

THE MAIN ETHICAL THEORIES

By Brian Lewis*

INTRODUCTION

It is reasonable to suggest that a basic common morality is to be found in the human community. In the Western world at least, most thinking people believe that there is an order of morality which measures the rightness or wrongness of human behaviour and which can be discovered by human effort. Indeed, as far as basics are concerned, it seems fair to say that there is even general agreement about what this order of morality fundamentally involves, for example, that we should seek and do what is good and avoid what is evil, that we should always act in a reasonable way, that we should respect others and their human rights, and so on.

It is therefore to be expected that most of us will share many human values and subscribe to at least commonly accepted moral rules, particularly negative ones like those found in the Decalogue, 'never kill', 'never lie', 'never steal', 'do not commit adultery'. The underlying assumption is that there is right and wrong human behaviour and that moral rules spell this out for us in considerable detail.

Although moral life for the Christian requires more than these commonly acknowledged human values and ought sometimes at least to lead to distinctive moral decisions, the fact remains that moral rules tend to loom large in Christian life and indeed in the lives of most people in the Western tradition. The question to be asked is how do we come to have these rules? What is the justification for them? Is it possible to find characteristics which make certain actions right or wrong for everyone and so justify us in formulating general moral rules? Why is some behaviour adjudged morally wrong and some morally right? On what rational grounds do these judgments and these moral rules rest?

This position can be put in other terms. It can be defended as the commonly accepted view in our society that the basic criterion of morality, and indeed of all proper social policy, is the good of the human person. The 'good' in question is relational in meaning, signifying initially what is *good for me* (the person acting), and ultimately what is *good for persons* (myself and others). Accordingly, a course of actions is to be judged as morally right or wrong according as it advances or diminishes the genuine good of persons, both the person acting and others who will be affected by that action, or, in other words, insofar as it is humanising or dehumanising for all involved. The human person is the heart and centre of morality. Few in our society, I believe, would dispute this as a general statement.

The practical problem to be faced is: how do we know what is for the good of the human person and what is not, what is in accord with the dignity of the human person and what is not, what actions are humanising and what actions are dehumanising for the person acting and for those affected by the action? How is this to be judged, not just at the very general level already mentioned, but in particular and concrete circumstances?

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In attempting to respond to this question, people may arrive at different assessments, reflecting their different perceptions of human living and behaviour and the different emphases given to moral values and their interrelationships. This explains why different ethical theories have been developed over the years and why there is often a great deal of controversy among ethicists. This is not of course to imply that different ethical theories will of necessity arrive at different answers to moral issues. In many matters the conclusions arrived at will substantially agree, though perhaps for different reasons. But often enough there will be sharp disagreement and in consequence a lot of discussion and debate. This is one way in which new ground is broken and the frontiers of moral insight are advanced.

Obviously, in order to be able to arrive at morally right decision in our personal lives and in our society it is not indispensable to understand and subscribe to any particular theory. But on examination it will probably be found that each theory highlights some aspect(s) of the total moral truth and enshrines some element of our own thinking. An understanding of at least the principal ethical theories is an important aid to moral reasoning. It makes sense, then, to examine the reasons why we think and behave as we do, to be able to give an account of our positions. Armed with such insights, we should be better able to argue intelligently about moral issues of relevance to society and to Church and better equipped to serve those to whom we have a responsibility to hand on a moral tradition.

DUTIES-BASED THEORIES OF ETHICS

The Divine Command Theory

One approach to morality focuses exclusively upon law, particularly the law of God, as the sole criterion of what enhances or undermines human good and is therefore right or wrong. The formal expression of this is found in what is called the *Divine Command Theory*, but it is in fact followed by those who adopt the idea that an action is right simply because it is commanded, wrong simply because it is forbidden. And the command can be seen as coming directly from God (one could think of St. Joan of Arc and her 'voices'), or as mediated by the Church or even for some by the local priest or minister.

Such an attitude in fact means failing to use one's reason in seeking moral truth and so abdicating responsibility for one's moral decisions. To this extent the person remains a moral infant. St. Thomas Aquinas says that to do what is right simply because it is commanded is not yet a truly moral act. Instead of respect for persons in themselves and in society, obedience to laws becomes the great motivational force for doing the morally right thing.

Kant's Duty Ethics

Superficially similar to this but placing all the emphasis on rational thinking about morality is the *Duty Ethics* of the great German philosopher, Immanuel Kant (1734-1804).¹ Kant was not concerned about the content of morality. He simply took for granted the precepts he had learnt as a child from his Lutheran parents. What interested him as a philosopher was to discover a rational justification for these moral rules.

¹ See Jacques P. Thiroux, *Ethics: Theory and Practice* (Glencoe Press: Encino, California, 1977), pp. 43-55.

Rejecting both the religious view, which saw moral rules as commands of God, and the Aristotelian argument, which saw them as needed in order to satisfy the desire of human beings for happiness, Kant sought to apply the same kind of logical reasoning that is used, for example, in mathematics and logic in order to justify maxims that can and should be held by all people, independent of any particular circumstances and whatever the consequences. His rational test for any true moral rule is: can we consistently will that everyone should act on it?² Is it universalisable or not?

This test is what Kant called the *Categorical Imperative*. Basically it states that an act is immoral if the rule that would authorise it cannot be made into a universal rule for everybody.³ Applying the test to such rules as 'Always tell the truth', 'Never steal', 'Never break promises', Kant thought he could successfully defend them as moral absolutes. On the other hand, a rule such as 'Only keep promises when it is convenient for you' clearly fails the test, because if this were to be made a universal rule, promises would have no meaning – or at least we would be in the dark about whether they did or not. In this way, he considered, a completely irrefutable ethical system could be elaborated.

And once these rules are established, Kant believed, one must obey them out of a sense of duty alone.⁴ Indeed, Kant is famous for identifying good character exclusively with the sense of duty. Feelings and inclinations are irrational and therefore cannot be a reliable guide to acting morally. In order to act morally we must focus on reason and will and act out of a sense of duty. In other words, the morally good person not only obeys the rule but does so because it lays down the right course of action, whether or not one is inclined to act in this manner, whether or not the outcome will be beneficial, and even if it is painful to do so.

Despite his influence on many philosophers and psychologists, for example, in the area of conscience, on Jean Piaget and Lawrence Kohlberg, Kant's attempt to provide a rational justification for moral rules or precepts of universal validity failed. There are many difficulties with his theory, especially with determining which rules are to be judged as morally absolute imperatives, such as 'never kill' and 'never tell a lie'.⁵ Kant himself posed the problem of telling a lie to a would-be assassin in order to protect the identity of the victim he intends to kill and stuck to his point about the universal validity of the rule that forbids lying, conveniently saying nothing about any moral rule to prevent killings if we reasonably can.

A further problem with duties-based ethical theories is that undue focus on the fulfilment of moral duties or obligations, such as the duty to respect human rights or the duty not to harm others, may seem to limit the moral life to a particular set of duties, whatever the basis these are presented as resting upon. This criticism has been made against the way ethics is often taught, for example, to

2 Alisdair MacIntyre, *After Virtue* (University of Notre Dame Press: Notre Dame, 1984), pp. 43-46.

3 According to Kant, this formulation of the Categorical Imperative can be put in another quite different but equivalent way: 'Always act so as to treat humanity, whether in your own person or in that of another, as an end, never as a means'. What Kant enjoins here agrees with what many philosophers before him had said, but he offers no convincing reason for holding this position. See MacIntyre, *After Virtue* (University of Notre Dame Press: Notre Dame, 1984), p. 46.

4 Thiroux, *Ethics*, p. 44.

5 For this reason, W.D. Ross, who like Kant drew up a set of moral rules identifying classes of actions that are right or wrong regardless of consequences, held the view that no rule is completely exceptionless and that there is a hierarchy of importance among more rules. See Arthur J. Dyck, *On Human Care: an Introduction to Ethics* (Abingdon Press: Nashville, 1977), pp. 66-71.

health professionals in terms of duties of respecting patient autonomy, of beneficence, of non-maleficence. Even if all the moral duties of a doctor or a nurse are detailed, the entire scope of such professional ethics is not exhausted, for these duties constitute only the minimum standards of ethical conduct for them. The total ambit of moral living, with its full array of patient-professional relationships, is much richer and more complex than can be enshrined in even an adequate treatment of a set of duties.

CONSEQUENTIALIST THEORIES OF ETHICS

A cluster of ethical theories is called 'consequentialist' because the assessment of what is right or wrong, these theorists maintain, is to be made solely by considering the good or bad *consequences* of a course of action. Other considerations do not carry any moral weight.

Utilitarianism

The best known theory of this kind is called Utilitarianism, whose originators were Jeremy Bentham and John Stuart Mill in the 19th century.⁶ As the title suggests, this theory holds that the one and only exceptionless rule of right and wrong in ethics is the principle of utility. According to this principle the right act is the one that will result in the greatest good (or happiness) of the greatest number. An act is obligatory if it meets this test. So, looking at the consequences of what is proposed, one should do or avoid what is calculated to bring about the greatest good for the greatest number who will be affected, that is, the greatest amount of welfare. It is understood that this is able to be measured or quantified.

(Of course, the same could apply in a negative sense if the only outcome, whatever is done, is evil. Then one should choose the act that will result in the least amount of evil.)

Mill thought that his theory of seeking to achieve the sum total of welfare throws light on the Judaeo-Christian command of love. 'To do as you would be done by, and to love your neighbour as yourself, constitute the ideal perfection of utilitarian morality.' He also claimed that justice is not really distinct from love and is realised in the same way, namely by calculating what will bring about the greatest good of the greatest number, or the net social welfare. Justice is nothing else than expediency. Though he conceded that all persons are equal, in the sense that the happiness of each counts equally, Mill said that there is no right to equality of treatment where some recognised social expediency or utility requires otherwise. The net social welfare thus prevails over individual rights to essential material, social, and moral goods.

Utilitarians hold that the only universal and exceptionless moral rule is this utilitarian calculus. All other rules either admit of exceptions or come into conflict with one another in some situations. Only the rule of utility finally determines what is right and to be done, wrong and to be avoided. It sits in judgment on everything we do.⁷

Regarding the actual doing of what has been determined to be the right thing, utilitarianism presupposes that reasonable persons will appreciate the value of doing good, or the most good that can be done for the benefit of the society to which one belongs, and that therefore they have the moral obligation to do it. In Christian terms it can of course be said that the underlying motivation

⁶ See Jacques P. Thiroux, *Ethics: Theory and Practice* (Glencoe Press: Encino, California, 1977), pp. 28-34.

⁷ See Arthur J. Dyck, *On Human Care: an Introduction to Ethics* (Abingdon Press: Nashville, 1977), pp. 55-77.

for acting morally is love, but it still is necessary to specify what *is* the loving thing to do in particular situations.

Utilitarianism is still a popular ethical theory today. Its focus on the measuring of welfare, whether this be conceived as happiness, or finances, or public health, or community education, commends itself to many involved in the fields of economics, government, law, health care and industrial relations. Many find it appealing to make decisions rest solely on the basis of cost/benefit analyses of situations affecting the community or sections of it. An economist, for example, might make a judgment about the value of a strategy or a politician about the effectiveness of a policy by weighing up the balance of expected benefits to the community over harms that will be brought about in that community. Many thinkers, however, find problems with this, as shall be seen shortly.⁸

It is not unreasonable to maintain that, whether as Christians or non-Christians, we should try to bring about as much good as we can and that love requires this. Nor can it be denied that some of our well established moral rules have been arrived at by considering the preponderance of good results over bad for humanity at large. For many killing is considered wrong because it has the consequence of unjustly depriving another of life. Moreover, we know from experience that we sometimes attempt to work out what we should do in a particular situation by weighing up favourable consequences against less favourable ones. If I have an affected kidney endangering my life, I probably would not have too much difficulty in assessing the benefit of an operation over against the danger and risks involved in it. These are some of the reasons why utilitarianism has proved so popular. But is this enough for a viable ethical system?

Critics of utilitarianism have raised a number of shortcomings in the theory. For one thing, it would seem rather impractical, in that it could be very burdensome to require each action to be evaluated by a continual weighing of good and bad consequences. People can generally cope with moral rules, but this proposal would seem to be too complicated for a healthy moral life.

Furthermore, it is often very difficult to foresee clearly what the consequences of a course of action will be, especially when others are affected and the calculation of advantages over disadvantages is very hard to assess. A common problem facing school teachers, for instance, is determining how much attention should be given to backward students so that the bulk of the class is not seriously disadvantaged. How much time should a man as a husband and father devote to his wife and family outside his normal working hours? Is it right for him to spend several evenings a week involved with community projects? Or every Saturday and Sunday morning playing golf? Moral theologian Vincent McNamara⁹ raises the case of a couple who have two children. One is brilliant and would benefit from the opportunity of education elsewhere. The other is retarded and doing well at a local special school not otherwise available. Should the family move to another location that would benefit the first but greatly disadvantage the latter? It is extremely difficult, if not impossible, to rank consequences here without bringing in other non-utilitarian considerations, such as special concern for the least privileged.

A third difficulty with utilitarianism is that it may sometimes lead to conclusions that run counter to people's moral instincts. Is it morally right, for instance, to sacrifice one person's life in order to

8 Barney Swartz, *The Age* Religion Editor, said recently: 'I think it is wrong and dangerous for society that the dominant ethical paradigm is utilitarian. It's really important to have faith-based people arguing for a more demanding paradigm than that'. *Australian Catholics* 17/1 (2009), 14.

9 Vincent McNamara, *The Truth in Love* (Gill and Macmillan: Dublin, 1989), p. 91.

save a number of others?

At first sight this might not seem unreasonable. Taking a human life is a very serious matter, but saving five lives is a greater good that seems to outweigh the loss of one. A frequently mentioned example is that of a law officer who is faced by an unruly mob threatening to burn down the gaol and kill all its occupants unless he delivers an innocent prisoner to them to be lynched. On the basis of consequences alone it would follow that compliance would be justified in this case. It also follows from this utilitarian formula that it is morally right for a mother to stifle the cries of her sick baby, resulting in the baby's death, in order to conceal the presence of a group of people who if they are discovered will be killed (utilitarian Joseph Fletcher says that in such a situation this is not only permissible but obligatory, because it is the loving thing to do). The assassination of an incompetent ruler (not a tyrant or a despot) might seem to be justified by the greater good to the community resulting from a competent successor. Some ethicists have defended the bombing of Hiroshima and Nagasaki on the basis that more lives were saved due to the swift ending of World War II than these nuclear bombings brought about. Again, utilitarian thinking leads to the conclusion that direct abortion is morally right to save the mother's life, either because it is not conceded that the fetus is a human person or because, even if this is conceded, the mother's life takes precedence over that of the fetus. It is legitimate to ask whether this could be expanded to include serious danger to the mother's health or the case of the woman pregnant as the result of rape or even, as statistics show¹⁰, reasons such as already having enough children, being too young, having a young baby, financial problems, or the insecurity of the relationship. Many indeed in our society argue this way, but many others are disturbed by the implications. Can the value of human life be measured like this? What happens to the individual person and the rights of the individual in such a theory? Justice, which we commonly understand as requiring us to respect individual rights, is not compatible with this way of thinking.

Justice is likewise poorly served when there is question of the distribution of benefits and burdens in a community or among a class of people. If the total net welfare is taken as the criterion, some are going to miss out, probably the least well off or the most unimportant members of the group. On this basis physicians would give preference to patients most likely to benefit rapidly from treatment rather than to the very ill and those at risk of dying, because this would cost less and be of greater benefit to the community. Experimentation on mentally handicapped children unable to give their consent would be justified by the benefits thereby accruing to the great majority of other children in the community, even if the handicapped did not themselves benefit. Prisoners could be made unwilling guinea pigs in experiments carried out in order to find a cure for AIDS. Scarce resources such as social services or hospitals or clinics or kidney dialysis machines would be allocated where the greatest number would profit from their availability.

This type of cost/benefit analysis leads to conclusions that many at least in the community would consider grossly unfair and that conflict with the compassion towards those most in need that has traditionally marked the health care professions. In this way of thinking the individual is merged into the calculation of the common good and some people are made of greater worth than others. Most of us would feel uncomfortable with this. As a general rule we want to be fair to everybody and particularly to the underdog – the poor, the handicapped, the underprivileged. Indeed for the Christian the Gospel insists that preference be given to these. Extraordinary circumstances, for example a natural disaster such as a cyclone or an earthquake, where medical facilities are

¹⁰ *The Age*, 19/01/09.

extremely limited, might require unusual measures like giving priority to those who can be saved over the 'hopeless' cases or first attending to an injured doctor or nurse who could then help others.¹¹ However, in normal everyday life the utilitarian cost/benefit formula by itself, that is, as the sole criterion of right and wrong, undermines respect for the worth of each individual person, who becomes, as Theroux puts it, a sort of 'product' in a business where you aim to get the most for your money and discard the inferior product.

Many contemporary utilitarians attempt to offset these critiques by certain modifications to the original theory.

1. Many say that the calculation of good results over bad must be looked at, not in relation to each particular act, but as regards what generally happens in human affairs. In the light of this, they maintain, it is possible, from experience, to formulate *moral rules* that will ensure the greatest happiness for the greatest number of those affected in any situation. So, for instance, not killing except in self-defense, telling the truth, paying debts, keeping promises, not stealing, are the right thing, not necessarily because on a particular occasion they bring about the greatest good, but because the welfare of all is best achieved when all follow such rules. Particular exceptions prove the rule, literally put the rule to the test, so that if too many exceptions occur then the rule is either wrong or meaningless. For the utilitarian no rule, even against killing, is completely exceptionless or unable to be changed. But, overall, it is better for the community and simpler for everybody to focus on rules rather than on particular acts.

2. A second modification suggested is that, instead of looking at short-term results, the focus should be on what will happen *in the long run*. In the short term killing an innocent person might save the lives of ten others, but account should be taken of the long-term social consequences of permitting this to happen, for example, the loss of respect for human life, which might far outweigh the saving in this case of ten lives.

3. A third suggestion is that account must be taken of the importance of *institutions* and *conventions* in society. Community life would be practically impossible if it could not normally be expected that truth would be told, debts would be paid and contracts would be honoured.

These modifications temper some of the more unpalatable conclusions of utilitarianism, but the theory still has problems in accommodating justice as it is commonly understood, that is, as protective of all individuals in society and their inalienable rights. Many moral theologians still hold strongly to the traditional way of thinking that some actions at least are wrong in themselves, whatever the consequences. Even those who are doubtful about this contention do not consider that consequences alone are a sufficient criterion of what is morally right or wrong. Other factors must be taken into account.

Proportionalism

Another kind of 'consequentialism' became popular in the 1960s and 1970s among Roman Catholic moral theologians, especially in Germany and the United States of America. Their theory has not infrequently been labelled 'utilitarian' and no doubt this was the case initially. The discussion has

¹¹ In bioethics this is referred to as the 'triage' situation. See Theroux, *Ethics*, p. 33.

sometimes been rather acrimonious. Although in the view of theologians such as Richard McCormick the proportionalists had the better of the argument, many did not, and have not, agreed. The discussion has over time led to further development and refinement of ideas, until in the final form of proportionalism the theory probably has come close to what we will later refer to as 'Integral Personalism'.

Reacting against an older, too rigid, moral theological theory, earlier proportionalists attempted to stress personal freedom and creative responsibility and to develop a more realistic approach to the place and meaning of moral rules in Christian ethics.¹²

Proportionalism shifts the focus of moral judgment of right and wrong squarely onto consequences and other attendant circumstances of an action. Effects or consequences have always been considered important in moral judgment, but in this theory they enter more intimately into the constitution of the moral act. Some commonly agreed principles among the better known proportionalists are summarised as follows.

1. First, an abstract consideration of the morality of human actions is not sufficient. Traditionally Catholic moral theologians have referred to acts that are categorised as 'intrinsically evil'. By this is meant physical actions that are judged to be wrong because of their object, that is, because of the sort of acts they are, independently of any other considerations. Proportionalists take exception to this view. For them there are no intrinsically evil acts if by acts is meant physical actions considered in the abstract, for example, contraception or masturbation. The reason for this is that the context enters in the very object or meaning of the act. The act of masturbation, for example, in the context of sperm testing is an act that is different from self-pleasuring, much as we say that killing in self-defence differs from killing during a robbery. As Richard McCormick put it, 'those who reject these differences have attributed a full independent moral character to the material event of self-stimulation that they do not attribute to the merely material event of "speaking falsehood" or "taking another's property".'¹³

2. Acts are not good or bad in themselves, according to proportionalists. The other side of the coin is that, in order to act rightly, it is necessary to weigh up the good that will be achieved and the evil that may result. While one may not intend the evil to human beings as such, if the amount of good for persons outweighs the evil, one has a proportionate reason for acting and the evil resulting (for instance, death, wounding, dishonour) remains outside the realm of morality (this is called by proportionalists 'pre-moral' or merely evil to distinguish it from moral evil in the strict sense)¹⁴. If, however, the evil done outweighs the good, then there is no proportionate reason for acting and the evil becomes moral evil and therefore wrong. An example commonly given is the taking of his own life by a spy caught by the enemy in wartime. According to the proportionalist theory, this would not be wrong if there were no other way to protect secret information whose betrayal would jeopardise many lives. There would be a proportionate reason for taking his life in this case. Because of the central importance of proportionate reason in this theory, it is referred to as

12 The literature on this is extensive. One might consult Charles E. Curran and Richard A. McCormick, eds. *Readings in Moral Theology No.1: Moral Norms and Catholic Tradition* (Paulist Press: New York, 1979) and Bernard Hoose, *Proportionalism: The American Debate and Its European Roots* (Georgetown University Press: Washington D.C., 1987).

13 'Killing the Patient', *The Tablet*, 16th October, 1993, p. 1334.

14 Experience shows that there are goods and bads in everything we do. We have to learn to live with them in such a way as to reduce the undesirable aspects to a minimum. In other words, we should try to avoid pre-moral evils caused by our actions as far as possible.

proportionalism and its protagonists are called proportionalists.

In weighing up the preponderance of good over evil, account must be taken, not only of the action itself, for instance killing or lying, but also of the motive for which it is done and the circumstances in which it occurs. This means that we cannot do our calculations in the abstract by attempting to put a moral label on classes of actions while prescind from actual circumstances. Each act must be judged in its actual context and in terms of the existence of a proportionate reason. For proportionalists a good intention certainly does not justify a morally wrong action. For them it is necessary to look at all the morally relevant circumstances before one can know exactly what the action is and whether it is to be judged as morally wrong.

3. Clearly, in this way of thinking concrete moral rules are not absolute, that is, admitting of no exceptions. At most they are general rules that will apply perhaps in the majority of cases but that cannot be expected to exclude every possible exception. Killing an innocent person will generally be wrong but may be justified in some particular circumstances, for example, in a situation where one has certitude that this is the only way a far greater number of innocent persons may be saved. A similar judgment could be made about lying, stealing, sterilisation or contraception in exceptional circumstances. However, it is admitted that some moral rules may be “virtual” absolutes, in the sense that it is hard to envisage the possibility of there ever being a proportionate reason for going against them. The prohibition of rape, forcing another to violate his or her conscience, dropping a nuclear bomb that would kill a million people, paedophilia, would for them be in this category.

Proportionalism, it must be admitted, has done a great deal towards stimulating thought about moral issues and promoting a much-needed revision of Christian ethics. However, it is not immediately clear how the theory, at least in its classical form, differs from utilitarianism, especially if the modifications mentioned above are taken into account. The manner of expression often has a distinctly utilitarian ring about it. For these reasons and to this extent the same criticisms that are levelled against utilitarianism can be, and have been, made against Proportionalism: the weighing up of goods and bads, values and disvalues, is too complicated for a healthy moral life; foreseeing what the consequences will be, especially in the long run, is often extremely difficult; and above all, the theory fails to protect adequately the demands of natural justice and the rights and dignity of the individual person.

More recent proportionalists such as Richard McCormack have attempted to shake off the utilitarian tag.¹⁵ They have taken up the challenge of highlighting the fundamental value of the human person and of social justice, in order to offset the criticism that these are not sufficiently protected in their revisionist thought, Cahill makes the case that the inviolable dignity of the human person is not incompatible with doing the greatest good that we can but is in fact an indispensable condition of this.¹⁶ A right understanding of the 'common good', for instance, brings home that the person depends upon and has duties towards the social whole yet transcends it as having a more fundamental responsibility to God.

Whatever about the claim that the indispensable place of the individual person is implied in the

15 In her article, 'Teleology, Utilitarianism and Christian Ethics', *Theological Studies* 42 (1981) p. 601, Lisa Sowle Cahill attempts to clarify the terms of the discussion and claims that more recent Catholic thinking, particularly that of Richard McCormick, presents an ethical position that evaluates consequences but is not utilitarian.

16 'Teleology, Utilitarianism and Christian Ethics', p. 625.

evaluation of consequences (as many proportionalists maintain), it remains an indispensable truth that the dignity of the human person and the place of human rights cannot be omitted in any calculation of consequences if justice is to be upheld. But, to arrive at right moral decisions more is needed than a mere evaluation of consequences. This takes us part of the way to the moral truth but alone is insufficient as the fundamental principle of moral judgment. It is also indispensable to enshrine the human person and human rights as the centrepiece of moral decision making.

PERSON-CENTRED THEORIES OF ETHICS

INTRODUCTION

Consequentialist theories of ethics are based on the premise that morality cannot be determined in the abstract, without considering the consequences of our actions. Nothing is right or wrong in itself, independently of the consequences. This is a distinct departure from traditional moral theory, which, while it did not neglect the consequences of action, was convinced that certain classes of acts can be assessed (at least *prima facie*) as morally wrong in themselves apart from the particular context in which the act is carried out, apart therefore in many instances from the consequences the act may have, simply because of the kind of acts they are. This, it is argued, can be done by considering the nature of the human person and seeing this as normative for morality.

The Roman Catholic theological tradition has long focused upon the nature or structure of the human person as the fundamental criterion of what is morally right or wrong. However, in applying this criterion two extremes are possible and to be avoided: a personalism that ignores the physiological nature of the human person and a naturalism (physicalism) that is forgetful of personal transcendence. Debates about freedom and nature have characterised the history of moral reflection and today they are more than ever typical, because of the stress on empirical observation, the procedures of scientific objectification, technological progress and some liberalistic casts of thought. It is not a matter of opposing the two, as though the task of freedom were to overcome nature, but of harmonising them in a balanced way.¹⁷

Naturalism

An older approach, typical of much Roman Catholic text-book ethics in the 1900s and the first half of the 20th century, tended to focus too exclusively on the physical or biological nature of the human person and so has been accused of a 'naturalism that is forgetful of human transcendence'. In other words, human nature was taken in too limited a way and in this narrow sense was used as the basic criterion of morality.¹⁸

The theory runs somewhat as follows. On the basis of physical/psychological nature it is possible to draw up a moral code of immutable and universal rules, fundamentally binding on all human beings simply because of their humanness. God in the overall scheme of things is seen as the author of a

¹⁷ Pope John Paul II, Encyclical Letter *Veritatis Splendor*, n.46

¹⁸ In technical terms what we are referring to here is a particular interpretation of the so-called natural law theory, understood as 'what nature teaches all animals'. This interpretation has a long history, deriving from Greek philosophers, but it is not the only one and not that of Aquinas, for whom 'natural law' is something that we ourselves bring into existence through our own intelligent activity.

great blueprint which is spelled out in the natural function of our organs and faculties. This is God's way of telling us how to act. Thus speech is for making known what is in our mind, sight is for seeing, the sexual faculty is for the generation and education of offspring (as well as for expression of mutual love). We must respect these natural functions, not act against them. To do so is to disobey the will of God and so to do wrong.¹⁹

Nature in this limited sense is thus understood as normative, as giving rise to absolute rules of right and wrong, which can be 'read off' from the natural finalities of organs and faculties (called negative precepts of the natural law). This means that one could never be morally justified in choosing to violate such a rule for any reason whatsoever. Many examples of such actions seen to be intrinsically wrong in themselves might be given, among them, killing an innocent person, lying, stealing, suicide, abortion, contraception, masturbation, pre-marital sex. In the example already given, a spy in wartime captured by the enemy in possession of secret information the revelation of which would pose a very serious threat to his country would not be justified in protecting this information by taking a cyanide tablet to end his own life. This is wrong in itself, irrespective of consequences.

This theory takes a merely partial view of the nature of the human person. It also contradicts the Church's teaching about the unity of the human person as a psychosomatic whole, the spiritual element being the principle of unity of the human being, who exists as a whole – one in body and soul.²⁰

Factual information concerning the natural orientation of human faculties and organs does not enable us to make a *moral* assessment about what ought to be done. It is not physical nature which determines what ought to be done or avoided but *reason*, informed by nature about the facts.²¹ And reason assesses the morality of human actions from the precise point of view of whether or not they accord or conflict with the total good of the human person. Moral judgments cannot be read off from physical nature alone.

Nature in this sense has a merely indicative character. Sometimes biological laws may stand the test of serving the good of the total person, but it is unreasonable to expect that this will always be the case. Their significance needs to be discovered through human experience rather than *a priori* and inductively. For example, how does one arrive at the conclusion that the so-called simple case of IVF between husband and wife is immoral? Arguments might be mounted that it is against the nature of their relationship or that it is dehumanising. But how do we know that? It would seem that only the experience of couples can tell us whether it is or not.

Elements of this 'natural law' thinking seem to be reflected in official documents of the Church, for example, in the *Declaration on Sexual Ethics* of the S. Congregation for the Doctrine of Faith (1975) and in other statements about human life and sexuality, such as Pope Pius XI's *Casti Connubii* (1930) and Pope Paul VI's *Humanae Vitae* (1968). The debate about contraception in essence focuses on this interpretation of natural law. It serves as a useful illustration.²²

19 For a discussion and critique of this naturalist theory see Josef Fuchs, *Christian Ethics in a Secular Arena* (Georgetown University Press: Washington, 1984), pp. 77-79, and especially Chapter 6.

20 Pope John Paul II, *Veritatis Splendor*, n. 48 and 49.

21 Fuchs, *Christian Ethics*, p. 96.

22 Although Vatican II shone the spotlight upon the human person as the basis of moral normativity, Pope Paul VI hearkened back to the biological structure of sexual intercourse as the moral norm, in a way that many at the time

Personal Values Theory

In more recent times some Roman Catholic thinkers, notably the Oxford philosopher of natural law and right, John Finnis, and in America the philosopher, Germain Grisez, have attempted to formulate a more acceptable version of natural law theology by focusing, not on the natural purposes of our human organs and faculties, but on the basic values of the human person. It has gained a strong following in many quarters and deserves some consideration here.²³

Human persons have deep-seated inclinations towards a whole range of goods and values, which are judged to be both desirable and humanly fulfilling.²⁴ Our potential, then, for personal growth and integral human fulfilment is realised by participation in these personal goods and values.²⁵ Finnis lists seven such goods and values: life, (including bodily and sexual integrity, health, procreation and nurturing of children), play and aesthetic experience, knowledge of the truth in all its forms, the conformity of action to practical reason (including self-determination and authenticity), friendship with other human persons (including various kinds of love and community) and friendship with God (religion). This list is considered to be exhaustive of the basic goods and values which make for human fulfilment. They are in themselves pre-moral values, but, of course, in the choice (or rejection) of them they become *moral* values. In our decision making we are free to arrange them in many and different ways to suit our own lifestyle and preferences, provided we respect all of them.

According to Finnis, this respect places important demands upon us. Each of these goods/values, he

considered the Council had superseded. It is true that the Encyclical did attempt to put the old argument in the more personalist terms of sexual expression as the language of self-giving, for example n.12 (an approach taken up and expanded by Pope John Paul II in *Familiaris Consortio* (1981) and in various addresses), but ultimately this reasoning reduces to the biological structure and finality of each individual act. It is this, the document states, that determines the full signification of the sexual act as a language of total self-giving. So the will of God can be read in the human biological makeup (n.13).

The heart of the debate over contraception in the Catholic Church is precisely whether the giving of self in sexual intercourse must in all situations be limited by the physical/biological structure of the act. Why must this be so? Is this argument not an illegitimate transition from *is* to *ought*? Contraception frustrates the natural purpose of the sexual act (a statement of fact), but why is it *morally* unacceptable (the moral assessment)? Why are we obliged to respect this natural finality? That is the key point in the argument and it has not been demonstrated. And unless it is proven, it is difficult to see that there is any morally significant difference between 'natural' and 'artificial' means of preventing pregnancy. Recourse to the will of God as Creator does not prove anything either as regards moral obligation and reflects an outmoded image of God as lawgiver. God's will regarding right living in marriage or anywhere else has to be *discovered* by using our God-given reason responsibly and creatively. To judge the morality of sexual activity solely on its openness to procreation would seem to be to enclose oneself in a viewpoint that overlooks the conflicts and challenges that are part of human reality. A fuller vision of the nature of the human person is needed.

23 See John Finnis, *Natural Law and Natural Rights* (Clarendon Press: Oxford, 1980) and *Fundamentals of Ethics* (Clarendon Press: Oxford, 1983); Germain Grisez, *The Way of the Lord Jesus*, Vol.1, *Christian Moral Principles* (Franciscan Herald Press: Chicago, 1983).

24 Finnis here follows Aquinas, according to whom human fulfilment requires the satisfying of certain natural inclinations towards the transmission and preservation of life, the refinement and development of the riches of the material world, the cultivation of social life, the seeking of truth and the contemplation of beauty (*Summa Theologiae*, I-II, 94, 2).

25 As the encyclical *Veritatis Splendor* puts it, 'natural inclinations take on moral relevance only insofar as they refer to the human person and his (her) authentic fulfilment'. For example, 'the origin and foundation of the duty of absolute respect for human life are to be found in the dignity proper to the person and not simply in the natural inclination to preserve one's physical life' (n. 50).

maintains, stands on its own as distinct and inviolable, for each, when focused upon, can be regarded 'reasonably' as most important. There is no hierarchical order among them; they are all equally underivative and unable to be measured one against another. Therefore, it is never morally right to sacrifice one for another, for example the truth in order to save someone's life, or, in other words, to choose directly against any one of them, whether in oneself or in one's fellows. Every act must retain 'openness' to each of these values and so 'remain open to the ground of all values'.²⁶

This is a key point in the theory. The wish to promote one basic good, for example the health and wellbeing of the family, may never justify directly diminishing or harming another basic good, for example the good of procreation. Accordingly, many acts, such as killing an innocent person, contraception, telling an untruth, masturbation in order to obtain semen for analysis, organ transplants *inter vivos*, are always wrong, whatever the consequences. These are moral absolutes, not allowing any exception.²⁷

Apart from the severity and rigidity of this theory, it runs into a number of other difficulties.

1. The first relates to the claim that Finnis's list of basic goods and values is exhaustive. There is no question that there are certain basic goods and values that are in themselves attractive to human freedom and intelligence and to which human nature inclines. One might perhaps agree to the seven listed by Finnis, but not everyone would do so. Some might want to include pleasure and absence of pain as basic values and maintain that the list is not exhaustive. Others on the other hand might well say that the list includes too much. There is, therefore, a certain arbitrariness about the choice of precisely these goods as the basic human values.

2. A more serious difficulty with the theory concerns the incommensurability of the fundamental values.²⁸ Finnis maintains that one may not act directly against any of them. When one asks 'why not?', his answer is that it is unreasonable to do so, because it would entail closing oneself off from human fulfilment, which is realised precisely by participation in these values. Does this necessarily follow? Or follow in every instance? Human fulfilment may at least sometimes require that one sacrifice one of these basic goods precisely because it prevents human fulfilment. How could one argue that this is unreasonable, an irrational act? Finnis's argument from practical reasonableness is not convincing. As has often been pointed out, it is notoriously difficult to make the transition from value to obligation. In any case morality is not in the first instance about values at all. It is about persons and our obligation to respect them. Values have no independent existence; they exist only as dimensions of persons. The missing link in Finnis's argument is the fundamental obligation to respect the human person, and only therefore and in that perspective the basic values of the person.

3. Thirdly, this theory lacks realism in that it is out of touch with the actual complexity of human living. Contrary to what Finnis and Grisez maintain and in line with the general thrust of the position of the proportionalist moralists, human fulfilment in certain circumstances requires that an individual person sacrifice one basic value in order to achieve another that clashes with it, for

26 *Natural Law and Natural Rights*, pp. 225-385.

27 Finnis's conclusions find support in Pope John Paul II's *Veritatis Splendor*, which states: 'the primordial moral requirement of loving and respecting the person...implies, by its very nature, respect for certain fundamental goods, without which one would fall into relativism and arbitrariness.' (n. 48).

28 Neil Brown gives an excellent critique of this problem in his article, 'The Basic Principles of Christian Ethics – A Reply to Fr. Ray Campbell', *Australasian Catholic Record*, 64/2 (1987) 67-181. His main points are resumed here.

example, in situations where they conflict with one another. Rather than being a 'reasonable' obligation then, it would seem to be quite unreasonable to argue for it, at least in circumstances where basic goods and values conflict with one another.

So, while it is morally unacceptable to sacrifice one innocent person's life or health or sexual integrity for the greater good that may ensue for any number of others, there seems no good reason why for instance a mother should not be morally justified in directly sacrificing her sexual integrity to save her child, if this is the only way she can do so. To say otherwise is to shut one's eyes to the sometimes enormous complexity of human living.

The natural law ethical tradition is surely right in its contention that the nature of the human person is the criterion of morality. In the foregoing overview of ethical theories the problems in attempting to base morality on a consideration of consequences alone have been seen. Consequences of our actions are certainly important but not the most important consideration, certainly by themselves. We have seen that Kant, in facing problems with his basic theory, falls back on the notion of the human person always to be respected as an end, never to be used as a mere means to an end. We have seen later proportionalists seeking to broaden the base of their theory by highlighting the inviolable dignity of the human person and the place of social justice, thus adding other moral principles besides the consequentialist one. The problem with the so-called natural law theories outlined (both traditional and modern) is that they take the nature of the human person in too limited a sense.

Integral Personalism

In attempting to tie all these threads together, a first point to make is that when we affirm that the fundamental criterion of moral rightness and wrongness and therefore the ultimate grounding of all moral rules must be the human person, this must be the human person taken as a totality. Not therefore some aspect of the person, such as the physical or biological dimension. Nor personal values as distinct from the person to whom they belong and whom they serve. Certainly not consequences taken in isolation from the person acting. But the human person integrally and adequately considered, that is, taking into account all dimensions of the person, including the psychological, the emotional, the social, the spiritual, as well as the physical.

Thus considered, the human person is of absolute and inviolable value, a value that is rooted in the very nature or structure of the person and, at least in the Christian tradition, enhanced by the revelation that each unique person is made in the image of God and destined in Christ to be with God forever. This unique and inviolable value of each person founds the fundamental moral obligation of respect for persons in all our relationships and communications, an obligation that admits of no exception, no matter what the circumstances.

Secondly, this first principle of morality immediately places restrictions on what we may do to other persons and their rights. There are certain basic goods and values that lay out the essential conditions for living as befits a human person, for example, life, physical and sexual integrity, spiritual and material possessions, freedoms such as freedom of conscience, freedom to express one's opinion, freedom of movement, education, and institutional goods such as marriage, the family and the State.²⁹ Respect for these values, both in oneself and in others, constitutes a

²⁹ Franz Böckle, *Fundamental Moral Theology* (translated by N.D. Smith) (Pueblo: New York, 1980), p. 200.

responsible task in human behaviour. They give rise to fundamental rights, which demand to be respected by all.

While it is true that in the exercise of these rights by individuals there may sometimes be a conflict with the same rights of other individuals and therefore the need for some limits,³⁰ there are some human values and rights which cannot be directly violated without making an attack on the very dignity of the human person. The value of life itself, for instance, is the necessary condition for the realisation of all other human values and because of this it is the most fundamental, although not the highest, of all human values. Direct taking of innocent human life violates the very basis of ethics itself, which is respect for the dignity of the human person. The same respect demands that a person never in any circumstances be forced to act against her/his conscience, and that another's sexual integrity never be violated by rape, child abuse or other sexual assault. Torturing of captives and kidnapping of innocent persons are in the same category of moral abuses. For McCormick and other proportionalists these principles, as already mentioned, are in theory virtually exceptionless, but if the hierarchy of values is seen in the light of the central and fundamental dignity of the human person, this position does not go far enough. There is around the human person a protective shield of essential values, a core set of individual rights, which others may not morally encroach upon no matter what advantages for any number of others might result. In other words, injury to one person's basic values is never morally justified by gains to another.³¹

When, however, we consider, not interpersonal relationships between persons, but individual responsibility for one's own life, there is much greater scope for choice according to a hierarchical scale among personal values. Life is a higher value than physical integrity and for this reason surgery is justifiable. One may legitimately forego extraordinary or disproportionate means of prolonging life in some circumstances or even sacrifice life itself if there is no other way of avoiding the violation of one's conscience. Clearly here 'priority' and 'urgency' play a part in safeguarding what is seen as the more basic value when this is seriously threatened and there is no other alternative. The traditional principle of opting for what is less evil in the circumstances applies in cases of this nature.³²

Fourthly, to return to the original question: how do we know what actions contribute to the good, the fulfilment, the flourishing, of the human person in community, what actions discord with this? How do we work out what behaviour humanises and what behaviour is dehumanising?

'Experience is the starting point of ethics and is indispensable in shaping concrete rules of behaviour.'

The answer to this is that it is in fact discovered by the experience of living and communicating as human beings and members of society. It is discovered inductively rather than deductively, in actually living life rather than by rational argument based on concepts about abstract and unchanging human nature.³³ It is an ongoing task that begins with the lived convictions and

30 Examples are the right to private property, which is limited by the right of another to basic physical needs, such as food or the right to freedom of speech when it clashes with another's right to privacy.

31 Neil Brown, 'Teleology or Deontology', *Irish Theological Quarterly*, (1987) pp. 44-47.

32 A number of episcopal commentaries on the encyclical *Humanae Vitae* had recourse to the principle of the lesser evil in their discussion of contraception.

33 'What pertains to moral science is known mostly through experience', St. Thomas Aquinas, *Ethics*, 1.3.

accepted moral code of our human community and that calls us to be open to new possibilities of fuller living, as human beings and as Christians.

Experience is the starting point of ethics and is indispensable in shaping concrete rules of behaviour. Both Aristotle and Aquinas recognised this, each in his own way. The experience the latter considers is that which occurs in a society which already has its own lived convictions and formulated moral rules. Experience serves to make these rules concrete but it may also lead to a modification of them.³⁴ The concept of human nature in all its many dimensions and the basic goods and values to which it aspires provide leads and general directions, pointers to what should promote human flourishing. We gain insights also from the behavioural sciences, especially psychology and sociology. However, the most important morally relevant insights into what it means to be human and what this demands of us come from experience of what it means to be a person and a responsible member of society. In broad terms it may be said that experience provides the material content of morality, the behaviour that is concretely judged to be genuinely humanising.

A suggestion as to how this happens in the experience of the broad human community is made by F. F. Crowe.³⁵ As the human race began to develop beyond the primitive stage – or as any culture moves forward in its quest for betterment – a gradual refinement of the moral sense occurs, perhaps in some more advanced individual. An awareness that something in the customary patterns of living, for example, exposing female babies or helpless elderly tribal members to death, is not right (hence implicitly at odds with human dignity and wellbeing) surfaces in the consciousness of this person. After reflection on the matter there follows a call of conscience to move towards rectifying the situation and accordingly practical steps to bring this about. Inspired by this example, others in the society are gradually led to experience a similar uneasiness, and so eventually to question the practice and reflect on what needs to be done about it. Over time a new concrete moral norm or rule will finally replace the old and will be formulated in the public conscience of the group: slavery is a serious violation of the dignity of the human person and should be abolished, nuclear war is never morally justified, capital punishment ought to be removed from the statute books, discrimination against others on the basis of gender, race or colour is morally wrong. Our present-day experience of the meaning and force of human rights, of our responsibility for the environment, of the advance of technology in genetics and other fields provide many other examples. In summary, the concrete moral good to be done and the concrete moral evil to be avoided have from the beginning of the human race been discovered and enunciated through collective experience and reflection as the best way to ensure basic human values, above all the absolute value of the human person in community. We are always in the stream of relevant moral insights in the course of history and the unfolding of tradition.

In the life of an individual person insight into what it means to be a morally responsible human person occurs when the individual's moral sense is gradually refined and sharpened so as to grasp more fully what is really and truly for his/her personal good. This good then gives rise to the obligation in conscience to realise it as far as possible and certainly not to act against it.³⁶ Once a

34 St. Thomas Aquinas, *Summa Theologiae*, I-II, 97, 3.

35 'Rethinking Moral Judgments: Categories from Lonergan', *Science et Esprit* 40/2(1988) pp. 148-150.

36 The evolution of personal conscience needs to be understood in the context of a consideration of moral development. See Sydney Callahan, *In Good Conscience* (Harper Collins: New York, 1991); Richard M. Gula, *Reason Informed by Faith*, (Paulist Press: New York, 1989); Brian A. Lewis, 'The Role of the Church in the Formation of Christian Conscience', *Compass*, 37/4 (2003) pp. 3-8.

concrete action is apprehended as so linked to one's personal good that failure to perform it would diminish that good, that action is judged to be morally obligatory for that person. In like manner once a concrete action is judged to conflict with one's true personal good there is a moral obligation not to perform that action. Failure to comply with such an imperative coming from the person would be sensed as depersonalising, as harming one's worth and dignity as a person. It is in this way that moral rules learned in the course of personal development are interiorised (or perhaps rejected) and that the individual develops his/her own moral convictions and norms of conduct.

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