

## A G A I N S T     C O N S E Q U E N T I A L I S M

1.    Introduction

To clarify the issue I shall treat here, I begin by summarizing the ethical theory I have explained and defended elsewhere.<sup>1</sup>

Always and everywhere, human persons have several basic, natural inclinations. People wish to live, to be healthy, and to avoid pain; to play and to enjoy esthetic experiences; to know theoretical truths; to achieve inner harmony and to be true to themselves; to get along with others and to be at peace with God (or what they take to be ultimate). Such inclinations determine the content of the principles of practical reason. For example, in thinking about what to do, people naturally assume that human life is to be preserved.

These principles of practical reason are not deduced by observing one's inclinations. It is logically impossible to derive "ought" from "is." Rather, by direct practical insight, one grasps the human possibilities to which the inclinations point as goods to be promoted and protected by actions. Thus the content of the principles of practical reason is basic. I call this content "basic human goods."

Basic human goods are not particular, well-defined goals. They are aspects of what human persons can be, both as individuals and in communities. One participates in these goods by actions which promote or protect them in particular instances. But no finite set of actions ever exhausts the possibilities of even one of these goods.

No one can deliberately choose to do anything except to promote or protect, directly or indirectly, one or more of the basic human goods (or some aspect of one of them). Morally right and wrong acts alike are

for these goods. What, then, is the criterion of morality?

A consequentialist might say that some acts are likely to bring about more of the basic goods and to impede them less than others. He might say that the moral criterion is based on the amount of good an act will bring about. Thus, he might say that the act is right which of the available alternatives is likely to cause the greatest net good.

I say what the consequentialist might say, for there are many varieties of consequentialism. Some consequentialists say that the criterion based on the amount of good applies directly not to acts but to something else which then measures the morality of acts. Most consequentialists hold that an act is right even if it brings about more harm than good, provided there is no better alternative. Some consequentialists hold that good results are morally irrelevant; they say that morality requires only that one cause as little evil as possible.

I am not a consequentialist. I hold that moral right and wrong are determined by the way one chooses (which manifests one's attitude toward the basic human goods), not by the amount of good one expects to bring about. The right way to choose is realistic. But a realist does not ignore those goods which cannot be measured.

Rather, a realist regards the basic human goods as aspects of the flourishing of persons. None of them is the Good Itself (God). But each is an aspect, irreducible to the others, of human full-being. There is nothing beyond these goods by which to direct action. Yet the many basic goods are not one ultimate end.

Even one who chooses in the right way cannot in every act promote every basic good. Nor can he always avoid damaging some participations

of the goods. But one who chooses in the right way can make a harmonious set of commitments to the basic goods. These commitments establish a personal hierarchy of values, a self-constitution.<sup>2</sup> Having established his self-constitution and recognized his limitations, one can promote the goods in accord with his self-constitution, yet respect possibilities to which he is not committed.

On my ethical theory, moral evil consists in making too much of some aspects and participations of a basic human good. If one loves some participations of a good too much, one implicitly sets oneself against wider possibilities. One implicitly confuses the good to which one is excessively committed with the Good Itself. One implicitly prepares to act against a basic good or goods in instances which could belong to the flourishing of other persons or even of oneself.

The primary moral criterion--a realistic way of choosing--generates some guidelines which hold for all areas of life. I call such guidelines "modes of responsibility." I have already mentioned the first of them: One should shape one's life by a harmonious set of commitments to the basic human goods. The following are other modes of responsibility. 2) One should not act on a preference without a justifying reason; all one's acts should agree with a universalizable norm. 3) One should be ready to cooperate with others. 4) One should not treat any participation of a good as if it were that good. 5) One should not arbitrarily limit one's commitment to a good; the goods always go beyond their actual participations. 6) One should strive for efficiency in the technical sphere. 7) To the extent that one's duties follow from fair social institutions, one ought to do one's duties if

one can. 8) One should not choose an action which of itself does nothing but impede or damage a participation of one or more of the basic human goods.

Why would anyone violate the eighth mode of responsibility? One could choose an act which of itself promotes or protects no basic human good only as a means to another act in which some good will be participated. A consequentialist might say that one has a proportionate reason for choosing--that is, is morally justified in choosing--a means which damages a basic good if one's ulterior end is to bring about a greater good. Since I think morality depends upon the way one chooses, not on the amount of good one expects, I hold that no act which damages or impedes a basic human good can be right unless (at least) some basic human good is promoted or protected by that very act itself. One may not do evil that good might follow therefrom.

Although one cannot always act for every basic human good, one should never turn directly against any of them. By "turn directly against a good," I mean choose an act which of itself impedes or damages a participation of one or more of the basic human goods for the sake of protecting or promoting another participation of any of them in a distinct act or acts.

Richard A. McCormick, S.J., holds that if the greatest net good on the whole and in the long run cannot otherwise be brought about, then one might be morally justified in choosing in the way I call "turning directly against a good." McCormick expresses his view in terms of "proportionate reason," which he specifies as follows:

- (a) a value at least equal to that sacrificed is at stake;
- (b) there is no less harmful way of protecting the value here and now; (c) the manner of its protection here and now will not undermine it in the long run.<sup>3</sup>

This is consequentialism. McCormick and I disagree on other points. But discussion of this point is most likely to clarify fundamental issues. I have criticized consequentialism in previous works, but not as fully as I will here.<sup>4</sup>

When I began developing my ethical theory, I first worked out the theory of practical reason and of basic human goods outlined above, and tentatively accepted a consequentialist theory of right and wrong. But I became convinced that consequentialism is indefensible and developed an alternative to it. Here I shall not further explain and defend the theory I consider correct. It has its difficulties and needs to be refined and developed in several respects. What follows is not for any theory of right and wrong, but against consequentialism.

## 2. Consequentialism--further precisions

I have already said what I mean by "consequentialism." However, some further clarifications will be useful.

Consequentialism is a theory of the moral criterion. In a consequentialist theory, "the good is defined independently from the right, and then the right is defined as that which maximizes the good."<sup>5</sup>

A consequentialist might hold a theory of value similar to mine, or he might hold another theory--for example, hedonism. In section five, I shall have to consider the relationship between consequentialism and some theories of value. However, I am going to criticize consequential-

ism itself, not every theory of value sometimes coupled with it.

A consequentialist need not distinguish acts from their consequences. He can define right and wrong in terms of the good and harm one will cause both in acting and through one's acts. Thus consequences immediately present in one's behavior can be considered along with ones expected to follow from it, whether proximately or remotely.

Some consequentialists introduce a factor to mediate between the good which is expected and the determination of the morality of acts. For example, acts might be evaluated immediately by rules, and rules by the expected consequences of following them. I do not think most forms of indirect consequentialism differ much in practice from a direct consequentialism such as act utilitarianism. A direct consequentialist can urge that one take full account of the likely effects of one's acts on the behavior of others and on existing practices, of the likely cumulative effect of a pattern of such acts, and so on. To the question, "What would happen if everyone did this in the same circumstances?" a direct consequentialist can answer that if the circumstances are exactly the same, then nothing will happen but what will happen in the present case; if the concrete generalization or frequency of such behavior will make a significant difference, then later instances will not be done in exactly the same circumstances.<sup>6</sup>

McCormick's specification of "proportionate reason," quoted above, does not limit his consequentialism in any way which would not be acceptable to any intelligent, direct consequentialist. The same is true of most of the conditions by which other moral theologians hedge their consequentialism.

There are forms of restricted consequentialism which are not reducible to unlimited, direct consequentialism. For example, some hold that there is an independent standard of justice and that one may do an injustice only if one can thereby bring about much more good. Again, some hold that one should not violate the moral code of one's society unless a substantially greater net good is expected from violating it. Again, one can hold with McCormick and others that one may not directly bring about the sin of another.<sup>7</sup>

Such restrictions really do limit consequentialism. But such restrictions raise two sorts of problems for those who adopt them. First, why this limit? Why should a consequentialist admit it? Does its admission open the door to a host of others? Second, how does one recognize and deal with cases in which the limit applies? For example, how much injustice is too much? When does one directly cause the sin of another? Is one forbidden to cause formal sin, material sin, or both?

A truly restricted consequentialism gains theoretical plausibility by its concessions to common moral opinion. But in gaining plausibility, it certainly loses theoretical simplicity, and perhaps also consistency and practicality as a method for deciding hard moral questions.

My main criticism of consequentialism in section five will tell against any theory which has an irreducible role for consequentialism. Thus, as will become clear, the restrictions with which McCormick and others hedge their consequentialism will not protect their positions, except to the extent that these positions are not consequentialist.

### 3. Why consequentialism is plausible

The primary reason why consequentialism is plausible is that it

seems self-evident. A typical consequentialist attack on a rival theory is: "Do you mean to say that doing what is right might leave the world a worse place than doing what is wrong?" In this vein, McCormick says that in conflict situations

. . .the rule of Christian reason, if we are governed by the ordo bonorum, is to choose the lesser evil. This general statement is, it would seem, beyond debate; for the only alternative is that in conflict situations we should choose the greater evil, which is patently absurd.<sup>8</sup>

I agree that morality somehow depends on the relation between one's act and basic human goods. Must I not admit McCormick's general statement?

A second reason why consequentialism is plausible is that there seems to be no good alternative to it. Many current ethics textbooks first classify theories on principles which clarify the characteristics which define consequentialism, then criticize its alternatives, and finally conclude that it is the last resort for reason in morals.

Some people deny that there is an objective criterion of morality. But subjectivism appeals to few moral theorists, and relativism blocks one from criticizing one's own society.

However, any ethics of objective moral norms which are not based on human well-being seems inhuman. Thus, traditional theism seems to many today to offer a set of taboos, some of them irrational. Kantian ethics is dismissed as too formalistic and also as too idealistic for flesh-and-blood individuals.<sup>9</sup> A direct appeal to intuition to justify moral norms seems arrogant, for intuitions conflict, and an intuitionist is forced to call those who disagree with him "morally blind."

Thus, consequentialism gains plausibility from the weakness of familiar alternatives to it.

A third reason why consequentialism is plausible is that we do settle some practical questions by measuring, counting, and weighing. "Deliberation" etymologically means weighing. Justice is represented as a blindfolded woman holding a scale. Even those who reject consequentialism admit that the greater good of society outweighs private interests, that a proportionate reason can justify doing an act with bad side effects, and so on. Moreover, when public officials must decide whether to proceed with a given project, they count the expected costs and benefits, and weigh them against each other.

A fourth reason why consequentialism is plausible is that its most common forms appeal to the impartiality and unselfishness of good persons. Classical utilitarians popularized consequentialism as the ethics of "the greatest happiness of the greatest number." Some Christian consequentialists say one should do "what Christian love requires." Thus, one who opposes consequentialism seems to disregard the happiness of others and to substitute legalism for charity.

These factors which render consequentialism plausible will be treated more fully below. But the following can be said at once.

First, the seemingly obvious statement that it is right to bring about the greater good or the lesser evil assumes something not obvious: that goodness is measurable and that diverse forms of it are commensurable. If there are nonmeasurable goods toward which human acts should be oriented, then acting only in view of measurable good will mean ignoring goods which cannot be measured but should not be ignored. If

the consequences of one act include several goods and evils, how can one tell which good is greater, which evil is lesser?

Second, not all theories of the moral criterion are reviewed in the dialectic from which consequentialism emerges as the last resort. Aristotle's ethics defies the usual classification. So does mine. I define moral right and wrong in terms of human goods, but not in terms of the amount of good one expects to bring about.

Third, I shall show in section six that the measuring, counting, and weighing usual in practical reasoning do not imply consequentialism. Sometimes the judgment one reaches depends upon presupposed moral norms. The scales of justice weighs facts, not goods. Sometimes the judgment one reaches concerns nonmoral value and does not presuppose moral norms. A cost-effectiveness study clarifies the advantages and disadvantages of possible projects. But such a judgment concerns the efficiency of techniques, not the morality of acts.

Fourth, there is no necessary relation between consequentialism and unselfishness. An egoist can be a consequentialist; most consequentialists argue independently that one should not be an egoist.<sup>10</sup> A theologian who appeals to Christian love in support of consequentialism usually also admits that Christian love requires that one do what is morally right. Thus, if he assumes that the requirements of Christian love are defined by consequentialism, he begs the question in its favor.

Utilitarian impartiality also appears less attractive if one considers the imaginary counterexamples philosophers propose against utilitarianism. These are usually drawn from the fields of justice and personal integrity. Would it be right to secure the greatest happiness for

the greatest number by isolating one innocent person in a perpetual life of horrible torture? Would it be right to save a dozen suspects from a lynch-mob by offering one other--not more probably guilty than the dozen--as a victim to the mob's wrath? As John Rawls points out, utilitarianism does not take seriously enough the distinction between persons; it merges the benefits and harms to everyone into a totality:

Thus there is no reason in principle why the greater gains of some should not compensate for the lesser losses of others; or more importantly, why the violation of the liberty of a few might not be made right by the greater good shared by many.<sup>11</sup>

In the language of Catholic moral theology, utilitarian impartiality means that the principle of totality applies to the body social just as it applies to each individual's body.

Consequentialism implies that there are no intrinsically evil acts. This view can seem attractive if one considers kinds of acts one considers morally acceptable. Most college students today easily accept consequentialism in the field of sexual ethics. But I ask my students: Would it ever be right for a professor to assign grades in a course, not according to the work the students have done, but rather according to the extent to which they agree with him? Confronted with this question, students usually begin to see that acts of some kinds are always wrong.

McCormick, faced with difficult counterexamples, talks about "practical absolutes" or "virtually exceptionless moral norms."<sup>12</sup> He says that the probable consequences of acts of certain kinds--such as killing noncombatants in war--are such that it is never likely on the whole and in the long run that acts of these kinds will be right accord-

ing to the consequentialist criterion.<sup>13</sup>

To sharpen the issue between consequentialism and a theory such as mine, I offer the following examples of kinds of acts which I regard as always wrong, but which a consequentialist might consider sometimes justifiable. There will be serious objections against my view of the morality of some of these kinds of acts. I think I could handle the objections, but even if I could not, the examples will help to clarify what consequentialism is. I am arguing here against consequentialism, not for my own theory of the moral criterion.

1) A scientist preparing to apply for a research grant might publish a paper claiming he has obtained results which he only hopes for. He might justify this deception by saying that he cannot continue his important work without more funds. But can such a lie, which violates the good of theoretical truth, ever be justified?

2) A property owner seeking rezoning of his rural-residential property for high-rise apartments might allow his property to be used as a dump, so that it will become a nuisance to surrounding residents, and they will withdraw their opposition to the rezoning application. But can such purposeful deterioration of the environment, which violates the esthetic sensibility of persons, ever be justified?

3) A golfer might throw a game to flatter his opponent with whom he hopes to close a business deal. But can such throwing of a game, which violates the good of one's skill at playing it, ever be justified?

4) A military commander might order that children be tortured to death to obtain vital intelligence. But can such torture, which attacks innocent human life, ever be justified?

5) A religious person might deny his faith to save the lives of his family. But can such a denial of faith, which violates the religious covenant, ever be justified?

6) A chief of state might conceal his knowledge of illegal acts done without his approval to further his campaign for reelection. He might do this to prevent his political enemies from making unfair use of the mistakes of his subordinates. But can such obstruction of legal processes by one who has sworn to uphold the law, which violates the social covenant, ever be justified?

7) A theologian might encourage members of his church to continue doing something which they believe--on the strength of the teaching of the head of the church--to be morally wrong. He might do this in the belief that the pronouncement was erroneous and that his encouragement to disregard it would help to get it reversed.<sup>14</sup> But can such encouraging of someone to do what he believes is wrong, which will violate the basic human good of authenticity, ever be justified?

8) Someone tempted by lustful desires might adopt ascetic practices so extreme as to extirpate even his normal sexual inclinations. But can such mutilation of one's own personality, which violates the inner harmony of the self, ever be justified?

My answer to the question posed by each example is negative. A consequentialist can answer by agreeing that acts of such kinds happen never to be justifiable. He can fall back upon the practical absolute or virtually exceptionless moral norm. Of course, different consequentialists will deem different practices deserving of exclusion by such norms, for the usefulness and validity of arguments for them "will

depend at least partly on how one assesses the importance of the matter and the dangers associated with it at a given point in history."<sup>15</sup>

Thus it is hard to say how absolute is a practical absolute and how exceptionless is a virtually exceptionless moral norm. At some point the consequentialist's "No, never!" is likely to become "Well, hardly ever." For suppose (1) the scientist thinks he is on the verge of finding a cure for cancer and he has good reason to believe--but not hard evidence to prove--that other applicants for the grant also are making false claims. Suppose (2) the property owner wishes to obtain the rezoning in order to donate the property to a non-profit corporation which plans to build low-rent dwellings, and surrounding residents oppose the project only out of bigotry. Suppose (3) the golfer's business and the livelihood of hundreds of employees and their families depends upon his closing this deal.<sup>16</sup> Suppose (4) the military commander thinks he can finally win a prolonged war against unjust oppressors, who have freely used torture, if only he can get the information he seeks. Suppose (5) the religious person who refuses to deny his faith will be put to death quietly--"We want no martyrs"--while he could escape from his persecutors, denounce them to the outside world, and perhaps save his coreligionists from further persecution merely by pretending temporarily to renounce his faith. Suppose (6) the chief of state is engaged in a complex redirection of his nation's foreign policy upon the success of which the peace and safety of mankind rest, and that he needs a second term to complete this noble work. Suppose (7) the theologian honestly believes that a reversal of this particular erroneous pronouncement is necessary to end a long-standing abuse of teaching authority in his

church, and that a continuation of this pattern might destroy the church. Suppose (8) the probable alternative to extreme ascetic practices were repeated falls into serious sin.

I do not know what McCormick would say about all these sorts of acts, either with or without the supposed circumstances. He does posit some real restrictions on consequentialism, and so he could exclude some of these kinds of acts as intrinsically evil. Usually a consequentialist balances his own moral intuition against his willingness to defy common moral opinion, and then he either maintains the practical absolute or admits that an unusual case requires the unlikely exception to a virtually exceptionless moral norm.

Thus, insofar as McCormick is a consequentialist, a dialectic of examples and intuitions cannot settle the issue between us.

In section four, I argue that consequentialism is incompatible with several propositions which some people, including myself, believe. Forced to reject either these beliefs or consequentialism, I examine the latter in itself in section five, and conclude that it is rationally unacceptable. In section six, I analyze several legitimate uses, often confused with consequentialist uses, of expressions such as "greater good" and "proportionate reason." Finally, in section seven, I expose the character of consequentialism not as an ethical theory but as a method of practical reasoning about right and wrong.

#### 4. Consequentialism and religious beliefs

Consequentialism is incompatible with certain religious beliefs. As I understand Christian faith, these beliefs are part of it. But nothing Christians traditionally believed is accepted today by all who

consider themselves Christian. However, a question about the mutual compatibility of different positions is proper matter for philosophy. Writing as a philosopher, I treat only the question of compatibility. I shall not try to justify accepting these beliefs or even to show that anyone else does accept them. To make clear that I am not begging theological questions about what belongs to Christian faith, I signify the set of beliefs with which I am concerned by "CF," not by "Christian faith." Yet I think that McCormick and other moral theologians who have become consequentialists still accept enough of CF that a demonstration of the incompatibility between the two will be, so far as they are concerned, an effective argument against consequentialism.

The following religious beliefs are among those with which I consider consequentialism to be incompatible.

1) God creates the universe freely. He creates each thing good and the whole very good. He creates no evil. But he does permit evil insofar as he can draw good from it. All of creation and its unfolding conforms to the plan of divine providence. Divine providence is never frustrated; it extends from one end of the universe to the other mightily and directs all things well. All things are open to God's eyes and subject to his providence, even those which occur by the free acts of creatures. While God might have created a different universe, in fact no greater created good is possible than that which is being accomplished by the working out of the whole providential design, for the good of the whole includes that of all its parts.

2) God makes human persons in his own image. As he creates freely, so human persons can choose freely. Human persons also share in

God's providence; individuals can direct their own lives and the lives of others. As God directs all things to his goodness, human persons should direct their lives toward God. Although a human person who fully understood the infinite goodness of God could not but love him above all things, in this life one can choose to love God or not, for the choice one must make is not between God's goodness and created goods, but between the created good of friendship with God and other created goods. Thus human persons can love some created goods too much. A free choice to do so is sin, which is incompatible with loving God above all things. A human person who sins does not altogether lose his ability to choose freely, but he can do nothing to redirect his life toward God without the help of God's grace.

3) There is a single Kingdom, but many forms of life are needed to build it. Moreover, certain kinds of acts are incompatible with being part of it. Thus, although there is a single law of love, if one loves God, one must both answer to the requirements of one's unique divine vocation and keep God's commandments which forbid doing what is at odds with any divine vocation. If one seeks the Kingdom first, one will participate in other goods besides. For the Kingdom is not one good but many goods, "a Kingdom of truth and life, a Kingdom of holiness and grace, a Kingdom of justice, love and peace."<sup>17</sup> Earthly progress must be carefully distinguished from the growth of this Kingdom, but the goods in which human persons can participate in this life are not irrelevant to the Kingdom which is to come.

For after we have obeyed the Lord, and in his Spirit nurtured on earth the values of human dignity, brotherhood, and

freedom, and indeed all the goods of our nature and fruits of our work, we will find them again, but freed of stain, burnished and transfigured.<sup>18</sup>

This will be so when Christ hands over to his Father the Kingdom in which all human goods will be included. Thus, that God may be all in all--that all things may be restored to the Father through Christ--Christians must protect and promote human goods of all sorts, while growing ever more perfectly one with Christ.

4) Human providence should be subordinate to divine providence. Thus, although each individual should direct his own life and the lives of others, one must accept certain apparent limits. To the extent that the plan of divine providence is unknown to man, no human person can appreciate the importance of the limits he must accept.<sup>19</sup> Since each human person is made in the image of God and is called to adoption into the divine family, he shares an infinite dignity. The goods which are aspects of the flourishing of persons also share in this dignity. For these goods are what persons are, not merely what they have. It follows that no person, nor any good which contributes to the full-being of persons, should be treated as a mere means. Therefore, one may not do evil that good might follow therefrom.

5) More to be sought than other goods in this life is the forming of the community of the Kingdom of God. This community gathers together persons reconciled in Christ with God. The community is bound to Christ in an indissoluble covenant. Similarly, among members of the community, there can be an unbreakable covenant of sacramental marriage, which both signifies and participates in the bond of faithful love between God and

his people. These covenants should be kept regardless of consequences.

Consequentialism is incompatible with these beliefs.

1) If one combines the theory that right and wrong depends upon the amount of good one expects to bring about with the belief that no greater good in fact is possible than that to which divine providence is directing creation, then one needs only one rule: If in doubt whether an act would be right, try it. God permits no evil from which he will not derive a good. Every good contributes to the fulfillment of the design of providence, which leads on the whole and in the long run to the greatest good which is in fact possible. Providence orders all things well. Thus, if the right act is the one which will bring about the greatest net good on the whole and in the long run, then no act is objectively immoral. But the denial of objective immorality is incompatible with CF, which includes a belief in sin.

According to CF, if no created person ever did what is morally wrong, this would not bring about the greatest net good. Original sin is a happy fault. Redemption is possible only because sin is real. The greatest single good within creation is that in which all other goods are being gathered up: the redemptive work of Christ.

2) If consequentialism were true, then "greater good" would have a definite meaning when said in respect to alternatives among which one must make a moral choice. If "greater good" had a definite meaning in this context, there would be a single kind of goodness of which the various alternatives would produce more or less. Goods would differ in amount but not in kind. But since one can choose anything only insofar as one understands it to be good, one could not help choosing what one

understood to be unequivocally the greater good. Therefore, as I shall argue more fully in section five, consequentialism implies determinism. But CF includes the belief that human persons can make free choices. Thus CF and consequentialism are incompatible.

If consequentialism were true, it would be unintelligible that anyone should freely choose to do what he ought not to do. According to CF a person can sin, and sin must be overcome by grace and conversion. A consequentialist ethics has room for mistakes, ignorance, blocked development, unfortunate inherited dispositions, and bad environmental conditions. But it has no room for sin. Thus, for the undeniable evils of the human condition, the consequentialist can prescribe education, improved communication, therapy, better techniques of solving problems, the restructuring of institutions, and acceptance of the inevitable next stage of the dialectic of history. But there is no reason for a consequentialist to prescribe conversion.<sup>20</sup> Since consequentialism cannot make sense of turning directly against the good, it cannot make sense of turning back toward the good.

A Christian consequentialist might say that even if one knows which act will yield the greatest good, still moral freedom remains. One can know the better yet choose the worse, for one can choose an act which promises less net good, but greater good for oneself. Sin is selfishness. The sinner loves himself too much.

Sin is wrongful self-love. Yet a sinner need not be an egoist. He can be a fanatic, willing not only to die for his cause, but also to kill for it. Whence the self wrongfully loved by the sinner? I think this self is constituted by a set of basic commitments made in the wrong

way. In sinning, one only seems to love oneself too much. Actually, one limits oneself to being more limited than a limited being needs to be. One then clings to one's self-imposed limits rather than surrender to the appeal of infinite goodness, in which one could gain perfect self-fulfillment. The Christian sees the sinner as settling for the lesser good not for the universe but for himself. Whatever the sinner gains--even the whole world--is not worth the loss of one's soul, one's true self. The sinner loves the wrong self. He does not love himself too much. If anything, he loves himself too little. But the sinner disagrees and he can do so rationally, for he makes one incommensurable good the greatest, and it is so for him. Were all goods commensurable, sin would be unintelligible, irrational; therefore, involuntary and blameless.

Moreover, if consequentialism were true and the better act were always the right act, there would be no room for a generous and creative response to one's vocation. If it is wrong to bring about less good than one can, then it is impossible to do more than one's duty. Then too, if moral rightness is determined by an objective calculus, an individual can only respond to the demands of his impersonal situation. He cannot initiate a personal style of goodness--or of living a holy life--as a creative response to the vocation of a personal God.

Only because there are many incommensurable human goods do persons have room to be both faithful and creative in the use of their freedom. Only the possibility of creative fidelity gives meaning to the providence which human persons can exercise as their share in divine providence. Thus the consequentialist's assumption that all human goods are

commensurable implies that human providence is meaningless.

3) If consequentialism were true, the good caused by human acts would be identical with the good which ultimately determines their rightness. Consequentialism implies that moral life is like a game played to achieve a definite object. Everyone's moral obligation is to contribute to progress, to make the world as good as possible.

CF makes a distinction between the participations of human goods which can be brought about in this life and the good of the Kingdom, which ultimately determines the morality of human acts. CF does not identify earthly progress with the growth of the Kingdom. Human goods, aspects of human full-being, share in an immeasurable dignity, for man, created in God's image, is called to share in God's intimate life.

Thus, according to CF, one must orient oneself toward human goods not only for the sake of the participations of them which one can cause in this life, but also for the sake of building up the Kingdom which is to come. According to CF, the goods of our nature and fruits of our work in this life are to be assumed into heavenly glory, burnished and transfigured. So one must orient oneself toward basic human goods, which determine the rightness of one's acts. But one must keep in mind that the fullest realization of these goods cannot be brought about by mere human acts. The most abundant life is not simply a consequence of human action. It is first and foremost a divine gift.

4) If consequentialism were true, subordination of human judgment to divine providence would have no practical meaning. Man alone would be responsible for directing his acts to achieve the greater good. Thus a consequentialist holds that one should do evil--the lesser evil--that

good might follow therefrom.

Counterexamples drawn from the fields of justice and personal integrity pose a problem for consequentialists only inasmuch as contemporary culture has traces of CF. Consistent consequentialists hold that man must renounce justice and personal integrity, freedom and dignity, if they block progress toward secular salvation.

CF includes a belief in the inviolable dignity of human persons. For consequentialism, since there are no intrinsically evil acts, there are no inalienable rights. Thus, CF defends the moral immunity of innocent human life to direct attack. The consequentialist begins by regarding human life as a value which can be outweighed by others. It is good if deliberately brought about, bad if unwanted. He ends by regarding human life as a merely instrumental good, which may be subordinated to liberty and the pursuit of happiness.<sup>21</sup> Thus many consequentialists hold that the liberation of women and quality of life justify abortion, and that western freedom and prosperity justify setting aside noncombatant immunity as required by nuclear deterrent strategy.

5) If consequentialism were true, there could be no unbreakable covenants because there can be no absolute commitments. One can make a promise today if this act seems likely to lead to the greatest net good. But tomorrow a greater good might require that the promise be broken. For consequentialism, marriages break down just as automatic washing machines do.

For consequentialism, God himself would be justified not only in permitting evil but even in doing it for the sake of a greater good. Thus God would not have to keep faith with his creatures. He could be-

tray their trust if this were conducive to a greater good.<sup>22</sup> For CF, God neither causes evil nor directly intends it. He only permits those who reject his love to do the evil from which he draws good.

According to CF, man should imitate God in avoiding evil. Instead of asking which act will cause the greater good, one asks which act benefits one called to share in divinity--the new life of Christ. One asks what Christ would do; one tries to put on his mind.

6) If consequentialism were true, necessary evil would not really be evil; it would merely be a debit which can be compensated by a larger credit. Consequentialism can make sense of the quest for personal fulfillment and the good life, but it cannot understand the need for self-emptying and dying to oneself, for it misses the existential reality of moral evil as a form of self-alienation which makes the self of the evildoer malignant.

CF appreciates the tragedy of evil. Certain goods cannot be attained unless real evil is permitted. Evil cannot be overcome except by good, yet the goodness which overcomes evil involves unavoidable suffering. The avoidance of evil requires the foregoing of certain goods, and even evil which is overcome is not reduced to nothing. Hell is eternal, and the gloriously risen Christ still has his wounds.

Thus, for CF, hope is essential to the good life. One must be assured that the sacrifices one makes are not in vain. Confronted with real tragedy, only one of no little faith can have enough hope to trust in divine providence. The consequentialist needs neither faith nor hope. He denies the existential reality of evil. This is why he rejects moral absolutes which bar man, the producer of goods and evils,

from doing what so far as he can see will yield the greatest net good on the whole and in the long run.

The preceding points could be developed more fully. However, the foregoing should be enough to show the incompatibility between CF and consequentialism. Thus, if anyone accepts CF, he has a good reason to examine consequentialism very carefully before accepting it. If he decides to hold consequentialism once he sees its incompatibility with CF, then he will have to abandon CF in its favor.

Of course, nothing I have said thus far shows that it is more reasonable to give up consequentialism than to give up CF, if one happens to hold both. In the next section, I shall subject consequentialism to a rational critique, which will settle the issue between it and CF.

Before I proceed, a few objections should be considered.

McCormick and other moral theologians will perhaps agree that most, if not all, of the positions of CF (Christian faith as I understand it) are positions of Christian faith. But does the incompatibility between CF and consequentialism pose a problem for a restricted consequentialist like McCormick?

It does. CF is incompatible not only with unrestricted consequentialism, but also with limited consequentialism. For example, if McCormick agrees with what I have said about divine providence, then he must admit that even a restricted consequentialism provides no moral criterion at all. Any conflict situation in which he thinks consequentialism might apply can be solved by the simple rule: Try it.

Many people who accept consequentialism in general exclude it if religious goods are at stake. For example, many Christians who adopt

consequentialism in other areas hold that a Christian must bear witness to his faith, if called upon to do so, no matter what the consequences. Similarly, the maxim, "One may not do evil that good might follow therefrom," can be given a meaning by a restricted consequentialism such as McCormick's. For he takes this maxim to mean only that one may not directly bring about a moral evil, which is absolute, for the sake of a good of a lower order.<sup>23</sup> Thus, it might seem that much of what I have said is not relevant to the restricted forms of consequentialism likely to be adopted by one who accepts the positions of CF.

I do not see how either the choice to deny one's faith or the choice to bring about a moral evil can detract from divine goodness or frustrate God's plan for the ultimate good of creation. Such choices, like other morally evil choices, are wrong only insofar as they violate human goods: the goods of religion and of personal moral integrity.<sup>24</sup> These goods are not absolute. If one chooses to treat them as such, one should systematically subordinate other human goods to them. However, anyone who does this is on a short road to fanaticism. The Inquisition and Prohibition exemplify what happens when religion and moral integrity are elevated to the status of absolutes.

Of course, the incompatibility of CF with consequentialism does not imply the incompatibility of CF with positions which limit consequentialism insofar as they do limit it. However, one wonders whether such positions are internally consistent. If consequentialism is at all acceptable, why should it not be extended to all human goods?

##### 5. Consequentialism rationally unacceptable

In this section I show that consequentialism is rationally unac-

ceptable because "greatest net good" as it is used in consequentialist ethics is meaningless. In section six I show that this phrase does have legitimate uses, but they are distinct from its use in consequentialism.

For "greatest net good" in the preceding paragraph one can substitute with appropriate changes "greater good" and "lesser evil." "Proportionate reason" can be analyzed in these terms. For brevity's sake, I use "greatest net good" by itself in this section.

I do not argue that the measurement of the goods which can be expected from alternatives open to moral choice is difficult. My thesis is the radical one that such measurement is impossible.

I do not claim that consequentialist ethics is false. To be false it would have to be meaningful. I claim that it is meaningless.

The phrase "greatest net good" as it is used in consequentialist ethics implies that relative to moral choice--that is, for any choice which is either morally right or morally wrong--the available alternatives include one which can be expected to bring about the greatest net good. This in turn implies that "good" in this context has a single meaning, and that what is called "good" unequivocally also is measurable. I deny that "good" said of the possible consequences of all the alternatives open to moral choice can have a single sense and in this sense signify something measurable by a common measure. The relevant goods differ in kind, not merely in amount.

In an extensive survey of work in utilitarianism from 1961-1971, Dan W. Brock points out that utilitarianism requires that utility be calculable. After suggesting that there are obvious difficulties in making such measurements, Brock adds:

More important and perplexing, however, is how the necessary calculations can, even in principle, be made and whether the logical foundations necessary to the intelligibility of these calculations exist.

Moral philosophers have paid surprisingly little attention to these two problems. Most discussions of utilitarianism in recent books and journals simply assume that it is possible to determine in any situation what is required by utility-maximization, and then go on to consider whether this always coincides with what is required by morality.<sup>25</sup>

Brock's remarks might be discounted as the view of an unsympathetic student of utilitarianism. But this would be a mistake.

J. J. C. Smart, a leading proponent of unrestricted, direct utilitarianism, admitted in an article published in 1967 that because of obstacles to calculation

. . .the utilitarian is reduced to an intuitive weighing of various consequences with their probabilities. It is impossible to justify such intuitions rationally, and we have here a serious weakness in utilitarianism.<sup>26</sup>

Similarly, A. J. Ayer, who defends a form of consequentialism with respect to the formation of social policies, criticizes Bentham's attempt to apply consequentialism to the moral judgment of individuals. Ayer concludes:

In virtue of what standard of measurement can I set about adding the satisfaction of one person to that of another and subtracting the resultant quantity from the dissatisfaction of someone else?

Clearly there is no such standard, and Bentham's process of 'sober calculation' turns out to be a myth.<sup>27</sup>

It also is worth noticing that Bentham himself recognized difficulties in the area pointed out by Ayer, for in an unpublished note Bentham wrote that the

. . . addibility of the happiness of different subjects, however when considered rigorously it may appear fictitious, is a postulation without the allowance of which all political reasonings are at a stand: nor is it more fictitious than that of the equality of chances to reality on which the whole branch of the Mathematics which is called the doctrine of chance is established.<sup>28</sup>

In other words, Bentham regards the postulation of commensurability as one necessary for practical purposes. He justifies the interpersonal comparisons challenged by the objection he is considering by saying that when there is no reason to consider incommensurable goods more or less than one another, it is quite rational to consider them equal. Bentham's position is unassailable, provided that "equal" can be used meaningfully in this context. This I deny.

If "greatest net good" is to be meaningful in the formulation of a criterion of morality, three conditions must be fulfilled: 1) "good" must have a single meaning; 2) what is good in this unique sense must be measurable; and 3) the result of measurement must settle moral issues either directly or indirectly.

Clearly, the necessary meaning of "good" cannot be specified in moral terms. What Rawls says of utilitarianism is true of all consequentialism: its point is to define "good" independently of "right" and

to define "right" in terms of "good." And, in general, consequentialists see this requirement and try to meet it.<sup>29</sup> If a consequentialist said that ethical considerations determine what is a good consequence, he would either be going in a circle or setting off on an infinite regress.

McCormick usually seems clear on this point. In his critique of my position and in his discussion of noncombatant immunity and judicial murder, he argues as any consequentialist would that the moral judgment is determined by the calculated balance of noninstrumental, premoral goods to be achieved and protected on the whole and in the long run.<sup>30</sup> One of his main theses is: "Both the intending and permitting will are to be judged teleologically (that is, by presence or absence of proportionate reason)," and his argument for this thesis does not invoke presupposed moral standards of what is truly determinative of human goodness.<sup>31</sup> The restriction on consequentialism which McCormick accepts--that one may not directly cause the sin of another--limits his consequentialism. But insofar as he does adopt consequentialism, the limits upon it he accepts do not alter the independence of the calculus of goods and evils from moral presuppositions.

Yet in some places McCormick seems to suggest a moral standard for measuring the amount of good an act will bring about. After quoting a statement of Charles Curran, who suggests that one consider and compare all moral values, McCormick goes on:

It is this weighing of all the moral values that has made of non-combatant immunity a virtually exceptionless moral rule. Proportionality is always the criterion where our actions cause damage.

Our major problem is to make sure that we do not conceive it narrowly. The strength of our moral norms touching concrete conduct is an elaboration of what we judge, within our culture, with our history and experience, to be proportionate or disproportionate.<sup>32</sup>

Similarly, at one point McCormick suggests that an "adequate account of the circumstances will read them to mean not just how much quantitative [emphasis his] good can be salvaged from an individual conflict of values," but also consider factors beyond the immediate situation. Most of the factors McCormick mentions are ones any consequentialist would consider. But he also says that the adequate account

. . . will allow the full force of one's own religious faith and its intentionalities to interpret the meaning and enlighten the options of the situation.<sup>33</sup>

Finally, McCormick suggests that "proportionate reason" is analogous. He argues that for a Christian, an act of Christlike self-sacrifice for one's neighbor can have a proportionate reason, even though his good is no greater than one's own, but that not choosing the act of self-sacrifice also can have a proportionate reason, because such perfection exceeds the limitations of weak, immature, imperfect men.<sup>34</sup>

If McCormick really wishes to define "proportionate reason" by moral standards valid regardless of consequences, then his theory is not consequentialist. A nonconsequentialist is likely to say that doing what is right always is for the best. A Christian, for example, who listens to the constant and very firm teaching of his church on a particular moral question can judge that faithfulness demands that he accept his church's teaching with religious assent, no matter what goods

might be achieved or evils avoided by setting aside this teaching. He might not think of consequences, not even of heaven and hell, but only of obeying the Lord whom he hears guiding him by means of the authorized teaching office of his church. Yet he might say that the good of faithfulness to the Lord is greater than and outweighs whatever good he must forego and whatever suffering he must undergo as he accepts and tries to live up to his church's moral teaching. For him, "proportionate reason" is defined by nonconsequentialist moral standards.

I take it that McCormick's intent is to promote a teleological criterion of good-will apart from nonconsequentialist moral standards, such as the official moral teaching of a particular church, so that he can use this criterion to criticize official teaching and either justify it or show the ways in which it must be refined or reversed. Thus I think it would be pointless for him to invoke "our history and experience" or "one's own religious faith" as standards of moral value. What he might mean is that a Christian could be helped by such factors to notice intrinsic goods and important consequences which a nonbeliever might overlook.

That this is McCormick's intent is confirmed by his explanation of the "analogy" of "proportionate reason." If "proportionate reason" really were analogous, "lesser evil" and related expressions would not have a single meaning, and the consequentialist calculus could not lead to a definite conclusion in any moral reflection in which the different meanings were involved. However, McCormick appeals to consequences both in arguing for the ideal of Christlike self-sacrifice--he regards this as a human and Christian good in itself--and in arguing against a demand

for immediate, perfect fulfillment of the ideal by weak and immature men. He tries to solve the apparent conflict by striking a balance between the goods involved and proposing a policy of development toward the ideal. In this explanation, goods and consequences which nonbelievers might ignore are taken into account, but "proportionate reason" itself is not shown to have any meaning other than that which it would be thought to have by any consequentialist. Nothing McCormick says suggests that in a given case an individual might be said both to have and not to have a "proportionate reason"--in different senses--for fulfilling or not fulfilling the ideal. But if "proportionate reason" really were analogous, this would be the case. If a military strategist calls both offensive and defensive weapons "good" in the sense that they are useful for their particular purposes, these uses of "good" are not analogous, although the two kinds of weapons are good in virtue of very different characteristics. Similarly, when McCormick calls reasons for fulfilling an ideal and reasons for not demanding its immediate, perfect fulfillment "proportionate" using the word as consequentialists use it, these uses of "proportionate" are not analogous, although the two sets of reasons are regarded by him as proportionate in virtue of different premoral factors--that is, different goods and/or different consequences.

If the single meaning of "good" which consequentialism needs cannot be specified by moral principles, how can it be specified?

If human persons have a single, well-defined goal or function, set for them by nature or by God, then "good" has the necessary, univocal meaning. Acts are right or wrong insofar as they do or do not bring one

to this goal or fulfill this function.

On one interpretation, Aristotle's ethics is of this sort. But Aristotle's ethics, understood thus, has been challenged. Most modern philosophers deny that man has a definite goal or function. If the person is an end in himself, he cannot be ordered to a good as is any part to a whole or means to an end. Aristotle either subordinates the lives of the many to the actualization of a few or he admits the intrinsic value of lives other than the contemplative. If the latter, "good" lacks the univocal meaning consequentialism needs.<sup>35</sup>

Many Christians have thought of personal salvation as a single, well-defined goal. Consequentialist thinking based upon this conception of the good led to the abuses for which modern humanists condemn Christianity: excessive otherworldliness, religious fanaticism, inhuman asceticism, and so on. Furthermore, a consequentialist ethics based on this view of man's end has theologically unacceptable implications. If one considers human action to be an effective means of salvation in and of itself, one is a pelagian. If one considers human action to be an effective means of salvation by divine fiat, one is a voluntarist. The latter position implies that this life is inherently meaningless, but is meaningful as a time of temptation. This concept respects divine power but ignores divine wisdom.<sup>36</sup>

Anyone who holds that all human persons have a single goal which defines "good" unequivocally also confronts facts he cannot easily explain. People who seem equally able, intelligent, and healthy have different goals in life. If one says that all men have the same goal, he will find almost everyone else disagreeing with him as soon as he

says what he thinks it is. One reason why most people who have tasted freedom reject totalitarianism is that few people wish to spend their entire lives in pursuing a single objective.

Shortly after World War II, a British economist, Lionel Robbins, reflected upon the simplifications introduced into the making of socioeconomic policy during wartime. A single objective counts, all else is instrumental. If there is no victory, there is no future. All decisions are technical. Unity of purpose "gives a certain unity to the framework of planning which at least makes possible some sort of direct decision which is not wholly arbitrary."<sup>37</sup>

Robbins is correct about the wartime psychology of Britain and the United States. The unconditional surrender of the enemy was a fixation with the leaders and people of both nations. This fixation partly explains the adoption of ethically questionable tactics such as obliteration bombing. It also helps to explain why Soviet leaders, who took a longer view, were more prudent than Anglo-American leaders in gaining post-war advantages before the war ended.

Most philosophical consequentialists have been liberals. Instead of saying that all men have the same goal, they have tried to define "good" univocally, to leave room for differing concrete goals, but to make them commensurable with one another. Many utilitarians, following Bentham, define "good" in terms of happiness. Others define "good" in terms of the maximum satisfaction of desires, less the minimum of unavoidable frustration. Since different people have different enjoyments and desires, either approach allows for differing goals. To ensure commensurability, those who take either approach must deny that any sort

of pleasure or desire differs from any other sort in a way which would make their inherent goodness differ. Desire theorists, for example, often say that all human desires have the same initial claim to satisfaction.

If "happiness" is used to define "good" univocally, "happiness" itself must be used univocally. If it is, the theory becomes implausible.<sup>38</sup> For example, if "happiness" is taken to signify a certain quality of consciousness, how can one explain some people's dedication to causes which are irreducible to states of consciousness. For them, happiness is participation in something bigger than themselves.

A consequentialist can use "happiness" in a very wide sense to allow for the diverse life-styles people regard as intrinsically good. But if this maneuver makes it plausible to say that everyone desires happiness, "happiness" ceases to be univocal and thus becomes useless to the consequentialist. People not only get happiness by different means, but "happiness" as an end is different things to different people.

Attempts to define "good" univocally in terms of desire also fail.

Do all human desires really have the same initial claim to satisfaction? Some people desire sadistic pleasure. Many people desire death for criminals. Pornography sells better than the best literature; more people must desire the former than the latter. Some people desire feminine deoderant spray. It sells. Most people have what some economists call "artificial desires." Keynes, for instance, distinguishes the needs people have of themselves from the needs they have insofar as they wish to get ahead of others. Galbraith talks of wants created by production and advertizing. He points out that the desire for increased

expenditure may be stronger than any need which can be satisfied by it.<sup>39</sup> Are all these desires to be counted uncritically in calculating moral right and wrong?

A desire-theorist can answer that desires must be criticized. If someone desires what is logically impossible, his desire should be ignored. If someone has a desire which would go away if his false belief about matters of fact were corrected, the error ought to be corrected. But these criteria do not dispose of the examples mentioned in the preceding paragraph. The desires of sadists, of proponents of capital punishment, of dirty old men, and of status-seekers are not for anything logically impossible. Nor do such desires arise from errors about matters of fact.

The desire-theorist must find additional principles of criticism. Since moral criteria cannot be invoked without circularity or infinite regress, he might seek a scientific criterion from psychology. Clearly, the desires of the insane do not have the same initial claim to satisfaction as the desires of the mentally healthy. Sadists, proponents of capital punishment, dirty old men, and status seekers need not be insane, but perhaps they are not mentally healthy. Therefore, let mental health be the criterion.

But there are just as many schools of psychology as there are philosophical conceptions of the good life. A psychologist is not proceeding as a scientist when he goes beyond the consensus about insanity to give a full account of "mental health." Opinions about the good life do not become science simply because they happen to be the opinions of Freud, Jung, Adler, Allers, Horney, Maslow, Allport, Erikson, Fromm,

Menninger, or some other person of scientific competence. If their opinions about the good life were science, they would offer a common, full account of "mental health." They do not.

Attempts to define "good" in terms either of happiness or of desire also must fit in pain and frustration. If the disvalues are the same in kind as the values, but negative in degree, the value and its opposite can be measured on a single scale as one measures heat and cold with the same thermometer. But this assumption has been questioned.<sup>40</sup> It is not at all obvious that a disvalue is just a low level of a value, as cold is lack of heat. Disvalues such as pain and frustration are not mere privations; they have a positive character of their own. Thus, "good" is not univocal if it is defined either in terms of happiness and avoidance of pain or in terms of satisfaction and frustration of desire. The calculation of the "greatest net good" is blocked by the incommensurability of the opposites.

Another difficulty with these theories of value is that enjoyments and desires seem to differ in kind, not only in degree. As I said above, "happiness" means different things to different people. One can compare the enjoyment of drinking a Coke with that of eating a candy bar or the desire for one with that for the other.<sup>41</sup> But how many appetizing meals in a French restaurant give enjoyment comparable to that of a happy marriage? How many satisfactions of desires for particular objectives are comparable to the satisfaction of one's desire to be a good father, an excellent philosopher, or a true Christian?

Jeremy Bentham, who took calculation seriously, dealt with the problem of commensurability in a characteristically straightforward way:

Money is the instrument for measuring the quantity of pain or pleasure. Those who are not satisfied with the accuracy of this instrument must find out some other that shall be more accurate, or bid adieu to Politics and Morals.

Let no man therefore be either surprized or scandalized if he find me in the course of this work valuing every thing in money. Tis in this way only we can get aliquot parts to measure by. If we must not say of a pain or a pleasure that it is worth so much money, it is in vain, in point of quantity, to say anything at all about it, there is neither proportion nor disproportion between Punishments and Crimes.<sup>42</sup>

Since one must calculate, one can. So "good" is reduced to pleasure and the avoidance of pain, and these are reduced to money. Bentham's leap-of-faith is breathtaking.<sup>43</sup> He is no cynic saying that every person has his price. He is a moralist saying that the best things in life cost more than a Coke or a candy bar.

The definition of "good" in terms of enjoyment faces another objection. Enjoyment is a conscious experience which normally arises from but is distinct from some activity beyond consciousness. Let us imagine a device which could record total experiences as they were being lived and then play them back in the brains of other persons. One might enjoy receiving such a recorded experience--for example, of one's favorite athlete winning one's favorite game. But would one wish to spend the rest of one's life receiving such recorded experiences, however enjoyable they might be? This thought-experiment isolates enjoyment as a conscious experience from the totality of the real life which one

enjoys. If one agrees that one would not wish to spend the rest of one's life receiving recorded enjoyable experiences, one can still value enjoyment, but only insofar as it is part of a real life in which goods transcending consciousness are participated.<sup>44</sup>

One who defines "good" in terms of desire can point out that the preceding argument does not touch him. "Satisfaction" belongs to the whole person interacting with his total environment. Moreover, while "desire" ordinarily is used in a wider sense than "enjoyment," it also is used in a more precise sense than "happiness."

But even if a desire-theorist can solve other difficulties, he still must admit incommensurable kinds of desires if he is to avoid Bentham's postulate that the best things in life merely cost more. If the desire-theorist admits incommensurable kinds of desires, I have no quarrel with him. My own value theory defines "good" in terms of certain inclinations. But since these inclinations are not integrated by a single principle, the goods remain incommensurable, and consequentialist calculation is blocked.

Why do so many intelligent and serious people suppose that all forms of desire are commensurable? I think the reason is that it seems obvious that each individual has a rational system of preferences.<sup>45</sup> "Isn't it evident," a desire-theorist might argue, "that any sane person faced with a choice can say which alternative he prefers? If so, he always knows what he wants more. Thus, individuals, at least, somehow manage to make all their desires commensurate."

One of the conditions necessary for a rational system of preferences is that if one prefers A to B and B to C, then one also must pre-

fer A to C. But the dispositions underlying choice-behavior need not be rational in this sense.<sup>46</sup> One can prefer a Plymouth to a Chevrolet and a Chevrolet to a Ford, yet also prefer a Ford to a Plymouth. For when one chooses a car, one is interested in several factors--for example, price, available options, and expected quality of service. Comparing the three possibilities in respect to these three factors, one might arrive at a preference-ranking as follows:

Rank	Price	Options	Service
1.	Chevrolet	Plymouth	Ford
2.	Ford	Chevrolet	Plymouth
3.	Plymouth	Ford	Chevrolet

The Plymouth outranks the Chevrolet in two respects, options and service, and the Chevrolet similarly outranks the Ford in two respects, price and options. These rankings seem to imply a preference of the Plymouth to the Chevrolet and a fortiori of the Plymouth to the Ford. But the Ford also outranks the Plymouth in two respects, service and price, and these rankings imply a preference of the Ford to the Plymouth. In such cases, the dispositions underlying choice-behavior are not rationally ordered. One's initial wishes must be harmonized by a choice of the aspects one will accept as determinative. For example, if one sets price aside, the Plymouth wins out.

Why does one set price aside? Perhaps one has a sufficient reason for doing so. But an analysis of the dispositions underlying this choice would eventually reach an individual's commitments to the goods he regards as intrinsically worthwhile. For a given individual, these commitments do have a definite order. For example, the religious person

puts religion first, the liberal humanist puts freedom first, the marxist puts justice first, the existentialist puts authenticity first, many people put peace of mind first. But no matter how one constitutes one's personal hierarchy of goods, one's basic commitments are not to particular goals which can be pursued by suitable means used in an efficient way. Rather, one chooses particular goals because of one's basic commitments.

At the level of basic commitments, the economic model is useless. Here one comes to the goods which shape different styles of life. Many people are not dedicated to anything, but anyone who lives his own life must have a sense of identity, a concept of what his life is about. If a word like "commitment" connotes too formal and reflective an act for the way most people settle the direction of their lives, one can say more modestly that anyone who lives his own life must think in terms of some concerns to which he is deeply attached. These are goods in which he wishes to participate for themselves, not for anything ulterior. For these goods, one would give anything, yet money cannot buy them. This is as true of goods such as being contented, being somebody, and being liked--by which many people one would hardly call "committed" shape their lives--as it is of goods such as being a Christian, being a liberal, being a reformer, and being authentic by which some people quite consciously constitute their own identities.

The point of the preceding explanation can be made specific by considering the limits of cost-benefit analysis. The economic advantages and disadvantages of a proposed public project can be quantified. But people also want freedom of speech and of religion, equal protection

of the laws, privacy, and other goods which block certain choices, yet which cannot be costed out. Cost-benefit analysis can tell one the most effective way of attaining certain objectives, assuming one accepts the objectives and has no qualms about the means required to attain them. But it cannot tell one whether the objectives one seeks are objectives one ought to seek, or whether nonquantifiable factors may or may not be ignored.<sup>47</sup>

If a consequentialist admits that justice and theoretical truth, or any other two goods, are fundamental and incommensurable, then he admits that "greatest net good" is meaningless whenever one must choose between promoting and protecting or impeding and damaging these two goods in some participations. For if these goods really are incommensurable, one might as well try to sum up the quantity of the size of this page, the quantity of the number nineteen, and the quantity of the mass of the moon as to try to calculate with such incommensurable goods.

Different kinds of quantity do have something in common with each other. About all of them, one can ask: "How much?" Each can be measured using a measure homogeneous with itself. But different kinds of quantity are objectively incommensurable. One can relate them to one another only by adopting a system of weights and measures. Similarly, diverse modes of basic human goodness do have something in common with each other. About all of them, one can ask: "Is this something I would give anything for?" Participations of each good can be measured by an instance one accepts as a standard. But the many basic human goods are objectively incommensurable. One must adopt a personal hierarchy of values in order to relate them to each other.

Of course, goods which are not basic but derivative can be commensurable. Means or useful goods are measured by ends or intrinsic goods, because the former are subordinate to the latter. However, if one is dealing with basic goods, which are intrinsic to the full-being of human persons, one cannot make them commensurable by relating them to something more basic.

According to my own ethical theory, each basic human good determines the content of an underived principle of practical reason; all of these principles together are at the origin of common, nonformal moral obligation. Many consequentialists would reject this theory. However, McCormick does not disagree with this aspect of my ethics: "Grisez provides a satisfying account of the origin of moral obligation with his analysis of basic human goods." At least some other moral theologians who have adopted consequentialism accept a very similar theory of obligation.<sup>48</sup>

Someone might object that theology must admit the possibility of measuring, counting, and weighing all created goods, for God has "disposed all things by measure and number and weight" (Wis. 11:20).

Plato pointed out that the gods quarrel over issues of right and wrong, because such issues cannot be settled by measuring, counting, and weighing. If such issues could be settled by calculation the gods would hardly quarrel over them.<sup>49</sup> But Plato's gods, like men, lack insight into the Good Itself.

According to traditional Jewish and Christian faith, God orders everything by reference to the only absolute: his own goodness. Yet even God's perfect knowledge of the goodness of various creatures does

not eliminate their incommensurability with each other, for the created participations of divine goodness mirror in their very irreducible diversity the richness of perfection which is united only in the creator.

Thus, God, who knows his own goodness in itself, cannot help loving himself with an infinite love. However, God creates freely, because creatures are unnecessary for his perfection, and he freely chooses the world he is creating, for no created world could be perfectly good in every respect.

Similarly, a human person who saw God face to face could not help loving him above all things. But in this life, human persons constitute themselves freely, because none of the goods by which they can integrate and direct their lives exhausts the totality of goodness to which a human person is open. If any particular good did exhaust a person's capacity for good, he would not be open to sharing in divine life. Our hearts would have been made for a finite good and they would rest in that good for which they had been made.

This theological explanation of the relationship between the incommensurability of created goods and freedom--both divine and human--complements the second point I made in section four: that consequentialism implies determinism, and thus is incompatible with the religious belief that human persons can make free choices. Now I am going to state the argument against consequentialism based on human freedom of choice as a purely philosophical argument. I intend this argument to show that no one, regardless of his religious or other extraphilosophical beliefs, should accept consequentialism.

The previous arguments in this section showed that attempts by

consequentialists to give "good" a univocal meaning have not succeeded. But those arguments were based upon assumptions--though ones I think a consequentialist would accept--which could be false. Moreover, an optimistic consequentialist always can hope that despite past failures someone eventually will show how the theory can be made to work. The argument I am about to state is based not on assumptions, but on facts and analysis. If this argument is sound, any reasonable person can learn from it that consequentialists never will be able to make their theory work. No one will show how to do the calculations consequentialism requires, because such calculations are impossible, and consequentialism is inevitably meaningless.

The steps in the argument are the following. 1) Human persons can make free choices. 2) If human persons can make free choices, the good for the sake of which they choose one alternative is not commensurable with the good for the sake of which they could have chosen some other alternative. 3) If these goods are not commensurable, it is either trivially true or meaningless to say: "One morally ought to choose the act which one expects will yield the greatest net good."

One can make certain substitutions in (3) without affecting the argument. For "to choose the act which one expects will yield" one can substitute "to choose according to a principle the adoption of which one expects will yield" or some similar expression of an indirect consequentialism. For "greatest net good" one can substitute expressions such as "greater good," "lesser evil," "proportionate value," and so on, provided that the substituted expression implies commensurability of goods and evils. It also makes no difference to my argument whether the

formula is taken to apply to all choices or only to certain ones, whether it means "One ought never" or "One ought not in conflict situations of certain kinds." Restricted consequentialism is meaningless just insofar as it is consequentialism.

If "good" were defined in moral terms, "One morally ought to choose the act which one expects will yield the greatest net good," would be trivially true. But this truism, as I explained above, does not express consequentialism. The statement quoted in the consequent of (3) does express consequentialism if "good" is defined in nonmoral terms. If one also includes in the meaning of (3) all the formulae of various forms of consequentialism which can be generated by appropriate substitutions, the consequent of (3) asserts that any form of consequentialism is meaningless. Since (1), (2), and (3) form a valid argument by modus ponens for the unconditional assertion of the consequent of (3), consequentialism is meaningless if (1), (2), and (3) are true. I now argue for the three steps in sequence.

Joseph M. Boyle, Jr., Olaf Tollefsen, and I have worked out a self-referential argument against determinism which shows that human persons can make free choices. The argument is book-length and complex.<sup>50</sup> We clarify the various aspects of the freedom/determinism controversy and show why compatibilism cannot reconcile the two. We criticize previous attempts to establish free choice and explain the method of self-referential argument. Only after these preliminaries do we state the main argument. Here I summarize it very briefly.

Since determinism is neither a fact nor a logical truth, a determinist must account for the phenomena of choice. These phenomena, which

lead people to suppose that they make free choices, include the fact that we do deliberate about which alternative to choose, we do seem to have to make choices, and we are unaware of anything causing us to make these choices. In accounting for these facts, one who denies the reality of free choice must appeal to some norms by which his deterministic account of the facts would be reasonable. For example, he might suggest that determinism should be accepted because it is simpler than the hypothesis that people really do make free choices, or he might say that free choice ought to be rejected because it is "unintelligible" that people can make the precise choices they do without there being a sufficient reason which determines them to choose thus and not otherwise.

Norms such as these, which are invoked to support the judgment that a deterministic account of the data of choice ought to be accepted, are hard to classify. They are not mere generalizations about the psychological normality of people who think as determinists do. They are not merely hypothetical requirements which must be fulfilled if one shares some special goal with determinists. They are not formal truths like certain rules of logic; one who does not accept some rule of simplicity or principle of sufficient reason is not talking nonsense. They are not mere esthetic standards which would indicate that it is bad taste to believe in free choice. A determinist maintains that his position is the more reasonable one unconditionally, and that everyone ought to be reasonable enough to accept it. At the same time, a determinist regards his own position as empirically meaningful, and so he cannot rule out its contradictory as logically absurd.

However, if one is not a determinist, one can accept the latter's

demand that one be reasonable--a demand which is unconditional yet deniable without self-contradiction--only if one can make a free choice: to subject one's view to criticism and to accept determinism if it is a simpler account, a more intelligible account, or in some other way a better account of the phenomena of free choice than a nondeterministic account of them.

Since a determinist's own assertion of his position implies the demand that one make a free choice, a determinist cannot assert his position without either falsifying it--if one can make a free choice to meet this demand--or asking that an impossible demand be met. If the latter, any determinist's assertion of his position is pointless, for it is pointless to ask that an impossible demand be met.

Since any assertion of determinism must be either false or pointless, there is in principle no way to exclude the reality of that freedom which the experience of choice, taken at face value, suggests. For if determinism is false, then its contradictory is true: people can make free choices. If any assertion of determinism is inevitably pointless, free choice must be accepted. For there are facts which suggest it, and one must accept as real that to which phenomena point unless there is a good reason to deny its reality. But if the assertion of determinism is inevitably pointless, determinism can never provide any good reason for saying in general that the choices people consider free really are not so. Thus, the proposition that human persons can make free choices must be accepted.

If the self-referential argument against determinism which I have just summarized is sound, the first step of my present argument is

established. I now proceed to the second step: If human persons can make free choices, the good for the sake of which they choose one alternative is not commensurable with the good for the sake of which they could have chosen some other alternative.

To be considered in deliberation, a possible course of action must have something about it which interests the one who is deliberating. If some alternative did not appear good in any way at all, it could not even be considered. The possibility which is chosen always is chosen for the sake of the good which made it interesting--which, as it were, kept it in the running--at the end of deliberation, at the moment it is chosen. After one has made a choice, one always can give a reason for one's choice by citing the good for the sake of which one chose this alternative. If another person challenges one's choice by calling it "stupid" or "insane," one is offended. One had a reason, and at least at the time it seemed a good reason. It was, at any rate, good enough that one did not seem to oneself to be stupid or insane in choosing this possibility instead of an available alternative.

I have already argued that human persons can make free choices. For the sake of argument, I now assume to be true what I wish to disprove: that the good for which one alternative is chosen is commensurable with the good for which one might have chosen something else. I also assume that one of the commensurable goods is measurably greater or greatest. Let us suppose an individual chooses the greatest net good. If his choice is free, it must still be the case that he could have chosen an alternative: for example, a good a little less than the greatest net good.

Whether or not one thinks that the greatest net good is the one a person morally ought to choose, the choice by someone else of something measurably less good when a measurably greater good is available would be puzzling. One might suppose that he chose a good less than the greatest by mistake. However, this supposition does not help the consequentialist, for his position is that morality depends upon the good one expects among the alternatives which are available. Moreover, if someone really is making a mistake and would have chosen the greatest net good had he known which it was, then he is not freely choosing the lesser good. Free choice is between or among the alternatives as one understands them at the moment one chooses.

Thus, if one could freely choose the lesser of two goods which are commensurable with each other, one would have to have a reason--a reason which seemed good to oneself, not stupid or crazy--for choosing a lesser good when a greater is available. But one only chooses the alternative one does choose for the sake of the good which it promises. Therefore, if the good offered by one alternative is measurably greater, one has all the reason for choosing the greater good one has for choosing the lesser good, and one has the further reason provided by its greater goodness.

It follows that if one chose an alternative while expecting that it would yield the lesser good, one could not have any reason for making this choice. If one were challenged by someone saying that one's choice was "stupid" or "crazy" one could not defend the choice even to oneself as having been made for a good reason. One's challenger, however, could give an excellent reason for calling a choice of the lesser good

"stupid" or "crazy," if a measurably greater good was available. There was a completely cogent reason for choosing the greater good: it was the greater good. In other words, if goods were commensurable, then the good reason for choosing the greater would be a sufficient reason. One could not compare the two alternatives, see that one offers a measurably greater good, and then not choose it.

In sum, one chooses whatever one chooses for the sake of a good. If the goods which make alternative possibilities attractive to one who is deliberating were commensurable and if one saw that one possibility promised a greater good, one could not have any reason for choosing another possibility promising less good. The reason for choosing the greatest net good would not merely be a good reason, it would be a sufficient reason. Thus if human persons can make free choices, this can only be because the good for which they choose a certain alternative is not commensurable with the good for which they might have chosen some other alternative.

An analogy will help to make clear the force of this argument. If an individual were literally interested in nothing whatsoever except acquiring money, whenever he considered possible courses of action he would look for only one thing: how much money he might acquire if he chose each course. When he saw that a certain possibility was not the best bet, he could not freely choose it. Likewise, since one who freely chooses can be interested in various possibilities only insofar as they promise good, whenever one deliberates one considers what good one can hope for by choosing each possibility. If one could see that a certain possibility promised measurably less good, one could not freely

choose it.

Someone might object that a person can know what is better but choose what is worse. I grant that one can know what is morally better and choose what is morally worse. But the commensurable goods with which a consequentialist analysis is concerned must be nonmoral goods. If there are modes of human goodness which are not commensurable with moral goodness, then it is easy to explain how one can know the morally better yet freely choose what is morally worse. One chooses what is morally worse not insofar as it is worse, but insofar as it is better than what is morally superior in some mode of goodness not commensurable with moral goodness. For example, a merchant doing business in a ghetto can choose the morally worse act of defrauding the poor rather than the morally better act of treating them justly because he prefers the nonmorally greater good of business success to the nonmoral evil of business failure.

Again, someone might object that one can know what will lead to the greatest net good for everyone concerned but freely choose a lesser good which happens to be a greater good for oneself. I answered a theological analogue of this objection in my discussion of the second point in section four, where I explained how sin can be understood as wrongful self love. Here my answer can be in terms of the argument I have just articulated. The choice of one's own good in preference to the greatest net good either is not free or it is free. If it is not free, it is irrelevant here, since the present thesis is that the alternatives between which free choices are made involve incommensurable goods. If an egoistic choice is free, one has a reason for it. For example, one expects

more enjoyment for oneself. If the greater good is good in precisely the same sense as one's own good, but also is regarded as measurably greater, then one has no reason for not opting for the greater good. This is the case, for example, if an enlightened egoist sees that he can have everything he can get for himself in a certain situation by either of two courses of action, but also benefit others by one of them. Not being malicious, the enlightened egoist chooses to benefit others as well as himself. But if the supposedly greatest net good does not promise the egoist every benefit for himself which an alternative promises, then he can choose the so-called lesser good, because, at least for the egoist, one's own good and the good of others are not commensurable.

Even a gross egoist has a reason which seems to himself good enough for his egoistic choices. "I'm going to get what I want, and to hell with the rest of them," he might say to himself. This reason would not seem to others a good reason, for the gross egoist introduces into his notion of "good" an egocentric reference. This reference is not universalizable and sharable with others by means of rational discourse. But an egoist need not be stupid or crazy. He can even offer a plausible reason for his general egoistic policy: "I'm looking out for number one, because you can bet your life nobody else is going to." Thus, the egoist is both rational, in the sense that he acts not without reason, and unreasonable, in the sense that he has no reason he can expect others to accept by way of justification for his particular egoistic choices.

Someone might further object that even apart from choices involving moral good and evil, one can know of a greater good and a lesser

good, yet deliberately choose the lesser. For example, a child might have learned in health class that an egg-nog has more nutrients in it than a Coke, and he might also understand that the food with more nutrients is better for him. Yet he can choose the Coke. But this choice is possible only because the good of nutrition is competing with another good. The child wants the Coke and will feel better just now if he gets it. This sense of "feeling better" is an aspect of harmony within the self, which is a basic human good incommensurable with health.

Whenever one chooses, one determines whether one will be the sort of person for whom this or that potentially greatest good shall be the greatest good. The consequentialist assumes that the decision about the controlling value is a judgment of what is greatest, not a choice of what shall be greatest. But the ability to make a free choice precisely is the prerogative to adopt the goodness of one alternative rather than the goodness of another as the principle by which one determines himself and shapes the action which expresses himself.

Once one has chosen, the alternatives which have not been chosen often seem to pale in significance. The viewpoint of the alternative which has been chosen tends in retrospect to alter the attractiveness of the others. Not long after having made a difficult choice, one often wonders what could possibly have appealed in alternatives which were not chosen.

Looking back upon a choice, it is easy to suppose that one chose the alternative which seemed to offer the greatest good. This retrospective distortion provides a key argument for psychological determinism. If this good seemed greater, how could one not have chosen it?

What must be kept in mind is that during deliberation just prior to choice, each alternative seemed better in its own way, but none seemed better in every way. Otherwise, one would not have been perplexed; one would not have felt that one had to make a choice. Only rational indeterminacy between alternatives calls for the exercise of free choice between them.

Historically, philosophers like Kant who have maintained that human persons can make free choices also have opposed consequentialism. At the same time, utilitarians such as Bentham, Mill, and Sidgwick were psychological determinists.<sup>51</sup> Of course, the two positions are contraries, not contradictories, and some philosophers and theologians have rejected both free choice and consequentialism. Moreover, determinists assert the reality and importance of freedom in many other senses of "freedom," but philosophers who have developed consequentialism systematically always seem to realize that if one could see what the greatest net good is, one would have no choice but to opt for it.

If the preceding line of argument is sound, the second step of my argument against consequentialism is established: If human persons can make free choices, the good for which they choose one alternative is not commensurable with the good for which they could have chosen some other alternative. Since the first step has confirmed the truth of the antecedent of the second step, the consequent of the second step also can be asserted unconditionally. I now proceed to the third step: If the good for which a person freely chooses one alternative is not commensurable with the good for which he could have chosen some other alternative, then it is either trivially true or meaningless to say: "One morally

ought to choose the act which one expects will yield the greatest net good." (What I said above about substitutions must be kept in mind.)

The antecedent of this third step is the consequent of the second step, which is already established. The consequent of the third step allows for the possibility that "greatest net good" might be defined in moral terms. But if it is, the statement becomes a truism: "One morally ought to choose the act which one thinks is morally good." Confusion between this truism and consequentialism is one factor which makes consequentialism seem meaningful, plausible, and even self-evident. However, as I explained in the first part of this section, the consequentialist seeks to define "good" in nonmoral terms independently of "right," so that he can define the moral "ought" in terms of "good" without circularity or infinite regress. Thus all that remains to complete my argument against consequentialism is to show that the incommensurability of the goods for the sake of which one or another alternative can be freely chosen implies the meaninglessness of a moral criterion which requires commensurability.

At first glance it seems self-evident that if goods are not commensurable, a theory which requires their commensurability is meaningless. However, if one bears in mind the falsity of many philosophical theses which at first glance seem self-evident--for example, consequentialism itself if my argument succeeds--one will not rely on apparent self-evidence. How could this last premise of my argument be false?

Only in one way: if the incommensurability of the goods for the sake of which free choices are made were simply irrelevant to the commensurability of goods which determine morality. It is logically

possible that the former be irrelevant to the latter just in case free choices are not the ones which are morally right or wrong. So what I must now make clear is that the free choices and incommensurable goods which I have established thus far are the subject matter of the morality which the consequentialist criterion proposes to regulate.

The simplest way to make the necessary identification is by working back from moral obligation to free choice. If one morally ought to choose x rather than y, then one can choose x rather than y. For no one is obliged to do what is impossible. A sign of this is the fact that one is not reasonably blamed for doing something if he really could not help it. For example, a child is not reasonably blamed for wetting his pants if his father neglected to make a necessary rest-stop on the throughway: "I couldn't hold it any more." "That's alright, dear, your father should have stopped half an hour ago when you asked him to."

The difficulty in relating moral obligation to free choice by means of this argument is well known. In the freedom/determinism controversy, proponents of free choice often use this argument, and determinists regularly refute it. "Ought" implies "can," but there are many senses of both words, and in most of these senses "can do otherwise" is compatible with "determined to do this."<sup>52</sup> People do hold animals and small children responsible for their acts, even though it is not generally supposed that animals and small children can make free choices. A determinist can argue that moral responsibility is not wholly different from the responsibility to which we hold animals and small children. He can say that moral responsibility is simply more complicated, since it requires a context of discourse, an accepted system of standards or

values, and settled dispositions to abide by or to violate such standards or values.

It seems to me that the determinist's defense against the argument from moral responsibility to free choice is impregnable. If a proponent of free choice argues from "ought" to "can" to "free," he must build into his concept of moral responsibility a normativity which implies free choice rather than any other sort of nondetermination. Thus, as an argument for free choice, the argument from moral responsibility is question-begging.

However, I am not arguing here for free choice. The argument for free choice I summarized above does not take moral responsibility as a point of departure. The argument is self-referential, and it does not even rely upon what the determinist is likely to concede. Instead, it analyzes what the determinist does in asserting his position and what he inevitably requires to make this assertion--not to make it true, but merely to make his own asserting of it have a point at all.

Thus, I already have the two ends of the argument which will relate free choice with the moral responsibility the consequentialist seeks to define. All I need is the middle. The necessary middle is the phenomena of choice.

The argument for free choice summarized above begins from the phenomena of choice, for which a determinist must try to account. These phenomena include interest in various possible courses of action, consideration of the goods for which they could be chosen, and awareness of the need to make a choice. The consequentialist proposes a moral criterion defined in terms of the good one expects. He also has in view

these facts: that individuals entertain various possible courses of action, that they estimate the goods each course of action is likely to bring about, and that they are aware of the possibility of choosing this or that. The last point, which is vital, is established inasmuch as "ought" in any sense implies "can" in some corresponding sense, and the possibility corresponding to the consequentialist's "ought" must be located in choice, since this is what he seeks to regulate.

Many consequentialists are determinists, and no determinist is likely to describe the phenomena of choice in exactly the same way as one would who accepts freedom of choice. But my argument does not require identical descriptions. All it needs is identity of subject matter. The considerations proposed in the preceding paragraph establish this identity. The choices whose apparent freedom is vindicated by the self-referential argument against determinism are the very choices for which a consequentialist tries to propose a criterion of morality.

Someone might object that not all morally significant action follows upon deliberation and conscious free choice. For example, a morally good person is inclined to help others; he sees someone in need of his help; he thinks of nothing but their need and what he can do to satisfy it; he acts spontaneously--without thinking, without consciously choosing. Surely, such an act is good; a sign of its goodness is that the individual might be praised for it, even more highly praised than a less good person who carefully considered his own interests before deliberately choosing to render assistance.

I admit that such spontaneous acts can be morally good. They do not follow upon deliberation and conscious free choice. But my thesis

is not that all morally good acts are freely chosen. Rather, it is that the acts which the consequentialist seeks to regulate by his purported criterion are freely chosen. Clearly, the consequentialist is not talking about spontaneous acts such as the one described, for in these spontaneous acts only one course of action is considered and it is done without choice. Commensuration cannot begin unless there is some alternative to be considered.

Someone also might object that consequentialism can be made to work if there are some choices which are not free. The self-referential argument against determinism does not rule out this possibility. In respect to such choices, "good" might be defined nonmorally in descriptive terms: "good" is that which is accepted as good in one's society, and the "greatest net good" is that for which one will be most highly praised. The right act then becomes the one which an intelligent person with a normal desire to fit in with others and to win their approval sees to be necessary.

I admit that there are systems such as that described by this objection, and that the language of morals often is used both within such systems and in talking about them. Children old enough to talk but too young to think of themselves as responsible agents in some sense make choices, but it is plausible to suppose that these are not free choices. A sign of this is that we do not hold such children criminally liable for their conduct which violates criminal laws. A child can nevertheless understand that it is better to please the adults on whom he depends than to displease them. The right act is the obedient act. A naughty child is one who rebels.

However, what is at stake in a case such as this is not morality in the full sense; it is conventional standards of behavior. What is right by conventional standards of behavior need not be morally right at all. My thesis is not that "right" in a nonmoral sense cannot be defined in terms of commensurable, nonmoral values, but that "right" in the full moral sense cannot be so defined. The consequentialist cannot disagree, for he offers his theory, not as a descriptive hypothesis about conventional morality, but as a normative theory of objective morality by which conventional morality can be criticized. Both consequentialists and I are at odds with subjectivists and relativists who confuse morality in the full sense--which is reflective and critical--with conventional morality, which is a datum taken as final only by the uncritical, such as children and also adults who do not develop beyond a childlike way of thinking about their own lives and the reality in which their lives must be lived.

The analyses of section six will further clarify the confusions implicit in the two preceding objections.

Thus the third step of my argument is completed, and the whole may be summarized as follows:

- 1) Human persons can make free choices.
- 2) Since human persons can make free choices, the good for which one possibility is chosen is not commensurable with the good for which some other possibility could have been chosen.
- 3) Since the good for which one possibility is chosen is not commensurable with the good for which another possibility could have been chosen, it is either trivially true or meaningless to say that the

morality of one's choice is determined by measurable good.

4) To say that one morally ought to do what is measurably good by moral standards is trivially true, but does not express the consequentialist's position.

5) Therefore, the consequentialist's position that the morality of choices depends upon commensurable nonmoral values is meaningless.

As I mentioned in section three, philosophers often argue against consequentialism by citing plausible counterexamples. Since consequentialism is meaningless, it becomes clear why the dialectic of intuitions and counterexamples cannot be decisive. One who proposes a counterexample argues that in some case an act which brings about a greater good is wrong. He assumes two things: (1) that right and wrong can be determined by nonconsequentialist criteria, and (2) that it is meaningful to say in this context that one alternative brings about a greater good than another. Since consequentialism is meaningless, (1) is true but (2) is false. Thus the opponent of consequentialism who depends upon counterexamples accepts an impossible burden of proof.

The consequentialist easily defends himself. He either admits that the act proposed as a counterexample brings about the greatest net good and denies that it is wrong, or he admits that it is wrong but denies that it can ever bring about the greatest good on the whole and in the long run (McCormick's virtually exceptionless moral norms fit in here), or he asserts that the example in question is a very difficult one. The consequentialist taking the last alternative might claim that different calculations can be expected to yield different results in close cases, since measurement is not yet precise.<sup>53</sup> One cannot argue

with this, since measurement is impossible.

Since consequentialism is meaningless, I conclude that any ethical theory which admits it is defective to that extent. An ethical theory might be sound in other respects, but if it allows any role for consequentialism--for example, in the resolution of conflict cases--it is incoherent in this respect. Some moralists reject consequentialism and adopt a moral criterion based on personal relationship and covenant, yet maintain that in a world broken by sin, situations occur in which moral ideals must be compromised. In these cases, a lesser evil may be done to avoid a greater one.<sup>54</sup> Such theories admit consequentialism without realizing it, and to this extent become incoherent.

6. When "greater good" is meaningful

As I said in section three, one reason consequentialism is plausible is that measuring, counting, and weighing do have a place in practical reasoning. We do use such operations to decide what to do. "Greater good," "proportionate value," and like expressions can be used meaningfully. But if they are, the context is one of two types. In one, a practical but nonmoral judgment is made. One calculates, not to determine what is right, but to decide what is better in some nonmoral sense. In the other type of context, one does reflect to determine which alternative is morally right, but one does not measure, count, and weigh the amount of premoral good promised by each alternative. Rather, one reflects within a framework of moral assumptions, which determine the measure of each of the relevant goods.

My purpose in this section is limited. I do not try to prove consequentialism meaningless by showing that no possible use of such

expressions as "greatest good" will serve its purpose. I assume that the argument in the preceding section has settled the question of the meaningfulness of consequentialism.

However, a refuted position can still keep some plausibility. My purpose here is to disperse such residual plausibility. Otherwise, a reader attached to consequentialism is likely to think that there must be some way around the argument against it. Therefore, I take up legitimate uses of expressions such as "greater good" and "proportionate value" only to clarify the muddle between the consequentialist's use of such expressions and their legitimate uses in other contexts.

I first consider uses of "greatest good" and similar expressions in contexts in which calculation leads to a practical, nonmoral judgment.

Sometimes one can compare the extent to which one or more basic goods would be participated in particular instances, and see that the participation of the good by one alternative includes all that the other includes and more. (For simplicity I omit cases with more than two possibilities.) In such cases, a practical judgment in favor of the more extensive participation is made, provided that no other factor enters consideration. But this practical judgment is not a moral judgment. One has no choice.

For example, if one is aware of two possible courses of action between which one sees no difference except that the one protects and promotes a basic human good in a single instance while the other does this and also promotes or protects the same or another good in another instance, one necessarily prefers the second course of action to the first. One might say that one "chooses" the second course of action, but such

choices are not free. A computer can make them.

In cases of this sort, one is "killing two birds with one stone." One can choose not to kill two birds with one stone, but only if some other factor comes into play. A hunter might wish to practice conservation. A malicious egoist can choose an act which benefits only himself rather than one which similarly benefits himself and also benefits others, but only because his malice leads him to see denying a good to others as an additional good for himself.

Again, life is a greater good than health, since life includes health, and health is a greater good than merely avoiding the pain which is caused by a disease. Thus, if no other factor comes into play, one necessarily prefers a remedy which cures a disease and removes pain to one which only removes pain, and one prefers life as a cripple to death. One who chooses death in preference to life as an invalid is considering some other factor--for example, that death will end sadness. In this case, the good of avoiding the disvalue is not part of life and health. Thus there are incommensurable goods, and one can choose.

The famous case of the careening trolley car provides another example. One is steering a trolley down a steep hill, notices that the brakes have failed, knows there is a switch at the bottom of the hill which will allow one to steer onto either of two tracks, and observes a few people on one track and a large crowd of people on the other. If no other factor comes into play, the larger group includes all the instances of good--several human lives--included in the smaller and more. One has no choice but to steer away from the larger group. But if one sees only strangers in the larger group and members of one's own family

in the smaller, then friendship also is involved. The goods are incommensurable. If one has time to deliberate, one can choose.

What about cases in which one might be tempted to kill one person to save two or more? Sometimes, what is involved is indirect killing, as in the example of the trolley car, in which steering away from the larger group is causally but not morally equivalent to steering toward the smaller. I find it hard to think of any clear example in which the killing of one or of a few certainly will save the lives of two or of many where the killing and the saving occur in distinct actions related to each other as means to end. Usually, the choice of certain death renders the life-saving only probable. If there are cases in which one has the choice of killing one or some for the ulterior purpose of saving two or more, the life or lives one might choose to sacrifice are not counted among those to be saved, even if one notes no objective difference except in number between the two groups. For to choose to use some for the benefit of others reduces those who are used to the status of mere means. One has a choice precisely because one can regard those who would be sacrificed as sharing in a priceless dignity, which one should not subordinate to any purpose extrinsic to themselves.

In politics, there is another use of "greatest good" which is meaningful but useless to the consequentialist. One can say that a public official is pursuing the greatest happiness of the people if he tries to find out what they want and to give it to them.

However, "the greatest happiness of the most people" as defined by a census of their desires does not settle what is morally right. I criticized the desire theory of value in section five. The majority

often is unhappy with decisions upholding minority rights; demagogic politicians often sacrifice minority rights to majority prejudices. But the social covenant expressed in the society's constitution can demand that the happiness of the majority yield to justice for the minority.

Bentham's reflections on morality began from his attempt to rationalize law. He imported a meaning into "the greatest happiness" formula quite different from that later imported into it by social darwinism. Twentieth-century socioeconomic liberalism is Bentham's heritage, while individualistic conservatism owes much to social darwinism. Neither policy has shown itself unequivocally better than the other; each uses standards by which it excels to compare itself with the other. Thus, political debate between socioeconomic liberals and conservatives is endless, yet questions about human goods remain unresolved. The moral questions cannot even be stated in the consequentialist language in which political debate usually goes on.<sup>55</sup>

"Proportionate reason" can refer to an acceptable level of probability that a certain means will secure a desired end. The proportion is of means to end; the suitability of the means is measured by the end. If one is folding parachutes, one has reason to be fussy to an extent that would be disproportionate if one were folding linens. Premoral goods are not weighed against one another here. If the judgment has some moral force, that is only because moral evaluations of risking life and risking unsightly wrinkles in one's linens are presupposed.

Again, one weighs evidence to arrive at a judgment. One proportions one's confidence in the judgment to the weight of the evidence. But even if the conclusion concerns a moral issue, the proportionate

reason for accepting it with a certain degree of confidence need have nothing to do with morality. One has weighed evidence, not values. Perhaps the values are considered afterwards; the facts are measured.

One who is unusually anxious to avoid doing anything immoral will always take a course more likely to avoid immorality. Such a person thinks he has a proportionate reason for great caution. But even if he is correct in believing his method proportionate to his purpose, perhaps he morally ought not to be so concerned about moral purity. One overly concerned to avoid moral evil can fail to do many things morally good. God could have avoided all moral evil by not creating free creatures.

"Greater good" has a legitimate place in technical judgments. If one has a well-defined objective and knows the cost of various ways of achieving it, one can rate one means best. "Best" here means most efficient. Cost-benefit analysis yields judgments of this sort. There is nothing wrong with efficiency; it is wrong to be wasteful. But whether it is right to do what is efficient depends upon the moral acceptability both of one's end and of the means one uses.<sup>56</sup>

For example, if one's well-defined objective is the elimination of Jews, one can proceed efficiently. Waste of scarce resources would be wrong. There is one best way of achieving one's objective. But "best" here refers to technical value, not to moral value.

One's goal can be acceptable and one's means efficient, yet the means morally questionable. The goal of freeing one's people from a colonial exploiter can be morally right and the use of terrorism can be efficient. Yet Ghandi regarded guerilla warfare as immoral; he stressed nonviolence precisely because "impure means" would contaminate

the justice for which he was striving.

In his discussion of the morality of killing in self-defense, Thomas Aquinas uses "proportionate" in another sense. He holds that one may repel an unprovoked attack with proportionate force.<sup>57</sup> One might say there is a "proportionate reason" for using such force.

But "proportionate reason" in this context does not imply commensuration of values leading to moral judgment. The proportion is between the force used and the purpose of self-defense, which Thomas considers justifiable on other grounds. One need measure only degrees of damage to the attacker. Killing is more damaging than wounding, wounding than stunning, and so forth. As I explained early in this section, one can make such judgments without measuring the incommensurable. Thus one can see which force is proportionate by seeing which of those likely to be effective also is likely to be least damaging. A person unjustly defending himself against a provoked attack also can choose proportionate or disproportionate means.

This is a good place to begin considering uses of expressions such as "proportionate reason" in reasoning which does lead to moral judgment. Although these uses point to a moral justification of one alternative, they must not be confused with consequentialism, for in each case moral presuppositions contribute meaning to the expressions which imply comparison of goods. Consequentialism requires that premoral goods be commensurated.

As I said in section one, according to my own ethical theory, a person does a morally evil act if he chooses as a means an act which impedes or damages one or more of the basic human goods and which of it-

self does not promote or protect any of them. But what about an act which in itself has a good and a bad aspect, one which does not impede or damage a good for the sake of an ulterior good? In this case, the act itself--considered as a unit indivisible by the agent--impedes or damages some participation of a basic human good. But the very same act itself promotes or protects a good. Can it be morally right to choose such an act?

Such a choice is not excluded by the general principle that one may not do evil that good might follow therefrom, since in this case the good does not follow from the evil. Both are indivisibly joined in one act. A person intent upon the act's good aspect can choose it, not choosing the bad aspect as a means, but only accepting it as an unavoidable side-effect. One steers the trolley car away from the big crowd; it is incidental to one's intent that one steers toward the small group of people. In this case the so-called "principle of double-effect" might apply.

I have written elsewhere about double-effect. In received formulations, it includes a requirement that there be a proportionately grave reason for doing an act which has a side-effect which it would be wrong to seek as an end or to choose as a means. I accept this requirement, and this leads McCormick to say:

But I agree with Stanley Hauerwas that ultimately Grisez cannot "avoid the kind of consequentialist reasoning that our human sensibilities seem to demand in such (conflict) cases." [note omitted] For if a good like life is simply incommensurable with other goods, what do we mean by a proportionate reason where death is,

in Grisez's terms, indirect? Proportionate to what? If some goods are to be preferred to life itself, then we have compared life with these goods. And if this is proper, then life can be weighed up against other values too, even very basic values.<sup>58</sup>

I admit that if an act has two aspects, one needs a proportionately grave reason for choosing it. I deny that "proportionately grave reason" can be specified by measuring life against other nonmoral values, or the goodness of some instances of life against the goodness of other instances of it. How, then, do I answer the question: "Proportionate to what?"

My own view--which I did not state clearly enough in the work McCormick cites--would be better expressed in terms of "morally acceptable reason" than in terms of "proportionate reason." My answer to McCormick is that one must have a morally acceptable reason for doing the good one is doing, considering the evil one is accepting as an unavoidable side-effect. But is this not to admit that one measures the good against the evil? Yes and no. One can compare these if one has a moral standard. One cannot measure these against each other and reach any moral judgment if one considers them only as premoral values and disvalues.<sup>59</sup>

In my view, a person considering an act having a twofold aspect and noting that the act is not excluded by the principle that the end does not justify the means, still ought to think about other moral grounds on which the act he is considering might be forbidden. I distinguish eight modes of responsibility, only the last of which dictates that one not turn directly against the good. The first seven articulate

other necessary conditions for moral judgment.<sup>60</sup>

For example, my second mode of responsibility is a version of the universalizability criterion. A person who is considering putting poison around his garden to control the rabbits which are eating his lettuce ought to ask himself how he would react if he were in his neighbors' shoes. Perhaps the gardener has no children, but his neighbors do have small children, there are no fences, and the children sometimes wander nonmaliciously into the gardener's yard. If he were in his neighbors' place, would he not be concerned enough about the safety of the children to exclude as too dangerous the use of poison to control the rabbits? If an honest answer to this question is that if it were his children and their lettuce, rabbit control would be a frivolous reason to endanger the children, then the reason is not morally acceptable --in traditional language, proportionately grave--when it is his lettuce and their children.

It would take too much space to go through all the modes of responsibility, illustrating how each of them can contribute meaning to "morally acceptable reason" or "proportionate reason" (if the latter, misleading expression must be retained). However, the basic idea of my view of this condition of double-effect should be clear from this one example. The good one is doing must be such as to justify the evil one is accepting as a side-effect, not in the sense that the goods must be commensurable, which is meaningless, but in the sense that one's doing and one's accepting must be permissible according to every relevant moral criterion.<sup>61</sup> Sometimes one is morally required not to permit a certain evil, though one does not directly do it.

McCormick might object that a morally good person sometimes refrains from doing an act with two aspects, not citing any other mode of responsibility, but rather saying something like: "I won't do it. It would result in this good, but considering the harmful side-effects, it is just not worth it."

Upright people do talk like this and it sounds consequentialist. But I do not think they mean they have reached a moral conclusion by measuring premoral goods. Rather, they use consequentialist language to express a moral intuition. The morally good person will not do what he feels it would be wrong to do. He might say that he will not act because his conscience "tells" him not to. One who feels it would be wrong to do something and who refrains for this reason thereupon judges that the good he would be doing would not justify the evil he would have to accept. His estimate of the proportion between premoral good and evil is reached by way of his moral judgment; his moral judgment is not reached by measuring, counting, and weighing premoral values.

But if an upright person is expressing a moral intuition, not the conclusion of a calculation, why does he use consequentialist language? There are at least three reasons.

First, the ordinary morally upright person does not carefully segregate--as do moral theorists--the premoral and the moral uses and connotations of evaluative language. He may not even be aware of the distinction which a consequentialist interpretation of his remarks reads into them.

Second, everyone tends to use language as it is used. As I have explained, calculative language is appropriate in the evaluation of

techniques. It also is widely used by consequentialists. Thus even the upright person naturally tends to talk like a consequentialist.

Third, a child obviously learns the language of technical activity at an earlier age than he learns the language of morals. Moreover, his initial conception of morals is not of morality in the full sense but of conventional standards of behavior, which I discussed near the end of section five. Knowing how to be a "good child" is itself a technique to be mastered, before moral reflection begins. Thus, technical language sets a pattern for ethical language. This also is true of moral theory. Aristotle, for example, often uses the language of technē when discussing phronēsis, though he clearly distinguishes them.

The upright person uses his intuition as a negative criterion in a case such as that of the lettuce gardener. Having found no articulate moral objection to what he is considering doing, the upright person can still be warned by his conscience not to proceed.<sup>62</sup> This situation is wholly other from one in which a person thinks with some reason that a course of action is immoral, yet appeals to his "conscience" to justify it. Thus, "proportionate reason," as it is used in the principle of double-effect, ought not to open the way to consequentialist arguments against hitherto accepted moral norms, as has happened recently in Catholic moral theology.

Moreover, in a case such as the one I have used as an example, there is good reason to suppose that the moral intuition forbidding the act is sound. The principle of double-effect comes into play only because the good person wishes to do what is right and is trying to figure out what is right. An ordinary person trying to rationalize his morally

evil choice hardly needs the principle of double-effect. Thus, there is a fair presumption that if a person using the principle of double-effect feels he ought not to do an act, his feeling is morally valid.<sup>63</sup> He has a proportionate reason for not doing it.

McCormick proposes as a problem for me a case in which a physician can either save a mother or her child while killing the other by choosing one or another operation. He speculates about how I would handle this dilemma. He argues that unless I admit commensurability of values I could justify neither preferring the mother's life to the child's nor refusing to kill either of them.

McCormick need not have speculated. I dealt with this case in an article of which he was apparently unaware:

Another example would be the crushing of a baby stuck in the birth canal. The very act of crushing and removing the baby, an act in fact destructive of its life, saves the mother from perhaps inevitable death. On the same principle, one would be equally justified in cutting away the mother to rescue the baby.<sup>64</sup>

I would now add that if one feels intuitively that either or both of these acts would be wrong, then one ought not to choose them.

Values intrinsic to human persons and communities can be compared with those which are not. Goods intrinsic to persons take priority.

If an animal is sick and its disease is a threat to humans, the animal should be destroyed. This is not to say that creatures other than man have no intrinsic worth. God created all things good.

Rights to property insofar as it is a good extrinsic to persons must yield to rights to a good such as life which is intrinsic to per-

sons. Institutions which are merely instrumental to human goods and practices which are only particular ways of serving human goods should not be vested with the inviolable dignity which belongs to persons.

Consequentialists have been keenly and rightly aware of this point. Their emphasis on it lends credibility to their theory. The Sabbath is made for man, not man for the Sabbath. My right of ownership to my excess wealth is outweighed by the poor man's right to survive; if his life is at stake, he need not wait while I prudently plan my philanthropies, although this is my right. But judgments like these cannot be extended to justify the direct destruction of goods intrinsic to persons, without reducing these goods to the status of mere possessions, and thus implicitly denying the dignity of persons as ends in themselves. It is blasphemous to use Jesus' saying about the Sabbath, as some have done, in an argument which concludes by justifying the slaughter of the unborn.

Some rights are inalienable. These rights arise from the mode of responsibility which forbids directly violating basic human goods. One's right to life is based upon the wrongfulness of any direct attack upon human life. Many who try to justify the taking of human life in some situations implicitly assume dualism, according to which human life is only a necessary condition, extrinsic to the person, for "personal" goods.<sup>65</sup>

But not all rights are inalienable. A moral theologian has an absolute right not to be required to teach as true a position which he honestly believes to be false. No authority whatsoever could rightly demand such a violation of the good of truth. However, someone who

wishes to keep the status of a Catholic moral theologian has no unconditional right to dissent from the teaching of the Church and to urge the faithful to follow his opinion instead of the judgment authoritatively proposed.<sup>66</sup>

Similarly, the theologian has a duty to study before teaching and a duty to teach, but the second is not unqualified as the first is. If he does not know what to teach, he is dispensed from the duty of teaching, but nothing can dispense him from the duty of studying before he teaches. The same is true of a bishop, and this is one reason why bishops are so slow in speaking their word about matters which are disputed in the Church.

"Greater good" also can be used meaningfully in the context of legal processes. Judgments reached through legal processes should be morally just, and legal processes obviously involve measuring, counting, and weighing. Justice is symbolized by a blindfolded woman with a scale.

However, a legal judgment has moral force only insofar as the legal system has a moral foundation and uses morally justifiable procedures. Conflicting claims and relevant facts, not competing goods, are weighed in the scales of justice. The scales of justice is the whole set of norms and the entire procedure for applying them to the facts and the claims. One must make prelegal judgments as to what norms are just, what procedures fair. These norms and procedures reflect a society's basic commitments; they are only as sound as these commitments are right.

The United States Constitution, for example, expresses a society's basic commitments. The self-constitution of the political community by reference to basic human goods is explicitly stated in the Preamble. In

many respects the Constitution is a morally admirable document. But in its initial form it included the choice to compromise the dignity of some human persons--Negro slaves and native Americans--for the good end of obtaining consensus sufficient to launch the new nation. The United States paid for this compromise with the Civil War. In my opinion, millions of unborn American persons are still paying for the original compromise with their lives, because the decision of the Supreme Court permitting unrestricted abortion during the first six months of pregnancy is in the tradition of the original immoral compromise which sacrificed the dignity of persons to pragmatic considerations. The consensus which explains the Court's judgment on the abortion issue is between the political left which prefers the sexual liberation of adults to the lives of the unborn and the political right which prefers savings of tax dollars to social justice for the poor.

Obviously, in cases in which legal norms and procedures are adopted for the sake of justice--as they sometimes are--one must have a pre-legal way of telling what is just. Whatever can be determined using the scales of justice, this scales is of no use at this stage, for the pre-legal problem is how to construct the scales. Once it is constructed, moral norms are built into it. One cannot get any commensuration of goods out of the law which is not built into it by the society's commitments to basic human goods.

Natural-law theory is concerned with the prelegal principles which should guide the construction of the scales of justice. The legal positivist, noting that there is no commensurability of goods before the scales of justice is constructed, but defining justice in terms of com-

measurability, says that there is no justice prior to positive law. The natural-law theorist can admit the incommensurability of the goods which ought to be protected by the law, but hold that there are moral norms which should guide the choices which must be made in constructing the legal system. Once the system is constructed, it can make goods morally commensurate by applying morally defensible legal norms and procedures to the facts and conflicting claims.

In the light of the foregoing distinction, consequentialism is revealed to be a legalism. The consequentialist takes the way in which legal judgments are made by reference to prelegal, morally specified factors as a model for a method of making moral judgments by reference to premoral goods. I showed in section six why the analogy is unsound.

With its constitutional and other law constructed, decisions by a society on issues of public policy and on particular cases often are expressed in language which sounds consequentialist.

For example, the policy of common law with respect to negligence in some respects sounds consequentialist, but reference to the "reasonable man" clearly is an appeal to moral intuition. My earlier example of the gardener using poison to prevent rabbits from destroying his lettuce while incidentally endangering his neighbors' children reveals the moral considerations which underlie the law of negligence.

An example involving a particular, public act is the following. A legal process is carried out taking a piece of private property for public use. The decision states--in seemingly consequentialist language--that "the public interest outweighs the private interest of the individual concerned." Farmer Jones must give up his land so that an adjacent

highway can be straightened, eliminating a dangerous curve. Upon reading the decision, Farmer Jones might well balk. Interviewed while sitting at his lane gate with a shot-gun at hand, Farmer Jones might explain: "I have lived on this land all my life. My father homesteaded it. My wife is buried on it. It would tear my heart out to leave it. Don't tell me that some other good--the safety of the drunken drivers who have accidents on that curve--outweighs what you want to do to me."

Farmer Jones is right. The goods are incommensurable. The justification of the public act is not expressed by the language of the decision. The real justification of the public act is that the process by which Farmer Jones is required to give up his land is part of a fair system of living together, a system of mutual commitments to one another and to certain basic human goods. Farmer Jones usually has been satisfied with this system. He cannot reject as unjust a judgment against himself when he has accepted as just similar judgments against his fellow citizens. Farmer Jones might well appreciate the force of this argument. If the judge had been careful to avoid consequentialist language, the sheriff might have been spared having to disarm the old man and carry him bodily off his property.

Like a society, an individual has a normative system which depends upon his basic commitments. Having made these commitments, each person has his own hierarchy of values. One's values flow from one's self-constitution.

When I suggest that play and esthetic sensibility are basic human goods along with such other goods as theoretical truth and life itself, many people object. The two former goods seem to them much less impor-

tant. I think this reaction reflects most people's commitments, not any objective hierarchy of goods. A scholar is likely to think that theoretical truth is more important than play. But a fine musician can well believe that his art--which is a form of play--and esthetic sensibility to it are more important than theoretical truth. This reversal of the scholar's priorities is not immoral. If each person respects all the goods, he is morally free to commit himself in a special way to some of them. In fact, he is morally obliged to do so.

Life itself can seem both more important and less noble than the other basic human goods. This view is not unreasonable, but it does not reflect objective commensuration. It reflects, on the one hand, the interest we mortal animals have in our own survival and, on the other, the rather low place human life as such has in most people's commitments. However, if one has devoted many years to promoting and protecting human life as such--for example, by writing and lecturing against abortion, capital punishment, and nuclear warfare--then one acquires a sense of the nobility of "mere" human life.

A Jew or Christian might object that between some basic human goods there is an objective hierarchy. Is not the good of religion, which is a harmonious relationship with God, infinitely more important than other basic human goods?

Some Christians have held that the ethical sphere as a whole must give way to the religious. I think this position arises from a confusion between the created, immanent human good of religion--which is neither more nor less absolute than other basic human goods--and the goodness of God himself. The good of religion is a finite participation in

divine goodness, but so are other basic human goods, and the latter are neither reducible to nor commensurable with the good of religion.

However, though there is no objective hierarchy which places religion above other basic human goods, it is reasonable to make one's religious commitment overarch one's whole existence.<sup>67</sup> A commitment to the right sort of religion is an excellent principle by which to integrate one's identity. It gives ground to the highest hopes, yet at the same time allows wide scope to promote and protect other basic human goods. Moreover, the right sort of religion requires little or nothing not required by the minimal demands of morality: "My yoke is sweet and my burden light."

Christians believe that all other basic human goods take on a new meaning from the existential integration of other goods with the basic Christian commitment. This commitment is to share in the redemptive work of Christ; the pursuit of other basic goods becomes a gathering of them to build up the Body of Christ. Of course, nonchristians do not see things in this light, nor should they.

Moreover, Christians should not confuse the importance religion has for them--because of their God-given, but freely accepted, faith and hope--with the importance which religion has as one basic human good among others. As I explained in section four, if these are confused, one is on a short road to religious fanaticism.

Aristotle's ethics involves a confusion between the status of theoretical truth as one fundamental human good among others and the status of this good as the chief purpose of the philosophic life. His confusion is facilitated by the ambiguity of "reason," which both points

to a basic human good and to a species-specific nonmoral human function without the exercise of which human behavior lacks moral significance. But, in addition to the difficulties I mentioned in section five, Aristotle slighted play and esthetic experience, which are also specific to human persons. Human bodily life itself and human bodily processes are not generically animal. Antecedent to any judgment or choice of ours, they are human, personal, one's own. Those who deny this fall into dualism.<sup>68</sup>

Aristotle himself is not a consequentialist, at least not a consistent one. He holds that the judgment of the man of practical wisdom (phronēsis) is the standard for concrete moral judgments. Such a person is uniquely fitted to tell what is more and less important. But he does not do it by measuring, counting, and weighing premoral goods. He does it by insight. The ability of the good person to make accurate moral appraisals depends upon the fact that he has a virtuous character. Technical insight (technē), by contrast, is separable from good character, and hence can be used wrongfully.

Aristotle's person of practical wisdom has right desire. His heart is fixed upon man's true end. His entire character and personality is integrated with this sound orientation. His judgment as to what ought to be done is an expression of the good with which he has fully identified himself. This judgment cannot be mistaken. Thomas Aquinas developed Aristotle's teaching on practical wisdom and the manner in which a good person judges by it.<sup>69</sup>

Aristotle thought that the good person can settle concrete moral issues by the insight of practical wisdom. Frequently in recent years,

common moral opinion has been used to justify the revision of hitherto accepted moral norms. Some moral theologians appeal from traditional Christian moral beliefs to the sensus fidelium. This appeal has the defects of any form of intuitionism used as a principle in moral theory. Intuitions differ and the intuitionist is reduced to calling those who disagree with him "morally blind." Similarly, although some do their best to ignore the fact, the sensus fidelium--as distinct from the sensus fidei--is divided. Using widespread opinion as a criterion implies that those who disagree with the revisionist's proposals are to be reckoned among the infideles. With moral theology in this state, those who speak out in support of traditional Christian moral beliefs are regarded as uncharitable, are regarded as if they were schismatic.

I have argued in this section that expressions such as "greatest good" and "proportionate reason" have a number of legitimate uses, but that none of these uses implies the possibility of commensurating goods as consequentialism requires. It has not been my purpose in this section to show consequentialism meaningless, but only to disperse any residual plausibility it might have retained after the argument of section five.

#### 7. Consequentialism versus authentic morality

Consequentialism in moral theory must be distinguished from consequentialism in deliberation leading to moral choice. I have considered the former. Now I turn to the latter. In doing so, I assume that consequentialism as a theory is meaningless and that its plausibility has been dispersed. Therefore, the objections a theorist who accepts consequentialism would make against what I am about to say will be ignored.

In ignoring them, I beg no question. The moves a theorist makes in defending a position are pointless when he has no position to defend.

Since consequentialist theory is meaningless, what can consequentialist moral reasoning possibly be?

As I explained in section six, it is not the calculation one does in technical reasoning. Nor is it the weighing and balancing a good person does intuitively as he judges by his personal hierarchy of values. Nor is it the social analogue of such personal intuition: the weighing of facts and claims by a just legal process.

Consequentialist moral reasoning occurs in situations such as the following. A possible course of action seems attractive; one is inclined to choose it. But a norm which one has hitherto accepted forbids the choice. One feels existential stress. One would not feel such stress if the course of action to which one is attracted did not at least seem likely to lead to some partial aspect of some basic human good. At the same time, one would not be inclined to act contrary to a norm if one had wholly identified oneself with the good which--if the norm is a sound one--the forbidden choice will somehow violate. In this situation, one's reasoning can take either of two directions. One can say to oneself: "This attractive course of action would not be forbidden were it not against a good of which I am losing sight." One can try to see what this good might be. One can try to dwell upon it as a good to offset the temptation to violate it.

But one can also say to oneself: "Perhaps my inclination is sound, but the moral requirement which forbids me to satisfy it is not. Let me see which is right." So far, so good. Hitherto accepted moral norms

can be false. But one can proceed either impartially or with bias.

To proceed impartially, one must ask oneself the questions another person, as clever as oneself, would ask, if he did not wish one to choose the course of action to which one is inclined. In this way, one attends to the goods involved and the relevant modes of responsibility. One who is impartial often seeks moral advice from someone who is chosen not for his sympathy with one's inclinations but for his insight into and commitment to a worldview which one believes to be true. On this basis, a committed Catholic used to seek a good, firm confessor.

One who proceeds with bias does not search out the goods and modes of responsibility. Instead, he considers the act to which he is inclined and its significant alternatives from a single point of view. "Significant alternatives" often reduces to one live option: not doing as one wishes. The single point of view is that of the good which makes attractive the course of action to which one is tempted. This good defines the situation and sets a standard by which other goods involved in it are measured.

For example, a married couple who believe contraception immoral but are tempted to adopt the practice, do not reject other relevant goods, even if they proceed with bias to justify contraception as something not ideal, yet necessary for the sake of marital harmony. They still want children, of course, and they realize that self-control is essential. But overcoming the stress of a relationship which requires periodic or even prolonged abstinence begins to seem to be a greater good than any good which could possibly be violated by some isolated contraceptive acts. After all, the whole marriage is at stake. They do

not believe in divorce. A few years later, tempted to divorce and re-marry, another good becomes the measure of marital fidelity. Of course, fidelity is important. A Christian should not be promiscuous. But fidelity to one individual must not be made into an idol. A person also has to fulfill himself or herself. And so on ad nauseam.

Proceeding with bias, one does not ask the questions which would be raised by someone who disapproved of the course of action to which one is tempted. If moral advice is sought, the advisor is chosen for the support one needs to follow one's inclination. Such an advisor is not a spokesman for a worldview one believes to be true; he is a spokesman for one's wishes. On this basis, many persons today look for a permissive, reassuring psychological counselor. He helps one to deal with guilt feelings.

Just as consequentialist theory is meaningless, consequentialist moral reasoning is incoherent. Considering a course of action to which one is tempted, one seeks to justify freely choosing this course of action by adopting a viewpoint from which one will seem to have no choice but to take this course of action. One makes definitive the good on which one has set one's heart. But one avoids, if possible, awareness of one's bias. One wishes to feel compelled by objective demands of the situation, not to feel oneself arbitrarily pricing goods to fit one's inclination. Careful reflection can deliver the required result by a seemingly objective calculation. The more rational the process appears at the moment it produces the right answer, the better it is.

Consequentialist moral reasoning is a method of rationalization. Still, the conclusions reached by such rationalization can be true. An

illicit rational process sometimes accidentally produces true conclusions. It can happen that the norm set aside by one who proceeds with bias does not express a true requirement of human goodness; the action chosen happens to be the very one a good person with clear moral insight would have chosen. The truth of such a conclusion seems to vindicate the consequentialist procedure.

Consequentialist moral reasoning gains additional plausibility from the use of consequentialist language to express personal or public judgments reached by legitimate moral intuition or sound legal procedures. In section six I gave examples of this use of consequentialist language and reasons why this unsuitable language is used to express sound moral judgments.

If consequentialist moral reasoning is either mere rationalization or an inept way of articulating sound moral judgments, still consequentialist theory need not be mere reflective justification of rationalization and of bad rhetoric. Of course, it is possible that proponents of consequentialist theory can be rationalizing. We moralists are not immune from self-deception. At least I see no reason why philosophers and theologians as a group should be expected to be any more or less upright than doctors, lawyers, merchants, or chiefs of state. And, naturally, if one whose profession is the unfolding of moral theory happens to be immoral, he is likely to construct extraordinarily sophisticated rationalizations which will embrace all of his practical and theoretical reflection in a single outlook.

Still, honest moral theorists adopt consequentialism for the reasons which render it plausible--four of which were summarized in section

three, others of which became clear as the consequentialist muddle was untangled in sections five and six. Many a consequentialist--John Stuart Mill is a good example--is far too upright to practice what he teaches. Mill was a man with a passion for justice who was taken in by the apparent usefulness of utilitarianism in a campaign for social reforms which were truly demanded by the injustices of his society.

Since consequentialist moral reasoning is a method of rationalization, certain problems with consequentialist theory become clearer.<sup>70</sup>

First, how can the good signified by "greatest net good" (and similar expressions) be defined. I considered this problem in section five.

Second, how does one decide which alternatives must be examined in a consequentialist survey of possibilities? At any given moment, one not only can do or not do a particular act, one also can do that act in many ways, and one can do anything else within one's power.

Third, where can one draw the line in the investigation of consequences? The consequences of any act go on forever. Predictable consequences are limited, but extend very far. How can so extensive a set of consequences be taken into account, especially when the probability of each consequence can seldom be expressed numerically?

Fourth, how can one decide whose welfare is to be considered? Egoism is seldom defended, but the question, "Why should I be moral?" which is taken to mean, "Why shouldn't I be an egoist?" continues to plague consequentialists. Nor is egoism the only alternative to universalism, as most consequentialists assume. One can propose that one's country or one's family should come first. If a utilitarian says,

"Consider everyone impartially," the question remains, "Who is included in 'everyone'?"

These four problem-areas have been used against consequentialism by its opponents. Those who have seriously tried to make consequentialism work have been troubled by them. One who uses consequentialist moral reasoning as a method of rationalization will not be troubled by these problems. I do not say "need not be troubled." He will not be troubled. Why not?

Because, in the first place, the good is specified in each situation by the good of the alternative to which one is inclined. The example of the couple who believes contraception and remarriage after divorce to be wrong but are tempted to violate their beliefs illustrates this point. Accepting one good as the standard by which all else in a situation will be measured is the first step in rationalization.

Moreover, in the second place, the good to which one is inclined defines a very small set of possibilities as live options. One who is tempted to do away with his senile grandfather to put the old man out of his misery does not consider most of the alternative actions he might do--for example, going for a walk, eating a hamburger, and so on. He considers killing and not killing his grandfather, and perhaps considers a few alternatives such as putting him in an institution or abandoning him at an airport.

Then too, in the third place, the consequences to be considered are limited by the good one has chosen as a standard. Consequences favorable to one's purpose are considered; some unfavorable ones which cannot be ignored also will be noticed. If one's first view does not

make one feel intuitively that one has no choice but to do as one wishes, then one can look for further consequences of the right sort until one reaches a satisfactory view of the situation.

For example, if one wishes to justify the use of terrorism in a guerilla war, one notes the deterrent effect of terrorism on the enemy. One does not think about the affect on oneself and on one's own society of adopting terrorism as a policy.

Finally, in the fourth place, one would not be inclined to do the act to which one is tempted if it did not seem likely to benefit some definite persons. Thus the magic circle is drawn. It need not be drawn about oneself alone; even immoral persons need not be gross egoists. Anyone with whom one identifies can be included within one's magic circle. So it can include one's pets, members of any group important to one's own identity, animals and persons for whom one feels sympathy, even a nonliving feature of the natural world with which one enjoys communing. The magic circle can include humanity, mankind as a whole, safely distant if not abstractly universal. At the same time, living human individuals whom one is willing to kill can be excluded from one's magic circle. They can be said delicately to have no significant potential for personal existence or less delicately to be mere gooks or mere animals or mere vegetables or mere blobs of protoplasm or mere pieces of fecal matter.

The preceding explanation of how consequentialist moral reasoning works although consequentialist theory is meaningless also clarifies the use of "situation" by some moralists. Actually, situations are not pre-defined. Situations relevant to moral choice are not like clearly

distinguished scenes in a play; they are rather like scenes in a continuous landscape from which one composes a picture. But the situation ethicist talks as if situations were predefined and as if such situations could determine the morally appropriate action.

Consequentialist rationalization does define situations. Consequentialist moral reasoning avoids the difficulties of determining goods, alternatives, consequences, and beneficiaries precisely by taking what one wishes to do as a defining principle for the situation. Once all relevant factors are specified, there is a situation, and it makes sense to say: "Do what love requires in this situation."

Of course, it is wise not to define "love." To define anything is to limit one's future freedom to do as one pleases. One can counterfeit moral idealism by demanding that love be selfless. Since no intelligent, sane person is a gross egoist, one can always act out of unselfish love while immorally fulfilling oneself in the goods one brings about in others with whom one is identified. "I did it for my country." "I did it for humanitarian reasons." "I did it to preserve the balance of nature." "I did it for the child's own good. No unwanted child should ever be born."

In view of considerations such as these, I do run from consequentialist calculus, just as McCormick says.<sup>71</sup> I am indeed reluctant to admit proportionate reason in McCormick's primary sense into the justification of moral judgments. But I think my attitude is not one of nervous fear, as he suggests. Rather, it is an attitude of reasonable terror. For, as I see it, consequentialism is not merely a meaningless theory, it also is a pernicious method of rationalization. However

personally upright proponents of theoretical consequentialism happen to be, the theory encourages the practice.

If immorality were a mere breaking of a taboo, there would be little reason for concern about the immorality to which consequentialism lends aid and comfort. But authentic morality is not mere conformity to a set of rules. Moral goodness is necessary for the full-being of human persons as individuals and in communities.

Consequentialism regards the moral agent as a producer of goods. Moral action and moral rules are means to ends. Authentic morality regards the moral agent and the moral community as a self-creating process. Moral action by individuals and groups is participation in goods which fulfill constantly unfolding possibilities of man. Thus moral actions and moral norms are constitutive of persons and communities. Moral norms are the plan of the good life and are to be built into it.<sup>72</sup>

Since consequentialism regards moral action as production, it must deal with the problem of allocation. Goods produced must be distributed to those who will possess them. Thus consequentialism fosters the attitude of having. Authentic morality regards goods in which moral agents participate as constitutive principles of what men are and what they can be. Individuals and communities can be committed to goods which are greater than each individual, greater than the whole group. The proper attitude is one of being, not one of having.<sup>73</sup> Consequentialism begins with the question, "What do I want?" or "What do we want?" Authentic morality begins with the questions, "What shall I be?" and "What shall we be?"

Consequentialism is compatible with the view that nature has no

meaning or value prior to human interests and desires. Yet consequentialism demands that human needs, wants, whims, and wishes determine what is meaningful and valuable prior to personal reflection and choice. Reason is a slave of the passions. Human moral agency is an inefficient way of doing for man what instinct does for other animals: shape behavior toward the satisfaction of all one's specific desires to the extent that heredity and environment permit such satisfaction.<sup>74</sup>

For authentic morality, basic human goods not only perfect man but are entrusted to him. Men by nature are inclined to these goods, but human persons must unfold them creatively. What truth, friendship, play, or religion is to be depends in part upon human creativity. Commitment to basic human goods initiates a process by which something of the boundless plenitude reflected by these outlines of human possibility is introduced by human creative effort into the day-to-day lives of human persons, as individuals and in communities.

The radical existentialism of Nietzsche and others can be seen as a reaction--excessive but intelligible--against the narrowness of consequentialism, which is found in many forms of pagan philosophy, of Christian apologetics, and of modern social and political ideology. Nietzsche is right in thinking that persons who are not participating in their own creation are less godlike than human persons ought to be. Radical existentialism is right in holding that there should be a dialectic of human existence. It is wrong in rejecting the indispensable presuppositions of such a dialectic: the basic human goods and the modes of responsibility which arise from the truth of man's being as a creature, as a person and a social being, and as a bodily entity.

Consequentialism promotes enthusiasm for plans and projects, but it stifles profound dynamism. Consequentialist rationalizations begin only after the goods which are assumed to be ends are posited and conceded. Thinking about what should be accepted as an end is divorced from inquiry into the means. If the goals are settled, one can plan efficiently. If something gets in the way of carrying out the program, it is merely an obstacle to success. Technical thought systematically excludes reexamination of ends.

The Japanese wish to surrender conditionally. That will never do; drop the bombs. How can you do such a horrible thing? It will save lives, not only of American boys, but also of Japanese boys, who will die if the invasion has to be carried out. But why should the invasion be carried out? The Japanese must be forced to surrender unconditionally. Why not blockade the Japanese home islands? The war might drag on for years. So what? They will never surrender.

Technical reflection invents more and more horrible ways of dealing with interfering factors. If one cannot collectivize the Ukraine without killing several million kulaks, the kulaks are liquidated. If one cannot keep South Vietnam out of communist hands without carrying on an immoral war, one continues the war.<sup>75</sup> If one cannot maintain a strategic balance of terror without being willing to kill millions of people, one commits oneself to the horror of nuclear extermination. One hopes that the mass murder to which one is committed never will be necessary, but this velleity and the consequentialist calculus which accompanies it does not alter the fact: America as a nation and the Soviet Union as a nation, most of their leaders, and many of their people already have

committed nuclear extermination in their hearts, even if the buttons never are pressed.<sup>76</sup>

Sound moral reflection involves a constant dialectic between one's fundamental commitments to basic human goods and possible ways of participating in them. The consideration of possibilities in the light of the transcendence of the goods to any particular participation of them moderates enthusiasm and blocks fanaticism. Meditation on the goods which are the content of one's commitments leads to deeper commitment and arouses the creativity necessary to find new ways to protect and promote these goods. Love finds a way, and the way love finds respects all the basic human goods and opens upon as yet unimaginable unfoldings of them.

Consequentialism, as a method by which anything can be rationalized, is laxist. But in theory it is rigorist. According to the most plausible forms of consequentialism, there is only one right act in any situation: the act which is likely to yield the greatest net good. There is no room for a hero, for everyone either does what is best or does what is wrong. A theory as rigorist as this promotes the rationalization that being upright must be distinguished from being morally perfect; one is upright if one is only as immoral as most people.<sup>77</sup>

According to consequentialism, all of one's obligations are defined by premoral goods and objective states of affairs. One cannot freely assume a moral obligation.<sup>78</sup> According to authentic morality, few definite moral obligations fall upon one willy-nilly. The most important of these are negative: not to turn directly against basic human goods. Most affirmative moral obligations arise from one's own commit-

ments. By these commitments, one constitutes oneself and enters into covenants with others. Since one makes promises, one must keep them. Since one is a philosopher, one must think a problem through when one is challenged to do so. Since one is engaging in sexual intercourse, one must want the child one might conceive. Such are the responsibilities of freedom.<sup>79</sup> In many cases, several alternatives are morally acceptable, some morally better than others. One can choose what is best when an alternative also would be blameless.

An ethics whose basic norms are negative might seem too minimalistic and legalistic. But this objection misses the point and the beauty of a sound ethics. "Never turn directly against basic human goods" says what "Respect the dignity of every person" says and more. A sound ethics demands the indispensable foundation for a creative moral life. The good which can be is more important than the evil which should be avoided; there was no evil in the nothingness out of which the world was made. To want an ethics composed entirely of affirmative norms is either to want to be told precisely what to do, or it is to want to be free to create oneself from nothing in a vacuum and with the stipulation that "create oneself" shall remain undefined until the process is completed.

If any person or community could possibly live according to consequentialism, such a person or community would have no stable identity. If there were a fixed human nature, a stable identity could arise from that, just as the "personality" of one's dog arises naturally. But human nature is not fixed in that way. It is not amorphous as subjectivists, relativists, and historicists suppose, but it is stable only to

the extent it must be to allow man to participate in his own creation.

Thus, consequentialism means that what one must be willing to do and to be to produce today's greatest net good can require one to be and to do something totally different tomorrow. No commitment can be permanent, no covenant indissoluble. A person or community which accepts consequentialism ought in all consistency to avoid any firm self-definition. The consequentialist ideal is that the person be a utensil, an all-purpose tool, available to be and to do whatever is necessary to bring about the greatest net good or the least net evil. One is at the mercy of evil men, for one must always be ready to do what is necessary to bring about the least evil in situations they create.<sup>80</sup> A consequentialist will be what his enemies make him be: an obstructor of justice, a dropper of napalm, a targeter of hydrogen bombs.

A sound ethics should help a person to establish his self-identity. It should encourage him to make commitments and to form indissoluble covenants. In this way it should provide the foundation for faithfulness and open up a possibility of magnificent creativity. A sound ethics leaves room for persons and communities to unfold themselves with continuity, to act with authenticity, to defend their own integrity.

Man seems to sense that all the goods he can realize in particular instances can never satisfy the yearning of his heart. Consequentialism, if it were meaningful and consistent, would rule out a religious faith which promises that this yearning can be fulfilled by the more than human love of God and for God, poured forth in men's hearts by the Holy Spirit. If consequentialism and Christian faith are incompatible, as I believe they are, then unless there is a third possibility--some

nonconsequentialist humanism or other religion--a reasonable person must choose Christian faith. A sound ethics at least will hold open the possibility that if human persons are called to share as adopted members of God's family in his very life, they shall be free to answer the call, no matter what the consequences.<sup>81</sup>

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Notes to "Against Consequentialism"

Most philosophers would say "utilitarianism" instead of "consequentialism." But in Christian ethics "utilitarianism" often means either classical utilitarianism or rationalization. Thus I prefer "consequentialism," which is both wider and more precise than "utilitarianism." Because I prepared this monograph for this volume, I refer frequently to Richard A. McCormick, S.J.; I hardly refer to any other Catholic moral theologian only because this monograph already is very long. However, my argument as a whole is directed equally against consequentialism throughout Christian ethics, and my argument in sections five and six is directed against consequentialism in philosophical ethics as well.

1. Interested readers might see: "The First Principle of Practical Reason: A Commentary on the Summa theologiae, Question 94, Article 2," Natural Law Forum, 10 (1965), pp. 168-201; reprinted in Modern Studies in Philosophy: Aquinas: A Collection of Critical Essays, ed. Anthony Kenny (Garden City, N.Y.: Doubleday & Co., Inc., 1969), pp. 340-382; Contraception and the Natural Law (Milwaukee, Wis.: Bruce Publishing Co., 1964), pp. 46-75; "Man, the Natural End of," The New Catholic Encyclopedia, vol. IX, pp. 132-138; "Methods of Ethical Inquiry," Proceedings of the American Catholic Philosophical Association, 41 (1967), pp. 160-168; Abortion: The Myths, the Realities, and the Arguments (New York and Cleveland: Corpus Books, 1970), pp. 267-346; "Toward a Consistent Natural-Law Ethics of Killing," American Journal of Jurisprudence and Legal Philosophy, 15 (1970), pp. 64-96; with Russell Shaw, Beyond the New Morality: The Responsibilities of Freedom (Notre Dame and London: University of Notre Dame Press, 1974).

2. Cf. John Rawls, A Theory of Justice (Cambridge, Mass.: Belknap Press of Harvard University Press, 1971), pp. 407-446, and the works Rawls cites on life-plans, for ideas close to my notion of self-constitution. My view is nearest to those of Josiah Royce and Charles Fried. See the latter's Anatomy of Values (Cambridge, Mass.: Harvard University Press, 1970), pp. 7-101.

3. Richard A. McCormick, S.J., Ambiguity in Moral Choice: The 1973 Pere Marquette Theology Lecture (no place, publisher, date), p. 93.

4. Of the works mentioned in note 1, McCormick deals in his lecture only with Abortion, pp. 307-346; apparently he was unaware of my slightly later and more complete treatment of double effect in "Toward a Consistent Natural-Law Ethics of Killing"; he does not take note of my critique of consequentialism in "Methods of Ethical Inquiry."

5. Rawls, op. cit., p. 24.

6. See David Lyons, Forms and Limits of Utilitarianism (Oxford: Clarendon Press, 1965), for arguments that many seemingly restricted consequentialist theories are reducible to direct--"act"--consequentialism. J.J.C. Smart and Bernard Williams, a leading proponent and opponent of consequentialism, argue that direct consequentialism is the only plausible form of it: Utilitarianism: for and against (Cambridge: Cambridge University Press, 1973), pp. 9-12, 81, and 118-135.

7. These examples of a consequentialism which is really restricted are drawn from William K. Frankena, Ethics (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1963), pp. 29-42; Richard B. Brandt, "Toward a Credible form of Utilitarianism," ed. Michael D. Bayles, Contemporary Utilitarianism (Garden City, N.Y.: Doubleday & Co., Inc., 1968),

pp. 143-186; and McCormick, op. cit., pp. 53-67, together with Bruno Schüller, S.J., whom McCormick cites in note 55 of his lecture. See Rawls, op. cit., p. 34, note 18, for additional relevant references.

8. McCormick, op. cit., p. 76.

9. I have criticized Kant's ethics: "Kant and Aquinas: Ethical Theory," Thomist, 21 (1958), pp. 54-62. However, Kant's ethical writings include important arguments against consequentialism which in general support the view that morality is a function of the way in which one chooses, not of the amount of good one expects. See Immanuel Kant, Foundations of the Metaphysics of Morals, trans. Lewis White Beck (Indianapolis: Bobbs Merrill Co., Inc., 1959), pp. 9-22. An interesting critique of act utilitarianism which seems to me to preserve part of what is valid in Kant's arguments against consequentialism is D. H. Hodgson, Consequences of Utilitarianism: A Study in Normative Ethics and Legal Theory (Oxford: Clarendon Press, 1967), pp. 38-62.

10. The classic treatment of egoism by a consequentialist who admitted the difficulties it presents for consequentialism is Henry Sidgwick, The Methods of Ethics, 7th ed. (London: Macmillan & Co., Ltd., 1962), pp. 162-175, 386-389, 418-422, and 496-509.

11. Rawls, op. cit., p. 26.

12. McCormick, op. cit., p. 76. See also Josef Fuchs, S.J., "The Absoluteness of Moral Terms," Gregorianum, 52 (1971), pp. 448-451. Fuchs also adopts a restriction on consequentialism--the existing morality of one's culture (pp. 437-440). In this position, the moral theology of Fuchs and the secular ethics of Brandt (loc. cit.) are similar; both involve a peculiar mix of consequentialism with cultural relativism.

13. William V. O'Brien, Nuclear War, Deterrence and Morality (Westminster, Md.: Newman Press, 1967), pp. 80-90, argues that nuclear deterrence as it exists is irreconcilable with the principle of noncombatant immunity and sees no way in which effective deterrence could respect this principle. Like O'Brien, many Christian ethicists are more ready to give up the norm than the strategy.

14. This example is not to be taken as an attack upon McCormick or other moral theologians, whose intentions I do not pretend to know, and to whom I do not attribute the intent to encourage persons to act against their consciences. The difficulty in trying to reassure someone who is tempted to act against his conscience--even if it be erroneously strict--is that one might provide enough encouragement to lead the tempted person to act, but not succeed in wholly convincing him that his act is right, and leave him with a bad conscience which he can hardly escape--what I call a "conscience-box prisoner." See the commentary on 1 Cor., 10 by C. A. Pierce, Conscience in the New Testament (London: SCM Press, Ltd., 1955), pp. 75-83.

15. Said by Richard A. McCormick, S.J., "Notes on Moral Theology," Theological Studies, 34 (1973), p. 73, in respect to arguments ex lege lata in praesumptione periculi communis against euthanasia; McCormick, Ambiguity, p. 92, says the argument for noncombatant immunity is analogous to this. The incipient relativism of the statement quoted from "Notes" should be noted.

16. Several readers of the preliminary draft of this monograph objected along the following lines: What if the golfer is playing a tyrant who is in the habit of killing 1,000 people every time he gets

angry, and one knows that losing at golf makes him very angry indeed. Although I am not trying to defend my own theory here, I answer this objection because it naturally comes to mind and arouses the curiosity of readers. First of all, such examples are so fantastic that it is difficult to think about them in a realistic and creatively intelligent way. One must bear in mind that the right thing to do in a fantastic situation must necessarily seem fantastic. My answer in this particular case is that one should tell the tyrant one will not play golf with him and should explain quite frankly why. Nobody knows what the consequences of doing this will be. Perhaps the tyrant will have a tantrum and kill 1,001 people--his usual 1,000 plus one who refused to play golf under these conditions. Perhaps the tyrant will respect one's pluck, will be amused at one's notions about morality, and will be distracted for the rest of the day from committing mass murder. Perhaps the tyrant will be brought up short, will repent of his past immorality, and will change into a benevolent despot. One is dealing with a person who is free to choose his own course of action, and so it simply makes no sense to talk about his reaction to one's initiative as if it were one's own doing. The third possible response on the part of the tyrant, however unlikely, is the one for which a virtuous golfer would hope, not only because future victims might be saved, but also because the tyrant's evil itself might be overcome by good: he might be saved. To compromise with evil is to confirm it, to cooperate in it. If my response to this example seems fantastic, the reader must ask himself whether he would admire or ridicule the golfer who risked and lost his life in such a situation.

17. The quotation is from the Preface for the Feast of Christ the King, Roman Missal.

18. Vatican Council II, Pastoral Constitution on the Church in the Modern World, section 39, my own translation.

19. In respect to divine providence and human free choice, I think consequentialism is as incompatible with Jewish faith as with CF. Franz Rosenzweig, Martin Buber's theological critic and colleague, said: "God gives man the freedom to make the most significant decision, he gives freedom for just that--only for that. But giving it, he yet retains the powers of realization in his own treasure-trove. . . . For in giving freedom, God does not want to make himself superfluous; on the contrary, he wants to make himself indispensable. He grants man the fief of today, and so makes himself Lord of tomorrow. . . . Just as compulsion sent by God was the beginning of realization, so at the end, close to the goal, there is the driving force of the fear roused by God, the fear that perhaps this day will not be followed by a tomorrow. And through this fear the deed is born at last, the deed that transports today across into the eternal tomorrow" (Franz Rosenzweig: His Life and Thought, 2nd rev. ed., ed. N. N. Glatzer [New York: Schocken Books, 1961], p. 291). For the rabbinic text on which Rosenzweig's remarks probably were based, see The Fathers according to Rabbi Nathan, trans. J. Goldin (New Haven: Yale University Press, 1955), p. 82.

20. Which answers the question asked by Karl Menninger, Whatever Happened to Sin? (New York: Hawthorn Books, Inc., 1973).

21. Richard A. McCormick, S.J., "To Save or Let Die," America, 130 (1974), p. 8, treats human life itself as good only insofar as it

is a condition for other goods--that is, as a merely useful good--while he treats justice, friendship, and compassion as intrinsic goods. My own position is that all human life, not only innocent human life, is intrinsically good and should be held inviolable to direct attack; I argue in "Toward a Consistent Natural-Law Ethics of Killing" that the theistic tradition must be refined and developed to exclude the use of direct killing in capital punishment and warfare.

22. Oddly enough, many philosophers who accept consequentialism in ethics argue in philosophy of religion that if God even so much as permits all the evil we experience in this world, he is a monster to be hated, not a Father to be loved. See my Beyond the New Theism : A Philosophy of Religion (Notre Dame and London: Notre Dame University Press, 1975), pp. 286-301.

23. McCormick, Ambiguity, pp. 86-90.

24. All sin is contrary to some human good according to Thomas Aquinas, Summa contra gentiles, 3, 121-122; Summa theologiae, 1-2, q. 19, aa. 9,10. He quotes St. Paul, "Let your service be reasonable" (Rom. 12:1), and argues that divine law demands of man only what is required of him by reason. Paul Ramsey, in his paper in this volume, \_\_\_\_\_, criticizes McCormick and Schüller--I think rightly--for their attempt to limit consequentialism by forbidding the direct bringing about of moral evil.

25. Dan W. Brock, "Recent Work in Utilitarianism," American Philosophical Quarterly, 10 (1973), p. 245.

26. J.J.C. Smart, "Utilitarianism," Encyclopedia of Philosophy,

vol. 8, p. 210.

27. A. J. Ayer, Philosophical Essays (London: Macmillan & Co., Ltd., 1959), p. 268.

28. Bentham papers, University College, London, box 14, folder 1, no date, sheet 3, section 3. I am indebted to John M. Finnis, University College, Oxford, for a transcription of the material in this folder.

29. Cf. Frankena, op. cit., pp. 63-77.

30. McCormick, op. cit., pp. 45, 53, 59-60, 63-64, 86-90, and 91-93.

31. Ibid., pp. 82-84.

32. Ibid., pp. 90-91; note the incipient relativism of "within our culture, with our history and experience."

33. Ibid., pp. 95-96.

34. Ibid., pp. 99-105. McCormick seems to me to adopt here a confused view common among Christians that charity is a moral virtue, related to strict justice very much as generosity is. It should be noted that even if "proportionate reason" is analogous, "good" must have a univocal sense throughout any single calculation, since otherwise the comparison would be between realities of different modes, and such a comparison could yield no definite proportion of more and less.

35. A useful introduction to the ambiguities of Aristotle's view is W. F. R. Hardie, Aristotle's Ethical Theory (Oxford: Clarendon Press, 1968), pp. 317-357; see also Whitney J. Oates, Aristotle and the Problem of Value (Princeton, N.J.: Princeton University Press, 1963).

36. See my "Man, the Natural End of," pp. 133-138; Beyond the New Morality, pp. 27-30; Beyond the New Theism, pp. 302-313. Vatican

Council II considerably moderated the otherworldliness of Catholic thought in Pastoral Constitution on the Church in the Modern World, part 1, ch. 3. For a lucid account of the theological implications of voluntarism as exemplified in one theologian, see James Kevin McDonnell, Religion and Ethics in the Philosophy of William of Ockham (unpublished Ph.D. dissertation, Georgetown University, Washington, D. C., 1971), pp. 152-187.

37. Lionel Robbins, The Economic Problem in Peace and War: Some Reflections on Objectives and Mechanisms (London: Macmillan & Co., Ltd., 1957), pp. 49-50; cf. Henry Fairlie, The Kennedy Promise: The Politics of Expectation (New York: Dell Publishing Co., Inc., 1974), pp. 93-94, where Robbins's point is applied to the politics of the Kennedy administration. Fairlie's book makes clear what consequentialism in politics implies.

38. An implausibility of Bentham's theory dealt with by Mill in a way which makes the utilitarian criterion incoherent; see Anthony Quinton, Utilitarian Ethics (London: Macmillan, 1973), pp. 39-47.

39. John Meynard Keynes, Essays in Persuasion (New York: Harcourt, Brace and Co., 1932), pp. 365-373; John Kenneth Galbraith, The Affluent Society (Boston: Houghton, Mifflin Co., 1958), pp. 152-162; James S. Duesenberry, Income, Savings, and the Theory of Consumer Behavior (Cambridge, Mass.: Harvard University Press, 1949), p. 28; see also David Braybrooke, "Scepticism of Wants and Certain Subversive Effects of Corporations on American Values," ed. Sidney Hook, Human Needs and Economic Policy: A Symposium (New York: New York University Press, 1967), pp. 224-239.

40. A recent treatment is Robinson A. Grover, "The Ranking Assumption," Theory and Decision, 4 (1974), pp. 277-299.

41. Richard B. Brandt begins from such examples in his "Interpersonal Comparison of Utility," a paper presented at the meeting of the American Philosophical Association, Western Division, Spring, 1971. Professor Brandt kindly supplied a copy of this paper and of a section from a draft of a forthcoming book, in which he develops an enjoyment approach. Brandt states that he would want to define "utility" or "welfare" only in terms of criticized desires; in materials I have seen, he does not show how to criticize desires while avoiding moral assumptions in a way which would yield a plausible theory. It is important to note that Brandt wishes to include only desires for intrinsic goods which one could enjoy for their own sake; see "Personal Values and the Justification of Institutions," ed. Hook, op. cit., pp. 22-40.

42. Bentham papers, University College, London, transcribed in Élie Halévy, La Formation du Radicalisme Philosophique, vol. 1, La Jeunesse de Bentham (Paris: Felix Alcan, 1901), pp. 412 and 414.

43. This incredible leap-of-faith is still made. See Garrett Hardin, "The Tragedy of the Commons," Science, 162 (1968), p. 1244: "Comparing one good with another is, we usually say, impossible because goods are incommensurable. Incommensurables cannot be compared. Theoretically this may be true; but in real life incommensurables are commensurable."

44. Cf. my Beyond the New Morality, pp. 25-27.

45. Brock, op. cit., p. 245, says it is "relatively noncontroversial that it is possible to determine" the order of preference of a

single individual; he proceeds immediately to the attempts which have been made to combine different persons' orders of preference. If the preferences in question were actual choices, he might be right, but the desire-theorist is not concerned with choices, but with desires, which are dispositions for choices. The ambiguity of "preference" conceals the fact that desires have nothing like the determinacy which is assumed by consequentialists who have wrestled with this problem, and whose writings Brock reviews (pp. 245-249).

46. It is well known that majority voting can lead to intransitive group preferences--see S. K. Nath, A Reappraisal of Welfare Economics (London: Routledge & Kegan Paul, 1969), p. 135; Herman Kahn, On Thermonuclear War, 2nd ed. (Princeton, N.J.: Princeton University Press, 1961), pp. 119-123. What is ignored is that although the analogy is not sound in other respects, in respect to the present difficulty an individual's underlying desires are to his choices as the votes of members of a society are to the common decision. For ethics, choices cannot be accepted as brute facts; they are justified by reasons which refer to the goods which would satisfy one's desires. In any choice situation, the desires are many and to some extent conflicting; the perplexity which requires choice arises precisely because the goods which arouse these desires are not already integrated into a single, harmonious set.

47. E. J. Mishan, Cost-Benefit Analysis: An Introduction (New York and Washington: Praeger Publishers, 1971), makes clear both the legitimacy and the limitations of this technique. He points out that ethics must come into play to determine which external effects are to be considered (p. 108), that the inevitable death of a particular person

or persons normally cannot be finitely priced (p. 161), that welfare economics as a whole and cost-benefit analysis in particular has a social basis which presupposes ethical premises (pp. 307-321). Mishan also points out that while "there is always a strong temptation for the economist, as for other specialists, to come up with firm quantitative results. . .the economist should resist this temptation" (p. 175). Of economic activities there are spillovers which elude the calculus:

"After measuring all that can be measured with honesty, he [the economist] can provide a physical description of the spillovers and some idea of their significance" (*ibid.*). Paul L. Joskow, "Approving Nuclear Power Plants: Scientific Decisionmaking or Administrative Charade?" Bell Journal of Economics and Management Science, 5 (1974), pp. 320-332, points to an abuse of the technique to provide pseudo-objectivity for decisions as to whether calculable advantages of nuclear power justify incalculable risks of disaster associated with its use. These difficulties arise within the economic sphere itself; if one considers goods such as personal integrity or faithfulness, much more extensive problems arise that elude even Mishan's very responsible advice.

48. McCormick, op. cit., p. 66; on p. 79, McCormick equates my "basic goods" with Bruno Schüller's "ordo bonorum." Also see Fuchs, op. cit., p. 444; Louis Janssens, "Ontic Evil and Moral Evil," Louvain Studies, 4 (1972), pp. 115-156. Janssens (p. 118) still regards the "external act" as mere means; I criticized this position of his in Contraception and the Natural Law, pp. 158-159, and so far as I know he has never answered this criticism.

49. Plato, Euthyphro, 7 c-d; cf. Philo, De Somniis ii, 29, 193,

quotes with approval an earlier Jewish writer saying that "the plant of folly is in Sodom, for Sodom means blinding or making barren, since folly is blind and unproductive of excellence, and through its persuasions some have thought good to measure and weigh and count everything by the standard of themselves, for Gomorrah by interpretation is 'measure.' But Moses held that God, and not the human mind, is the measure and weighing scale and numbering of all things." The last sentence contains an obvious allusion to the famous dictum of an early consequentialist, Protagoras: "Man is the measure of all things."

50. Joseph M. Boyle, Jr., Germain Grisez, and Olaf Tollefsen, Free Choice: A Self-Referential Argument (Notre Dame and London: University of Notre Dame Press, 1976).

51. Mortimer J. Adler, The Idea of Freedom, vol. 2, A Dialectical Examination of the Controversies about Freedom (Garden City, N.Y.: Doubleday & Co., Inc., 1961), pp. 223-525 (especially 488-525) contains much of the material one needs to show the historical correlations. I first noticed them while studying this work, which shows its value.

52. Boyle, Grisez, and Tollefsen, op. cit., ch. 3, sec. 2.

53. A typical example of such consequentialist dialectics is Kai Nielsen, Ethics without God (London: Pemberton Publishing Co., Ltd., 1973), pp. 65-103. Like many consequentialists in the empiricist tradition, Nielsen seems to think he has demonstrated consequentialism if he has shown it not to be logically absurd. The argument I offer here is intended to satisfy the requirements set by such consequentialists for an acceptable refutation of their position.

54. See Charles E. Curran, New Perspectives in Moral Theology

(Notre Dame, Ind.: Fides Publishers, Inc., 1974), pp. 13-16, 75, 190-191. Curran might argue that he avoids consequentialism inasmuch as the values that he suggests balancing are moral, not nonmoral, goods. However, if they are moral in the same sense as the judgment their commensuration is supposed to support, the procedure is question-begging, while if they are not moral in the same sense, the conflict--given that there really is one--cannot be settled because the conflicting goods are incommensurable.

55. Sidney S. Alexander, "Human Values and Economists' Values," ed. Hook, op. cit., pp. 101-116; Nath, op. cit., pp. 138-152; show that all applied economics such as that which figures in political debate presupposes ethical value judgments. Nath argues that these should be made explicit and suggests that questions about whether a wage or an international economic arrangement is just ought not to be regarded as too value-laden for disciplined treatment while other issues are erroneously assumed to be value-free, and thus eligible for scientific treatment.

56. Ibid., pp. 152-158; Mishan, op. cit., pp. 175-178. The contributions of several of the philosophers to the volume edited by Hook make the same point; see the essays of Ernest Nagel, Kurt Baier, Paul Kurtz, and John Ladd.

57. Thomas Aquinas, Summa theologiae, 2-2, q. 64, a. 7, c.; see my "Toward a Consistent Natural-Law Ethics of Killing," pp. 73-79.

58. McCormick, op. cit., p. 48.

59. Bruno Schüller, S.J., "Zur Problematik allgemein verbindlicher ethischer Grundsätze," Theologie und Philosophie, 45 (1970), p. 3,

claims that all moral norms other than those concerned with God and those which are trivially true were grounded by traditional moral theology by a principle of preference for the greater good and the lesser evil. He offers no proof for this universal statement, and I regard it as false. As I shall explain shortly, upright persons often do express sound moral judgments in consequentialist language, and one can find plenty of examples of language which sounds consequentialist in the tradition of Catholic moral theology. Nevertheless, I am willing to admit that if one looked for consequentialist arguments in authors such as Azpilcueta, Molina, Laymann, Lessius, Caramuel y Lobkowitz, and Alphonsus Maria de Liguori he would find a good many of them, and some even could be found in better moralists such as Thomas Aquinas, Vasquez, Lugo, and the collaborators Salmanticensis. But one must bear in mind that these traditional authors did not have the benefit of the light which has been thrown on consequentialism by its theoretical elaboration by secular humanists since the Enlightenment, and lacked the factual evidence of the dark fruits of the consequentialist principle which have appeared since it has been applied in practice to such problems as social revolution (the Soviet collectivization of the Ukraine), racial purification (Nazi Germany), modern war (strategic bombing in World War II and nuclear deterrence), abortion (both the socialist and the liberal democracies), and so on. Catholic moral theologians writing since 1965 and embracing consequentialism do not have the excuse their predecessors had. At least until 1965, Catholic moral theology was a discipline which depended much more on ecclesiastical authority than on rational ethical theory; it is odd in view of

this situation that Catholic moralists today should cite these predecessors as authorities with respect to the grounding of moral norms--a methodological question--while modifying or rejecting teachings which find support in the nearly unanimous testimony of the moral-theological tradition.

60. See my Abortion, pp. 317-319; Beyond the New Morality, pp. 107-137.

61. Paul Ramsey, "Abortion: A Review Article," Thomist, 37 (1973), pp. 174-226 at 226, in a generally perceptive article, seems to have misunderstood my conception of modes of obligation, and reduced all but the last to duties of charity. In my view, immoral acts which violate strict and minimal moral obligations often are rationalized because they happen not to violate the eighth mode of obligation; I by no means regard the first seven modes as less binding, although several of them are less specific about what they bind one to. A traditional moralist might object to my explanation of proportionate reason by saying that I am reducing the fourth requirement to the first: that the act not be evil in itself. But I am not, for the first requirement pertains to the object of the act, while I am reducing proportionate reason to what the traditional moralist would have treated under the morality of circumstances.

62. Socrates' reference to his daimon (Plato, Apology, 31 c-d) is an example. Why is the daimon always only negative? Because the context of articulate moral norms is taken for granted. If an upright person feels he ought to do something when no other moral norm but his feeling of duty is relevant, he simply does it, because a good person

has no inclination to omit doing what seems morally right to do. No moral choice is made at this point. In general, very good and very bad people do not struggle with temptation as most of us do.

63. What is operative here is not simply conscience but practical wisdom. See my "Logic of Moral Judgment," Proceedings of the American Catholic Philosophical Association, 36 (1962), pp. 67-76, where I treat the position of Thomas Aquinas and cite a number of recent works relevant to this distinction.

64. In my "Toward a Consistent Natural-Law Ethics of Killing," p. 94; although this article was published before, it was written after, my Abortion.

65. See my "Value of a Life: A Sketch," Philosophy in Context, 2 (1973), pp. 11-13; "Dualism and the New Morality," Congrès International VII Centenaire de S. Thomas d'Aquin, 23 Avril, 1974 (forthcoming in the Acta of the Congress); "The Roots of the New Morality," Homiletic and Pastoral Review (forthcoming, June 1975).

66. Even the theologians employed by Catholic University, Washington, D.C., who dissented from the teaching of Humanae vitae admitted limitations on legitimate dissent. See Charles E. Curran, Robert E. Hunt, et. al., Dissent in and for the Church: Theologians and Humanae Vitae (New York: Sheed and Ward, 1969), p. 146. As these theologians admit, the manualists whose support they invoke express more severe limitations; one can see this by studying the manualists they cite (p. 41) and others. The authors mistakenly state (p. 14) that I prepared "selective, and thus somewhat distorted" translations of the relevant Latin texts for Cardinal O'Boyle; the translations were

not prepared by me, but by Rev. Msgr. E. Robert Arthur. In any case, so far as I can see, the theologians do not use any material in their interpretation of the texts of the manualists which was omitted from the translations. I would say that the theologians' interpretation of the manualists (pp. 41-47) is at least selective and thus distorted; what in the manuals is almost wholly a limit on the duty to assent is transformed by the theologians into a right to dissent and to teach a dissenting opinion to the faithful as the judgment to be followed in practice.

67. See my Beyond the New Morality, pp. 190-200.

68. See my works cited in note 65. Examples of blatant dualism are found in Joseph Fletcher, Morals and Medicine (Boston: Beacon Press, 1954), p. 211 (Fletcher's quotation from Martin Buber should be read in Buber in context); and in documents expressing the opinion of the majority of the Commission of Pope Paul VI on Population, Family, and Births, which in a theological working paper clearly states its view that human biological fecundity must be assumed into the human sphere and regulated in it (see Robert G. Hoyt, ed., The Birth Control Debate [Kansas City, Mo.: National Catholic Reporter, 1968], p. 71), which of course implies that in and of itself biological fecundity (of human men and women!) is not in the human sphere; that need not become such by assumption which is such in and of itself.

69. See my "Logic of Moral Judgment" and "Kant and Aquinas."

70. Brock, op. cit., reports a great deal of recent work in which these problems have been explored.

71. McCormick, op. cit., pp. 46-47 and 66.

72. An excellent article which helps to clarify this point is B. J. Diggs, "Rules and Utilitarianism," ed. Bayles, op. cit., pp. 203-238. In many works, Lon L. Fuller articulated a similar point with respect to law; a typical and good example is The Morality of Law, rev. ed. (New Haven and London: Yale University Press, 1969).

73. Cf. Gabriel Marcel, Being and Having: An Existentialist Diary (New York: Harper & Row, Publishers, 1965), pp. 154-174.

74. Kant, op. cit., p. 12.

75. Arthur M. Schlesinger, Jr., A Thousand Days: John F. Kennedy in the White House (Boston and Cambridge: Houghton Mifflin Co. and The Riverside Press, 1965), describes from a sympathetic viewpoint the application by Robert S. McNamara of management techniques for making decisions (pp. 312-319). He also cites (p. 549) the famous remark McNamara made when he first went to Vietnam in 1962: "Every quantitative measurement we have shows we're winning this war." Since Schlesinger's book appeared, it has become clear that McNamara's cost-accounting overlooked a few factors. The decision to stay in the war was made repeatedly on a consequentialist calculation, as is pointed out by Leslie H. Gelb, "Vietnam: the System Worked," Foreign Policy, 3 (1971), p. 145: "The importance of the objective was evaluated in terms of cost, and the perceived costs of disengagement outweighed the cost of further engagement. . . . The question of whether our leaders would have started down the road if they knew this would mean over half a million men in Vietnam, over 40,000 U.S. deaths, and the expenditure of well over \$100 billion is historically irrelevant. Only Presidents Kennedy and Johnson had to confront the possibility of these large costs. The point is that

each administration was prepared to pay the costs it could foresee for itself. No one seemed to have a better solution. Each could at least pass the baton on to the next." Gelb was Chairman of the Vietnam Task Force in the Department of Defense which prepared the Pentagon history of the war in Vietnam.

76. O'Brien, op. cit., pp. 8-16 and 84-86, shows that it is only willingness to do the last act which makes the threat effective. He bases his analysis in part upon testimony by Defense Secretary Robert S. McNamara before a Congressional committee; such testimony, published each year in Congressional documents, is the means by which the threat is officially communicated. One of the many merits of Herman Kahn, op. cit., is that he is forthright in stating the unthinkable and making clear precisely what the consequentialist logic of deterrence means; see, for example, his famous chapter (pp. 40-95), "Will the Survivors Envy the Dead?" Kahn's conclusion is that they need not, if one is really prepared to fight and survive a nuclear war. However, even from a consequentialist point of view, the present situation should be appalling, for the measures Kahn shows to be necessary have by no means been taken.

77. See Smart and Williams, op. cit., pp. 48 and 128 (note 1).

78. This line of argument is developed by W. D. Ross, The Right and the Good (Oxford: The Clarendon Press, 1930), p. 22.

79. See my Beyond the New Morality, the central theme of which is that we have responsibilities only insofar as we are free, and most of our responsibilities arise from our own commitments.

80. Bernard Williams, in Smart and Williams, op. cit., pp. 108-118,

and in his own work, Morality: An Introduction to Ethics (New York: Harper & Row, Publishers, 1972), pp. 96-107, makes this point and develops the line of argument that even from a utilitarian point of view, it might be better if most people regarded themselves as bound by absolute moral norms. Unless such an argument is carried out as a reductio ad absurdum, I think it fails, because consequentialism cannot be self-defeating, since it is meaningless, not false, and a meaningless position has no self to defeat.

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