

The Indefiniteness of Moral Issues

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Those who cannot conceive of change in the Church's attitude to contraception rely, according to Mr Dummett's February article in *New Blackfriars*, on two main lines of argument.¹ One is described as the 'Where do we draw the line?' form of argument—if contraception is lawful, then perhaps so also are sterilization, abortion, sodomy, masturbation, fornication or even adultery. The other argument is also of the same form (though Mr Dummett does not so describe it) for it asks 'Where do we draw the line?'—if the Church's moral teaching is untrustworthy here, how can we be sure that it is to be trusted on any other subject?

Both arguments, it seems to me, presuppose the asking and answering of a more fundamental question: to what extent can lines be drawn at all when moral issues are at stake? The encyclical takes its stand on 'what is called the "objective" moral order laid down by God', and reminds parents that 'they are not free to define an honest course of action in any way whatsoever that they choose (*modo omino proprio ac libero*), since they are bound, on the contrary, to act in accordance with the plan of the divine creator' (para. 10). This again, it seems to me, presupposes a fundamental question: what sort of 'objectivity' is here being referred to, in what sense has God indeed got a 'plan'?

This question penetrates very deeply: for it is not simply asking to what extent human reason, or the Church as a vehicle of revelation, can draw definite objective lines in moral matters, but to what extent God himself can draw such lines. In what sense are moral matters patient of 'definition' and 'objectivity' at all? Or perhaps we can phrase the question in another way and ask whether the primary language of morality uses words like *right* and *wrong*, or words like *good* and *bad*. For there is at least one rather striking difference in our use of these words: we talk quite easily of 'the right, or the wrong, course of action' (using the definite article), whereas we do not usually talk of 'the good or the bad course of action' but use rather the indefinite article and talk of 'a good or a bad course of action'. The words *right* and *wrong* operate somewhat like the words *true* and *false*, in that they implicitly ask whether what is being judged corresponds with some already settled state of affairs, in this case, some already articulated standard of behaviour, an already defined

¹The Documents of the Papal Commission on Birth Control', *New Blackfriars*, February 1969, p. 241.

objective plan. Actions are right and wrong, like beliefs are true and false, in so far as they correspond to some objective reality over against them. But the words *good* and *bad* are not used as though they referred to some already articulated standard of what the action should have been; they judge it rather by its emergent achievement or failure. The question I would like to ask is whether the language of *right* and *wrong* with its implicit assumption of an analogy between judging items of behaviour and judging items of knowledge is the primary language of morals. Or does this language derive its justification from—and so must not be pressed to mean more than—a relatively less definite and less objective language of *good* and *bad*?

The encyclical itself seems to suggest a way of tackling the question, for, in the paragraph I have already quoted, the Pope quotes two authorities in support of the notion of a 'divine plan'; and by examining these authorities more closely we can hope to understand the notion better. The Pope writes that 'on the one hand, the divine plan is expressed in the very nature of marriage and of the marriage-act, and on the other it is made clear by the constant teaching of the Church'. In a footnote to this whole passage the encyclical appeals to the authority of the second Vatican Council, as contained in paragraphs 50 and 51 of the document on 'The Church in the Modern World'. But the first part of the above sentence also refers back to an earlier sentence in the encyclical where the Pope has written that 'human reason discovers in the procreative faculty biological laws applying to the human person', and to this there is another footnote, this time appealing to the *Summa Theologiae* of St Thomas Aquinas (1a 2ae 94, 2). It is my intention in this article to study first the passage of St Thomas, then to look briefly at the passages of the Council document, and finally to ask again about the definiteness and objectivity of moral issues.

Aquinas

In the passage referred to, St Thomas asks 'whether natural law can be articulated in a body of precepts or dictates', and he starts by indicating what he means by 'natural law'.

The dictates of natural law provide some sort of self-evident starting point for practical thought in the same way that the fundamental presuppositions of the sciences (*principia prima demonstrationum*) do for speculative thought.

'Speculative thought' and 'practical thought' as here conceived do not differ in the same way as 'theoretical' and 'applied' science; and an example will perhaps make this clear. If a man enters a room of his house and finds that the light will not go on, he may start to examine the bulb, the switch, the fuse, the wiring, in order to discover the reason for the failure and put it right. He is applying whatever theoretical knowledge he has of the working of this particular electrical system. Theory and practice are here only two ways of

using one and the same set of thoughts: the principles of electricity learnt in the classroom are the principles governing his action in the home. And yet there is, so to speak, a second set of thoughts going through his head, of a very different kind. The principles of electricity tell him *what* to do; but they are not enough to tell him *whether* to do it. For the principles of electricity guide his action only on the hypothesis that he wants to put the light right; but why should he want to do that, why doesn't he just choose to sit in the dark? Behind every sensible action there lie at least two sets of principles: those which ultimately justify the *technique* of the action (the 'applied science', in this case 'applied electricity'), and those which ultimately justify the *fact* of the action (the 'practical thought' referred to by St Thomas, which in the last analysis must show why the action is a good thing). St Thomas is saying that if I push back the theoretical bases of my action sufficiently, if necessary calling in the scientific experts, I shall find myself appealing to the fundamental presuppositions of the sciences. But if I push back the 'practical' bases of my action sufficiently, if necessary calling in the experts in this field, I shall find myself appealing to certain self-evident starting points for action, certain basic presuppositions about what it is good to do. And this he calls the 'natural law'. For the moment let us grant this view of the matter, and concentrate on the question: what sort of objective definiteness will such principles have?

Now to begin with, principles are always difficult to formulate, precisely because they are principles and not conclusions. A conclusion is usually arrived at in stark contrast with an alternative conclusion; it stands out for formulation. But a principle is a pre-supposition; we have often not even considered whether there is an alternative, and indeed a metaphysical first principle has, by definition, no alternative. This is why such principles are what St Thomas calls self-evident; but it is also why their formulation is so difficult. As Whitehead says: 'We habitually observe by the method of difference. Sometimes we see an elephant, and sometimes we do not. The result is that an elephant, when present, is noticed. . . . The metaphysical first principles (however) can never fail of exemplification. We can never catch the actual world taking a holiday from their sway.' The formulation of such principles in words is therefore difficult; and the results often appear vague and empty. 'Words and phrases must be stretched towards a generality foreign to their ordinary usage; and however such elements of language be stabilized as technicalities, they remain metaphors mutely appealing for an imaginative leap' (*Process & Reality*, Cambridge, 1929. pp. 4-5.).

In the passage we are considering this is illustrated by St Thomas's attempts to formulate the first principles 'known to all' in speculative and practical thought:

The first thing we know the meaning of is the verb 'to be', since the understanding of this is involved in knowing the meaning of

anything else. This is why the fundamental premiss of all speculative thinking is that *one cannot simultaneously assert that something is and is not the case*: a proposition based on the very meaning of being and not being. All other premisses presuppose this one.

Now in the same way that all awareness starts with the awareness of what 'to be' means, so practical awareness starts with the awareness of what 'to be a good thing' means. For practical thinking is the planning to achieve some goal by action, and a goal is anything seen to be a good thing, to be desirable. The fundamental premiss of all practical thinking must therefore be based on this awareness that being a good thing means being desirable, and is thus the dictate of the law which states that *good is to be effectively pursued and evil avoided*.

One's first spontaneous reaction to such formulations of first principles is that they are remarkably empty of content. One is tempted to say that if this is all that can be made at a rational articulate level of what we all presuppose at an inarticulate 'natural' level, then it would have been better to have left the principles in their inarticulateness: to use them perhaps but not to spend a great effort stating them. And in a sense this temptation is a justified one. For indeed principles are meant to be *used* rather than *stated*; they are by definition principles *of* statements, meant to be used to derive conclusions rather than themselves stand as conclusions.

Such statements of the basic impossibility of contradictoriness or the basic impermissibility of pursuing evil are, in fact, attempts to articulate in words what is inarticulately present as the nature of man himself, the nature of reason and the nature of will. When Aristotle was forced to justify the basic principle of the impossibility of contradictoriness, all he could do was to proclaim that the man who did not accept it was no better than a vegetable. These statements of principle are nothing less than an incorporation into his thought of the nature of a man himself as the validation of all subsequent argument. They are articulated reflections upon his own nature. And in this sense they are not so much 'objective' statements, as the grounding of all 'objective' statements in the very nature of the 'subject' as open to objects.

What has so far been said about 'first principles', and the difficulty of giving them objective formulation, applies both in the sphere of speculative and of practical thought. But there is a further difficulty in practical matters that is not met with in the sphere of speculative thought. To see this we must return to the action we were earlier considering, justified as to its *technique* by theoretical electrical considerations, but justified as a *fact* by whether it is practically considered a good thing. The point is that any action can be proposed and meditated within a limited theoretical horizon: I can consider it, for example, simply in relation to its *electrical* consequences and conclude that, on the hypothesis that I want the electrical system

to work, this is the action that I must do. But as soon as any action ceases to be merely meditated and proposed, but is actually done, it escapes from every limited theoretical horizon, and becomes a *fact*: it enters into the unlimited real world, and becomes related to all other facts, uncountable and immeasurable. Whereas theoretical thought can achieve certainty about its conclusions by abstracting from the uncountable, immeasurable world of *facts*, and operating always within a hypothetical world, practical thought cannot so abstract by definition. The inevitable consequence is that practical thought cannot achieve certainty. It cannot sufficiently *argue* its way towards the rightness of any particular action; it must help itself out with an *instinct* for the real, for the factual, for the incarnate way in which the good thing reveals itself. Or to put this in other terms, one cannot sufficiently *argue* one's way from 'a good' action to 'the good' action; this transition is done by a personal decision which appeals to one's subjective self in a new way over and above the way in which all principles appeal to one's subjective self.

This peculiarity of practical thought is expressed in many ways by St Thomas. Whereas the truth aimed at in speculative thought, he says, is a correspondence with 'things', with an objective situation, the truth aimed at in practical thought is a correspondence with 'a good will', with a basic openness to things of the willing subject. As a result there cannot be the same 'infallibility' about practical judgments as about theoretical ones.

The common principles of speculative or of practical thought have the same truth or rightness for everyone and are known to everyone. And the conclusions proper to speculative thought have the same truth for everyone, even when not known to all. . . . But the conclusions proper to practical thought have not the same truth or rightness for everyone, nor again, when they have, will all accept them. Thus it is right and true for everyone to act in accordance with reason; and one might deduce from this principle the conclusion that people ought to return what they borrow. And this is true in most cases. But it can happen in a particular case that it would be harmful, and consequently unreasonable, to return something borrowed—for example, if it is required for an unlawful purpose. And this inadequacy increases the more one particularizes—for example, if one said that people should return what they borrow in these and these circumstances. The more circumstances one mentions, the more opportunities for cases falling outside the law one would create (1a 2ae, 94, 4).

In practical thought then there is not simply a failure in universality at the 'subjective' level (due to weakness of intellect not all people will *see* the truth), but there is a failure in universality *objectively*. It is just not possible to articulate content-ful laws of behaviour which will be true in all circumstances.

The implications of this for morals are often underplayed by the

adoption of a distinction between *natural law* (seen as the plan of God) and *human law* (the plans of men), as though these were two distinct bodies of law. Now, indeed, St Thomas makes such a distinction, and of certain human laws he would say that they no longer belong to natural law, or no longer have the sanction of natural law in them. These human laws are the ones which do not derive from natural law as conclusions from principles.

Natural law is the first rule of practical thought. . . . So that every human law has the character of law only in so far as it derives from natural law. . . . But there are two ways of deriving something from natural law: as a conclusion from a principle, and as a specification of something more general. The first way resembles the way in which sciences argue from principles to conclusions; the second way resembles the way in which an art (e.g. architecture) specifies some general plan. . . . Both types of derivation occur in human law, but the first are not only laid down by man but also have something of the force of natural law; whereas the second have only the force of human law (1a 2ae, 95, 2).

St Thomas employs a special vocabulary to deal with this distinction. He calls the second kind of human laws 'civil law'; and distinguishes 'civil law' from the laws which he says derive as conclusions from the natural law principle that man is a social animal: 'ius gentium' or 'the law of humanity'. Now it is clear that this 'law of humanity' is the same as the third section of natural law that he distinguishes in the continuation of our original quotation from him.

The fundamental premiss of all practical thinking . . . is that *good is to be effectively pursued and evil avoided*. All other dictates of the natural law are based on this one; so that all statements prescribing pursuit or avoidance of anything which by nature man sees to be good for him in his practice, are to be counted as dictates of the natural law.

Since then 'being a good thing' is the same as 'being a goal' man will by nature see as good and as something to be effectively pursued whatever he by nature tends towards. . . . And because there exists an order of precedence in such natural tendencies there will exist an order of precedence in the dictates of the natural law.

For in the first place there are goals towards which a man tends because of the nature he shares with all other things, such as the preservation of his own existence and nature; so that natural law dictates whatever preserves human life and prevents death. Secondly, there are goals towards which a man tends because of the nature he shares with other animals; so that natural law is said to dictate whatever nature teaches all animals to do, such as the intercourse of male and female, and the bringing-up of children. Thirdly, there are goals towards which a man tends because of his

own particular rational nature, such as knowing the truth about God and living in society with others; so that natural law dictates whatever helps man to avoid ignorance and avoids offense to those with whom he must live.

It is not permissible therefore to think of natural law and human law (at least that part of it which is not merely 'civil law' in St Thomas's sense) as two entirely separate bodies of law. Rather, these two terms often consider the *same* laws under different aspects: under the aspect of deriving some force from first principles of practical thought, and under the aspect of having been formulated and articulated by a human society. As a consequence of this one must be careful when assessing St Thomas's opinion that natural law is common to all men and can never change, whereas human law is not common to all men and can change in two ways: firstly, because of an increasing agreement as to what the right conclusions from first principles are; and secondly, because circumstances have changed and circumstances are of the utmost importance in moral questions. One must be careful because every law which falls short of the rather contentless first principle contains elements of seen universal truth enshrined in humanly formulated terms. And therefore every law will to some extent be modified by history; by an increase of knowledge on the one hand, and by change of circumstances on the other.

That this is true even of the very fundamental statements of natural law St Thomas has referred to is very easily seen. For what St Thomas says of 'returning what one has borrowed' he also says in other places of 'taking human life'. There are circumstances in which it is permissible. And one must not think that it is possible to avoid this 'indefiniteness' by completely specifying the circumstances in which such action is permissible. As St Thomas has already informed us, the more one specifies the circumstances, the more loop-holes appear in the formulation.

If then the more primary dictate about taking life has a certain indefiniteness, we should expect the second dictate referred to by St Thomas—'the intercourse between male and female and the bringing-up of children'—to be subject to a similar indefiniteness. And if this is the case, the argument of those who cannot conceive of any change whatsoever in the Church's attitude to such a moral issue must be severely criticized. It is not good enough to argue that change would land us in a situation where we did not know where to draw definite lines on this moral issue; we have never been in a situation where it was possible to draw absolutely infallible definite lines, and it is precisely for this reason that a change of attitude with increased knowledge and in changed circumstances is conceivable.

'The Church in the Modern World'

We have already pointed out that, because of the inability of practical thought to achieve absolute certainty, moral argument is

impossible without appeal to 'a good will'. We have seen that for St Thomas this is the final criterion of 'truth' in the practical field. At every point of practical thought it must be supported by the virtue of the thinker. It would take too long to explore the full ramifications of this belief—one could perhaps refer to earlier articles by Father Gilby and Père Deman on the absolute essential of prudence, a virtue which according to Aquinas accords the reasoning processes with the morally virtuous self.¹ Perhaps it would be sufficient here to quote his answer to an objector who said that a person need not be guided by his own good counsel, but could learn his morals from someone else.

When a man does a good thing not guided by his own reason but moved by the counsel of another, his action cannot be regarded as altogether perfect: neither in relation to the reason which is meant to govern the action, nor in relation to the will which is meant to move him (1a 2ae, 57, 5, 2m).

What we have here is in reality a strong recognition of the dignity of the individual human subject in moral matters. What appears as an inadequacy when viewed from the 'objective' side—that the concrete world of action precludes definite objective certainty—is now seen as a perfection from the 'subjective' side—for it is the free reasonable will of the subject which must decide upon an action, and so perform the transition from 'a' good action proposed to 'the' good action devised and decided.

It is for this reason that a comparison of the encyclical's wording with the wording of the Council document on 'The Church in the Modern World' to which it refers, is instructive. Where the encyclical says that 'a plan of God is expressed in the very nature of marriage and of the marriage-act', the Council document talks of 'objective criteria derived from the nature of the person and his acts'. That it is the word 'person' that is important here is shown from the very way the Council phrases the relation of personal decision to God and to the Church.

In the duty of transmitting and educating human life (which is to be considered as the proper mission of married people), such married people must know themselves to be the co-operators and, so to speak, the interpreters of God's creative love. They will therefore fulfil their task with human and Christian responsibility and docile reverence to God; and (attending to all the relevant consequences and circumstances), form for themselves a right judgment by common effort and counsel. In the last analysis the married partners themselves must make this judgment before God; but in their way of acting they must be conscious of not proceeding according to their own whim but according to a

¹'The Encyclical Abstraction', by Thomas Gilby, O.P., *New Blackfriars*, November 1968, p. 94; 'The School of Conscience', by Thomas Deman, O.P., *New Blackfriars*, December 1968, p. 129.

conscience conformed to the divine law itself and docile to the Magisterium of the Church authentically interpreting that law in the light of the gospel (para 50).

What mainly strikes one about this passage, is that while it manages to say many of the things that are said in the encyclical it does so in a language respectful towards the autonomy of a free conscience in moral matters. It does not claim, either explicitly or implicitly, that a clear objective setting-out of the law can be an adequate instrument for moral decisions, for these are in fact inseparable from the prudence of a virtuous individual. It does not even talk of a settled divine plan, but of a divine love with which partners must interpretively co-operate.

It is, in fact, impermissible to view natural law as an already-settled divine plan, if this is to be taken as a plan which does not *need* the free decisions of human subjects in order to unfold itself. St Thomas is extremely clear about this, for he takes pains to stress that this moral law is 'natural' to us not simply in the sense that we are by nature subject to it as promulgated by God, but in the further sense that we are by nature co-operators in its very promulgation.

Even irrational animals share in the eternal plan in their own manner. But it is because the rational creature shares in it by the use of his own reason and intellect, that his sharing in the eternal law is itself called 'law'. For law is a work of reason. . . .

Law is a ruling and can be thought of either in the ruler or the ruled. Now everything is ruled by divine providence and shares in the eternal law in the sense that its natural tendencies are an imprint of that law. But man is subject to divine providence in a far more excellent way, inasmuch as he becomes a sharer in that providence, a provider for himself and others. And so he actually shares in the divine reasoning and through that tends naturally to due actions and goals. And it is for this reason that the sharing in the eternal law in man can be called 'natural law' (1a 2ae, 91, 2). It seems to me that unless the 'divine plan' is always understood to be something in which man co-operates in freedom, something which man helps to make, and that unless 'natural law' is clearly recognized to mean a natural sharing in the law-making of God, the proper basis for a new look at the morals of contraception will be lacking in the Church.

It has been suggested that a Society should be formed to further the understanding and appreciation of the life and works of Gerard Manley Hopkins. Will those interested please write to either Tom Dunne, 115 Long Lane, Breightmet, Bolton, Lancs., or the Rev. A. Thomas, S.J., St Ignatius' Presbytery, 27 High Road, London, N.15.