Introduction

This chapter will introduce different approaches to ethical decision-making:
- Deontological
- Teleological
- Character-based

Section B of the specification is concerned in its entirety with three normative ethical theories:
- Natural moral law and the principle of double effect, with reference to Aquinas.
- Situation ethics, with reference to Fletcher.
- Virtue ethics, with reference to Aristotle.

We shall start, therefore, with a brief overview of some of the terminology.

Normative ethical theories

The word ‘normative’ is an adjective which comes from the word ‘norm’, which means a ‘standard’, or a ‘rule’, so moral norms are standards or principles with which people are expected to comply.

Obviously, people have different ideas about what these standards are, so the various normative theories of ethics therefore focus on what they claim makes an action a moral action: on what things are good or bad, and what kind of behaviour is right as opposed to wrong.

The three normative theories you are studying therefore illustrate three different sets of ideas about how we should live.

Deontology, teleology, consequentialism and character-based ethics are not in themselves ethical theories – they are types of ethical theory.

Natural moral law is seen by most people as one type of deontological theory; Kant's theory of the Categorical Imperative is another.

Fletcher's situation ethics is one type of consequentialist theory; utilitarianism is another.

Aristotle's virtue ethics is a type of teleological theory and is also character-based. The different types of ethical theory are not exclusive, however, so we also find teleological ideas in virtue ethics and situation ethics.

To unpack these words further:
Deontological
The word ‘deontological’ comes from the Greek deon, meaning ‘obligation’, ‘necessity’, ‘that which is binding’. Generally speaking, those words translate as ‘duty’, so deontological theories tell you what your moral duties are. As you might guess, once people start telling you what duties you have, those duties form the basis of moral ‘rules’. Deontological systems hold that the moral worth of an action lies in your conforming to duties and rules, as opposed to considering the consequences of what you do. Alongside obligations, duties and rules, deontological theories also consider ‘rights’, because your obligation to follow rules and duties implies that there is an intrinsic (built-in) value of doing so. If you follow the rule, ‘Do not murder’, then you implicitly have the right not to be murdered.
Deontologists therefore live in a world of moral rules. Apart from, ‘Do not murder’, some of the obvious ones are:
‘Do not steal’
‘Do not lie’
‘Do not break your promises’
Such rules can also be expressed by using the moral word, ‘ought’: these actions ought or ought not to be performed.
Since deontologists hold that acts are intrinsically right or wrong, then their rightness or wrongness is in some sense built into the world and can be accessed by reason, or by studying the world, or (for religious deontology) by knowing the will of God. This intrinsic goodness is why deontologists emphasise the importance of ‘motive’ and ‘intention’. One of the best examples of this comes from Immanuel Kant’s deontological ethical theory based on categorical imperatives (commands that must be obeyed). Kant would have argued that an action was moral only if it was done in obedience to a rule; other motives (such as personal gain or satisfaction) were discounted. Kant gave the example of a grocer who is kind to his customers, not because he sees that as his moral duty, but because he wants their custom. Instead of being kind because of the intrinsic goodness of kindness, the grocer is kind simply because he wants to achieve the best consequence for himself. Any moral goodness from his action has therefore been lost.
You can probably see that deontological ethics can lead people to act in ways which bring about bad consequences. For example, if you have a duty not to lie, but following that duty means that somebody dies in consequence, the value of the rule, ‘do not lie’, can be questioned. Kant himself thought about this problem a lot in connection with the ‘mad axe-murderer’, which you have probably heard about. If not, look it up online.
Consequential
Consequentialist theories of ethics hold that the moral worth of an action should be judged by its consequences. So a good or right action is one which produces the best consequences overall in the situation. There are therefore situations where a consequentialist would be prepared to lie if that was thought necessary to bring about the best consequence(s).
The best known consequentialist theory is Utilitarianism, which is an example of 'act-consequentialism', where right actions are those which maximise the 'happiness' of sentient beings (beings that can think, reason, feel, experience). Happiness has different shades of meaning for different utilitarians, so can include pleasure, well-being, individual preferences and individual interests.

Although consequentialist theories are not focused on moral rules, they can be included in the theory, so, for example, rules can be used to maximise the best consequences. This follows because rules often become rules because historically they have been shown to produce the best consequences for society. Our ancestors found out that having simple rules (such as those prohibiting murder and theft) usually led to a happier society overall. Whereas in deontological theories the focus is on the intrinsic value of the rule itself, in consequentialist ethics the focus is on the value of the consequence of the rule. There are no inherently right or wrong acts.

Consequentialist theories have to be 'predictive', because in order to bring about the best consequences of an act, we have to be able to predict what the consequences will probably be. In order to bring about these consequences, it can be legitimate to ignore rights; for example, the rights of minorities.

Consequentialism is a type of teleological theory.

**Teleological**

'Teleological' derives from the Greek word *telos*, meaning 'end', 'goal', or 'purpose'. You have already come across this word in connection with the Design Argument for the existence of God, which is also known as the Teleological Argument, because it claims that God’s purposes are visible in what we can observe about the universe.

In ethics, the *end*, *goal* or *purpose* which we seek referred to our responsibilities in attaining specific moral goals or ends. For teleological ethical theories, therefore, if you want to find out how you should behave morally, you need to decide what the ultimate goal of ethics is.

Teleological ethical theories can also be consequentialist, because as well as being directed towards an ultimate goal or purpose, a teleological theory can also look to achieve the best consequence in any particular situation. This will follow the simple reason that to achieve the best consequence in any particular situation will generally contribute to the overall goal.

**Character-based**

You will have noticed that deontological and consequentialist theories are act-centred – we judge that specific acts are good or bad, right or wrong. By contrast, character-based ethics is agent-centred, meaning that goodness is not in the act but in the person: we judge whether the agent is by habit and by character a good or virtuous person.

In Kant’s deontological theory, someone who does morally good acts by habit is not thought of as being morally good, because moral goodness requires the moral agent to decide what to do in accordance with reason. Consider this example: There was an obituary, some years ago, about a lady in one of the local church communities who was regarded as being a
virtuous person because she was habitually kind to everybody, no matter who they were. The editor of the newspaper concerned added a note to the letter saying: 'I never met Mrs C, but it has been a pleasure to receive this obituary notice as a testimony to her naturally good qualities'. In other words, the editor praised the lady's natural character and thereby judged that Kant had got it wrong: goodness is in the person, not in the act.

Key term

*eudaimonia* (In virtue theory) happiness, complete well-being.

Summary of normative ethical theories

Based on what we have said:

- Natural moral law has two points of moral focus:
  1. Deontological: it lays down strict rules concerning what we should do and not do.
  2. Teleological: the end or goal of all human action is unity with God.

- Fletcher’s situation ethics has two points of moral focus:
  1. Consequentialist: it aims to maximise Christian love in any situation.
  2. Teleological: it aims to bring about complete well-being for humanity.

We can also add a third:

- The law of love is a deontological *principle*: it is a law.

- Aristotelian virtue ethics has two points of moral focus:
  1. Moral character: goodness is developed through virtuous people.
  2. Teleological: the aim or goal of virtue ethics is *eudaimonia* (complete well-being).
This chapter will cover:

- Natural moral law and the principle of double effect, with reference to Aquinas; proportionalism
- Strengths and weaknesses of natural moral law ethics

Natural moral law and the principle of double effect with reference to Aquinas; proportionalism

Two preliminary comments

1. Natural moral law in the AQA Specification is called ‘natural moral law’, (rather than just ‘natural moral law’ which is more common), to emphasise that it is Aquinas’ moral theory that you need to focus on and not the pre-Christian origins of the theory. Also, some use natural moral law to distinguish it from the ‘laws of nature’. ‘Natural moral law’ is the term that will be used in questions set on this section.

2. Despite what we have said about the terminology of ethics, do not get hung up on trying to define whether natural moral law is deontological, situational, consequential or teleological, since all such definitions are sometimes less than useful when discussing what (in Aquinas’ case) is essentially a medieval system. For example, natural moral law is often described as being deontological, but that would not have been particularly appropriate for Aquinas, since the use of ‘deontological’ dates

Key terms

- **deontology** The approach to ethics in which the rightness or wrongness of an act is judged by its conformity to duties, rules and obligations.

- **teleological** In ethics, refers to views of ethics where the emphasis is on the goal or purpose that an ethical approach is intended to achieve. In natural moral law, the primary precepts are teleological, their aim being to being about complete well-being in this life and union with God in the next. In virtue theory, the goal is the development of character through habitual virtues.
from the twentieth century and Aquinas does pay attention to situations. Moreover, natural moral law can operate equally well in a non-religious context, so it is difficult to attach labels to natural moral law in general.

**The origins of natural moral law**

The idea of natural moral law does not originate with Christianity. Natural moral law holds that there are **rights** and moral values that can be understood from human nature, and which can be deduced by human reason. Different accounts of this idea appear throughout history. For example:

In the fourth century BCE, Aristotle developed his ethical theory based on **virtue**, which we consider later. Part of that approach also gives a justification for the idea of natural moral law. In brief, Aristotle argued that the distinctive feature of human beings is their ability to reason. Humans can use their reason to discover the end or purpose of human life. Aristotle's approach here is therefore teleological.

This is what the Roman philosopher and politician Cicero (106–43BCE) has to say:

> True law is correct reason congruent with nature, spread among all persons, constant, everlasting. It calls to duty by ordering; it deters from mischief by forbidding. Nevertheless it does not order or forbid upright persons in vain, nor does it move the wicked by ordering or forbidding. It is not holy to circumvent this law, nor is it permitted to modify any part of it, nor can it be entirely repealed. In fact we cannot be released from this law by either the senate or the people … There will not be one law at Rome, another at Athens, one now, another later, but one law both everlasting and unchangeable will encompass all nations and for all time. [Note 1]

The most distinctive version of natural moral law is that of Thomas Aquinas. During the thirteenth century CE, Aquinas took up Aristotle's ideas about the end or goal of human life being happiness or complete well-being, and married them to a Christian view of that goal as being union with God in the next life. It is Aquinas' understanding of natural moral law that you need to understand for the AQA Specification.

**Key features of Aquinas’ natural moral law**

1. **The four-fold division of law**

Aquinas describes law using the following terms:

**Eternal law** This refers to law which comes from God's nature as the Creator. As God is the Creator of everything that is, the universe and nature inevitably reflect the principles of the natural and moral order which existed before creation, as a ‘blueprint' in the mind of God.

Humans must, therefore, live a life based on that order, which is objective and absolute and applies to all, because since God's blueprint of humans means that we all share a 'common human nature.' What is right for one person must be right for everyone else, with no exceptions.

**Divine law** These principles of natural and moral order are revealed to humans through the divine law, which can be found: 1 in special revelation, for example, the Bible, and 2 through the teachings of the Church.
4.1 Normative ethical theories

Natural moral law The natural moral order is articulated / worked out in detail through human reason and not through revelation. Although the divine law (for example, the Ten Commandments) forbids murder, theft and adultery, that is only by way of a reminder from God, since we can know simply through reason that these things are wrong.

So, Aquinas sees natural moral law as that part of God’s eternal law that human beings can understand simply through the application of reason.

Human law Through understanding natural moral law, we can then formulate human laws, for example, those which appear in our legal systems. Human law should not contradict natural moral law.

2 The main guiding principle is that ‘good is to be done and pursued and evil is to be avoided’

… The first principle of practical reason is one founded on the notion of good, viz. that ‘good is that which all things seek after.’ Hence this is the first precept of law, that ‘good is to be done and pursued, and evil is to be avoided.’ All other precepts of the natural moral law are based upon this: so that whatever the practical reason naturally apprehends as man’s good (or evil) belongs to the precepts of the natural moral law as something to be done or avoided.

▲ [Summa Theologica (1265–1274), I-II, Qu. 94, Art. 2] [Note 2]

All other precepts of natural moral law are based on the guiding principle in this text.

3 This main guiding principle brings us to the primary precepts (principles)

This key paragraph follows on directly from the one just quoted:

Since, however, good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance.

Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law. Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law.

Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals: and in virtue of this inclination, those things are said to belong to the natural law, ‘which nature has taught to all animals’… such as sexual intercourse, education of offspring and so forth.

Thirdly, there is in man an inclination to good, according to the nature of his reason, which nature is proper to him: thus man has a natural inclination to know the truth about God, and to live in society: and in this respect, whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

▲ [Note: The emphasis in the text is the author’s own, not Aquinas’. Some words have been emboldened in order to make them clear to the eye.]
There are several interesting things about the ‘goods’ that Aquinas refers to in this passage, or which arise from it:

1. **Avo**

   a. First, he numbers three points, whereas the usual list of primary precepts has five points. The wording and the order both vary in the different commentaries you might come across. The following preserves Aquinas’ order:

   - the preservation of (innocent) life / preservation of the self
   - reproduction
   - the education of children
   - worship of God
   - an ordered society.

   b. Listing five primary precepts is the work of later commentators on natural moral law (known as ‘Manualists’) from the period when natural moral law was adopted into the Roman Catholic Church. You can see why they did this, because Aquinas’ second and third precepts each contain two apparently separate ideas.

   c. Nevertheless it seems clear that Aquinas himself was not giving a definitive list of primary precepts. You can see this in his wording, where he uses the phrase ‘and so forth’. This is an important point, because it shows that Aquinas’ understanding of natural moral law was not as definitive or set in stone as it is often made out to be. [Note 3] His understanding of natural moral law leaves some room for manoeuvre.

4. **The primary precepts are not deontological rules about specific actions: they are teleological – concerned with our final end, which has three points of focus**

   a. Our telos (goal / purpose / end) on Earth is happiness: human flourishing.

   The primary precepts are self-evident principles understood by reason. It is self-evident, for example, that living in an ordered society provides a stable basis for the education of children, for preserving life, for developing relationships and for the procreation of children.

   b. The telos of humanity as a whole also has an ultimate focus. Complete happiness cannot be found in something created, but only in the ‘beatific vision’ of God that is promised in the next life.

   This is how Aquinas puts it in *Summa Theologica* I–II, Qu. 2, Art. 8:

   It is impossible for any created good to constitute man’s happiness. For happiness is the perfect good, which lulls the appetite altogether; else it would not be the last end, if something yet remained to be desired. Now the object of the will … is the universal good … Hence it is evident that naught can lull man’s will, save the universal good. This is to be found, not in any creature, but in God alone; because every creature has goodness by participation. Wherefore God alone can satisfy the will of man, according to the words of Ps. 102:5: ‘Who satisfieth thy desire with good things.’ Therefore God alone constitutes man’s happiness.
Father Servais Pinckaers summarises this nicely:

‘Full happiness does not reside in wealth or glory or honors, or in knowledge of virtue, or in any created reality, but in the loving vision of God.’ [Note 4]

4.1 Normative ethical theories

The telos for humans after death has an individual as well as a collective focus.

The telos for humanity as a whole is the vision of God – union with God; but Aquinas also thought that each person has an individual telos based on their natural abilities (or lack of them). Consider this:

Whilst researching for a PhD on the Book of Job, I was sent from King’s College to Heythrop, to Father ‘Freddy’ Copleston (as referred to in the section on Aquinas’ cosmological argument), to have some sense talked into me about Job. We spent much of the time drinking tea, consuming iced cakes and discussing physics, but Copleston did suggest that the great evil and suffering Job experienced was allowed by God because God knew that Job was naturally and uniquely able to cope with it, so that was his personal telos. Moreover by achieving it, Job gave further glory to God. This seems like a good way of illustrating Aquinas’ point.

Author’s own account

5 From the primary precepts we derive secondary precepts

Secondary precepts are rules that derive from the primary precepts and govern how we should act in specific situations.

To understand them, remember the teleological focus of Aquinas’ primary precepts that we have just been looking at, which Aquinas copied from Aristotle’s doctrine of the Four Causes. This doctrine is Aristotle’s explanation of why anything bothers to do anything and why things are as they are. Two of these four causes are especially important here, namely the efficient cause and the final cause. The efficient cause is what gets things done and the final cause is the goal or purpose towards which the thing is directed. Here are some examples:

- Where Aristotle / Aquinas talk about the final ‘cause’, we would use the word ‘end’, ‘purpose’ or ‘goal’ rather than ‘cause’. Henceforth we will talk about ‘final ends’ rather than ‘final causes’.
- Whereas efficient causes tell us about facts / descriptions, final ends are about intentions, for example, God intended the ‘facts’ of sexuality such as (biology, chemistry and psychology) to bring about reproduction.
- It follows from this that whatever promotes the final end is right and whatever goes against it is wrong. Therefore, if the final end of sex is
reproduction, any act of sex that does not lead directly to the possibility of procreation is wrong; any such act violates the nature and purpose of sexual intercourse. We can see this in the following illustration:

**Primary precepts**
- preservation of (innocent) life
- reproduction
- education of children
- worship God
- living in an ordered society

**Secondary precepts**
- masturbation
  - wrong, because it stops the final end: one cannot reproduce through masturbation
- bestiality
  - wrong: cannot lead to reproduction
- using coitus interruptus to avoid conception
  - wrong: stops reproduction
- contraception
  - wrong: stops reproduction
- abortion
  - wrong: stops reproduction
  - wrong: kills the foetus / does not preserve innocent life
- homosexual sex
  - wrong: cannot lead to reproduction
- adultery
  - wrong: adultery is injustice
- consensual sex outside marriage
  - wrong: goes against the welfare of any children
  - who are born from the liaison
  - wrong: children born from the liaison may lack a 'permanent' father and may not be properly educated
- polygamy
  - is not against the natural law, since the man may be able to give sufficient attention to bring about reproduction with each wife
  - but is against divine law, in which marriage illustrates Christ's relationship with the Church (Ephesians 5:21–33)

Note that the secondary precepts shown here are not all based on the primary precept of reproduction. Abortion is ruled out in addition because it does not preserve innocent life and consensual sex is ruled out because it can lead to children not being educated; moreover an ordered society would not benefit from the general lack of welfare given to children born through consensual sex between people who are not married to each other.

**Activity**

Aquinas goes into some detail concerning the morality of sex and reproduction, and if you think about it, this is justified from the number of sexual crimes / offences committed in the UK and worldwide. If you add some of the issues not shown in the table, such as prostitution (including child prostitution), pornography, rape, incest, sex-trafficking and the relation between sexual crimes and hard drugs, the abuse of sexuality remains an enormous moral problem.

Given that, do you think that the list of sexual acts prohibited by Aquinas’ secondary precepts are all addressing important sexual issues?
4.1 Normative ethical theories

Activity

Draw a table on your computer or by hand. Put the primary precepts of: 'preservation of life', 'living in an ordered society', 'worshipping God', and 'education' on the left, and make a list of secondary precepts that can be derived from each one.

Do not forget that some of these can overlap. For example, 'Do not murder' as a secondary precept can be included under preserving life and living in an ordered society. Tip: do not write 'Do not murder' as 'Do not kill'. The Hebrew וְלָיָה (lo tirsah) refers primarily to murder and most Christians (including Aquinas) accept, for example, killing in a Just War.

- A common mistake is to assume that the secondary precepts are culturally relative.

For example, it is often claimed that natural moral law accepts polygamy because polygamy is natural in some countries. That is not the case, and it is certainly not the case with Aquinas, who simply states that on two counts polygamy is not against natural moral law because: 1 it permits the final end of reproduction, and that which permits the final end is good; and 2 it also allows for the educating of children. But on a third count, Aquinas says that polygamy is indeed against the law of nature because it fails to reflect the monogamous nature of the marriage relationship between Christ and the Church.

- As a matter of fact, Aquinas does allow some flexibility in the secondary precepts.

Principally, the 'law' in natural moral law for the Catholic Church has meant 'law' / 'rule', where for Aquinas meant 'justice' / 'principle', and justice / principle are more flexible than law. For Aquinas, the closer we get to the actual circumstances of a situation, the more variation there will be in what is judged to be morally right in that situation. This is a characteristic which Aquinas adopts from Aristotle’s virtue ethics. This is what Aquinas says:

… The natural law is altogether unchangeable in its first principles: but in its secondary principles, which, as we have said, are certain detailed proximate conclusions drawn from the first principles, the natural law is not changed … But it may be changed in some particular cases of rare occurrence, through some special causes hindering the observance of such precept …

▲ (Summa Theologica, I-II, Qu. 94, Art. 5)

Aquinas reaches this conclusion by using the example that sometimes it may not be appropriate to repay a debt:

Thus it is right and true for all to act according to reason: and from this principle it follows … that goods entrusted to another should be restored to their owner. Now this is true for the majority of cases: but it may happen in a particular case that it would be injurious, and therefore unreasonable, to restore goods held in trust; for instance, if they are claimed for the purpose of fighting against one’s country. And this principle will be found to fail the more, according as we descend further into detail, e.g. if one were to say that goods held in trust should be restored with such and such a guarantee, or in such and such a way; because the greater the number of conditions added, the greater the number of ways in which the principle may fail, so that it be not right to restore or not to restore.

▲ (Summa Theologica, I-II, Qu. 94, Art. 4)
Aquinas believed that the primary principles of natural moral law are absolute, but as we descend into the detail, the more variation there will be in determining what the moral law requires us to do.

6 Given this complexity and detail, how do we avoid making mistakes?

● For a start, we should avoid becoming confused about the difference between real and apparent goods.

Aquinas thinks that sin can arise in various parts of our makeup. For example, we can sin by taking delight in thinking about fornication (sexual sins again), and through wrong reason. Reason can be used in different ways. For example, in planning a burglary – but that is not the right use of reason. According to Aquinas, all humans will the good, but we can become confused about the difference between real and apparent goods. For example, adultery can feel like a real good because of its short-term pleasures, but when we consider what adultery involves – betrayal, injustice, lies, putting children at risk – it is clearly not good at all.

● We should also be aware of the difference between interior and exterior acts.

For example, the act of giving money to charity is a good exterior act, but can be properly good only if it is accompanied by the right (interior) intention. Someone who gives money to charity in order to be admired by others gets no further than performing a good exterior act, and that is not true morality.

However:

● The process of following the real good can be aided by following the virtues.

Following the real good preserves and improves the self and brings us closer to the ideal human nature that exists in the mind of God. In this, Aquinas argues that it is essential for us to cultivate the virtues, and here again he follows Aristotle. For Aristotle, to be a good person is to have a good character, and this is achieved by habit – by practising the virtues as a way of life.

From the virtues listed by Aristotle, Aquinas selected four as the ‘cardinal’ virtues (from Latin cardo, ‘hinge’), which he accepted as the foundation of natural morality: prudence, justice, fortitude (courage) and temperance (self-control), and these allow the self to fulfil its purpose. Chief among these virtues is prudence, which is practical wisdom – the ability to understand a situation and to use practical reason to work out what to do. Practical wisdom comes only through experience, so the virtuous life can be learned by observing people who habitually practise the virtues, because they will have practical wisdom.

Aquinas also lists three Christian theological virtues: faith, hope and love, and these derive from St Paul in the New Testament (1 Corinthians 13:13). Together, the Catechism of the Catholic Church lists the cardinal and theological virtues as the ‘seven virtues’:
The theological virtues are the foundation of Christian moral activity; they animate it and give it its special character. They inform and give life to all the moral virtues. They are infused by God into the souls of the faithful to make them capable of acting as his children and of meriting eternal life. They are the pledge of the presence and action of the Holy Spirit in the faculties of the human being.

Whereas the cardinal virtues are those that can be attained by human ability, the theological virtues are given to humans through God’s grace:

**Faith** refers to belief in God and belief in what is revealed through scripture and the Church.

**Hope** is the hope of heaven and the beatific vision.

**Love** is sometimes translated as ‘charity’, but the New Testament Greek is agape, which means Jesus’ other-person-regarding love (which is the basis of Fletcher’s situation ethics, which we study later). It basically means love of God above all things, and love of one’s neighbour (everybody) through love of God. Paul’s letter to the Colossians (Colossians 3:14) gives a list of virtues, and then states that love:

‘... binds everything together in perfect harmony ... ’

7 We can also avoid making mistakes in difficult moral situations by using the ‘principle of double effect’

Double effect is a principle which helps to avoid mistakes in moral reasoning in difficult cases. Aquinas never calls the principle ‘double effect’, but we get a clear description of the doctrine in his *Summa Theologica*: II–II, Qu. 64, Art. 7, on:

‘Whether it is lawful to kill a man in self-defense?’

This is what Aquinas says:

I answer that, Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention. Now moral acts take their species according to what is intended, and not according to what is beside the intention, since this is accidental ... Accordingly the act of self-defense may have two effects, one is the saving of one's life, the other is the slaying of the aggressor. Therefore this act, since one's intention is to save one's own life, is not unlawful, seeing that it is natural to everything to keep itself in 'being', as far as possible. And yet, though proceeding from a good intention, an act may be rendered unlawful, if it be out of proportion to the end. Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists ... ‘it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense.

Aquinas argues that killing in self-defence is justified so long as the killing was not intended, but was the unavoidable result of the amount of force
necessary to save your own life. Killing your assailant has two effects here: the good one of saving your own life; the bad one of killing your assailant. Moreover, your defence must be proportional – if you use unnecessary violence, it will not be proportional, so will be unlawful. Everybody will have seen a film, or else will have read a passage in a book, in which a murderous assailant is repelled by a violent push, after which the assailant falls on a sharp object or a stone floor and is killed. In such a case, where the intention of the push would be to ward off attack, then the killing of the assailant is lawful.

One of the clearest descriptions of the developed principle of double effect is given by Louis Pojman. Pojman suggests that Aquinas’ position and the natural moral law tradition in general are absolutist:

‘Humanity has an essentially rational nature, and reason can discover the right action in every situation by following an appropriate exceptionless principle.’ (Note 8)

Sometimes, however, we encounter moral dilemmas in which it is not possible to do good without also bringing about evil consequences. The doctrine of double effect was devised as ‘a neat algorithm’ for solving moral disputes in which an act literally has a ‘double effect’ – one good and the other bad.

In detail: with double effect, there are four conditions that must be satisfied before an act is morally permissible.

1 The \textit{nature} of the act condition:

The action must either be morally good or indifferent / neutral. Acts such as lying or intentionally killing an innocent person are never morally permissible.

2 The \textit{means–end} condition:

The bad effect must not be the means by which the good effect is achieved.

3 The \textit{right-intention} condition:

The intention must only be to achieve the good effect. The bad effect must be only an unintended side-effect. If the bad effect is a means of bringing about the good effect, then the act is immoral. The bad effect may be foreseen, but it must not be intended.

4 The \textit{proportionality} condition:

The good effect must at least be equivalent in importance to the bad effect.

You can see that in this doctrine, great emphasis is laid on the person’s intentions. Here is an illustration from medical ethics:
4.1 Normative ethical theories

Situation 1: The case of a terminally-ill patient whose death is brought about sooner through doctors administering increasing doses of morphine to control his pain.

There are certain diseases / conditions (some types of leukaemia, for example), in which it is necessary for doctors to use high doses of morphine in order to relieve pain. This will usually happen in the terminal stages of the disease. Morphine is used because of its effectiveness in pain relief by comparison with other treatments, but morphine can act as a respiratory depressant – it makes breathing more difficult. In response to such breathing difficulty, it usually becomes necessary to increase the dosage of morphine, and the doctors who prescribe the drug will be aware that however careful they are in controlling the dose, eventually the morphine can cause breathing failure. In short, the doctor will know that giving doses of morphine sufficient to control the pain can cause the patient to die sooner. (Note 10)

Is this action morally permissible under the doctrine of double effect? Check the answer against the four conditions:

1. The nature of the act condition. The act of administering morphine relieves pain, so is a good act which passes condition 1.

2. The means-end condition. The bad effect (the earlier death of the patient) is not the means by which the good effect (the relief of the patient’s pain) is achieved, so condition 2 is also met. To get the force of this, compare it with a case in which the doctors administered a dose of morphine that they knew would kill the patient immediately.

3. The right-intention condition. The doctors’ intention is only to relieve the sufferer’s pain. The fact that the sufferer dies sooner is an unintended side-effect. Moreover, the bad effect is foreseen (the doctors know that the patient will probably die sooner) but not intended. The act therefore passes condition 3.

4. The proportionality condition is also passed, because the good effect – the relief of pain over a period of time is at least equivalent in importance to the bad effect that the patient dies sooner.

Conclusion: The doctrine of double effect allows the actions of the doctor to be judged right in this situation, because the intention is to relieve pain and the hastening of death is considered an unintended but proportional consequence.

Situation 2: Terror Bombing and Tactical Bombing.

‘The terror bomber aims to bring about civilian deaths in order to weaken the resolve of the enemy: when his bombs kill civilians this is a consequence that he intends. The tactical bomber aims at military targets while foreseeing that bombing such targets will cause civilian deaths. When his bombs kill civilians this is a foreseen but unintended consequence of his actions. Even if it is equally certain that the two bombers will cause the same number of civilian deaths, terror bombing is impermissible while tactical bombing is permissible.’ (Note 11)

Activity

Situation 3: Torturing Sally in order to save one million people.

This example is taken from Pojman. (Note 12)

Sally’s father has planted a nuclear bomb that will detonate in half an hour. Sally knows the location of the bomb, but has promised her father that she will not reveal the secret; but if the bomb is not found, its detonation will kill 1 million people. Is it permissible under double effect to torture just one person, Sally, in order to save 1 million people?

Work out the answer using the four conditions.
How should we evaluate the doctrine of double effect?

The logic of double effect can become very convoluted. Here are four comments to think about:

1. Suicide is forbidden in natural moral law. Aquinas forbids it for a number of reasons, for example, that it goes against the inclination of living things to keep themselves in existence. Take the case, then, of a soldier who throws himself on a grenade and thus saves his comrades from harm. Double effect would require him not to intend to sacrifice his own life to save the lives of his comrades, because by intending his own death he is performing a bad act to bring about a good consequence (see condition 3). Instead he has merely to ‘foresee’ that his act will bring about his own death as an unintended consequence of his action (condition 3). Is this really how the soldier would think? It is more likely that he would consider his act a deliberate act of self-sacrifice for the comrades he loves, and most people would consider his act as heroic and loving, so there is something wrong with the logic of double effect.

2. Many consequentialists would maintain that it does not matter what your intentions are, because a good act is one that has good consequences, whatever your intention.

3. In Situation 3 – torturing Sally to discover the whereabouts of a nuclear bomb – the reasoning seems false. Any ruler who permitted the deaths of 1 million people by a refusal to torture Sally would probably be accused of culpable homicide on a grand scale. Consequentialist ethics would generally claim that any act should be judged by its results, so however horrible it would be to torture somebody, failure to do so would amount to the deliberate execution of 1 million people. The inaction would be massively disproportionate.

Some would counter-argue here and ask, ‘At what point does torture become permissible? To save 1,000,000? 100? 10?’ If no sensible answer can be given then torture should never be permissible.

4. Double effect seems sometimes to be counter-intuitive. For example, Aquinas held that it is not lawful to tell a lie in order to save someone from any danger whatever, but this goes against most people’s intuition that in order to save someone from danger or death it is imperative to lie. Who in their right mind would let children be butchered to death if by telling a lie the butchery could be avoided? Aquinas did suggest that it would be prudent sometimes to hold back the truth, but that looks rather like an admission that there is something wrong with the argument that one should never tell a lie.

What is your view of these claims?

8 Catholic natural moral law today in relation to Aquinas

Natural moral law today is still essentially Thomist (Aquinas’ first name is Thomas, so ‘Thomist’ means ‘coming from Aquinas’). However, whereas for Aquinas the virtues were at least as important as obligations and rules, the Catholic Church gives greater importance to moral rules.

Aquinas accepted that humans have moral obligations to obey rules, but to him such obligations were less important than the virtues that we have just
been discussing. When natural moral law was adopted into the Catholic Church during the sixteenth century, however, the reverse happened: obligation and rules were given priority and:

‘... invaded the entire domain of moral life ... ’ (Note 13)

Natural moral law became deontological through ‘Manualism’

In the seventeenth century, the preference for a morality of obligation and rules led scholars in the Catholic Church (especially the Jesuits) to write manuals of moral theology. These were designed for use in Catholic seminaries, to train the clergy in the application of moral law to specific cases. The manualists gave examples of specific cases which the clergy could refer to in order to decide what to do in similar situations. If you compare this with what judges do today, the manuals were books of case law, so another word for what the manualists were doing is casuistry (from Latin casus, ‘case’). You can see, then, that the manualists were producing moral rule-books, so Catholic natural moral law became deontological.

As a matter of fact, the term ‘casuistry’ today can be used as a criticism of those who are too much concerned with rules and not enough with justice. This captures a key criticism of Catholic natural moral law today, that it is so concerned with rules that it forgets principles and virtues. When the manualists did their work, for example, one of the things they omitted from Aquinas’ version of natural moral law was his account of the virtues. For those who write manuals, virtues are far harder to quantify than rules. In other words, Manualism amounted to a considerable narrowing of the scope of Aquinas’ natural moral law:

‘The moral theology of the manuals lost sight of essential questions: the treatise on happiness and the destiny of the human person ... Obedience to law encroached upon charity and the virtues; the theme of friendship was lost.’ (Note 14)

9 Nevertheless, there are indications within the Catholic Church of shift towards a more flexible interpretation of natural moral law

In recent decades there has been a renewal of interest in Aristotle’s virtue ethics and this has reminded Catholicism of its roots in virtue theory. The Catechism of the Catholic Church, put forward in 1992 by Pope John Paul II as a summary of beliefs for the Catholic faithful, includes reference to the cardinal and theological virtues.

Another sign of a more flexible approach to natural moral law is the number of Catholic theologians who accept some form of proportionalism.

Proportionalism

Proportionalism originated among Catholic scholars in Europe and America. In America, Richard A. McCormick is credited with reshaping Catholic moral thinking.
Richard A. McCormick 1922–2000

Jesuit priest and moral theologian; expert on Catholic medical ethics. Suggested that Catholic moral theology:

‘… was all too often one-sidedly confession-oriented, magisterium-dominated, canon law-centred, and seminary-controlled.’

In 1965, he wrote that:

‘… theologians have, without disowning casuistry, disowned an excessively casuistic approach to the moral life.’ [Note 15]

The debate about proportionalism among scholars is complex, to say the least. For those who want to trace that debate, the proportionalist movement in relation to natural moral law began with a German scholar, Peter Knauer, whose work was reviewed by McCormick. Bernard Hoose provides a detailed survey in: Proportionalism: The American Debate and its European Roots. [Note 16] Amongst many who claim to be proportionalists (or at least they feel attracted to it), the following definition by Vardy & Grosch seems to encapsulate best what they are saying:

Proportionalism holds that there are certain moral rules and that it can never be right to go against these rules unless there is a proportionate reason which would justify it. The proportionate reason is based on the context or situation but this situation must be sufficiently unusual and of sufficient magnitude to provide a reason which would overturn what would otherwise be a firm rule. On this basis, moral laws derived from natural law or similar approaches can provide firm moral guidelines which should never be ignored unless it is absolutely clear that, in the particular situation, this is justified by a proportionate reason. [Note 17]

In other words, where proportionate reasons exist, it would be right to ignore the rule in that situation. This kind of approach is to some extent visible in Aquinas’ writings. For example, Aquinas considered the question of whether it would be permissible for a starving man to steal in order to save his life, and considers that this would be lawful:

If the need be so manifest and urgent, that it is evident that the present need must be remedied by whatever means be at hand (for instance when a person is in some imminent danger, and there is no other possible remedy), then it is lawful for a man to succor his own need by means of another’s property, by taking it either openly or secretly: nor is this properly speaking theft or robbery. [Summa Theologica II-II, Qu. 66, Art.7]

Where a man is starving to death, then, it would be lawful to steal from another – presumably from someone who has more than enough.

However, when it comes to the issue of telling a lie to save someone from death, Aquinas argues that this is not lawful:
4.1 Normative ethical theories

A lie is sinful not only because it injures one’s neighbor, but also on account of its inordinateness, as stated above in this Article. Now it is not allowed to make use of anything inordinate in order to ward off injury or defects from another … Therefore it is not lawful to tell a lie in order to deliver another from any danger whatever. Nevertheless it is lawful to hide the truth prudently, by keeping it back …

\[\textit{Summa Theologica} \text{ (II–II, Qu. 110, Art. 3)}\]

Against Aquinas, modern proportionalists would generally argue that if it is acceptable to steal in order to save yourself from starvation, then it makes little sense to prohibit lying in order to save someone’s life. Commenting on this, Hoose suggests that:

‘\textit{What the proportionalists have done is point out the inconsistency and invalidity of such thinking.}’ [\textit{Note 18}]

Bearing in mind, then, that there are different shades of proportionalist thinking, the modern proportionalist account of natural moral law goes something like this:

1. In order to decide whether an act is moral or immoral, the intention of the moral agent has to be considered.

2. If you ignore the intention of the moral agent, then you can only determine what is called the ‘\textit{ontic}’, or ‘pre-moral’, or ‘physical’ goodness or badness of the act, and not its morality. Think of the distinction Aquinas makes between exterior and interior acts: only the good interior act is really good.

3. So acts become morally good or bad only when you consider both the proportion of value to disvalue in the act and the intention of the agent. If a surgeon makes an incision in human flesh, for example, you do not immediately say, ‘That cut is good’, or ‘That cut is bad’. It depends on the surgeon’s intention in doing it, and the value – or disvalue – that the patient gets out of it.

4. So, there cannot be any acts that are intrinsically evil. The physical act of abortion, for example, is not intrinsically evil. We can only find out whether abortion is morally right or wrong by looking at the value / disvalue of the abortion and at the agent’s intention in wanting to bring about an abortion in that situation.

\begin{tabular}{|p{0.5\textwidth}|p{0.5\textwidth}|}
\hline
**Example 1:** A woman has become pregnant within marriage. She wishes to terminate the pregnancy because she believes that having a child will interrupt her career pattern. \\
\textbf{The intention} of the agent (the mother; also the father if he agrees with her intention) would be the destruction of an innocent foetus, which goes against the principle of the sanctity of life. \\
\textbf{The value} of the abortion would be the uninterrupted progress of her career. \\
\textbf{The disvalue} would include acting against two of the primary precepts: the protection and preservation of life, and reproduction. It would also include acting in a way that could influence other parents in the same situation to make the same decision. \\
\textbf{Conclusion:} the disvalue of the abortion exceeds its value, and the intention of the agent is non-moral. To have an uninterrupted career pattern by means of an abortion is therefore not justifiable on proportionalist thinking. \\
\end{tabular}
Example 2: A woman has a pregnancy that endangers her life. She wishes to terminate the pregnancy because otherwise, two people will die – herself and the foetus.

The intention of the agent is to preserve her life.

The value of the abortion would be the preservation of her life. It would also include her continued existence to support the rest of her family. It is possible she might be able to conceive in the future without danger of death.

The disvalue would be the destruction of an innocent foetus.

Conclusion: the value of the abortion clearly exceeds its disvalue, and the agent’s intention includes the moral one of self-preservation. To preserve her life by aborting the foetus is therefore justifiable.

Notice that in both examples, the physical act of abortion is ‘pre-moral’. What makes abortion a moral or an immoral act in each case is the calculation of value against disvalue and the intention of the agent.

In addition to abortion, proportionalist theologians debate subjects such as contraception and masturbation. The value of using contraceptive devices in sub-Saharan Africa, where the HIV / AIDS epidemic has infected millions, can be held to outweigh the disvalue of going against the Church’s teaching on the final end of reproduction, and the intention is to save lives. Similarly, the value of masturbation in a medical procedure such as IVF can be justified because in the case of IVF the intention behind masturbation is to lead to the final end of procreation / reproduction.

Evaluating proportionalism

Strengths

1 As a principle, proportionalism has been around for a long time, so is fairly robust. For example, it is a well known part of ‘Just War’ theory, which was proposed by Augustine and developed further by Aquinas. The proportionality clause is that the violence used must be proportional to the casualties suffered. To drop a nuclear warhead on a village, for example, would be disproportionate.

2 The proportionalist approach seems to be based on common sense. For example, it seems to be common sense to lie in order to save a life and to steal to avoid dying of hunger.

3 The proportionalist principle is a wide one, and it is used outside natural moral law. As with Just War theory, allowing a proportional response to a threat is built into European Law.

Weaknesses

1 Proportionalism has been condemned by the Catholic Church. For example, by Pope John Paul II’s encyclical, Veritatis Splendor (The Splendour of Truth), on the grounds that it denies that any action can in and of itself be intrinsically evil. Is the Pope right? Many people have the feeling that some acts are indeed intrinsically evil, such as the rape and torture of a child, and if they are right, then the possibility of intrinsic good and evil have to be taken seriously.

Key term

Intrinsic good: Something that is (ethically) good in and of itself.
Where proportionalists calculate the proportion of value and disvalue in an act, this looks very much like a consequentialist way of deciding on moral issues. One of the biggest problems with consequentialism is that of how we can make accurate predictions about value and disvalue. This is the problem that utilitarians face when they try to calculate how much happiness or pleasure an act will bring. To do that, utilitarians have to be able to predict the future, so some guesswork is involved.

If proportionalism descends to moral guesswork: to a calculation of goods and evils, then the authority of natural moral law is lost. Catholics might just as well become religious utilitarians.

Strengths and weaknesses of natural moral law ethics

Strengths

1 In his series *Socratic Ideas*, John Waters puts forward a powerful argument in favour of natural moral law: that it offers a foundational, universal and absolute approach to ethics. (Note 19) Such an approach is for many people very important in the twenty-first-century 'post-modern' world which tends to reject all traditional institutions and authority. Natural moral law provides an objective foundation for ethics during an era where the individual is left to drown in a sea of limitless choice. It is no good telling people that they are morally free when so many people do not know what to do with that freedom. Most need the anchor of an unchanging moral code by which they know what they ought to do.

In summary, natural moral law enables people to establish common rules by which people can live in an ordered society. Natural moral law sets firm boundaries for moral behaviour.

2 Many people think that morality is not just a matter of people’s preferences, or of the different customs practised by different societies at different times. Rather, morality is about what is intrinsically good or bad. It is true that different cultures can have different moral ideas: for example, slavery was commonly practised by the European empires and America, but the fact that slavery has been abolished by nearly all cultures shows that human morality has evolved towards a common understanding that there is something intrinsically wrong with slavery.

3 Aquinas' system is realistic in that it acknowledges that people can make mistakes, for example, by being confused about the difference between real and apparent goods.

4 Natural moral law has been a basis for developing our ideas about natural rights, not least in the American Declaration of Independence from Britain. (Note 20)

5 Aquinas’ natural moral law is in line with Aristotelian virtue ethics, in that it focuses on the development of good moral character through practising the cardinal virtues of justice, prudence, temperance (self-control) and fortitude, along with the theological virtues of faith, hope and love.

6 Natural moral law is very adaptable. For example, in 1980, the Australian legal scholar and philosopher John Finnis published *Natural Law and...*
Natural Rights, a version of natural moral law that does not presuppose God’s existence. Finnis proposed a list of seven primary/basic goods:

i life (which includes goods such as health and procreation)
ii knowledge
iii play (done for pure enjoyment)
iv aesthetic experience
v sociability, including friendship
vi practical reasonableness, which is the ability to reason correctly for yourself about how you should best act in a situation, both for your own benefit and that of others
vii spirituality: acknowledging that one is part of a natural ordered system which is the object of our ‘ultimate concern’.

This is a theory of both ethics and law, since these goods are all fundamental (like Aquinas’ primary precepts), so Finnis argues that the function of the legal system should be to promote these goods for all citizens.

You are not required to know Finnis’ natural moral law system. It is mentioned to show the adaptability of natural moral law, which is not so set in stone as is so often presupposed. Aquinas’ concept of natural moral law is perhaps the most distinctive of all its adaptations, combining Christian ideas with those of Aristotle.

Weaknesses
1 One of the greatest weaknesses of natural moral law is its teleological view that we all share a common human nature designed by God. This leads in particular to some very questionable claims about human sexual nature, specifically that God’s plan requires human sexuality to be geared specifically to procreation. The list of secondary precepts which derive from this approach includes the condemnation of masturbation, same-sex relationships and artificial contraception. The prohibition of artificial means of contraception alone has arguably led to untold misery for millions. It has also led to the persecution of homosexuals and to the repression of natural sexual instincts.

Pojman comments that:

‘We may have many purposes, and our moral domain may include a certain relativity. For example, heterosexuality may serve one social purpose whereas homosexuality serves another, and both may be fulfilling for different types of individuals. Reason’s task may not be to discover an essence of humanity or unchangeable laws, but, rather, simply to help us survive and fulfill [sic] our desires.’ (Note 21)

2 Although some forms of natural moral law can be atheistic, that of Aquinas cannot. Aquinas assumed that it was natural for all humans to worship God, but that is not a natural assumption for an atheist.

3 Even if there is a God, it is not obvious that natural moral law is the best way of looking at morality and the world. Fletcher’s situation ethics makes that point very clearly, as you will see when we come to it. For Fletcher, moral systems such as natural moral law amount to legalistic nonsense and should be replaced by an ethic of Christian love.
4 It seems clear that natural moral law can lead to immoral outcomes. For example, despite the fact that the Catholic Church is easily the largest provider of care for HIV / AIDS patients, its prohibition of artificial methods of contraception has contributed to the spread of AIDS.

5 The fact that some Catholics in Europe and America are following a proportionalist approach to natural moral law shows that even some Catholics are dissatisfied with applying exceptionless, absolute rules to moral life. Double effect seems to throw out the ‘baby’ of common sense with the ‘bathwater’ of the rule, particularly with the way it approaches the problem of abortion.

Technical terms for natural moral law

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td><strong>agent</strong></td>
<td>The moral agent – the person involved in making an ethical decision.</td>
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<tr>
<td><strong>beatific vision</strong></td>
<td>The ultimate, direct, self-communication of God to humanity.</td>
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<tr>
<td><strong>canon law</strong></td>
<td>Ecclesiastical (Church) law. In the Roman Catholic tradition, especially that given by the Pope.</td>
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<tr>
<td><strong>casuistry</strong></td>
<td>From Latin <em>casus</em>, 'case', so case law. The Catholic manuals are compilations of casuistry.</td>
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<tr>
<td><strong>consequentialism</strong></td>
<td>The approach to ethics in which the rightness or wrongness of an act is judged by its consequences.</td>
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<tr>
<td><strong>cultural relativism</strong></td>
<td>The view that a person’s moral beliefs should be judged in the context of their own culture.</td>
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<tr>
<td><strong>deontology</strong></td>
<td>The approach to ethics in which the rightness or wrongness of an act is judged by its conformity to duties, rules and obligations.</td>
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<tr>
<td><strong>eudaimonia</strong></td>
<td>(In virtue theory) happiness, complete well-being.</td>
</tr>
<tr>
<td><strong>intrinsic good</strong></td>
<td>Something that is (ethically) good in and of itself.</td>
</tr>
<tr>
<td><strong>Jesuit</strong></td>
<td>A member of the Society of Jesus: a Roman Catholic priestly order founded by St Ignatius Loyola and others in 1534. Regarded by many as the right wing of the Catholic Church. Has produced a disproportionately large number of top physicists.</td>
</tr>
<tr>
<td><strong>Magisterium</strong></td>
<td>The teaching office of the Catholic Church, composed of the Pope and bishops, having the authority to lay down what is the authentic teaching of the Church.</td>
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<tr>
<td><strong>Manualism</strong></td>
<td>In the Roman Catholic Church, the tradition of producing manuals for use in Catholic seminaries, to train clergy in applying natural moral law to difficult cases.</td>
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<tr>
<td><strong>rights</strong></td>
<td>Natural moral law is held by many to give all humans certain entitlements (for example, liberty and the pursuit of happiness) which result from their common human nature.</td>
</tr>
<tr>
<td><strong>seminary</strong></td>
<td>In Catholicism, a school for training clergy.</td>
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<tr>
<td><strong>teleological</strong></td>
<td>In ethics, refers to views of ethics where the emphasis is on the goal or purpose that an ethical approach is intended to achieve. In natural moral law, the primary precepts are teleological, their aim being to bring about complete well-being in this life and union with God in the next. In virtue theory, the goal is the development of character through habitual virtues.</td>
</tr>
<tr>
<td><strong>Thomist</strong></td>
<td>Refers to the first name of Thomas Aquinas, so a Thomist position is one that would have been proposed / held by Aquinas, for example, Thomist natural moral law or Thomist Cosmological Arguments.</td>
</tr>
<tr>
<td><strong>virtue</strong></td>
<td>A quality / trait / disposition in a person held to be of moral value.</td>
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Summary of natural moral law

Natural moral law [NML] is pre-Christian, its roots being found, for example, in the writings of Aristotle and Cicero. Its most distinctive version is that of Aquinas, which marries Aristotelian virtue ethics with Christian theology.

Aquinas assumes that reality is governed by the eternal law, where the natural and moral order exist as ‘blueprints’ in the mind of God. These principles of eternal law are revealed to humans through scripture and the teachings of the Church, but the detail of natural moral law is worked out independently of scripture, through human reason, by which we then formulate human laws such as those in our legal systems.

Aquinas’ guiding principle of NML is that ‘good is to be done and pursued and evil is to be avoided’. Reason leads us to the primary precepts [principles] to which we have a natural inclination. These include: the preservation of life / preservation of the self; reproduction; the education of children; worship of God and living in an ordered society. The primary precepts are teleological: their purpose on Earth is to lead to human happiness / human flourishing /complete well-being. They also have an ultimate focus, both for humanity as a whole in the beatific vision of God (union with God in the afterlife), and for individuals in particular to fulfil their individual telos, based on their natural abilities.

From the primary precepts we derive secondary precepts, which are rules that govern how we should act in specific situations. In explaining these, Aquinas follows Aristotle’s distinction between efficient and final causes [final ends]. For example, the efficient cause of sex is pleasure, whereas its final end is procreation, and any act which does not lead directly to the possibility of procreation violates the nature and purpose of sexual intercourse. The secondary precepts are exceptionless in most cases, are the same for everybody and so are not relative to the culture in which you live. However, Aquinas does allow some flexibility in the secondary precepts, because his interpretation of ‘law’ in NML is ‘justice’ or ‘principle’ as opposed to ‘rule’ or ‘law’. He argues that although the primary principles are absolute, in rare cases the secondary principles can vary in relation to particular situations, for example: sometimes it may not be right to repay a debt where that would lead to injury to oneself or one’s country.

Nevertheless, there are ways in which we can avoid making mistakes. For example, we can avoid becoming confused about the difference between real and apparent goods. We can also be careful about the difference between interior and exterior acts: someone who gives money to charity in order to be admired by others only performs a good exterior act and not a morally good act. In particular, the process of following the real good can be aided by following the virtues: particularly the cardinal virtues of prudence, justice, fortitude (courage) and temperance (self-control), combined with the theological virtues of faith, hope and love.

We can also avoid making mistakes in difficult moral situations by using the principle of double effect. For example, on the question of whether it is lawful to kill a man in self-defence, Aquinas answers that if killing the aggressor is the unintended second effect of saving one’s own life, then this is lawful. However, the amount of force needed to save one’s own life must be proportional – it is never legitimate to use more force than is necessary. The developed doctrine of double effect, as described by Pojman, gives four conditions that must be satisfied before an act is morally permissible: 1 the act must be morally good, or at least neutral [so acts such as lying, or intentionally killing an innocent person are never permissible]; 2 the bad effect must not be the means by which the good effect is achieved; 3 the intention must only be to achieve the good effect, so the bad effect must only be an unintended side-effect. If the bad effect is the means of bringing about the good effect, then the act is immoral. The bad effect may be foreseen, but it must not be intended; 4 the good effect must at least be equivalent in importance to the bad effect.

Examples of double effect include: the use of morphine to control pain for terminally ill patients; the difference between terror bombing and tactical bombing; and torturing one person to save 1 million people. The method of double effect can be challenged in each of these cases. In addition, for example, Aquinas forbids suicide, but in the case of a soldier who sacrifices his life to save his comrades, double effect would require him not to intend to sacrifice his life, whereas most people would consider an intentional self-sacrifice to be heroic and loving. Aquinas also held that it is not lawful to tell a lie in order to save someone from any danger whatever, but this goes against most people’s intuition.
Catholic NML today is still essentially Thomist, although the Catholic Church puts more importance than Aquinas on obligations and rules. Historically, this was the result of Manualism – rulebooks of casuistry designed to train Catholic clergy in the application of moral law to specific cases. The manuals left out Aquinas' treatise on happiness and on the destiny of the human person, for example, together with his emphasis on the virtues.

Nevertheless, there are indications within the Catholic Church of a shift towards a more flexible interpretation of NML. In recent decades there has been a renewal of interest in Aristotle’s virtue ethics, and this has reminded Catholicism of its roots in virtue theory. The Catechism of the Catholic Church, put forward in 1992 by Pope John Paul II as a summary of beliefs for the Catholic faithful, includes reference to the cardinal and theological virtues.

Within Europe and America, Catholic theologians such as Peter Knaur and Richard McCormick have introduced proportionalism as a method of rejecting too much casuistry in favour of a more situational approach. Proportionalism is rooted in the work of Aquinas, that where a proportionate reason exists it would be right to ignore a rule in that situation. For example, Aquinas held that it would be lawful for a starving man to save his life by stealing the property of others. Current debate among Catholics produces disagreement on issues such as contraception and masturbation. For masturbation, for example, some hold that it is forbidden in all circumstances because it ignores the final end of procreation; others argue that its use in IVF is a valid exception, because IVF promotes the final end of procreation.

Proportionalism distinguishes between the ontic, or ‘pre-moral’ or ‘physical’ goodness or badness of an act and its morality. Acts become morally good or bad only where the agent: 1 compares the value and disvalue of an act (such as abortion or contraception or masturbation); and 2 considers his intention in carrying out that act. As a principle, proportionalism seems strong, for example, where it is used in Just War theory; although proportionalism was rejected by Pope John Paul II’s encyclical, Veritatis Splendor, on the grounds that it denies that any action can be intrinsically evil. Many Catholics argue that proportionalism becomes consequentialism, which reduces morality to guesswork – to a calculation of goods and evils – and that once the authority of NML is lost, Catholics might just as well become religious utilitarians.