

ABSOLUTES

Any discussion of the question of moral absolutes must meet some formidable tests. As Richard A. McCormick, S.J., has put it, "One is asked to be both theoretically consistent and practically sensitive to the complexity and intransigence of reality -- in other words to plug all the loopholes in a prudent and persuasive way."ⁱ I begin by attempting to define clearly what a moral absolute would be, then assess both the case against such absolutes and the case for them.

6.1. *Doing Evil to Achieve Good*

The traditional phrase *never do evil that good may come* suffers from many ambiguities. The first of these is whether the phrase "that good may come" is redundant: if, as the scholastic tradition tells us, everything we choose we choose *sub ratione boni*, then there is no other way of doing evil. Fr. McCormick denies the scholastic doctrine, and holds that "even a disvalue which has no necessary causal relation to the good can be, perversely indeed, desired."ⁱⁱ My students agree with McCormick: they believe in the possibility of unmotivated malice. It still seems to me, however, that the traditional doctrine is sound, so long as one pays sufficient attention to the range of goods that motivate choice (though the question is admittedly a close one).

In cases of seemingly pointless wrongdoing -- say the young St. Augustine's theft of inedible pears -- the agent is moved by a desire to assert his independence, to establish a sphere where he and no one else makes the rules. Within limits -- say in dealing with a domineering parent -- this motive is even legitimate, though its excess is demonic pride. For a person can also be deficient in self-assertion, as are those who submit to authorities so completely as to do evil at their behest. And malignant envy, of the sort felt by Melville's Claggart for Billy Budd, arises out of a warped respect for virtue and a warped regret that one falls short of its requirements (as well as

a warped admiration for Billy's other admirable qualities). In simple terms, Billy's beauty and virtue make Claggart feel ugly and evil, and for that reason Claggart tries to release the tension by destroying Billy.ⁱⁱⁱ

One interpretation of the phrase *never do evil (that good may come)* is that one ought never to do (what one oneself regards)^{iv} as *moral* evil, to achieve any end whatever; or in short:

(W) In no circumstances must one do wrong.^v

The denial of *W* is incoherent; as Thomas Nagel has put it,

The notion that one might sacrifice one's moral integrity justifiably, in the service of a sufficiently worthy end, is an incoherent notion. For if one were justified in making such a sacrifice (or even morally required to make it), then one would not be sacrificing one's moral integrity by adopting that course; one would be preserving it.^{vi}

St. Paul, when he counseled against doing evil that good might come of it, was centrally interested in the sacrifice of one's moral integrity for the sake of spiritual benefit: sinning more that grace might abound (see Romans 6:1). (Another version of the same idea is doing evil in order to release one's creative powers.) Though a repentant sinner might rejoice, after the fact, in sins that brought him grace, to advance this justification before the fact is to affirm that the same act both is and is not a sin. *W* does nothing, however, to tell us what acts are right and what wrong.

But is it not possible to violate one's moral integrity by undertaking to deceive oneself about what is right and wrong? The most common way of doing this, engaging in habitual wrongdoing, directly violates *W*. Those who undertake courses of indoctrination, or habitually lie about moral issues in hopes of persuading themselves, treat their future selves as persons other than themselves. Their conduct thus falls under the principle to be discussed next.

When one is dealing with other people's moral integrity, some distinctions have to be drawn. If it is wrong to do an act, it is wrong to intend that another do that act on one's behalf. If it is wrong for me to kill a colleague, it is also wrong for me to put out a contract on him. Hence -- so long as my agent and I are in agreement on the pertinent moral question -- the question of one's own integrity and that of others turns out to be the same.

If my agent and I differ in moral judgments, two cases need to be distinguished. I may believe the act in question is wrong, while my agent has no scruples about doing it. (I employ a hired killer for whom *business is business* trumps even the rule against murder.) In that case I remain guilty of murder, but at least I have not corrupted anyone. In the other case, I believe the act in question innocent or obligatory, but my agent regards it as wrong. A doctor, let us say, strongly urges a Jehovah's Witness to have a blood transfusion to save his life, or even invokes coercive means to get him to do so, while the Jehovah's Witness believes that receiving such a transfusion is a major sin. The doctor may (1) hope to persuade his patient that his religion is, at least in this respect, unreasonable, and so to consent in good faith to the transfusion. Or he may (2) hope that, by being pressured into violating his convictions -- and perhaps by being convinced that, if his religion were true, there would be no hope for his salvation -- the patient would be led to renounce the Jehovah's Witness faith in favor of, say, liberal Protestantism. Or he might (3) be indifferent to the effect of his behavior on the patient's soul, so long as he manages to do the transfusion. Finally, he (4) may believe that the strength and sincerity of the patient's opposition to blood transfusions may legitimately be tested, so that if it turns out to be merely conventional he will be able to save the patient's life, while if it is sincerely held he will admire him for his integrity while watching him die.

The doctor's behavior in case 4 is easiest to defend: there need be, on his part, no intention that the patient act against his own convictions. Case 1 is somewhat harder: since persuasion in religious matters is notoriously difficult, it merges into the other and more difficult cases. Case 3 is harder still: indifference to the patient as a moral being, and concern for him only as a diseased body, is one of the banes of contemporary medicine. Hardest of all to defend is case 2: playing with another soul in this fashion shows many of the marks of satanic evil.

In any event, we have a principle, which can demand acceptance as absolute if such things are possible:

(S) It is always wrong to intend that a person do what he himself regards as wrong

The violation of this principle is called *scandal*; it reflects the fact that a person's moral integrity is a good of a different order than the other goods he may also pursue.

We must distinguish scandal in sense of *S*, however, from the sort of scandal that involves doing an action with morally corrupting effects. One possible example of scandal in the second sense is proudly telling people about actions of one's own that they regard as wrong; another is saying "Follow your conscience" under circumstances when this remark is likely to be taken as an endorsement of moral subjectivism.^{vii}

In such cases, however, the danger of scandal must be weighed against other possible bad effects, including other sorts of scandal. To take the case of the moral adviser: the inquirer may have a genuinely confused conscience, without being in a position to accept what his moral guide believes to be the correct moral view. Or he may be driven away from observance of all the requirements of morality by his guide's insistence on a view that he cannot articulate in a way satisfying to the inquirer's intelligence. (John Mahoney calls this last possibility "scandal of the strong.")^{viii}

But it would be rash to conclude that, by formulating the principle forbidding scandal, we have completed, even provisionally, our search for moral absolutes. For the concept of scandal presupposes a body of standards other than the principle itself; it belongs among what Alan Donagan has called the "second order precepts" of morality.^{ix} If we hold a view of morality according to which exceptionless first-order principles are impossible in principle, then at some point we will be reluctant to attribute such principles to others. For if we regard an alleged moral conviction as unreasonable beyond a certain point, we may regard it, instead, as an emotional aversion or social prejudice.^x In order to gain the respect of others, a scruple of conscience need not be exceptionless, at least not in the simplest possible way.^{xi} A conscientious objector to a particular war may accept wars in defense of the homeland, or pre-modern wars, or wars directly commanded by God, or wars that meet the stringent tests of a just-war theory, or possibly even wars he deems progressive. But if a person's judgment of conscience is responsive to any changes in circumstance however small, we cannot expect those who have the power to change the circumstances of his choice to have much respect for scruples that stand in the way of what they regard as politically or even morally imperative projects.

We have so far been able to make some sense of the maxim, *Do not do evil that good may come*. But it is absurd to refuse ever to do evil to achieve good, if doing evil means doing an act with some bad aspect or consequence. For there are many circumstances in which whatever we do is bad in some respect, if only by causing some people emotional pain or defeating their legitimate expectations.

In order to gain further precision on this issue, let us consider the following sentence from Pope Paul VI's controversial encyclical on contraception.

(V) It is never lawful, even for the gravest reasons, to do evil that good may come of it -- in other words, to intend directly something which by its very nature contradicts the moral order.^{xii}

Let us especially consider the phrases *something which by its very nature contradicts the moral order* and to *intend directly*. If by "something which by its very nature contradicts the moral order" is meant moral evil, we have here *W* or *S* -- principles that yield no specific results about contraception or any other first order moral issue. If it means something non-morally bad in itself, for example a disease, two difficulties arise. First, it is sometimes right to infect a person with a mild case of a disease in order to prevent a severer one later on (the process is called inoculation). Second, it is not a bad thing that a couple should have intercourse without procreating, that a woman should be temporarily sterile, or that a spermatozoon should be ejaculated without fertilizing an ovum. This last event takes place massively even in fertile intercourse.

Nor is it clear what it is to "directly intend something." Do homosexuals directly intend the sterility of their relations? Do those who practice artificial insemination by husband, or versions of *in vitro* fertilization employing the husband's semen, take as the object of their intentions something different from married people desiring offspring who have intercourse with the specific intention of producing an heir? What do those who practice Natural Family Planning intend directly, if not to enjoy the other goods of sexual intercourse without producing offspring?^{xiii} There are cases where we cannot answer the questions of intention, and of the moral acceptability of what is intended, except by way of a moral judgment on the form of activity in question. In the cases where an independent moral judgment is required to apply V, it is not functioning as a moral criterion, but as a way of expressing a conclusory moral judgment^{xiv}

6.2. *The Search for Moral Absolutes Continued*

Let us therefore begin afresh. To say that a norm is a moral absolute is to say, in part, that it is never permissible to breach it, no matter what the circumstances. But not every norm that meets this requirement counts as a moral absolute in the relevant sense.

For consider the following principles:«

(D) One ought always do one's duty.

(F) One ought never to engage in sexual immorality (in one sense of that word, fornication).

(L) One ought never to engage in wrongful deceit (in one sense of that word, lying).^{xv}

(M) One ought never to engage in wrongful killing (in one sense of that word, murder).^{xvi}

There are ways of reading these standards that give them some content. Thus *duty* in *D* can be read in the sense of "my station and its duties," and *immorality* in *F* in the sense of breach of conventional moral standards. But, taken in their most straightforward sense, these standards tell us nothing about, for example, which sorts of deceit are morally acceptable and which not. At most they point out zones in which transgression is likely and dangerous.

Consider, second, the moral axioms discussed in chapter 3, for example:

(A1) One ought always do good and avoid evil.

These axioms can be specified further, without gaining significant content; for example:

(A1m) In medical practice, do good and avoid evil.

If these axioms are true, one ought never to break them. And they are not completely trivial, since they at least make some moral arguments easier and others more difficult. *A1*, for example, directs our attention toward non-moral goods to be promoted, preserved, or respected in our actions, and away from an ethics of duty for duty's sake. But the sorts of absolutes with which moralists are concerned give far more guidance in decision making than, on the most optimistic assumptions, a moral axiom can do.

A more difficult case is:

(P) It is wrong to inflict serious pain just for one's own or another's pleasure.

P seems to be both true and exceptionless, but does not satisfy the demand for moral absolutes. It fails to do so, I think, because there is no such thing as doing something merely for pleasure: there is always something else that pleases one in one's action, for example emotional release or the exercise of power. And the desire to please another involves either the expression of love (at least in the sense of affection) or some ulterior end, such as placating someone in power.

Also tricky is the following:

(H) One ought never act out of hatred for a person.^{xvii}

In order to make this example plausible, it needs to be read as:

(H*) One ought never to act *only* out of hatred for a person.

For it may be morally necessary to kill or otherwise injure someone. And, in doing so, some feeling of hatred may be inevitable. In that case hatred is regrettable, but not, if involuntary, morally wrong. (A harder case is where hatred is deliberately stirred up, say in soldiers before a battle.) But *H** implies that one has no sufficient reason, other than hatred, for injuring (or attempting to injure) a person. It is thus only apparently a moral absolute.

Another tricky case is:

(K) It is wrong to kill your boss because he has refused you a promotion, where you have been working at your job with reasonable but not extraordinary diligence for less than three years and need the money to buy a second yacht, where neither you nor your boss are members of caste in which killings of honor are an accepted custom ... (and so on for a complete description of the action in question).

Such statements, if true, have no exceptions. Nor do the descriptions they include contain an adverse moral judgment by way of logical implication. Nor do they restate moral axioms. Yet they do not count as moral absolutes in the needed sense, since they do not enable one to conclude that an act is wrong independently of a complete evaluation of the situation.

There are also moral standards that are in no sense absolute, but nonetheless give real guidance. An example is:

(B) Gratitude is due to benefactors.

Another is:

(O) In an imperfectly just society,^{xviii} do not violate the civil law.

Both of these principles are guides to virtuous conduct, though neither plausibly holds no matter what.

Many moralists have asserted the following non-trivial principle as absolute:

(A) One ought never to commit adultery.

Many people who hold *A* also hold, independently or as an instance of it:

(F*) One ought never have sexual intercourse outside marriage -- what is in the other principal sense called "fornication."

But in my discussion of adultery I shall leave open the question both of the truth of *F**, and whether *A* includes or entails it.

Consider now the following cases:

(C1) Abraham lives in a society in which it is customary for a man to have more than one wife. He marries Sarah, and when she proves barren, Hagar.

(C2) Bertha lives in a society in which it is customary for a woman to have more than one husband. She marries Sam, and when he grows old, Henry.

(C3) Charles lives in a society in which marriage is monogamous, but in which men who are faithful to their wives (but not women who are faithful to their husbands) are looked down upon, even by their wives, as insufficiently *macho*. He marries Mary, and has affairs with Jane and Jill.

(C4) Deborah lives in a society in which marriage is monogamous but in which both married men and married women who fail to have extra-marital affairs are looked down upon, even by their spouses, as prudes. She marries Martin, and has affairs with John and Philip.

(C5) Edward and Frieda live in a society in which serial polygamy is customary; in which marriage, though exclusive, is understood by all concerned to be dissoluble. They get married, and thereafter abstain from sexual relations with others. But, after their marriage breaks down and they are legally divorced, Edward marries Linda, and Frieda Carlos.

(C6) In the same society, George and Hilde get married and then divorced, after which they marry Susan and John. But they have sexual relations with their new partners before their divorce papers are final.

(C7) Isaac and Justine are living together in an informal relationship, understood by both of them to be exclusive so long as it lasts. But Isaac has an affair with Roberta, which he conceals from Justine just as an erring conventional husband would do.

(C8) Karl and Leonard are also living in such a relationship -- homosexual marriages not being legally recognized in their society. Karl has an affair with Joseph, concealing his affair, as would a conventional erring husband.

(C9) Martina and Nancy likewise have a homosexual "marriage." But Martina has a covert affair with Kingsley, whom she subsequently marries.

(C10) Oliver and Paula are Roman Catholics, and understand their marriage as indissoluble. But Oliver leaves both the Church and Paula, and marries Dorothy in a civil or Protestant ceremony. Until his marriage to Paula, Dorothy regards Oliver as still her husband, but afterwards feels free to marry William (and does so).

(C11) Quentin and Roberta are also Catholics. After their marriage fails, Quentin dishonestly obtains an annulment and remarries Lucy in the Church. Roberta then marries Richard.

(C12) Steven and Theresa are divorced and Theresa marries Jonathan. During her marriage to Jonathan, Theresa has an affair with Steven.^{xix}

There are more questions one can ask about such cases than "are these acts right or wrong?" What I am concerned with here is whether the behavior of Abraham and the others constitutes adultery. In giving our answer to this question, we must also ask to what extent our characterization of an act as adulterous, if we in fact so characterize it, is a result of a prior judgment that it is reprehensible -- or, rather, that it is reprehensible in the way adultery is thought to be by those who hold *A*.

There is a lurking ambiguity here. If an act is reprehensible in precisely the way, and precisely for the reasons, adultery is, it is a case of adultery. Still, there is a difference between saying action-kind *X* is wrong for the same sort of reasons as action-kind *Y*, and saying, straight out, that *X* is a subset of *Y*. There are forms of betrayal, which are wrong for some of the reasons adultery is, without being themselves adulterous. But to the extent that the judgment "Abraham is (or is not) guilty of adultery" rests on an independent judgment of his act, *A* has become a spurious moral absolute, to be spelled out perhaps as follows:

(A*) One ought never, by one's sexual conduct, breach the obligations of (true) marriage.

Thus Finnis moves too quickly when he writes: "where, as in most cases of adultery, there is no doubt that the one party, if married, is not married to the other, then the Lord's precept applies exceptionlessly, whatever the other circumstances."^{xx} For if he were casuistically minded, D.H. Lawrence could have argued that Mellors and Lady Chatterley were not adulterers. For Sir Clifford's failure to relate his will appropriately to the goods at stake in marriage, he might have argued, invalidated his supposed marriage to Lady Chatterley, whereas she and Mellors (at least relatively speaking) related their wills to these goods in an appropriate way.^{xxi} And a couple one or both of whom has a divorced spouse still living can have intentions that are in the fullest sense marital, e.g., to procreate and rear a child as an expression of their mutual love.

The question whether a person relates his will appropriately to the human good, and whether his conduct is morally appropriate, cannot be distinguished in practice. If I am right in this assertion, then Finnis has turned *A* into the following spurious absolute:

(A**) One should never engage in sexual behavior that relates one's will to the goods at stake in sexual intercourse in an inappropriate way.

One source of difficulties here, and many other difficulties about sexual ethics, is that marriage has multiple aspects, and that these sometimes fail to coincide. Marriage is a sexual (and otherwise intimate) relationship between the spouses. It also is a civil relationship, connected with property relations and responsibility for the rearing of children. It is also a link between families and groups of friends -- as can be observed at a conventional wedding. Finally, it is a religious institution, important among other things for what it symbolizes. There are acts that are in breach of marriage in all four dimensions, which are therefore uncontroversially adulterous. But these are difficult to specify, and in any case represent a far narrower range of behavior than adherents of *A* usually intend.

Another common example of a moral absolute is the rule against murder. *Murder* is often defined as the intentional killing of the innocent. But the term *innocent* is ambiguous: it ranges in meaning from "not at fault morally" to "not harming," with all the ambiguities of the word *harm*.

Consider the following cases:

(M1) the execution of a killer for a legacy now rendered harmless;

(M2) the killing in war of an enemy soldier, who may or may not believe in the justice of his own cause;

(M3) the killing of a prisoner, in a war in which we regard our enemies not just as wrong but as criminal.

(M4) the abortion of a fetus or unborn child whose growth threatens his mother's life (even if we regard fetuses as in every sense human beings or persons).

(M5) the shooting of an insane person who is on the verge of shooting someone else;

(M6) the killing of an infant rival to the throne;

(M7) the exposure of a child whose existence threatens a country with overpopulation or a family with destitution.

Reasoning about *M1- M7* will illustrate how much moral judgment goes into designating a person as innocent, in order to declare killing him murder.

The views of St. Thomas Aquinas on paradoxical episodes in the Old Testament such as the (almost-) sacrifice of Isaac illustrate further the difficulties that afflict the search for moral absolutes.^{xxii} St Thomas argues as follows. When God commanded Abraham to slay Isaac, He changed the species of the act from murder (or unjust killing) to sacrifice (or just execution). This change was possible because, as a result of original sin, Isaac deserved to die "the death of nature." Murder and sacrifice (like adultery and marital intercourse) are thus physically similar, but morally

different, sorts of act. And this distinction does not mean only that the one sort of act is right and the other wrong.

St. Thomas does not invoke the principle of double effect in such cases: he does not argue that Abraham does not intend Isaac's death, but only accepts it as a side-effect of his religious obedience. Rather he argues, in Lee's words:

The direct object of Abraham's act here is the justice God intends in the act, even if Abraham does not understand *how* it is just. That is, Abraham does not do anything, or intend anything, other than to execute God's intention. ... The executor of a superior's project (intention) has no project of his own distinct from that of the superior.

There are circumstances where such an analysis is possible, even for people who have come to distrust the defense of superior orders. Socrates, who condemns suicide before drinking the hemlock, intends only to obey the decree of the Athenian court. But this analysis will not work for Abraham: he must form plans and intentions of his own to carry out what he believes to be God's will; for example he must secure Isaac's compliance or at least acquiescence.

If we set aside the implausible claim that Abraham did not intend to kill Isaac (and, had he killed Isaac, would not have done so intentionally), the supposed moral absolute at stake here would seem to be:

(K*) One ought never to kill a person unjustly.

This principle might have some content, insofar as it excludes killing someone on grounds of public or private benefit deemed to overrule considerations of justice. But St. Thomas's argument requires him to understand *K** as permitting the killing of anyone except Jesus Christ (and, given later theological developments, the Virgin Mary), at the behest of God, Who, as author of Nature, is

entitled to exact the penalty for original sin and to authorize others to act on His behalf. This is not what is usually meant by an absolute prohibition against murder.

Moreover, K^* is a special case of

(U) One ought never act unjustly.

And U is very close to the tautology:

(W) Under no circumstances must one do wrong.

U and W are different because injustice is not the only species of wrongness. An act, even one of killing, can be wrong, not because it is unjust but because it is cowardly or cruel.^{xxiii} But, since any justification a theist might offer for homicide could be understood as an attempt to show that it is agreeable to the will of God, and for that reason not unjust, the distinction between U and W is of no practical importance.

It still seems possible to formulate some standards that are absolute if any standards are.

(G) It is wrong to kill people by reason of their ancestry (genocide).

(R) It is wrong to engage in sexual activity with a person without his or her consent (rape).

(T) It is wrong to torture a person.^{xxiv}

Despite the ambiguities about consent that sometimes afflict R , and the blurry line between torture and beating someone up or threatening him that afflicts T , it seems that these propositions are both true and exceptionless. (I leave it to the reader to find possible ambiguities in the rule against genocide.) Or rather only an *a priori* conviction that all moral rules have exceptions can lend credence to the possibility of sometimes justifying their breach. Yet those who are committed to finding exceptions to all moral rules will no doubt be able to develop plausible exceptions even to G , R , and T .

6.3. *The Case Against Moral Absolutes*

It is not possible to settle the question of moral absolutes by formulating putative absolutes and testing them against intuition with the help of real-life or ingeniously constructed examples. For any morality will involve hard cases, i.e., cases about which individuals and communities are ambivalent. And all plausible exceptions to plausible absolutes will fall into this class.

Nor is it possible to settle the issue by invoking the refusal of admired persons to break moral rules when the consequences of adhering to them were grim. Examples include Socrates' refusal to "fetch Leon of Salamis from his home for liquidation"^{xxv} and St. Thomas More's decision

Knowingly [to incur] the traitor's penalty of life imprisonment and confiscation of all his goods, ... not because the oath [demanded of him] was against the faith... but because swearing that he believed a marriage invalid when he judged it valid would have been a lie.^{xxvi}

Those who accept the correctness of Socrates' and More's judgments in these cases could still argue they would have acted otherwise if the consequences of what they did had been worse or more certain of occurrence. (Socrates was not in fact punished for his refusal.) Or they might argue that they would have behaved otherwise if broader circumstances rather than immediate consequences had been different. (More was a respected lawyer whose judgment on Henry VIII's marital shenanigans had special weight; moreover as a lawyer he had a special interest in the integrity of his own judgments.) Accordingly, I approach the question of moral absolutes as an a priori issue. I here state the case against absolutes, postponing the case for them and the drawing of my conclusions until the next section.

Let us suppose, for the sake of argument, that the moral legitimacy of an act is a function of the intentions of the agent and the foreseeable consequences of his act -- that the other dimensions of situations (the symbolic dimensions of acts, for example) can be reduced to these two. If so, an

absolute would be an independently specifiable class of acts such that, for any member of that class, its intentions, its consequences, or both together, render it impermissible. But each human action is different. Each has a unique set of (expectable) consequences; in each case the agent displays a unique set of evaluative priorities and patterns of practical reasoning. Nor is there any reason that human acts will seem other than unique when dimensions other than intentions and consequences are taken into account.

Now consider action kinds to which there attaches a moral stigma, such as adultery, theft, and murder. The language by which we describe such conduct is open-textured: there are more central and less central cases of each, and moralists sometimes extend or contract their range of application in surprising ways. Moreover, people sometimes propose to retire a morally stigmatizing word from circulation -- as for example *miscegenation* -- or re-describe what would be called by condemnatory terms such as *mass murder* in neutral terms such as the *final solution*. Some of these proposals are horrible, and others legitimate, but our evaluation of them rests on a prior set of evaluative commitments not supportable by conceptual analysis.

The defense of moral absolutes not reducible to a moral axiom or to a tautology, therefore, requires either (1) a complete survey of the possible consequences of, or of the possible intentional structures accompanying, a given sort of act; or (2) an essentialist ontology of actions corresponding to the action-kinds recognized in ordinary English (or medieval Latin).^{xxvii} An understanding of some tradition as fixed at say 1300, or of the symbolic significance of actions as immune to changes in the understanding of both agents and their neighbors, might also accomplish the same task. All these enterprises face formidable obstacles.

There is still room, on this view, for moral rules of thumb. But we must always keep in mind the possibility that any situation, if we look at it with sufficient care, will disclose features unique to it that require a modification of stock moral judgments.

6.4. *The Case for Moral Absolutes*

Many absolutists are aware of the central premises of the case against moral absolutes.^{xxviii} And it is possible to combine a belief in moral absolutes with recognition of the open-texture of moral concepts (including crucial concepts such as *intention*). In order to see how this is so, let us ask how things would be if the arguments for situationism were given their fullest rein.

That evaluatively laden language is open to interpretation, and that diverse agendas will produce diverse interpretations of crucial terms, is a commonplace among those familiar with the history of literary criticism, theology, and law. But if situationists are right, there are no constraints on the interpretation of a word such as *murder*: what other people call murder can be reinterpreted as population control, the vindication of one's honor, or the destruction of the Queen's enemies. Conversely, the slaughter of animals for the human table can be re-described as murder. Moreover, even if it is conceded that a proposed act is one of murder, the possibility always exists for situationists that murder is necessary under the circumstances -- even that it is the most loving act possible. And what these circumstances are cannot be specified in advance: they are left solely to the discernment of morally responsible persons. But a clause exempting us from observance of all moral rules in cases of necessity is unlimited in its application, unless we restrict it in ways that produce a new, formally exceptionless, rule.^{xxix} Or the very word *murder*, like *blasphemy* in many circles, may pass out of use or be sidelined. In that case, whatever restraints there might be on the taking of life will be conceptualized in radically different ways, and many kinds of killing now

regarded as out of the question will be routinely open for consideration. And what is true of *murder* is true of all other crucial moral concepts, such as *torture*, *fraud*, and *incest*.

Situationists do not conceive of themselves as promoting moral anarchy, but as advocating a higher ethics based on the Greatest Happiness Principle, or on the Law of Love. But *happiness* and *love* are also open to interpretation: people dispute whether a state of drug-induced euphoria is one of happiness, or killing another human being can be an act of love. Hence whatever hermeneutical maneuvers are available for *murder* are available for these moral notions as well, and indeed for any concept that one might invoke in moral argument.

One can also appeal to moral paradigms to place limits on the vagaries of moral judgment: the Nazis, we can all agree, were evil, and behavior that resembles theirs is to be avoided. But we can re-describe the Nazis as moral pioneers, and their opponents as fuddy-duddies deluded by illusions of an objective moral order. Or we can distinguish our "liberal" euthanasia campaign, designed to deal with the stresses of a superannuated society that spends too much of its resources on health care, from the Nazis' "reactionary" program, infected with racist, sexist, and homophobic notions.

The argument just made might be dismissed as a "parade of imaginary horrors" or "slippery slope." "You ignore," a critic might argue, "the good sense of human beings, and their capacity to make necessary moral distinctions." But slippery slopes do occur, the social fabric does break down, and atrocities of every variety are a frequent occurrence in human history. (Indeed, there are reasons to fear that our own society is on such a slope, and about a number of issues.) No doubt such events have economic and political as well as cultural causes, though these sorts of causation can only be distinguished to a limited extent. But I am not here concerned with political strategy, however broadly conceived, but with a problem in the logic of morals: how to constrain

the human capacity to defend a wider and wider range of behavior by discovering and exploiting ambiguities in our shared moral code.

At this stage of the argument a critic will invoke the ethics of virtue. A virtuous person will know what analogies and distinctions are legitimate and what mere sophistry. The most important virtue in question here is called *prudence* (§ 5.1). But living in a corrupt society can undermine our prudence, and discerning which societies are corrupt and which virtuous itself requires judgment. Hence we require principles beyond situational prudence (though not of prudence in the widest sense), which can support the promulgation of moral rules.

Many writers appeal at this point to the concept of human nature, as placing limits on the possible vagaries of moral language. Thus in a striking passage, Thomas Fleming writes:

The laws and decrees enacted by human government are mutable and sometimes tyrannical, but the laws of human nature, curled tight within the spiral of the genetic code, are unchanging and just. More than just, they are justice itself, in this sublunar sphere.^{xxx}

Some sorts of acts, such people argue, are bad for human beings, both those who perform them and others. And what particular acts fall into these sorts is itself determined by the features of human nature that make actions of such sorts bad.

But *human nature* itself is a highly contested concept, and the appropriate relationship among the intellectual, social, emotional, and physical sides of our nature is much debated. For that reason, defining the classes of forbidden acts will pose considerable difficulty. And naturalists like Fleming have a hard time explaining how institutions and forms of behavior he regards as unnatural in fact take place.

The argument of this section and that of the last are consistent with one another. For the previous argument calls into question our ability to discern moral absolutes, while this argument

concludes that some absolutes are necessary to a functioning morality and thus also to social life, however difficult it may be to discern them. I have, in short, defended the commonsense claims that "there are limits," that there is such a thing as "going too far," that it is necessary to "draw the line somewhere." But the question, where exactly we should draw the needed lines, remains unanswered.

NOTES

ⁱ "Ambiguity in Moral Choice," *Doing Evil to Achieve Good*, Richard McCormick, S.J., and Paul Ramsey, eds. (Chicago: Loyola University Press, 1978), p. 35.

ⁱⁱ *Ibid.*, p. 53n.55.

ⁱⁱⁱ I am here indebted to some unpublished work by Don Montaldi of Gonzaga University, and to a conversation with Celia Wolf-Devine.

^{iv} Recall that, for an agent engaged in a particular decision, there can be no difference between what is right and wrong, and what appears to be so.

^v Plato, *Crito*, 49b. Hugh Treddenick trans. *Collected Dialogues* (New York: Pantheon, 1961), p. 34. *W* is not to be confused with two related non-tautological principles also asserted by Socrates: (1) One ought not return injury for injury, i.e., the fact that someone has injured you does not make an otherwise wrongful action right. And (2) it is never in a person's interest to do wrong.

^{vi} "War and Massacre," *War and Moral Responsibility*, Marshall Cohen, Thomas Nagel, and Thomas Scanlon, eds. (Princeton: Princeton University Press, 1974), pp. 12-13.

^{vii} On this problem, see Germain Grisez and Joseph M. Boyle, Jr., *Life and Death with Liberty and Justice* (Notre Dame: University of Notre Dame Press, 1979), pp. 431-2.

^{viii} *The Making of Moral Theology* (Oxford: Clarendon Press, 1987), p. 298.

^{ix} *The Theory of Morality* (Chicago: University of Chicago Press, 1977), ch. 4.

^x As Ronald Dworkin suggests we should with objections to pornography and homosexual practices. See *Taking Rights Seriously* (Cambridge, Mass.: Harvard University Press, 1977), ch. 10.

^{xi} On this issue, see David Malament, "Selective Conscientious Objection and the *Gillette* Decision," *War and Moral Responsibility*, pp. 159-80.

^{xii} *Humanae Vitae* (1968), ¶14. Tr. in Claudia Carlen, I.H.M. ed., *The Papal Encyclicals, 1958-1981* (N.p.: Consortium, 1981), p. 227.

^{xiii} One might of course prefer NFP to other forms of birth regulation on grounds other than differences of intention, for example that NFP teaches willingness to accept deferred gratification. But it is hard to see how such arguments would support an absolute prohibition on "artificial" contraception.

^{xiv} I here write as a philosopher only. I consider the possible role of theological authority in moral reasoning at the end of the book.

^{xv} The biggest difficulty here is the capacity of human speech to express many meanings, as reflected in the human penchant for euphemism. Is it a lie to say, "Kevin is gay," when he is a jolly heterosexual, or "John and Mary slept together" when they fell asleep on the same bus?

^{xvi} But see my *Ethics of Homicide* (Ithaca, N.Y.: Cornell University Press, 1978) (paperback ed.; Notre Dame: University of Notre Dame Press, 1990), §1, for a more adequate analysis of *murder*.

^{xvii} Donald Evans, "Love, Situations, and Rules," *Norm and Context in Christian Ethics*, Gene H. Outka and Paul Ramsey, eds. (New York: Charles Scribner's Sons, 1968), pp. 401-12

^{xviii} In a thoroughly unjust society, one might be free to break the civil law whenever the consequences of so doing were acceptable. In a perfectly just society, the moral claims of civil law might well be more stringent than they are in ours. But one of the purposes of civil law is to control the bad effects of unjust institutions, so that the matter is more complex than I have indicated.

^{xix} See Evelyn Waugh, *Men at Arms* (Boston: Little, Brown, 1952), ch. 13

^{xx} *Moral Absolutes*, p. 8.

^{xxi} Hence also it is insufficient to say that the "'Pauline privilege' [is] founded on considerations of another order (the economy of redemption and the identity of sacramental marriage) ... which [leave] untouched the absoluteness of even the norms against divorce and adultery." *Ibid.*, p. 8n.17.

^{xxii} The most important text is *Summa Theologiae*, Ia IIae, q. 100, a. 6, ad 3. I here follow Patrick Lee's interpretations, "The Permanence of the Ten Commandments," *Theological Studies* 42 (Sept. 1981), 422-43; quotation, p. 433.

^{xxiii} For reasons for not defining *murder* as "unjust killing," see my *Ethics of Homicide*, pp. 31-3.

^{xxiv} But Donagan (p. 188) argues that torture is sometimes legitimate, unless prohibited by positive law.

^{xxv} Finnis, *Fundamentals of Ethics* (Washington, D.C.: Georgetown University Press, 1983), §V.2., quoting Plato, *Apology*, 32 c-e.

^{xxvi} *Moral Absolutes*, p. 9 n.18.

^{xxvii} On the limitations of Latin as a language for moral reasoning, see Mahoney, pp. 322-3. Among other things, Latin has a hard time distinguishing between *bad* and *evil*. Finnis, on the other hand attributes a special standing to the medieval Latin *homicidium*. *Moral Absolutes*, p. 37

^{xxviii} See Finnis, "The Rights and Wrongs of Abortion," *Philosophy & Public Affairs* 2 (1973), 143-4.

^{xxix} On necessity, see Michael Walzer, *Just and Unjust Wars* (New York: Basic, 1977), pp. 144-51, 239-42, 251-5, and 323-35. I treat necessity as a modifying a moral rule, in a way that evades the full force of the concept, in my *Ethics of Homicide*, §21.

^{xxx} *The Politics of Human Nature* (New Brunswick: Transaction, 1993), p. 231.