

Moral Terminology and Proportionalism

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The furor that surrounded the issuance of Veritatis Splendor indicated that greater clarity is needed about certain key terms used by the magisterium in evaluating human action. A lack of clarity about the meaning of certain key terms is one of the primary causes for the conflict between proportionalists and the magisterium. This paper attempts to make some distinctions not commonly observed in the debates between proportionalists and defenders of the magisterium. 1) First, the need for making carefully enough the distinction between malum, peccatum, and culpa will be shown. 2) The difference between evaluating acts as kinds (as "secondary substances") and evaluating acts as concrete particulars (as primary substances) will be explained. 3) Distinctions will be made between "accidental," "concrete," and "specifying" circumstances." 4) It shall also be shown that the moral prohibitions of the tradition are not merely "formal" or tautological.

Malum, peccatum and culpa

Aquinas makes careful distinctions between what is a malum, a peccatum, and a culpa. In the De malo, in response to the question "Whether sin [peccatum] consists solely in the will?", he states:

There was a threefold opinion concerning this question: for some said that no act either interior or exterior in itself is a sin [peccatum] but only privation has the nature of sin [peccatum] on account of what Augustine says that sin is nothing; but others asserted that sin consists in the interior act of the will alone; still others maintained that sin consists in both the interior act of the will and the exterior act. Although the latter contains more truth, nevertheless all the opinions are in some measure true.

But it must be noted that these three -- evil [malum], sin [peccatum], and fault [culpa] -- are related to each other as more general and less general. For evil [malum] is more general: indeed any privation whatever of form or of order or of due measure either in the subject or in the act, has the nature of evil [malum]. But any act lacking due order or form or measure is called a sin [peccatum] (or defect). Hence it can be said that a crooked leg is an evil [malum] or bad leg, but it cannot be said that it is a sin [peccatum] except perhaps in that manner of speaking in which the effect of sin [peccatum] is called a sin [peccatum]; but the very limping is called a sin [peccatum] or defect: indeed, any disordered act either in nature or in art or in morals can be called a sin [peccatum]. But sin [peccatum] has the nature of fault [culpa] only from the fact that as it is voluntary: for no disordered act is imputed to anyone as a fault [culpa] except as a consequence of that fact that it is within his power. And so it is clear that sin [peccatum] is more general than fault, although according to the common usage among theologians, sin [peccatum] and fault [culpa] are taken for the same thing.

Let us extract the pertinent definitions. Malum (translated as "evil") is any privation of form or order or due measure either in the subject or in the act; it would be right to speak of this as

objective evil. Peccatum (translated as "sin"), a subcategory of malum, is any act lacking due order or form or measure (e.g., limping). And culpa (translated as "fault"), a subcategory of peccatum, is a voluntarily disordered act.

The distinctions are clear enough but finding English equivalents is difficult. Although malum is generally translated "evil", most English speakers think that references to evil are always to moral evil. For instance, although Aquinas would speak of a three-legged dog as an instance of evil (malum), few English speakers would speak thus. The modern age tends to use the word "evil" to refer only to egregiously bad moral action -- such as Hitler's pogrom against Jews. Aquinas clearly means to include in the category of objective evil (malum) all kinds of imperfections, large and small, both in the being and in the operation of things.

"Sin" is the common translation of peccatum. But, again, speakers of English generally use "sin" to refer only to moral evil, whereas Aquinas, allowing that theologians equate it with culpa, states that it refers to any disordered act. His reference to limping as a peccatum suggests that he includes both acts of man (non-voluntary actions) and human acts (voluntary actions) in the category of peccatum. Certainly, there are defects in human behavior for which one bears no moral responsibility, certainly those resulting from physical defects, which lead to disordered actions, such as "limping" (a peccatum). Yet, I believe that peccatum includes what has come to be known as "objective" evil in the moral realm; i.e., evil that if freely chosen is a culpa. Peccatum refers to defective physical acts and also any such disordered acts as "taking another's property", or "causing the death of another" that would be culpa if accompanied by a bad intention.

Culpa, translated "fault" or more properly "blame," is the word that refers to an act of the will or a human act that is immoral, i.e., it is an act for which the agent is morally culpable, for which an agent is worthy of being blamed and even punished. It is a disordered act -- a peccatum -- that is voluntarily chosen; in the next paragraph of the response Aquinas states: "the exterior deformed act is imputed to man as a fault (culpa) because of the will." English speakers generally call such an act a sin.

In order to illustrate Aquinas' terms and to show the disparity between them and common English usage, let us apply his distinctions to four sexual matters. 1) If one were infertile, Aquinas would call this condition a malum, since infertility is not the natural or healthy or good condition for an adult person. 2) If one were to undertake an act of sexual intercourse (and here it is irrelevant whether the act is with one's spouse or with one not one's spouse), and were unable to complete the act because of impotence, Aquinas would call this act a peccatum (a kind of malum), not because the act is blameworthy (assuming it is not) but because it is an act that did not achieve its proper completion or fullness. 3) If one were mistakenly (and not culpable for one's ignorance) to have intercourse with a woman one believed to be one's spouse, this act would also be a peccatum, but not a culpa. 4) If one deliberately and willingly had sexual intercourse with someone one knew not to be one's spouse, this act would be a culpa. (Let us note here a point that will be justified later: agents in instances 3 and 4 would be understood to have committed adultery, an intrinsically evil act, but only the agent in instance 4 would have committed a blameworthy act.)

Now, when the magisterium speaks of acts that ought never to be performed by human beings, of acts that are always intrinsically wrong, it speaks of intrinsece malum. From the distinctions made above, one might expect magisterial documents to speak of intrinsece peccatum or even of intrinsece culpa since they are referring to actions, whereas malum is

more generic. I believe that the reason for the choice of intrinsece malum is that it more clearly than the other terms has reference to the external act, independent of the motive of the agent. As noted above, theologians sometimes use peccatum and culpa interchangeably and since the magisterium is imputing no moral evil to an agent when it speaks of actions that ought never to be done, the use of intrinsece malum may be designed to avoid such confusions. Unfortunately such confusions still exist.

Furthermore, it is important to note that when the magisterium describes an act as intrinsically malum, it is speaking about a kind (species) of act that can never be the object of a morally good choice; it is speaking about a kind of act that a human being ought never to choose to do. Only concrete particular acts can be called culpae (or in more modern usage "sins", i.e., blamable actions -- hereafter I use "sin" as the translation of culpa). One of the points of divergence between the magisterium and proportionalists is that the magisterium, when speaking about intrinsically evil acts, is speaking about acts as kinds (or secondary substances) whereas proportionalists are, for the most part, evaluating concrete particular acts (or, acts as primary substances; more about this later).

It is also important to note that the magisterium is speaking only of the object of the act when it speaks of intrinsic evil, not of the act as a whole, which includes the intention (end or motive), object, and what should be identified as accidental circumstances. For instance, a bad intention (motive) may cause an act with an object essentially good in its kind, to be a culpa. That is, a man because of his evil intention (motive), say, to gain a false reputation as a do-gooder, although doing something intrinsically good (e.g. giving alms), may be sinning. Conversely, of course, the man doing something intrinsically evil, would not be sinning, if, for instance, he is invincibly ignorant of the nature of his deed or if he is being forced to perform the deed. While acts as kinds are intrinsically good or intrinsically evil, no kind of action is intrinsically a culpa.

Many are offended by the magisterium's claim that certain acts are intrinsically malum because they think that this claim entails a harsh judgment on those who perform such acts. According to the understanding of moral evaluation advanced by the magisterium, however, no judgment on the moral status of the agent of an act is possible until it is known that an act was freely and deliberately chosen. We may know, for instance, that a woman has had an abortion. We would know, then, that something intrinsically evil (malum) has been done (an objectively evil act has been performed) since abortion is an act that is evil in its species or kind. We would not be able to judge whether she has sinned until we know whether she knew that abortion is the direct taking of an innocent human life. We would not know the severity of her sin, until we know the particulars of the situation. If she was honestly and not negligently mistaken about the ontological status of the fetus, she would not be morally culpable for the objectively evil act that she performed. Again, she would have done evil (malum) but not be guilty of a subjective evil, of sin (culpa). Again, no action is intrinsically a sin (culpa). This distinction needs to be borne in mind throughout discussions on intrinsic evil so that misattributions not be made to the magisterium.

Metaphysical categories

To understand the debate between the magisterium and the proportionalists, it is also necessary to have in mind that Aquinas is using metaphysical terms -- "substance" and "accident", "species", "form" and "matter", for instance -- in a metaphorical way to explain ethical realities. When he speaks of placing an act in a "species" he is speaking of an act

having a "substance" or "essence" or "nature" that allows us to designate it a certain kind of act, one that can be deemed morally good, morally evil or morally indifferent. Although he does not explicitly state that he is speaking of acts as secondary substances, his reference to acts as "kinds" demonstrates that such is what he is doing. Just as Joe, George, and Bill are primary substances who have the same essence, which is "man", the secondary substance or species to which they belong; a multitude of concrete particular acts are primary substances and have the same essence. All concrete particular acts of having sexual intercourse with another's spouse are in essence acts of adultery; "adultery" is the secondary substance or species to which all the particulars belong.

Let us elaborate this claim, for it is central to an analysis of the proportionalist understanding of the magisterium. According to the tradition, one could report (or contemplate) a half dozen or so cases of individual concrete particular acts of "having sexual intercourse with another's spouse". "Having sexual intercourse with another's spouse" is the object of the half dozen or so particular instances of this act; this is the species of act called "adultery." Again, all these acts of "having sexual intercourse with another's spouse" qualify as the same kind of act, they have the same essence; they all belong to the species, "adultery", an act intrinsically lacking order to the human good, an intrinsically evil kind of act. The tradition holds that although each agent has performed an intrinsically evil act, not all the agents of this same kind of act would be equally culpable, because of the different concrete particular intentions (motives), circumstances, and foreseeable consequences. These are the accidents of the act and thus do not impact upon its essence. The essence of an act is to be found in its object; the intention (motive), circumstances, and consequences are accidents (unless these are of the specifying nature; more about this later).

Universal Species vs. Concrete Particulars

It is the contention of this essay that whereas the magisterium is evaluating acts considered in their species when it speaks of intrinsically evil acts, it seems that proportionalists are oftenevaluating concrete particular acts. Often they seem to find that the intention (motive) or circumstances of an action render the agent non-culpable, and thus wish to claim that no evil, only "pre-moral" or "ontic" evil, has been done. Father Edward Vacek, a proportionalist, makes this point clear:

Contrary to what its critics say, P [proportionalism] is not opposed to the use of the terms "intrinsic evil," "duty," or absolute," but it uses these terms only for concrete acts. One ought not -- "absolutely" ought not -- do an act that is wrong. Such an act is "intrinsically evil." In the sphere of concrete moral decisions, P often is experientially indistinguishable from classical act-deontology. What P refuses to do is use these terms for norms or for classes of acts viewed independently of the agent or the circumstances. "Absolutes" commonly refer to a class of acts that are always prescribed or proscribed, i.e., in all circumstances, at all times, in all places, and for all persons without exception. For P, the word "absolute" is reserved for a particular contingent deed that is objectively required. Since no behavioral norm can foresee or include all the possible combinations of values involved in a concrete deed, absolute behavioral norms unjustifiably exclude consideration of features of an act that may be relevant.

We must keep in mind that to use the term "intrinsically evil" to refer to acts described in terms of their concrete particulars is simply not to use the term in the same way as the tradition and

the magisterium have used it. Again, the magisterium speaks of acts that are intrinsically evil in their kind (or species). Vacek contends that proportionalists, when speaking of an intrinsically evil act, are judging some concrete particular act, not a "kind" of act. They deny that it is possible to speak of "kinds" of acts as intrinsically evil (unless speaking "formally"; we will examine this point in some detail below). In their view, no acts are evil "in their kind" because all acts are susceptible to being converted into a good act if a sufficiently good intention (motive), circumstance, or consequence accompanied it. For the magisterium, no further intention (motive), circumstance, or consequences can render an intrinsically evil act good; that is what it means for an act to be intrinsically evil.

The Role of "Circumstances" and "Intentions" in Defining Actions

Father Richard McCormick in contrast to Vacek claims that proportionalists do evaluate actions as kinds. He states: "[A]ll proportionalists would admit this [that some acts are intrinsically evil from their object] if the object is broadly understood as including all the morally relevant circumstances." McCormick claims that the magisterium is inconsistent in the role that it allows circumstances to play in the moral evaluation of actions. He argues that it is inconsistent for the magisterium to allow "killing" in some circumstances -- the circumstance, for instance, of "self-defense," but not to allow contraception in any circumstance. In his words:

[T]he tradition has defined certain actions as morally wrong ex objecto because it has included in the object not simply the material happening (object in a very narrow sense) but also elements beyond it which clearly exclude any possible justification. Thus, a theft is not simply "taking another's property", but doing so "against the reasonable will of the owner". This latter addition has two characteristics in the tradition. (1) It is considered as essential to the object. (2) It excludes any possible exceptions. Why? because if a person is in extreme difficulty and needs food, the owner is not reasonably unwilling that his food be taken. Fair enough. Yet, when the same tradition deals with, for example, masturbation or sterilisation, it adds little or nothing to the material happening and regards such a materially described act alone as constituting the object. If it were consistent, it would describe the object as "sterilisation against the good of marriage." This all could accept.

Is the magisterium inconsistent in its use of circumstances in evaluating moral actions?

It is important to keep in mind that the tradition distinguishes different types of circumstances. Since the magisterium and proportionalists are using Thomistic terms to describe actions, we must take a close look at how Aquinas sees circumstances affecting the description of an action. Although Aquinas does not give different names to the different types of circumstances of which he speaks, for the sake of clarity, I shall here speak of the two kinds of circumstances identified by Aquinas as 1) "accidental circumstances," and 2) "specifying (or defining) circumstances." Proportionalists seem to refer to yet a third kind, that which I shall call 3) "concrete particular circumstances." These are the circumstances that accompany some act considered in its very particularity. In Aquinas' analysis, accidental circumstances and concrete particular circumstances play no role in defining an act as to its essence (or object) whereas they do play a role in the evaluation of the whole act. Specifying circumstances do serve to define an act because they, in the words of Aquinas, "enter into the object of the act."

These distinctions seem to have escaped proportionalists. They seem to believe that the

magisterium in theory considers all circumstances "accidental" but in practice when defining some acts gives them much more weight. In their own analyses of acts, as we shall see, proportionalists seem to define acts ultimately by only one kind of circumstances, concrete particular circumstances.

Let us first get the Thomistic concepts straight.

Circumstances are those elements of an action that "surround" what is being defined and that answer such questions as "how, where, when, why, etc.".

"Accidental circumstances" are those elements answering such questions but not entering into the essence of what is being defined. Like accidents in reference to anything being defined (e.g., the hair color of a human being does not affect his essence), accidental circumstances do not affect the species of an act at all; they can only increase or diminish the goodness or evil of acts already so designated in respect to their object or end. Thus to commit an act of adultery in a nice hotel or a seedy one, or with a beautiful partner or an ugly one, or in the evening or midafternoon, does not change the species of the act. Indeed, in reference to the specification of the objective act, even the "why," the "intention," (motive) or the "end" is an "accidental circumstance." Should a man commit an act of adultery out of kindness to a lonely woman, this good intention (motive) does not alter the specification of the objective act; it remains intrinsically evil although less evil than if the motive were sheer selfish pleasure. It often seems that it is these accidental circumstances (as well as concrete particular circumstances, discussed below) that proportionalists wish to give more power and weight to, than does the tradition.

"Specifying circumstances" are not accidental to the act; rather, they "enter into" the object of the act and help determine its moral species (its substance). Indeed, specifying circumstances make the object to be what it is, and the object is what places an act in a moral species. These specifying circumstances share the name "circumstances" because they answer to the questions that accidental circumstances answer to -- but they are not accidental. For instance, whereas "having sexual intercourse," is morally neutral, should the specifying circumstance "with one's spouse" be added, the act would be specified as an act of conjugal intercourse and thus a good act. To repeat an example used earlier, if another specifying circumstance be added, such as "in a public place," this act would undergo a substantial change and become an act of exhibitionism, an evil act rather than a good one. The inclusion of these specifying circumstances into the substance of the act is not a whimsical inclusion; these "circumstances" have a relation to right reason or nature that determine the object or species of an act.

Let me comment on the role of the circumstance identified as the "why". Some are surprised that "why" is one of the circumstances, for "why" seems to correspond to the end of the act, or to what is also known as the intention or the motive of the agent. It must be noted that acts are said to have two ends (at least), the end of the object (the finis operis) and the end of the agent (finis operantis). The finis operantis, or the ultimate end of the whole act, the intention or motive of the agent, is distinguished from the finis operis which is often said to be the "proximate intention" or the "intention" of the object of the act (I would like to call this the "specifying intention"). The finis operis can be an "accidental circumstance" or a "specifying circumstance" (which it is, depends upon how the circumstances relates to right reason).

Let me give an example. "Cutting into a human body in order to remove a vital organ" for the intention (finis operis) of organ transplantation would be a moral object and would be called

"organ transplantation surgery." The proximate intention, the finis operis, the specifying intention, is "organ transplantation." "Cutting into a human body in order to remove a vital organ for the purpose of killing an innocent human being" would be a different object in a different moral species because it has a different proximate intention, a different finis operis, a different specifying intention; it belongs in the species of murder. When the whole act is evaluated the intentions (motives), the finis operantis, not just the object of the act, would need to be considered. "Organ transplantation surgery" could be done with a bad intention or motive -- i.e., not to help the patient but to advance one's medical reputation. Here one has a good object done for a bad end. One could also "cut into a human body to remove a vital organ for the purpose of killing an innocent human being" with a good motive, i.e., to get an inheritance to help the poor. Here one has a bad object, done for a good end. For the tradition the ultimate intention (motive) or finis operantis does bear upon the evaluation of the whole act, but it is the specifying intention, the finis operis that defines the object.

Proportionalists fail to distinguish "specifying" circumstances from "accidental" and "concrete particular" circumstances and thus wrongly claim that the magisterium is inconsistent in sometimes allowing circumstances to specify an action and sometimes not. Their charge that the magisterium does not give due weight to circumstances and intention (motive) suggests that they do not understand what role the specifying circumstances (including the specifying intention) play in determining the object of the act, and thus in determining the species of the act, as well.

The specification given by the specifying circumstances is necessary since every act could be described at a level of generality that makes it a "morally indifferent act" in need of some specifying circumstance to justify placing it within some moral species. "Killing a human being" (always a malum, for death destroys the good of life), "having sexual intercourse," "telling a falsehood" are acts that cannot be placed in a moral species because, as described, it is not possible to determine whether or not they are in accord with or in conflict with right reason. Some further information, some specifying circumstance, is needed to determine what moral species such actions belong in.

Again, "specifying circumstances" can be any one of those elements that answer to the questions "when, where, how, why, etc." So acts that belong to the same natural species (such as "having sexual intercourse with one's spouse" and "having sexual intercourse with another's spouse") can be very different acts when specified morally, since they line up very differently with right reason. "Killing a human being" (again, always a malum) is, as described, morally indifferent; "killing in self-defense" and "killing an innocent human being" are in the same natural species, but because of the "who" (referring to the status of the one who is being killed: innocent or guilty), the first act is morally permissible; the second intrinsically evil. All acts that are considered intrinsically evil have some "specifying circumstance" included in their descriptions. (Again, let us be clear that while "killing an innocent human being" while a malum considered as a privation of being, is called intrinsic evil (which is a category that is directed towards an ultimate moral evaluation) whereas "killing in self-defense" is not, because it is the kind of action that ought never to be the object of human choice. Again, "killing an innocent human being" while intrinsically evil need not necessarily be a culpa or sin, since one may perform such an action out of ignorance or involuntarily.)

Furthermore, any act described in a very general way can be transformed into an act that is intrinsically evil if a specifying circumstance in violation of right reason is included in its transformed description. For instance, suppose one were trying to categorize instances of

"picking up a leaf". If no further information were available, one would have to say that the act is morally indifferent. If a circumstance were specified, we may be able to judge the action. For instance, one could be picking up basil leaves to make pesto; such would, as described, be a good action in respect to its object. Someone else, however, could be picking up a leaf and tormenting his sibling with it; such an action would always be wrong and, should it be a common act needing general condemnation, we might call it "mal-leaving".

"Concrete particular circumstances" are circumstances that accompany a particular act that one has every intention of performing. These are the circumstances that proportionalists think should define a moral action. A classic statement of the proportionalist position is that of Father Joseph Fuchs:

If the absoluteness of the moral norm signifies objectivity more than universal validity, can moral norms be universal at all, in the sense of being applicable always, everywhere and without exception, so that the action encompassed by them could never be objectively justified? Traditionally we are accustomed to speak of an "intrinsece malum."

Viewed theoretically, there seems to be no possibility of norms of this kind for human action in the inner-worldly realm. The reason is that an action cannot be judged morally at all, considered purely in itself, but only together with all the "circumstances" and the "intention." Consequently, a behavioral norm, universally valid in the full sense, would presuppose that those who arrive at it could know or foresee adequately all the possible combinations of the action concerned with circumstances and intentions, with (pre-moral) values and non-values (bona and mala "physica"). A priori, such knowledge is not attainable.

Fuchs makes a distinction between the "theoretical realm" and the "practical realm." By that he means that while some norms may be "virtually exceptionless" when considered in the abstract, but in concrete particular reality, the circumstances must be taken into account. These circumstances are not the same as the "accidental circumstances" described by Aquinas, for those are the circumstances considered as part of the act considered in the abstract, as part of an act viewed as a kind, as a secondary substance. Nor are they "specifying circumstances" for these define an action considered in the abstract (in Fuchs' terms "theoretically"), not a concrete particular action (in Fuchs' terms "practically"). Yet, for the proportionalist the particularities of the act make all the difference. Proportionalists do not condemn any action antecedently to the concrete particular circumstances. For them, "having sexual intercourse with another's spouse" is morally indifferent until one knows all the morally relevant circumstances of the concrete particular act one is intent upon. Some circumstances might render that action morally good, as in the case of Mrs. Bergmeier who had sexual intercourse with a prison guard to obtain release from prison. Thus, proportionalists think no circumstances serve to specify an action so definitively that some further circumstances could not alter its specification. This is not the position of the tradition.

The "Whole" Act

For the magisterium, once an act is considered evil or malum in respect to any of its per se elements, it is deemed an intrinsically evil act. No accidental or particular circumstances, intention (motive), or consequences added to such an act can render it good. Let us consider how these "parts" of an act fit together.

One might see the parts of an act as the materials with which one builds a house, with the object equivalent to the foundation of the house, the intention (motive) to the frame, and the accidental circumstances to the trimmings. The foundation already has its own matter and form before any other elements are added, and, thus, is already good or bad. The specifying circumstances are some of the materials that go into the foundation; for instance, the concrete foundation of a house may include a set of metal rods giving it further definition. A good foundation (object of the act) is necessary for the house (the whole act) to be good, and if the foundation is bad, nothing added to it can render the house good. A house (the whole act) needs more, though, than just a good foundation (the object of the act) to make it good. The frame of the house, like the intention (motive) of the act, is crucial to the goodness of the whole house. Unless the frame, too, is good, the house as a whole will not be good. If the foundation is bad, however, it matters not at all how good the frame or the other elements of the house are: the house is still defective. The "form" that the foundation has is not absorbed or obliterated by the frame; it retains its own identity and defines the goodness of the house even if the frame is good. Different elements of the house -- the windows, the color, the trimmings, the "accidents," as it were -- might add or detract from the goodness of the house; they would not affect the fundamental goodness of the house. So even if one considers the object to be the matter of the act, this does not mean that it awaits the addition of any other elements, not even the intention (motive), to render it good or evil.

So now we can see why McCormick is incorrect when he accuses the magisterium of inconsistency in its use of circumstances to define an act. McCormick thinks it right to consider "killing a human being", "using a drug or device to prevent conception" and "permanently negating one's fertility (sterilization)" all to be the morally indifferent "material" for an action to be further specified by circumstances (what kind?), intention (motive), or consequences. As we can see from above, however, not all of these acts are being described at the same level of generality or specificity. The act "killing a human being" as described is morally indifferent because it has no specifying circumstance that serves to make the act in accord with right reason or opposed to right reason. Until one knows whether the individual killed is an innocent human being or a life-threatening aggressor, one cannot know whether to classify the act as an intrinsically evil act of murder or a morally legitimate act of self-defense.

An act such as "contraception", however, does not need to undergo further specification before we know how to categorize it morally. Let us use "the pill" as our paradigm instance. One who uses "the pill" is "taking female hormonal treatments." "A female taking female hormonal treatments," as described, is a morally indifferent act. Different specifying intentions will place the action in different moral categories. Identical hormonal treatments can be taken for therapeutic purposes or for contraceptive purposes (the preventing of an act of sexual intercourse from achieving the natural telos -- not its only telos -- of procreation). The "specifying intention" specifies the use of such hormones for therapeutic purposes to be a good act (infertility is a tolerable side effect) and specifies the use of such hormones deliberately to render oneself infertile, as the intrinsically evil act of contraception. Equivalently, "removing the uterus to stop the spread of cancer" is morally permissible, whereas "removing the uterus to render one's self permanently infertile" is the intrinsically evil act of sterilization. (No argument is going to be given here, why the preventing of an act of sexual intercourse or the rendering one's self permanently infertile is contrary to right reason; here the intent is simply to show what taxonomy the magisterium uses for specifying acts morally.)

Thus, we can see that the magisterium is not guilty of the inconsistency of allowing "circumstances" to morally specify "killing a human being" and of not allowing them to morally

specify "using a drug or device to prevent conception." The magisterium sees the necessity of morally specifying circumstances but maintains that "using a drug or device to prevent conception" already has a morally specifying "circumstance" as part of the description of the act. We can see why the magisterium does not allow, as proportionalists do, that a further intention or accidental circumstance can make an act of which an evil object is a part, a good act. Again, no matter what frame or accouterments are added to a bad foundation, a bad foundation makes for a bad house.

Tautological Norms

The defining of moral terms is all-important to this debate. Here we shall address the claim made by proportionalists that the magisterium describes intrinsically evil acts in "formal terms", i.e., that written into the definition of the terms is an expression of disapproval. This would make the condemnation of actions already described as wrong, tautological: one would be saying "Do not do what you ought not to do." In a response to Veritatis Splendor, Father Charles Curran stated:

... revisionist moral theologians are willing to accept some intrinsically evil acts when the object of the act is described in formal terms (murder is always wrong, stealing is always wrong) or when the act is described in terms of its significant circumstances (not telling the truth when the neighbor has no right to the truth).

The primary area of disagreement concerns the understanding of the moral object. The encyclical claims that morality is determined by the three sources of morality -- the object, the end, and the circumstances -- and that some actions are intrinsically evil by reason of their object (n. 71-83). The question is, how does one describe the object? As mentioned above, revisionist theologians would be willing to admit intrinsically evil acts by reason of the object if the object were described in a broad or formal way or with some significant circumstances.

Proportionalists understand the command "do not murder" to mean "do not kill a human being without sufficient justification (that is, for instance, unless in self-defense)." They understand "do not commit adultery" to mean "do not have sexual intercourse with the wrong person." They believe that all absolute prohibitions involve a tautology "Do not kill those whom you ought not to kill"; "don't have sex with those with whom it is wrong to have sex." Here I would like to argue that in the understanding of the magisterium, absolute prohibitions are not tautologies. The method of moral analysis utilized in Veritatis Splendor operates with descriptive, not evaluative definitions of moral terms.

Let us first note, however, that for everyday purposes, tautological condemnations of actions denoting the morality of actions are serviceable; precise philosophic, descriptive definitions can be cumbersome. Speaking of theft as "taking property one ought not to take" or "murder" as "killing one who does not deserve to be killed" or lying "as not telling the truth when one ought" are "shorthand" definitions and do seem helpful in guiding the moral behavior of many, but these evaluative definitions are not the descriptive definitions that undergird moral analysis. As we shall see, careful descriptive definitions do not include within them some expression of moral approval or disapproval.

In the understanding of the tradition, murder does not mean "unjust killing"; rather, murder is the "intentional killing of an innocent human being". Although we may have enough information

here to immediately evaluate such an action as being wrong, the definition itself is a description of an action, not an evaluation of one. The fact that such an action destroys human goods makes such an action objectionable to us, but, again, the definition is simply descriptive. Some might claim that the word "innocent" is an evaluative term that means "one whose life one ought not to take." Rather, I maintain that it is descriptive; it means, "one who has not deliberately done harm." The evaluation that such a one ought not to be killed is a moral judgment that one makes about what "one who has not deliberately done harm" deserves. One's understanding of justice and one's view of the value of human life determines what one thinks one who has done no harm deserves; mankind seems to agree that justice disallows the intentional killing of one who has not deliberately done harm and thus evaluates an act so described as evil.

"Adultery" does not mean "having sexual intercourse with the wrong person." It simply means "having sexual intercourse with one who is not one's spouse;" the definition expresses no approval or disapproval although it does, of course, include information on the basis of which one can form a judgment of the action. The evaluation that such an act is intrinsically evil derives from one's understanding of the meaning of marriage: according to the Church's view of marriage, it is never just to have sexual intercourse with someone who is not one's spouse.

"Rape" or the "having sexual intercourse with a person against that person's will" describes an action that immediately offends the moral sensibilities of any decent person, but in itself, the definition is purely descriptive. Certainly, the tradition holds all acts of sexual intercourse which are "against that person's will" to be evil because it understands this act to be against the very nature of sexual intercourse and a violation of human dignity. McCormick seems to understand the phrase "against that person's will" to enter a "formal element" in the definition that makes rape by definition to be wrong. I do not understand how McCormick can be true to his proportionalist principles and maintain this position. That is, if an act "cannot be evaluated apart from the intention, consequences, or circumstances," could not the good of some intention, projected consequences, or circumstances outweigh the evil of "having sex with someone against that person's will"? Proportionalists, however, argue that "intention, consequences, and circumstances" must also be taken into consideration before an act can be evaluated. On occasion they insist that they are not referring to any "total net good" that comes from an action and that "dignity values" may outweigh "welfare values." If they hold that "sexual intercourse against an individual's will" is a "dignity value" that cannot be outweighed by any other dignity value or welfare value, then it does seem that they believe in intrinsic evil.

Theft is not (as McCormick states) "taking property against the reasonable will of the owner." Such a definition serves for the most part, and is often given in the manuals, but does not give a precise description of theft. A precise description is cumbersome, but could be stated in the following fashion: "taking another's material goods when the agent taking them has no needs that surpass those of the owner and has failed to obtain such goods otherwise." The phrase "having no needs surpassing those of the owner" is not synonymous with "when one ought not to take goods" or with "against the reasonable will of the owner". The status of the will of the owner does not determine when an act is theft for not. Rather a judgment about the nature of property and ownership and the nature of human community, determine one's moral judgment of taking what belongs to another.

"Lying" is not "telling a falsehood when it is not just to do so". It is also cumbersome to devise a descriptive definition of lying but it would be something on the order of "telling a falsehood to someone with whom one has a relationship in which trust is a key element." One's

understanding of which relationships require trust (most do) determines when it is moral or immoral to tell a falsehood. (Those who think all human relationships have trust as a key element would hold all telling of falsehoods to be intrinsically evil.)

As we can see, actions considered by the magisterium to be intrinsically evil include within them no terms expressing moral approval or disapproval, although, they do, of course, include concepts, "specifying circumstances and intentions", that will determine one's moral evaluation. The magisterium judges these actions to be intrinsically evil because they violate some intrinsic good. It is essential to note that the magisterium holds that no intention (motive) and no circumstance and no projected consequences could make "intentionally killing an innocent human being" or "having sexual intercourse with another's spouse" or "lying," for instance, to be morally good. The foundation has already been laid for such actions; the "specifying intentions and circumstances" already define the action as evil, and the evil cannot be undone by adding some further good. (Still, we must remember that if one were to do these actions unwillingly or unknowingly one would have done evil, but one would not have sinned.)

The terminology surrounding the analysis of moral action is clearly tangled. Much of the dispute between proportionalists and the magisterium is characterized by different understandings of key terms. When the magisterium speaks of malum, I suspect proportionalists understand culpa; whereas the magisterium evaluates actions as kinds, proportionalists evaluate them as concrete particulars; whereas the magisterium allows "specifying circumstances" to "enter into" the object of an action and allows "concrete particular circumstances" no role in defining an action, proportionalists insist that actions cannot be defined without reference to "concrete particulars"; and whereas proportionalists understand various moral prohibitions of the magisterium to be tautologies, the magisterium considers them to be descriptive. Until these differences are kept in mind, conversations between proportionalists and the magisterium will remain confusing and frustrating.