (Psalm 104:19-23).
- Earning one’s living by honest work is commended (Psalm 128:2; 1 Thess. 2:9; 2 Thess. 3:7-10).
- The Book of Proverbs contains many exhortations to work hard and warnings against idleness (e.g., Prov. 6:6).
- Manual work is not to be despised. Even a king works with his hands (1 Samuel 11:5). Jesus did the work of an artisan (Mark 6:3).
- The prophets denounce the idle rich (e.g., Amos 6:3-6).
- Like the prophets before him (see Isa. 5:7-8; Micah 3:1-3; Amos 5:21-24), Jesus denounces those who profess faith but act unjustly (Matt. 23:23).

- The apostle Paul supported himself as a tentmaker to preserve his independence and self-respect, and to provide his converts with an example of diligence and self-reliance. Paul encouraged them to share with others in need (Eph. 4:28). He saw honest labor as a way of commending the gospel (1 Thess. 4:11). He reprimanded those enthusiasts who wanted to give up daily work to get on with what they considered more urgent gospel work, only to end up living off other people (2 Thess. 3:10 ff.).
- Work is to be approached as an act of worship (1 Cor. 10:31; Col. 3:17, 23).

The Bible also expresses concern about employment issues.

- ❖ We don’t just work to please our human bosses. We work for God (Col. 3:23; Eph. 6:5-8). Work is to be approached wholeheartedly and done well (Eccl. 9:10; Col. 3:22-24).
- ❖ God intends that people should be adequately paid for the work they do and enjoy food, shelter and clothing as part of the fruit of that work (Luke 10:7; 2 Thess. 3:10; Psalm 128:1-2).
- ❖ Employers are told to treat their employees justly and fairly, knowing that they themselves also have a master that they will ultimately answer to (Col. 4:1).
- ❖ They are to recognize that “workers deserve their wages” (Luke 10:7; 1 Tim. 5:18).
- ❖ Employees are reminded of their responsibilities towards their employers (1 Tim. 6:1; Titus 2:9).

Beyond these injunctions, there are a multitude of other Bible verses that speak about relationship and integrity issues at work. The Businessman’s Topical Bible (and its companion Businesswoman’s version) identifies 100 common workplace problems and then uses 1550 Bible verses to point to answers. The topics include what to do when a customer is dissatisfied, when you lose a key employee, when you feel betrayed, when you feel tempted to cheat and when your employee needs motivation.

Nonetheless, the attempt to formulate a complete book of rules based on Scripture that will speak to every conceivable ethical dilemma would seem to be a hopeless quest. No set of commands can be vast

enough to cover every issue that arises. And there are situations in today's workplace that have no precedent in Biblical times. Is it ethical to award stock options based on performance? Is it ethical to advertise a product to entice people to buy more of it? Is it ethical to have hiring preferences for under-represented ethnic groups? Is it ethical to buy a competing company? None of these situations would seem to be covered by a biblical command.

Moreover, this is the problem that the scribes and Pharisees ran into as they tried to come up with a comprehensive code and ended up not only overwhelmed by trivia, but also missing the main points. Yet, at the same time, it would be foolish for us to ignore the fact that Scripture does offer clarity on many issues: stealing, lying, loving the other person including our enemies, acting justly, caring for the poor and oppressed, etc. As Chris Marshall says, "The exclusion of any normative authority for Scriptural commands, laws or principles can also threaten to undermine the distinctively Christian character of Christian ethics and allow too much place for subjective judgment." The Bible can't be turned into a comprehensive rule book for ethics in the modern marketplace. But that is not to say that it doesn't contain some important and still relevant rules.

### Looking For Guiding Principles

A variety of attempts have been made to reduce the multitude of biblical commands to just a few overarching commands or principles. Some examples of this emphasize the importance of the Ten Commandments of Moses, or the Beatitudes of Jesus or quotes from the book of Proverbs.

Larry Burkett's *Business by the Book*, rather grandly subtitled *The Complete Guide of Biblical Principles for Business Men and Women*, announces Six Basic Biblical Business Minimums:

- Reflect Christ in your business practices.
- Be accountable.
- Provide a quality product at a fair price.
- Honor your creditors.
- Treat your employees fairly.
- Treat your customers fairly.

There are many other attempts to do something similar. Most of these include numerous useful insights, but they also often end up creating contrived schemes more than announcing fundamental biblical insights that really help to focus our attention on the heart of things.

Building on some more fundamental biblical principles, *Business through the Eyes of Faith* takes the command to love our neighbor as the primary ethical concern. Then it develops this by using Micah 6:8 as the organizing principle for determining how God would have us apply love in business: "He has told you, O mortal, what is good; and what does the Lord require of you but to *do justice*, to *love kindness* and to *walk humbly* with your God?" Thus, love, as applied through justice, kindness and faithfulness becomes the foundational ethical principle. And we find Jesus himself emphasizing the importance of these same three elements in Matthew 23:23, "Woe to you, scribes and Pharisees, hypocrites! For you tithe mint, dill, and cumin, and have neglected the weightier matters of the law: *justice* and *mercy* and *faith*. It is these you ought to have practiced without neglecting the others." This would seem to be getting closer to the heart of Christian ethics as well as transcending the gulf that often exists between personal and social ethics. If following a few fundamental commands seems to be a better approach than looking for a specific command for every issue, then the question becomes, "Is there one biblical command upon which all the others are built?"

### From Guiding Principles to One Clear Command

There is an undeniable attraction in reducing all the Bible's moral imperatives to just one overarching command. For John Maxwell, this is The Golden Rule, "Do to others as you would have them do to you; for this is the law and the prophets" (Matthew 7:12). This involves only asking one question, "How would I like to be treated in this situation?" Maxwell acknowledges that putting it into practice may also require a number of other principles, including:

- Treat people better than they treat you.
- Walk the second mile.
- Help people who can't help you.
- Do right when it's natural to do wrong.
- Keep your promises even when it hurts.

Regrettably, this increases rather than reduces the number of fundamental commandments. It also introduces principles that are not directly from the Bible.

Joseph Fletcher, with his *Situation Ethics*, subjected everything to Jesus' "love commandment": "You shall love your neighbor as yourself" (Matthew 22:39). He then ran into a similar problem, being forced to devise a number of other principles (four presuppositions and six propositions), to clarify how the most loving thing might be determined. Maxwell is anxious to distance himself from the "moral relativism" of Situation Ethics and, unlike Fletcher, doesn't say that the love commandment is the only absolute moral principle in a way that reduces all other moral rules to becoming only helpful "illuminators." But Maxwell and Fletcher both demonstrate that, while the simplicity of choosing to elevate one principle is attractive and helpful in some ways, it is simplistic and deceptive in other ways.

They also demonstrate the inadequacy of utilizing only one approach to doing ethics; in their cases, the command approach. Both of these examples begin by promoting one absolute biblical command, but then quickly move to consider circumstances and consequences in order to decide which other qualifying commands are required to provide clarity. And the way they talk about love suggests that its demonstration will largely depend on the character of the actor anyway.

### Three Balancing Principles

For Alexander Hill, "the foundation of Christian ethics in business is the changeless character of God." The commands or principles that *humans* should follow are defined by the character of *God*. Note that although Hill starts with God's character, his method is not considered a form of character-based ethics, as will be described a little later. This is because when it comes to determining how humans should act, Hill's method is to develop rules and principles. Rules and principles are the hallmarks of the command approach to ethics.

The most common recurring descriptions of God's character in the Bible are holiness, justice and love. Our laws, rules and practices should bring about holiness, justice and love. Hill maintains that Christian ethics requires that all three principles be taken into account all the time. Each, like a leg on a three-legged stool, balances the other two. Overemphasizing the importance of one at the expense of the others always leads to a distortion in ethical thinking. For example, an

overemphasis on holiness can easily lead to rules that require Christians to withdraw from the world into a kind of impotent isolationism. An overemphasis on justice can easily produce excessively harsh penalties for breaking the rules. An overemphasis on love can sometimes lead to vagueness and lack of accountability.

Hill's approach would seem to provide for a better balance than those that just focus on a single principle. It does provide some help to explore both personal and social ethical dimensions. However, the concepts of love, justice and holiness still need explaining by referring to other principles. The hope of reducing the vast mass of rules to a few master principles remains once again unfulfilled.

### The Consequens Approach

The fundamental question the consequentialist asks is, "Will it produce good results?" or "Which choice will produce the best result?" Unlike the command approach (where the best option is determined by rules that define the inherent goodness of the action), the consequences approach is decided by the outcome. It is the end result that determines what the most moral course of action is. This involves trying to anticipate and calculate the results of different courses of action and choosing what is really good or the best result possible.

### The Bible and Consequences

Because so many people think of ethics in terms of the Ten Commandments and of the Bible as a rule book, it is perhaps surprising to discover how often the Scriptures themselves encourage readers to consider the consequences of their actions and let this influence their decision making.

For example, Proverbs is full of warnings and promises - pithy sayings that spell out the likely outcomes of certain actions. For example, Proverbs 14:14 states, "The perverse get what their ways deserve, and the good, what their deeds deserve."

Jesus, too, warns his listeners to weigh carefully the consequences of their decisions. "You will know them by their fruits" (Matt. 7:16). In fact, in one sense Jesus' whole life and ministry can be viewed as a living example of making decisions for the greater good.

His Beatitudes also display an implicit consequential aspect to them - if you want to be "filled" then hunger and thirst after righteousness,

etc. (Matt 5:6). So, too, does much of the rest of the Sermon on the Mount, such as: Let your light shine before others, so that they may see your good works and give glory to your Father in heaven. (Matt. 5:16).

Come to terms quickly with your accuser while you are on the way to court with him, or your accuser may hand you over to the judge, and the judge to the guard, and you will be thrown into prison. (Matt. 5:25).

But when you give alms, do not let your left hand know what your right hand is doing, so that your alms may be done in secret; and your Father who sees in secret will reward you. (Matt. 6:3-4).

If you do not forgive others, neither will your Father forgive your trespasses. (Matt. 6:15).

Considering the consequences is an important biblical approach to our ethical decision-making. However, there are also a number of potential landmines in such thinking when it comes to answering, “What is good?” “Good for whom?” “Does a good end always justify the means?” “Does the context influence what is good?” Measuring the good is not as straightforward as it might seem.

### **The Character Approach**

Rather than asking how to decide “What are the rules?” or “What will produce the best results?” in each particular situation, the virtue approach asks, “What type of person should I become?” The assumption is that if a person develops good character, he or she is more likely to do the right/good thing throughout a lifetime of situations. For this reason, it is more an ethics of becoming than of doing.

It also recognizes that knowing what the right thing is-by employing consequential or command ethics-doesn’t ensure you will actually do the right thing. Doing the right thing takes character. Character ethics is developing the habit of doing the right thing along with the ability to know the right thing. It is about how the character of God is shaping our own characters-about whether we are becoming more holy, just and loving people, to name three prominent character traits in the Bible. These are no longer just principles to guide us in our decision-making. These are character attributes that are becoming ingrained in us as default settings. There are several reasons why this is so important.

Firstly, because the way we have been talking about ethical dilemmas until now suggests that we have both the time and the ability to reason our way through some complex issues towards making the right decision. And sometimes we do. But what about most of the time? Are not most of our decisions made in a split second while we are on the run? How do we relate to this person, or sort out that problem, or advise a customer, or motivate an underperforming individual or team?

Secondly, could it be that many of the ethical choices we make are already substantially decided before we make the decision? That our character automatically shapes much of what we decide to do? And because of this, our ethical decisions are largely determined by who we are (the type of character and values we’ve embodied) rather than what decision-making process we employ.

Thirdly, are we really individuals freely making personal decisions, or are our decisions largely shaped by the communities we are part of? Are character and community intertwined with our values in ways that are inseparable when it comes to talking about ethics?

David Cook argues that we rarely make conscious moral decisions. Most times we don’t think about the moral dilemma, but simply respond to it. If this is the case and our reactions are substantially instinctive, then the importance of developing Godly character is strengthened, because we are making so many of our ethical choices automatically. Good people have a greater chance of making good choices.

### ***Which Virtues?***

Just as the command and consequence approaches have to determine which commands and consequences are truly good, the character approach has to determine which virtues are good. Aristotle emphasized the classical Greek virtues of justice, fortitude, prudence and temperance. St. Ambrose (339-397) agreed that these were implicit in the Bible, but also added another three specifically “theological” virtues from the Bible- faith, hope and love. The medieval theologian Thomas Aquinas went on to contrast these virtues with corresponding vices - the ones we know as the seven deadly sins.

Virtue ethics has remained prominent in Catholic thought, but only recently have Protestant theologians started to enthusiastically explore the character approach. Mostly they have looked to the Bible

as the source of virtues. We have seen that Alexander Hill identified the biblical virtues of holiness, justice and love as God's chief virtues. Nonetheless, even he subordinates the virtue approach to the rule approach. He doesn't say that humans should develop virtues in themselves. Instead, he says people should develop rules in accordance with God's virtues.

Those Protestant theologians who have tried to identify Christian virtues that humans should cultivate have tended to focus specifically on the life and teaching of Jesus. Stassen and Gushee note: The Bible is not flat; Christ is its peak and its center. No moral issue should be addressed apart from consideration of the meaning of Jesus Christ for reflection on that issue.

For Stassen and Gushee, the obvious starting place to consider what specific virtues followers of Jesus should aspire to is the Sermon on the Mount and in particular the Beatitudes. Poverty of spirit, mercy, a thirst/hunger for justice, meekness/humility, peacemaking, compassion- these are some of the key qualities to be nurtured. For Jesus, our actions and behavior are a manifestation of much more fundamental core attitudes, motives and character qualities (Mark 7:21-22). The apostle Paul also emphasizes the importance of character development. For example, in Galatians, Paul exhorts those who belong to Jesus not to gratify the desires of "the flesh" but rather to allow the Spirit to grow "fruit" such as love, joy, peace, patience, kindness, gentleness and self-control (Galatians 5:16-25). To the Philippians, Paul writes, "Do nothing from selfish ambition or conceit, but in humility regard others as better than yourselves....Let the same mind be in you that was in Christ Jesus" (Philippians 2:3-5).

Jesus is our model. It is his example we are called to imitate. It is his character we are called to develop through the working of his Spirit. These references reflect the overwhelming emphasis the New Testament places on growing the character of Jesus.

As Christians, we seek to become like Jesus (1 John 3:2). So we must be acutely aware of the danger we face of "reframing" Jesus' commandments, desired consequences and character in ways that are less challenging to our own lifestyle and worldview. Remaking Jesus in our own image is a temptation we all face. It is easy, particularly in communities of relative affluence, to unconsciously filter out the enormous social, economic, political and environmental

implications of Jesus' life and teachings, so that all we're left with is a Jesus who limits himself to addressing a small range of "personal" moral issues. "What Would Jesus Do?" can easily become trivialized. Research suggests that most regular churchgoers only exhibit ethical understandings distinctive from the rest of the population as this relates to a few issues of sexual conduct, personal honesty and the accumulation of wealth. In most other respects, we are shaped more by the values of our culture than the ethics of Jesus.

The encouraging thing about this research is that it does demonstrate clearly that churchgoing does make a difference to our ethical understanding. But sadly, only in a very limited way, because those ethical concerns that are regularly addressed in church exclude most workplace and business ethics issues. Surely the fact that the CEOs of Enron and WorldCom could profess to be devout Christian men with the support of their churches suggests a few blind spots? We must work harder to address more marketplace issues in the way we tell and celebrate and explore the Christian story.

Christian character does not develop just as a result of individual transformation. It is in the context of community that such character is primarily nurtured. As Benjamin Farley writes: The New Testament, in concert with the Hebrew Bible, emphasizes the indispensable context of the believing community... It is within this nurturing context of faith, hope and love... that the Christian life, as a process, unfolds. It is never a matter of the individual alone, pitted against an alien and hostile culture that constitutes the epicenter of Christian moral action.

We are much more likely to become people of virtue when we are committed to a community that seeks to retell, understand, embrace and live out the gospel story - especially where these communities are themselves committed to discovering a clearer picture of the character of Jesus, and asking the hard and uncomfortable questions that help us to confront our limited view of the virtuous life. When this happens, we are less likely to duplicate the many sad examples of Christians doing business in un-Christian ways.

There are three different approaches to ethics. So there we have it: Commands, Consequences and Character. In reality, some combination of these approaches is often present in dealing with real, everyday situations. For example, it is hard to think about the application of specific commands or rules without also considering the

consequences of such actions. While, at the same time, choosing between different anticipated consequences depends on knowing what principles we want to prioritize to define what is best. And, whatever has been decided in theory, it is character that finally dictates how a person chooses to act.

Hence, when it comes to making moral decisions, we find ourselves involved in an ethical dance that involves interplay between these different approaches.

**Summary of the Three Approaches**

	<b>Deontological</b>	<b>Teleological</b>	<b>Virtue</b>
<b>Key concept</b>	Commands Rules	Consequences Results	Character
<b>Primary question</b>	What is the applicable rule?	What will produce the best result?	Am I becoming a good person?

In part, what we emphasize depends on the nature of the situation we find ourselves confronted with. For example, one common difference in approaches relates to whether we find ourselves trying to solve a major moral dilemma or a more everyday moral choice. Let us explore what we mean.

**Solving Major Moral Dilemmas**

A lot of teaching on business ethics is built around exploring significant case studies and is developed in response to profound moral dilemmas; in particular, the challenges that come when important principles clash and seem to point towards different solutions. The attempt to address such problems tends to start with emphasizing the importance of developing a method for moral reasoning in the face of such challenges. Such a model usually emphasizes the importance of considering relevant rules and calculating likely outcomes with the aim of comparing and weighing these to discern the best option for action in that particular context. The emphasis on virtue and character in this case relates primarily to making sure that enough motivation and resolve is found to ensure that appropriate action results. This can be pictured like this:

**Rules/consequences-priority (decision-action) model**

‘Determine what is the right thing to do in each situation’! Define the applicable rules(commands)“!Discern the best outcomes (consequences)”!

Become a virtuous person by doing the right thing in situation after situation ’! Do what you have determined is right (character) The sort of method that is recommended usually looks something like this: Gather all the relevant facts.

1. Clarify the key ethical issues.
2. Identify rules and principles relevant for the case.
3. Consult the important sources of guidance - especially the Bible, with sensitivity to the best way of reading the Bible to address this situation. But also consult other relevant sources.
4. Ask for help from others in your community who know you and the situation. This will help you avoid self-deception and paying too much attention to your particular biases.
5. List all the alternative courses of action.
6. Compare the alternatives with the principles.
7. Calculate the likely results of each course of action and consider the consequences.
8. Consider your decision prayerfully before God.
9. Make your decision and act on it.
10. Create systems and practices that shape the organization/society’s character, so that it tends to do what you have determined is right as a matter of course.
11. Find ways to continuously practice the activities inherent in doing what is right, as you have determined.

**Everyday Moral Choices**

A second model recognizes that most ethical decisions in our daily lives and work are made instantly, often under pressure and without much room for forethought. They are the product of habits of a lifetime and also shaped by the cultures of places we work and the peer groups and faith communities we belong to. They are influenced by the extent to which Christian virtues and character have been molded into the core of our beings. This is regular Christian discipleship. This is not to suggest that moral reasoning doesn’t also accompany this emphasis on the importance of being as the foundation for our doing. Within the virtuous life, there is still a place for understanding rules and calculating consequences. But in this case, it is with rules and consequences subordinated to virtues and viewed as servants rather

than masters. This reverses the priority illustrated in our previous diagram:

**Character-priority (Ethical Development)Model**

Become a virtuous person'! Develop a virtuous character so you will have the wisdom and fortitude to obey the rules and seek the best outcomes(character)

Determine what is the right thing to do when the situation is unclear '! Determine the applicable rules in each situation (commands) Discern the best outcome in each situation (consequences)

This is not to suggest that emphasis on virtues doesn't also give rise to moral dilemmas, because we can find competing virtues themselves pulling in different directions. For example, courage and prudence can pull in different directions, or justice and peace, or loyalty and truth. Making good moral decisions in these cases is less about seeing one right answer because there is probably not just one. Making good moral decisions is more about seeing the alternatives as tensions that can provide a stimulus towards balanced Christian responses.

***Making Ethical Decisions in a Fallen World***

So far we have been talking as if we have the ability to follow God's rules, to seek the outcomes God seeks, to become the kind of characters God wants us to become. But usually we fall far short of that ability. We may not have the power or position to do the right thing. We may lack the courage. We may be tripped up by our own ungodly desires, attitudes, fears, relationships and other factors

Sometimes we lack not only the ability, but even the knowledge needed to do right. It may not be clear what God's rules are when it comes to warfare or bioethics, for example. We may not know which outcome God desires when the alternatives are working as a prostitute or watching your children go hungry. We may not be able to picture the kind of character Jesus wants us to be in a workplace where people seem to be either competent and mean-spirited, or inept and kindly.

In most situations in work and life, we simply can't reach a perfect solution. Often we face a choice not between the better and the best, but between the bad and the worse. Nonetheless, God is still with us. A Christian ethical approach does not condemn us to failure if we

cannot attain perfection. Instead, it gives us resources to do the best we can or at least just to do better than we would otherwise. In a corrupt system, there may be little we can do to make a real difference. Even so, the Bible gives us a picture of the way God intends things to be, even if we cannot get there any time soon. This is meant to be a cause for hope, not guilt. God chose to enter human life-in the person of Jesus- in the midst of a corrupt regime. He suffered the worst consequences of it, but emerged victorious by God's grace. We can expect the same as Jesus' followers. "Indeed, God did not send the Son into the world to condemn the world, but in order that the world might be saved through him" (John 3:17).

In the end it all comes down to grace. God's grace may make it clear to us what the right thing is. God's grace may make us able to do what we know is right. Even if we fail, God's grace can forgive us and make it possible for us to try again.

The fallenness of the world is one of the most important reasons we think the character approach is so important. We may not be able to obey all God's rules or desire all the outcomes God desires. But by God's grace, we can practice doing something better today than we did yesterday. If we do nothing but tell the truth once today when we would have laid yesterday, our character has become slightly more like God intends. A lifetime of growing ethically better, bit by bit, makes a real difference.

The Bible is the basic source for the commands we are to obey, the consequences we are to seek, and the characters we are to become as followers of Jesus Christ. Although the Bible's commands may be the first things that come to mind when we think about Christian ethics, consequences and character are essential elements of Christian ethics too. For most of us, the most effective way to become more ethical is probably to give greater attention to how our actions and decisions at work are shaping our character. The best ethical decisions at work and elsewhere are the decisions that shape our character to be more like Jesus'. Ultimately, by God's grace, "we will be like him" (1 John 3:2).



## Chapter 10

### Ethical Approaches in Hinduism and Islam

Hinduism teaches that humans are moral agents who have the imperative of applying their understanding of their religion to their daily lives. Hindus believe that the supreme reality, Brahman, exists in all things, including the bodies of all individuals. Hindu morality preaches the importance of understanding and realizing this divine presence. Hindus place greater emphasis on the attitude of the mind rather than on postulation of the elaborate theories of what is right and what is wrong. Accordingly, the Hindu vision of morality and ethics is characterized by the following considerations:

- ❖ Morality proceeds from the inner spirit of man. In Hindu view, one’s motive is as important in the performance of an action as the action itself. When the heart is pure and free from lust and greed, whatever one does to perform one’s duties has a high moral value.
- ❖ Harmlessness to all creatures is the highest morality.
- ❖ There are four sources of right conduct: Vedas, the

Smriti (secondary scriptures), the conduct of wise persons, and the individual’s own judgment.

- ❖ In times of confusion and crisis regarding what is right and what is wrong, one’s own conscience is the sole guide. “In times of doubt, O, son of Kunti [Arjuna], one must decide using one’s own good sense.”
- ❖ An individual is ultimately responsible for his own actions, i.e. the Law of Karma. He is also responsible for the actions of others if he induces or forces them to perform such actions.
- ❖ Hindus declare that loyalty to one’s moral values is the highest loyalty, and of all the losses, loss of one’s character and loss of judgment are the worse.

#### Yamas and Niyamas<sup>16</sup> - Moral and Ethical Ideals of Hindus

1. Ahimsa (non-injury)	Don’t harm others by word, deed or thought.
2. Satya (truthfulness)	Refrain from lying and betraying promises.
3. Asteya (nonstealing)	Don’t steal, covet or enter into debt.
4. Brahmacharya (controlling sex)	Observe celibacy when single, and faithfulness in marriage.
5. Kshama	Restrain from intolerance and ill will. (forgiveness)
6. Dhriti (firmness)	Overcome fear, indecision, and fickleness
7. Daya (compassion)	Conquer callous and insensitive feelings.
8. Arjava (honesty)	Renounce fraud, cheating and stealing.
9. Mitahara	Refrain from overeating and consuming meat.
10. Shaucha (purity)	Observe purity of the body, mind and intellect.
11. Hri (remorse)	Be modest and show remorse for misconduct.
12. Santosha (contentment)	Don’t be a slave to the senses. Seek joy and serenity in the Self.
13. Dana (tithing)	Give generously without thought of reward. The more you give, the more you get.
14. Astikya (faith)	Have unwavering faith in God’s grace.
15. Pujana (worship)	Perform daily worship and meditation.

16. Shrivana (hearing of scriptures)	Study scriptures, listen to the teachings of the wise, and faithfully follow guru's advice.
17. Mati (cognition)	Sharpen the intellect with guru's guidance.
18. Vrata (sacred vows)	Observe scriptural injunctions faithfully.
19. Japa (chanting)	Chant God's names and sacred mantras daily.
20. Tapas (austerity)	Perform sadhana (spiritual discipline) as outlined by the guru.

**Hindu Ethics is mainly Subjective or Personal**

Hindu ethics is mainly subjective or personal, its purpose being to eliminate such mental impurities as greed and egoism, for the ultimate attainment of the highest good. Why Hindu ethics stresses the subjective or personal value of action will be discussed later. Objective ethics, which deals with social welfare, has also been considered by Hindu thinkers. It is based upon the Hindu conception of Dharma, or duty, related to a man's position in society and his stage in life. Objective ethics, according to the Hindu view, is a means to an end, its purpose being to help the members of society to rid themselves of self-centeredness, cruelty, greed, and other vices, and thus to create an environment helpful to the pursuit of the highest good, which transcends society. Hinduism further speaks of certain universal ethical principles which apply to all human beings irrespective of their position in society or stage in life.

**Social welfare**

The ethical doctrines of the Hindus are based upon the teachings of the Upanishads and of certain secondary scriptures, which derive their authority from the Vedas. But though their emphasis is mainly subjective, the Upanishads do not deny the value of social ethics. For instance, we read: "As the scent is wafted afar from a tree laden with flowers, so also is wafted afar the scent of a good deed." Among the social virtues are included 'hospitality, courtesy, and duties to wife, children, and grandchildren.' In one of the Upanishads, a king, in answer to a question by a Rishi regarding the state of affairs in his country, says: "In my kingdom there is no thief, no miser, no drunkard, no man without an altar in his home, no ignorant person, no adulterer, much less an adulterous."

Ethical actions calculated to promote social welfare is enjoined upon all who are identified with the world and conscious of their social responsibilities. Without ethical restraint there follows social chaos, which is detrimental to the development of spiritual virtues. According to the Upanishads, the gods, who are the custodians of society, place obstacles in the path of those who seek liberation from samsara, or the relative world, without previously discharging their social duties. As a person realizes the unreality of the world and the psycho-physical entity called the individual, his social duties gradually fall away; but they must not be forcibly given up. If the scab is removed before the wound is healed, a new sore forms. Every normal person endowed with social consciousness has a threefold debt to discharge: his debt to the gods, to the Rishis, and to the ancestors. The debt to the gods, who favour us with rain, sun, wind, and other natural amenities, is paid through worship and prayer. The debt to the Rishis, from whom we inherit our spiritual culture, is paid through regular study of the scriptures. The debt to the ancestors, from whom we have received our physical bodies, is paid through the procreation of children, ensuring the preservation of the line.

With the blessings of the gods, the Rishis, and the ancestors, one can cheerfully practice disciplines for the realization of the highest good, in which all worldly values find fulfillment. The observance of social ethics, in a large measure, preserved Hindu society when various outside forces threatened to destroy it. The neglect of social ethics, on the other hand, has undermined its vitality.

How, by suitable ethical disciplines, the brutish man may become a decent man, a decent man an aristocrat, and the aristocrat a spiritual person, has been explained by a story in one of the Upanishads. Once a god, a man, and a demon - the three offspring of the Creator - sought his advice for self-improvement. To them the Creator said: "Da." As the syllable 'Da' is the first letter of three Sanskrit words, meaning, respectively, self-control, charity, and compassion, the Creator was in effect asking the god to practice self-control, the man to practice charity, and the demon to practice compassion.

In human society there exist aristocrats, average men, and demoniacal men. The aristocrat, in spite of his education, refinement, generosity, and gentleness, may lack in self-control and go the excess in certain matters like eating, drinking, or gambling. Hence he needs self-control to improve his character further.

The average man, in spite of his many human qualities, is often greedy; he wants to take what belongs to others. Liberality or charity is his discipline for self-improvement. The demoniacal person takes delight in treating others with cruelty and ruthlessness, which can be suppressed through the practice of compassion. The Upanishads say that the Creator, even today, gives the same moral advice to different types of human beings through the voice of the thunderclap, which makes the reverberating sound 'Da-da-da.'

The caste system in Hinduism is intimately connected with the social aspect of Hindu ethics, demonstrating the importance of renunciation and self-denial as cardinal virtues. The origin of this system is found in the Vedas, though it later underwent much transformation in the hands of the Hindu lawgivers. The *Bhagavad Gita* says that the Lord Himself divided human beings into four groups, determined by their actions and virtues. Traditions other than Hinduism support similar divisions.

Plato divided the state into three classes, castes, or professions, namely, philosopher-rulers, warriors, and the masses. Nietzsche says that every healthy society contains three mutually conditioning types and that it is Nature, not Manu (the Hindu law giver), which separates one from another; the mainly intellectual, those mainly endowed with muscular and temperamental strength, and those who are distinguished neither for the one nor for the other, the mediocre third class. The first group contains select individuals, and the last, the great majority.

According to the Hindu scriptures, a normal society consists of the Brahmins, who are men of knowledge, of science, literature, thought, and learning; the Kshatriyas, who are men of action and valour; the Vaisyas, who are men of desires, possessiveness, and acquisitive enterprise; and lastly the Sudras, who are men of little intelligence, who cannot be educated beyond certain low limits, who are incapable of dealing with abstract ideas, and who are fit only for manual labour. Each of them, in the words of Nietzsche, has its own hygiene, its own domain of labour, its own sentiment of perfection, and its own special superiority. In the Vedas the four castes are described as four important parts of the body of the Cosmic Person: the head, the arms, the thighs (or the stomach), and the feet. This analogy suggests the interdependence of the four castes for the common welfare of all; it also suggests that the exploitation of one by

another undermines the strength of the whole of society. The rules regarding the four castes sum up the experience, sagacity, and experimental morals of long centuries of Hindu thinkers.

The *Bhagavad Gita* describes the virtues of the four castes, and their duties. The qualities of a Brahmin are control of the mind and the senses, austerity, cleanliness, forbearance, uprightness, scholarship, insight, and faith. He possesses a minimum of worldly assets, accepts voluntary poverty, and is satisfied with simple living and high thinking. Both a priest and a teacher, he is the leader of society and an adviser to king and commoner. A custodian of the culture of the race, he occupies his high position in society by virtue of his spirituality, and not by the power of arms or wealth.

The qualities of a Kshatriya are heroism, high spirit, and firmness, and resourcefulness, dauntlessness in battle, generosity, and sovereignty. Agriculture, cattle rearing, and trade are the duties of a Vaisya. The main duty of a Sudra is action entailing physical labour.

The hierarchy in the caste system is determined by the degree of voluntary renunciation, poverty, and self-control, and also by the degree of intellectual and spiritual attainments. A Brahmin has to suppress many impulses for physical enjoyment. A Kshatriya, no doubt, enjoys power and pleasure, but he is ready at any time to lay down his life for the protection of the country from external aggression or internal chaos. A Vaisya, whose moral code and intellectual attainments are not as rigorous or high as those of the two upper castes, amasses wealth, both for his own enjoyment and for the welfare of society. One does not expect from a Sudra very much of spiritual, intellectual, or moral perfection. The higher is one's position in the caste system, the greater is one's obligation to members of the lower castes, and the more stern is the renunciation of personal comforts. The caste system was designed to promote the harmonious working of society, the weak being assured of protection from the strong. "It is a law of spiritual economics," said Mahatma Gandhi; "it has nothing to do with superiority or inferiority." When a person belonging to a lower caste becomes a saint, he is honoured even by the Brahmins. The disciplines for spiritual development are not withheld from anyone.

#### **The Four Stages of Life**

Apart from caste, a person's duties, in the Hindu tradition, are determined by the stage of life to which he belongs. Life, which is

regarded by Hinduism as a journey to the shrine of truth, is marked by four stages, each of which has its responsibilities and obligations. In that journey a normal person should leave no legitimate aspiration unfulfilled; otherwise physical and mental sickness will follow, putting roadblocks in the way of his further spiritual progress.

The first stage of life covers the period of study, when a student cultivates his mind and prepares himself for future service to society. He lives with his teacher in a forest retreat and regards the latter as his spiritual father. He leads an austere life and conserves his energy, spurning the defilement of the body and mind through evil words, thoughts, or deeds. He shows respect to his elders and teachers, and becomes acquainted with the cultural achievements of the race. Students, rich and poor, live under the same roof and receive the same attention from the teacher and his wife. When the studies are completed, the teacher gives the pupil the following instruction, as described in one of the Upanishads:

“Speak the truth. Practice Dharma. Do not neglect the study (of the Vedas). Having brought to the teacher the gift desired by him, (enter the householder’s life and see that) the line of progeny is not cut off. Do not swerve from the truth. Do not swerve from Dharma. Do not neglect personal welfare. Do not neglect prosperity. Do not neglect the study and teaching of the Vedas. Do not neglect your duties to the gods and the Manes. Treat your mother as God. Treat your father as God. Treat your teacher as God. Treat your guest as God. Whatever deeds are faultless, these are to be performed- not others. Whatever good works have been performed by us, those should be performed by you- not others. Those Brahmins who are superior to us-you should comfort them by giving those seats. Now, if there arises in your mind any doubt concerning any act, or any doubt concerning conduct, you should conduct yourself in such matters as Brahmins would conduct themselves-Brahmins who are competent to judge, who (of their own accord) are devoted (to good deeds) and are not urged (to their performance) by others, and who are not too severe, but are lovers of Dharma. Now, with regard to persons spoken against, you should conduct yourself in such a way as Brahmins would conduct themselves- Brahmins who are competent to judge, who (of their own accord) are devoted (to good deeds) and are not urged to their performance by others, and who are not too severe, but are lovers of Dharma. This is the rule. This is the teaching. This is the

secret wisdom of the Vedas. This is the command (of God). This you should observe. This alone should be observed”.

With marriage, a person enters the second stage. A normal person requires a mate; his biological and emotional urges in this respect are legitimate. Debarred from marriage are those alone who have a dangerous ailment that may be transmitted to children, or those rare souls who, as students, forsake the world at the call of the spirit. Neither a confession of a sin nor a concession to weakness, marriage is a discipline for participation in the larger life of society. Children endow marriage with social responsibilities; Hinduism does not regard romance as the whole of the married life. Husband and wife are co-partners in their spiritual progress, and the family provides a training ground for the practice of unselfishness. A healthy householder is the foundation of a good society, discharging his duties as a teacher, a soldier, a statesman, a merchant, a scientist, or a manual worker. He should be ambitious to acquire wealth and enjoy pleasures, but not by deviating from the path of righteousness. The following are the five great duties of a householder; the study and teaching of the Vedas; daily worship of the gods through appropriate rituals; gratification of the departed ancestors by offering their spirits food and drink according to the scriptural injunctions; kindness to domestic animals; and hospitality to guests, the homeless, and the destitute.

When the skin wrinkles, the hairs turn grey, or a grandchild is born, one is ready for the third stage of life in the forest or in a quiet place. At this stage, the pleasures and excitements of youth appear stale and physical needs are reduced to a minimum. The third period of life is devoted to scriptural study and meditation on God.

During the fourth stage, a man renounces the world and embraces the monastic life. He is no longer bound by social laws. The call of the infinite becomes irresistible to him; even charity and social service appear inadequate. He rises above worldly attachments, finite obligations, and restricted loyalties; he is a friend of his fellow human beings, of the gods, and of the animals. No longer tempted by riches, honour, or power, a monk preserves equanimity of spirit under all conditions. He turns away from the vanities of the world, devoting himself to the cultivation of God-consciousness, which is a man’s true friend both here and hereafter. During the fourth stage, a disciplined life attains to its full blossoming. Well has it been said: ‘When a man

is born he cries and the world laughs; but let him lead a life that when he dies, he laughs and the world cries.’

Thus it will be seen that every stage of life, as described in the Vedas, has its duties and obligations, the right discharge of which requires self-control. Through the disciplines of the four stages of life, a Hindu learns progressive non-attachment to the transitory world. The movement of life has been aptly compared to that of the sun. At dawn the sun rises from below the horizon, and as the morning progresses it goes on radiating heat and light till it reaches the zenith at midday. During the afternoon it goes down, gradually withdrawing its heat and light, and at dusk, it sinks below the horizon, a mass of radiance to illumine other regions.

### **Dharma**

The key to the individual and social ethics of Hinduism is the conception of Dharma, whose full implications cannot be conveyed by such English words as religion, duty, or righteousness. Derived from a root, which means to support, the word signifies the law of inner growth by which a person is supported in his present state of evolution and is shown the way to future development. A person’s Dharma is not imposed by society or decreed by an arbitrary god, but is something with which he is born as a result of his actions in previous lives. Dharma determines a man’s proper attitude toward the outer world and governs his mental and physical reactions in a given situation. It is his code of honour.

Hinduism emphasizes the relative nature of Dharma, and does not recognize absolute good or evil; evil may be described as what is less good. One cannot stipulate what is absolutely good or evil for all men at all times. The attempts to do so, and to judge all people by a single concept of Dharma or impose upon all a single idea of righteousness, has been the cause of much injustice to humanity. If one wants to give a comprehensive definition of good and evil, one may say that what helps men toward the realization of God or the unity of existence is good, and its reverse is evil. But one faces difficulties when one tries to work out practical details. A soldier unsheathes his sword to vindicate law and justice, whereas a saint lays down his own life for the same purpose. The injunction of non-killing cannot therefore have a universal application, at least at the present state of human evolution. A man must not give up his imperfect Dharma, determined by his

inborn nature; all actions have elements of imperfection in them. He should follow his own Dharma and should not try to imitate the Dharma of another, however perfect the latter may be. By performing his duties in a spirit of worship without seeking any personal result, a man ultimately realizes God, in whom alone all duties and values of life find fulfillment. The Mahabharata narrates the stories of a housewife and an untouchable butcher who, by following their respective Dharmas, realized the highest truth and became teachers of the knowledge of Brahman.

### **Dharma, Artha, Kama, Moksha**

The affirmative attitude of Hinduism toward life has been emphasized by its recognition of four legitimate and basic desires: Dharma or righteousness, Artha or wealth, Kama or sense pleasure, and Moksha or freedom through communion with God or the Infinite. Of these, three belong to the realm of worldly values; the fourth (Moksha) is called the supreme value. The fulfillment of the first three paves the way for Moksha. Enjoyment, if properly guided, can be transformed into spiritual experience. The suppression of legitimate desires often leads to an unhealthy state of body and mind, and delays the attainment of liberation.

Dharma, or righteousness, we have already seen, to be the basis of both individual progress and social welfare. Artha, or wealth, is legitimate; money is indispensable in the present state of society. Voluntary poverty, as practiced by religious mendicants, is something quite different; pious householders provide for the monks’ few necessities in recognition of their efforts to keep alive the highest spiritual ideal. But a man of the world without money is a failure; he cannot keep body and soul together. According to an injunction of Hinduism, first comes the body and next the practice of religion. Furthermore, money is needed to build hospitals, schools, museums, and educational institutions, which distinguish a civilized from a primitive society. Money gives leisure, which is an important factor in the creation of culture. But money must be earned according to Dharma; otherwise it debases a man by making him greedy and cruel.

The object of the third legitimate desire is Kama, or the enjoyment of sense pleasure. This covers a vast area- from the enjoyment of conjugal love, without which the creation cannot be maintained, to the appreciation of art, music, or poetry. Life becomes drab and grey

unless one cultivates aesthetic sensitivity. But sense pleasures, if not pursued according to Dharma, degenerate into sensuality. Wealth and sense pleasure, which are only means to an end, are valuable in so far as their enjoyment creates a genuine yearning for spiritual freedom in the mind of the enjoyer. The hedonists alone regard sense pleasure as an end in itself.

The Charvaka School of thinkers, out-and-out materialists, rejects righteousness and spiritual freedom and admits only two values, namely, those related to wealth and sense pleasure. The Upanishads make a sharp distinction between the ideal of the pleasant and of the good, and declares that the former, created by ignorance, ultimately brings about suffering and misery. Even Dharma, or duty, for its own sake, is regarded as empty and dry by Hindu philosophers. It is a worthy end in so far as it helps the soul to attain its spiritual goal. But the illumined person serves the world not from a sense of duty, but because of his overflowing love for all created beings.

The fourth legitimate desire, equally irresistible, is related to Moksha or freedom from the love and attachment prompted by the finite view of life. Man, who in essence is spirit, cannot be permanently satisfied with worldly experiences. The enjoyment of desires cannot be satisfied by enjoyment, any more than fire can be quenched by pouring butter into it; the more they are fulfilled, the more they flare up. Nor can man attain his divine stature through correct social behaviour, economic security, political success, or artistic creation. Charity for the needy may be a corrective for selfishness, but cannot be the ultimate goal of his soul's craving. Even patriotism is not enough: as history shows, undue emphasis on patriotism was a major cause of the downfall of the Greek city-states. After fulfilling all his worldly desires and responsibilities a man still wants to know how he can suppress his inner restlessness and attain peace. So at last he gives up attachment to the world and seeks freedom through the knowledge of the spirit.

### **Personal Ethics over Social Ethics**

A few words may be said here to explain why Hindu philosophers emphasized personal ethics over social ethics. Their argument was that since society consisted of individuals, if individuals were virtuous, social welfare would follow as a matter of course. Second, the general moral tone was very high in the ancient Hindu society, where everybody was expected to do his appropriate duties, which included,

among other things, rendering help to one's less fortunate fellow beings. As the country was prosperous and men were generous and hospitable, no need was felt for organized charity, which even in Europe and in America, has been a comparatively new development. The organized social service in the modern West is, to a large extent, a form of sentimentalism in reaction against the doctrine of utilitarianism and the industrialization of Western society due to the extraordinary growth of science and technology.

Third, the Hindus regarded spiritual help as of more enduring value than material help: the hungry would feel again the pinch of hunger, and the sick would again be sick; but a spiritual person could easily bear with calmness his physical pain and privations. Finally, Hindu philosophers believed that the sum total of physical happiness and suffering remains constant. Suffering, like chronic rheumatism, only moves from one place to another but cannot be totally eradicated. It is not easy to substantiate the claim of progress, if it means the gradual elimination of evil and increase of good. It is true that we are living in a changing world, but it need not be true that we are living in a progressive world. Every age has its virtues and limitations; but can anyone really show that men today are enjoying more happiness, peace, and freedom than their forebears? The Hindu philosophers, without encouraging the illusion that a perfect society could be created, always exhorted people to promote social welfare as a part of spiritual discipline. We must do good to others, because by means of selfless action we can purify our hearts and transcend the relative world of good and evil. Social service has only an instrumental, not an ultimate, value.

But the need for emphasis on social ethics in modern India cannot be denied. For times have changed; the conception of Dharma, which was the foundation of Hindu life, both individual and social, has greatly lost its hold upon the people. The struggle for existence in an increasingly competitive society has become keen, and wealth is not justly distributed. The strong often invoke the law of karma to justify their exploitation of the poor, who are helpless in their suffering. There exists in India a widespread misery due to ignorance, poverty, ill health, and general backwardness. The rich and the powerful are often too selfish to remove these drawbacks. Hinduism in the past has no doubt produced many saints; but the precious gems of their spiritual realizations have been preserved in heaps of dirt and filth.

A certain measure of compliance with the general principles of social ethics may well have helped to preserve the Hindu social system from total disintegration during the dark period of Indian history. But on account of insufficient emphasis on social responsibilities, there is in Hindu society a lack of the vitality characteristic of Western society. Therefore India is now emphasizing the value of social ethics; the government is trying to create a welfare state. Whatever may be the pattern of development in the new India, she should not forget the ultimate goal of ethics, namely, the liberation of the soul from the bondage of the phenomenal world.

From what has been said above it will be clear that social ethics is efficacious in so far as it helps a person to curb his selfishness. But Hindu philosophers have recognized that social duty also has its limitations. Duty is often irritating; behind it is the idea of compulsion and necessity. Thus a person constantly engaged in the discharge of his duty finds no time for prayer, meditation, study, recreation, or other things, which his soul craves. If the kingdom of heaven is within a man, he cannot attain it by always looking frantically outside. It is often under the guise of duty that a man indulges his greed, passion, desire for domination, or morbid attachment. When stretched too far duty becomes a disease. Vivekananda has said: 'Duty is the midday sun which scorches the tender plant of spirituality.'

Hindu philosophers encourage the performance of duties, but they exhort men to perform them not from a sense of compulsion but through love. Unless a man is inspired by love, he cannot cheerfully perform his duty at home, in the office, in the factory, or on the battlefield. This love is not, however, sentimentality, but springs from the perception of God in all living beings. Work done under the impulsion of duty deepens a man's attachment to the world, but when performed through love it brings him nearer to freedom.

The healthy social environment created by objective ethics provides men with an opportunity to cultivate the more important subjective ethics. The disciplines of subjective ethics for the liberation of the soul have been stressed in the *Bhagavad Gita* and the Upanishads. The Gita says: 'Let a man lift himself up by his own self; let him not depress himself; for he himself is his friend and he himself is his enemy. To him who has conquered himself by himself, his own self is a friend, but to him who has not conquered himself, his own self is hostile like an external enemy.'

### **Islamic Morality**

The Islamic moral system stems from its primary creed of belief in One God as the Creator and Sustainer of the Universe. Islam considers the human race to be a part of God's creation, and as His subjects. From an Islamic perspective, the purpose of human life is to worship God, by leading this worldly life in harmony with the Divine Will, and thereby achieve peace in this world, and everlasting success in the life of the hereafter. Muslims look to the Glorious Qur'an and the Traditions of the Prophet as their moral guides.

The Glorious Qur'an says: "It is not righteousness that ye turn your faces Towards east or West; but it is righteousness- to believe in Allah and the Last Day, and the Angels, and the Book, and the Messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity; to fulfill the contracts which ye have made; and to be firm and patient, in pain and adversity, and throughout all periods of panic. Such are the people of truth, the Allah-fearing." [Al-Qur'an 2:177]

The love and continuous awareness of God and the Day of Judgment enables man to be moral in conduct and sincere in intentions, with devotion and dedication. The Glorious Qur'an also says: Say: the things that my Lord hath indeed forbidden are: shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allah, for which He hath given no authority; and saying things about Allah of which ye have no knowledge. [Al-Qur'an 7:33]

It is interesting that the Qur'an refers to "sins and trespasses against truth or reason". It is an indication of God's blessing to every human being, of an innate moral sense. Such a moral sense, when uncorrupted by family or society, is what leads people to commendable acts of virtue. Islam aims to enhance and amplify the moral sense in every human being and adorn the individual's character with the noblest of virtues.

The Islamic moral principles therefore, appeal naturally to the human intellect, while elevating the pursuit of morality to the level of worship. This is because Islam holds every action that is done with the goal of attaining of God's pleasure to be worship.

### **Basic Principles in Islamic Morality**

Modesty and shyness play a special part between the affairs of

the Creator and the created. All prophets and Messengers encouraged modesty, as the Prophet, may the mercy and blessings of God be upon him, said: *“Indeed from the teachings of the first prophets which has reached you is, ‘If you do not have shyness, then do as you please.’”* (Al-Bukhari)

Modesty as a sense of shame or shyness in human beings is a shrinking of the soul from foul conduct, a quality that prevents one from behaving badly towards others or encouraging others to behave badly towards you. Islamic ethics considers modesty as more than just a question of how a person dresses, and more than just modesty in front of people; rather it is reflected in a Muslim’s speech, dress, and conduct: in public in regards to people, and in private in regards to God. Any talk of modesty, therefore, must begin with the heart, not the hemline, as the Prophet of Mercy said, ‘Modesty is part of faith,’ and that part of faith must lie in the heart.

Take reservation in speech. As with everything in Islam, speech should be moderate. Raising one’s voice in venting anger simply shows one lacks the ability to contain it, and only damage will ensue from it. Uncontrolled anger, for example, can lead one to verbally abuse and physically assault another, both of which take off the veil of bashfulness one is endowed with, exposing the shameful ego within. The Prophet said: *“A strong person is not the person who throws his adversaries to the ground. A strong person is the person who contains himself when he is angry.”* (Saheeh al-Bukhari)

A strong person who believes feels shy in front of God and His creation, since God knows and sees everything. He feels shy to disobey his Lord and feels shame if he sins or acts inappropriately, whether in private or public. This type of modesty is acquired and is directly related to one’s faith, where one’s awareness of God increases one’s “shyness” in front of Him.

Islamic morality divides modesty into natural and acquired. Modesty is a quality inherent in girls and boys, a certain type of modesty that is natural in human beings. It manifests itself, for instance, in a natural human urge to cover one’s private parts. According to the Quran, when Adam and Eve ate from the fruit of the forbidden tree, they became aware that their private parts were exposed, and they began to cover themselves with the leaves of Paradise, a natural result of their modesty.

Islamic scholars consider modesty to be a quality that distinguishes human beings from animals. Animals follow their instincts without feeling any shame or a sense of right or wrong. Hence, the less modesty a person has, the more he resembles animals. The more modesty a person has, the closer he is to being human. Islam has mandated certain legislations which induce this sense of modesty within humans. These legislations range from seeking permission before entering any room and distancing one from others while relieving oneself, to mandating certain manners of dress for men and women alike. Another way that modesty may be attained is by associating with modest people—people in whose presence a person feels embarrassed to do anything shameful—as the Prophet said: *“I advise you to be shy toward God, the Exalted, in the same way that you are shy toward a pious man from your people.”*

Being shy of a stranger’s gaze is one of the driving forces behind modesty in dress. This can be seen in children, who naturally shy away from strangers, sometimes hiding from them in their mother’s skirts or behind their father’s legs. In Islam, screening most of your body off from the gaze of a stranger, especially of the opposite sex, is actually mandated as a means to avoid falling into conduct that may lead to extra-marital or pre-marital sex. God says, *“Tell the believing men to lower their gaze and be modest. That is purer for them. Lo! God is Aware of what they do. And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their chests, and not to reveal their adornment.”* (Quran 24:30)

The verse then mentions the people before whom one is exempted from veiling; the ones who cannot be called ‘strangers’. Also, the command is relaxed as one matures: an aged woman who has no hope of marriage can discard the overcoats that screen what they are wearing underneath.

As seen from this verse, Islamic ethics view modesty not as a virtue for women only, but for men as well. Thus, men must also dress modestly, being careful to wear loose flowing and opaque clothes through which the area between their waist and knees be totally covered. Tight pants or translucent clothing is prohibited. This modesty is reflected upon Muslim male clothing throughout the world, long shirts reaching below the thighs, and loose flowing trousers.



## Foundamental Moral Theology

It may still seem, however, that women bear the main brunt of 'dressing modestly'. When one reflects, however, about the predator and the prey in illegal relations between the sexes; the prey which is hidden escapes being a victim. Besides, another verse says modesty in dress actually identifies one as being a believing woman, a 'target' which the devout Muslim, or any decent man, would be motivated to protect rather than abuse.

The way to develop modesty is to think about whether he or she would do the sin they are contemplating in front of their parents. A person with a shred of shame in their heart will not commit any lewd act in front of their parents. So what about doing so in front of God? Is not God much worthier that such acts not be done in His sight? Thus, Islam considers that the modesty of a believer in front of God must be greater than in front of people. This is manifest in the saying of the Prophet when a man asked him about remaining naked in the house while alone. The Prophet responded: "God is more deserving than other people of shyness." (Abu Dawood)

Early Muslims used to say, "Be shy toward God when you are in private in the same way you are shy in front of people when you are in public." Another one of their sayings is, "Do not be a devoted slave of God in your public behavior while you are an enemy to Him in your private affairs."

Modesty can therefore be seen as the means by which morals and ethics in society are maintained and pursued. Shyness from people and society may be a reason to be modest, but this modesty will not remain due to the fact that what is immodest one day in a secular society may be totally acceptable in another. Thus, the key to modesty knows that God is aware of what you do and shying away from that which He forbids. God only desires what is best for us. So to seek what is best for us is to submit to what He has in mind for us. The only way to properly know what that is, is to believe in what he sent down to us through His Prophet, Muhammad, and to embrace the religion (Islam) that His Messenger brought us.