

Part I

# Foundations



# Morality for Persons

One who wishes to understand more deeply their own ethical views ought to consider those of their major critics. By paying attention to criticisms of one's own ethical positions, one is forced to rethink the pre-suppositions and foundations of those ethical beliefs. For the purposes of this book there is no need to consider the ethical views of many philosophers individually. It suffices to focus attention on a prominent philosopher like Professor Peter Singer who has been conspicuous in contemporary bioethical debates. His outspoken views are representative of many others who do not articulate their thoughts as clearly as he does. His views are important and his claims warrant critical analysis. Some of his views shock, but Singer is an honest philosopher who is consistent with his fundamental assumptions, which differ in many important ways from my own and those of the Christian tradition.

Peter Singer has recently dismissed traditional ethics: "After ruling our thoughts and our decisions about life and death for nearly two thousand years, the traditional western ethic has collapsed."<sup>1</sup> He goes further and bluntly says "modern medical practice has become incompatible with belief in the equal value of all human life."<sup>2</sup> He says "the fact that a being is human, and alive, does not in itself tell us whether it is wrong to take that being's life."<sup>3</sup> He adds:

Thousands of years of lip-service to the Christian ethic have not succeeded in suppressing entirely the earlier ethical attitude that newborn infants, especially if unwanted, are not yet full members of the moral community.<sup>4</sup>

He is convinced that the western ethic fails because the "traditional view that all human life is sacrosanct is simply not able to cope with the array of issues that we face" and because it assumes "that we are responsible

for what we intentionally do in a way that we are not responsible for what we deliberately fail to prevent.”<sup>5</sup> He suggests secular utilitarian ethics can succeed.

In keeping with the scope of this book, I will first give a brief account of Singer’s *utilitarian* ethical theory and his concept of person, held also by other secular contemporary philosophers. I will then outline my own ethical theory, beginning with the traditional concept of the human person and how this influences my own ethical and bioethical views. All this will throw some light on whether there is any justification for the criticisms made against the traditional western ethic and whether it is possible for it to survive and continue to be applied consistently in the modern world of medicine by refining, without denying, its basic philosophical and ethical principles. At least the exercise will serve to pinpoint where the real differences lie between both approaches to ethical issues from conception to birth.

## 1.1 Utilitarianism

Singer says that people

who hold unconventional ethical beliefs are still living according to ethical standards *if they believe, for any reason, that it is right to do as they are doing.*<sup>6</sup>

I take this to mean it is enough for them to be prepared to justify what they are doing for their conduct to be ethical, in the sense opposed to non-ethical, rather than unethical. He requires, however, that justifying reasons for conduct must go beyond self-interest if it is to qualify as ethical conduct. This is because it is unanimously agreed by philosophers that ethical conduct must be acceptable from a universal point of view. Going beyond the self must be inbuilt into any ethical perspective. It encapsulates the insight of the equality of all persons. Singer is quick to point out this does not imply that a particular ethical judgment must be universally applicable because circumstances differ and these make a difference. Any ethical point of view must go beyond one’s likes and dislikes “to the universal law, the standpoint of the impartial spectator or ideal observer.”<sup>7</sup>

Singer admits a practical ethical theory cannot be deduced from the notion of universality from which, however, several bare and formal

ethical theories could be derived – and some of these could be inconsistent with each other. But if universality were to be loaded with a particular ethical theory, one could only deduce ethical views that were consistent with the theory one had already incorporated in the definition of universality. That aside, he believes the universality of ethics “does provide a persuasive, although not conclusive, reason for taking a broadly utilitarian position.”<sup>8</sup>

For the purposes of this book I need not go beyond Singer’s own brief account of his view of utilitarianism. It is a form of consequentialism according to which the morality of actions generally depends on their consequences. It is very persuasive and extremely influential in contemporary western culture and public life. It is hard to fault it as far as it goes. *Classical utilitarianism* broadly holds that whatever promotes the greatest utility or pleasure for the greatest number would be the morally right thing to do. Richard Hare succinctly sums up this position: “we should choose the action which maximises the welfare (i.e. maximally promotes the interests) of all *in sum*, or *in aggregate*.”<sup>9</sup>

Some hold that certain types of action are so harmful to the community that they could never be justified. This is *rule utilitarianism*. Others contend that a certain type of act might generally be harmful to the community, but in particular cases it might be better to make an exception, e.g. torturing members of a terrorist organization to obtain information to prevent an attack on innocent civilians. This is *act utilitarianism*. In any case, utilitarianism goes beyond selfish individualism. Singer says utilitarianism

requires me to weigh up all those interests and adopt the course of action most likely to maximise the interests of those affected. Thus at least at some level in my moral reasoning I must choose the course of action that has the best consequences, on balance, for all affected.<sup>10</sup>

He thinks this scarcely differs from classical utilitarianism if “pleasure” is interpreted broadly to include interests or desires and “pain” whatever is contrary to these. Yet Singer does not claim utilitarianism is the only ethical theory consistent with a typically universal ethical point of view. One based on justice or the sanctity of life would be universal but neither of these would be compatible with utilitarianism. He believes utilitarianism represents the minimum – the first step one must take to avoid being locked into a selfish and egoistic perspective.<sup>11</sup>

Singer, rightly in my view, argues against the Kantian conception of ethics of doing one’s duty for duty’s sake by staunchly defending the legit-

imacy of self-interest in ethics. He does not mean one should daily think in terms of self-interest in deciding to do the ethically right thing. This would not be realistic.<sup>12</sup> At the same time he does not believe there is any factual evidence in human nature always linking ethics and self-interest. There may be cases where a connection can be traced between some character traits, self-actualization, and happiness, but this is far from universally true. He believes human nature is too diverse for this to be so and he illustrates his point by citing the example of a psychopath.<sup>13</sup> He admits believers, who accept God and a divine purpose in creation, may find meaning in life. But, he equally contends, atheists may find a meaning in life in what evolution and natural selection have randomly provided, i.e. beings who do have preferences. Because of this “it may be possible for particular lives to be meaningful” even though life as a whole may have no meaning, certainly not a “preordained meaning.”<sup>14</sup>

Singer comments that most people who seek happiness for its own sake do not become happy, while others find it in pursuing other goals. Though this cannot be empirically verified, it does match our common experience of people who become happy and fulfilled by working for, and achieving, their chosen goals.<sup>15</sup> He suggests living by the ethical point of view is one way of transcending narrow selfish interests. He holds those who do not go this far and simply live to further their own quality of life are neither irrational nor in error, but his own preferred view is clear. He implies that when we act ethically day by day, we further our long-term interests of a happy and meaningful life, even if we do not think of this at the time. For him happiness is the fruit of trying to achieve chosen goals – goals one will not tire of, including living an ethical life.<sup>16</sup> Indeed, happiness is not found by those who daily seek it from within, but by those who live with an outward gaze for broader purposes than their own self-interests.

There is no denying that we often have to judge ethically along the lines of Singer’s version of utilitarianism. The consequences of our actions and how they impact on our own and others’ interests certainly have great ethical importance in decision-making. It would be generally unethical to give more weight to one person’s preferences of the same order than another’s, whether one acts in a private or public capacity. I dare say most ethical decisions in healthcare would be utilitarian in nature, and rightly so. Governments should follow utilitarian criteria to administer public services for the common good. Hence it would be unethical to locate a hospital where it would be electorally advantageous for government rather than where it would best serve the interest of all

concerned. However, whether utilitarianism alone suffices as an ethical theory for persons remains to be seen.

## 1.2 Contemporary Concept of Person

My main interest is in philosophers whose concept of the human person has been employed in bioethics. I'll start with Singer, who when explaining his utilitarian views, speaks of himself, or anybody else for that matter, as a person. He uses the term person "in the sense of a rational and self-conscious being" and thereby excludes members of the species *Homo sapiens* who lack these characteristics.<sup>17</sup> His definition of person is crucial for interpreting his meaning of interests, understood broadly to include whatever people desire. Newborn babies have some interests, but because they cannot think or have desires, Singer holds they do not count as persons nor have the interests of persons: "Since no fetus is a person, no fetus has the same claim to life as a person."<sup>18</sup> For public policy, Singer suggests that a newborn's full legal right to life in some cases could begin a week or a month after birth.<sup>19</sup> He shares these views with other contemporary philosophers, especially his colleague Helga Kuhse. They were quite unambiguous when they wrote:

We must recall, however, that when we kill a new-born infant there is no *person* whose life has begun. When I think of myself as the person I now am, I realise that I did not come into existence until sometime after my birth.<sup>20</sup>

Mary Anne Warren holds a similar view. For her the human fetus could not be a person because:

it seems safe to say that it is not fully conscious, in the way that an infant of a few months is, and that it cannot reason, or communicate messages of indefinitely many sorts, does not engage in self-motivated activity, and has no self-awareness.<sup>21</sup>

Michael Tooley requires a person to be a "subject of nonmomentary interests," though he admits a theoretical possibility of a person existing once a relevant capacity, e.g. for thought, is acquired and not only later when this capacity is exercised.<sup>22</sup> Michael Lockwood does not believe that sentience suffices to count as a person:

A person is a being that is conscious, in the sense of having the capacity for conscious thought and experiences, but not only that: it must have the capacity for reflective consciousness and self-consciousness . . . Mere sentience is not enough to qualify a being as a person.<sup>23</sup>

For these secular philosophers, babies could not be persons until they had acquired the capacity to exercise some minimal rationally self-conscious acts after birth. Singer thinks “some nonhuman animals are persons.”<sup>24</sup> He goes so far as to say

The evidence for personhood is at present most conclusive for the great apes, but whales, dolphins, elephants, monkeys, dogs, pigs and other animals may eventually also be shown to be aware of their own existence over time and capable of reasoning.<sup>25</sup>

Consistent with his definition of a person, Singer concludes “the life of a new born baby is of less value to it than the life of a pig, a dog, or a chimpanzee is to the nonhuman animal.”<sup>26</sup> If some animals were to be deemed to be persons with a right to life, this would radically change our western ethic and human-centered culture which gives preference to humans over animals.

Lockwood introduces the concept of “human being” which comes between that of person and “human organism,” understood in the purely biological sense of a complete living organism of the species *Homo sapiens*.<sup>27</sup> He says:

we need a term for whatever it is that you and I are essentially, what we can neither become nor cease to be, without ceasing to exist. I use the term *human being* to fill this slot.<sup>28</sup>

This implies a human being may become a person without ceasing to be a human being. For him a fetus, as a nonpersonal human being, could become a person. There is continuity of identity between a human being and a person, but not between a living biological organism of the human species and the human being and person. For Lockwood a week-old human embryo is an organism that is biologically human but not a human being nor a person.<sup>29</sup> A human being could not come into existence before the brain structures required for sustaining awareness of identity were developed. Their continuity in time constitutes the underpinning for the ongoing identity of the human being:



When I came into existence is a matter of how far back the relevant neurophysiological continuity can be traced. Presumably, then, my life began somewhere between conception and birth.<sup>30</sup>

Walter Glannon holds a similar view:

A person begins to exist when the fetal stage of the organism develops the structure and function of the brain necessary to generate and support consciousness and mental life. This is when the fetus becomes sentient, at around 23–24 weeks of gestation.<sup>31</sup>

This challenge to the traditional Christian view is not new. The English philosopher John Locke (d. 1704) considered that to be a person one must be able to exercise rational acts:

We must consider what *person* stands for: – which I think is a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places.<sup>32</sup>

What is new, is the wider diffusion of this concept of person in secular academic circles and how it is used to undermine respect for the lives of human individuals who do not qualify as persons by this restricted definition of person. Singer's conclusions may be consistent with his premises and be acceptable in many quarters, but that does not put them beyond challenge. The claim that a newborn baby is not a person clashes with the broadly accepted view of most people in the community and this may be a sign some of his assumptions are faulty. The problem hinges on the concept of person employed and which I will now address.

### 1.3 Traditional Concept of Person

Ethical theories presuppose at least an implicit philosophical concept of the human person which underpins them and of which they are an expression. An ethical theory has sense only for persons. A long tradition dating back to Boethius (d. 524) broadly defined a person philosophically, not legally, as “an individual substance in a rational nature” which may be simply put as *a living individual with a rational human nature*.<sup>33</sup> In an ontological sense the person exists as the subject of human existence even if they exist in virtue of their human nature which is also

rational. There are billions of human persons, in each of whom the same human nature is individualized. There is a multiplicity of races, cultures, ideologies, and individual differences, but all human persons are equal in dignity with the same kind of rational human nature, similar bodies, feelings and emotions. An understanding of the human person is not acquired *a priori*, but by the use of inductive philosophical reflection on persons whose common human nature is pluriform in its expressions.

I will first explore what it means to be a person using a subject-centered approach, followed by an objective approach based on human nature. These two non-mutually-exclusive approaches to our self-understanding as persons are complementary and represent the essential bipolarity of the human person. Many Christians differ significantly with Singer on the definition of a person and this in turn creates ethical differences as well.<sup>34</sup>

There are other philosophical approaches to understanding persons and human nature.<sup>35</sup> I dare not explain them all here. There are also other disciplines which study human persons but I do not intend to discuss them beyond mentioning that their findings complement a philosophical understanding of the human person and are both relevant to, and important for, ethics and ethical evaluations of many forms of human behavior. Psychology studies mental states, how people behave, and what may motivate them. It is to be noted that personality refers to the organized patterns of all an individual's characteristics and is not to be confused with the philosophical concept of person. Anthropology studies the origins, human and moral development and cultures of humankind. Sociology is similar but it concentrates on studies of the origin, development and functioning of human society and the basic laws of social relations.

### Person: a subject-centered approach

I agree with Singer that great importance should be given to the interests of persons affected by our actions. This requires an understanding of persons from a subjective perspective. We readily recognize the fundamental distinction between *being* and *having*. One may own an object, but may not in turn be owned. Each of us is a living subject whose body cannot be reduced to an object of possession.<sup>36</sup> We experience the self in a variety of bodily activities such as walking, typing, and eating or in sensations like feeling warm in the sun. There are other more significant ways to experience ourselves. Think of how we become aware of our-

selves through our feelings, emotions, pleasures, pains, growing up, friendships, sexual experiences, love, marriage and family life, community relationships, at work collaborating with others, sport and recreation, social and political life, and cultural activities. Through all our conscious sensations, activities, feelings, and encounters, the self is revealed as personal, male or female, and relational. These experiences originate from within the subject and so we recognize them as our own. A human person, then, does not exist in the abstract without a name, a gender, an age, a personality, family ties, a life influenced by a variety of experiences journeys and relationships, a nationality, a culture, a religious faith, or a system of values as well as a common human nature. Touch any of these factors and you touch the person.

By reflecting on our affirmations we further explore ourselves as subjects because we identify more with the inner core of the self when we use our power of intelligence to make statements. We have no choice but to bow to the truth when the evidence is clear, even if this means changing our minds. We powerfully identify with our inner self in serious conscientious judgements. Some truths about ourselves and a proposed course of action generate a moral imperative to do or omit it. We realize we cannot, without blame, act contrary to what we believe to be the truth of a moral imperative of conscience. This represents an awareness of ourselves as morally responsible agents within our subjectivity. Lack of respect for one's own or another's conscience is lack of respect for the person.

Our knowledge of what is attainable leads to the exercise of freedom whereby we have control of what we do and indeed of our lives. This sense of autonomy is highly valued by all. Love is one of the highest forms of the exercise of free choice: there can be no true love without genuine freedom, no matter how strong the sexual attraction may be. Free choice expresses our personal dignity most of all when we submit to the summons of conscience demanding that good be done to be true to ourselves as persons. Freedom is seen to be subordinate to the true good of oneself as a person. When we deliberately choose to do something, we own what we do and assume responsibility for it as a moral agent. Choosing wisely enables one to become more of a person. Guilt experienced after willful abuse of freedom makes us aware that the right use of freedom is a life-long challenge.

Our identity is inextricably interwoven with our interactions and personal relationships. In his seminal book *I and Thou*, Martin Buber, a German philosopher, stressed the importance of entering into mutually respectful personal relationships to experience and enrich our identity

and personhood.<sup>37</sup> The development and experience of ourselves as persons is at its peak when we communicate and dialogue with others as equals, sharing love, secrets, hopes, desires, and misfortunes. In the absence of communication a relationship of love may become superficial, in spite of protestations to the contrary.<sup>38</sup> The experience of sincere and morally responsible relationships is unique to human persons and must be fostered for authentic growth in personalism, even if it is painful to trim back the culturally entrenched individualism of our times. We have a strong sense of belonging to families, groups, communities, and nations. Living in isolation from others impoverishes the person and risks reducing self-experience to sensations. One who loves, experiences liberation from whatever is base and degrading.<sup>39</sup>

Our desire for genuine and unending personal happiness, even after death, touches the core of our subjectivity. Good times and brief pleasurable experiences give no lasting satisfaction. The desire for happiness goes beyond sense pleasures and engages our intelligence and will: we cannot but want to be happy. This ever active seeking after happiness is typical of the dynamism of human persons. It drives all our endeavors and striving. As persons we realize we belong to a human community of equals and recognize others share our pursuit of happiness. We need to be affirmed, loved, supported and appreciated to attain happiness. We cannot be complete persons in isolation. We naturally desire to be in relationship with others. Failure to respond to others' needs for happiness is to fail ourselves.

Our basic awareness is of the self as a personal subject of conscious acts whether they are expressed primarily through the body or the mind. From our perspective, we are the center of our world. Each of us is aware of our unique personal identity, male or female, having the same identity develop with the passage of time. Though we perceive ourselves men or women, husbands or wives, doctors or nurses, employers or employees, we primarily see ourselves as persons. We are aware of our inherent value and intrinsic worth and that we should not be used as mere means by others. We recognize our dignity is founded in a human nature that includes reason and free will which enable us to pursue happiness by acting in a morally responsible way.

Ambiguity and limits are an integral part of ourselves. We strive after happiness yet often we experience frustration. We cannot explain why suffering and death are inevitable. Reflection on death makes us aware of our limits: modern medicine can delay death but it cannot take it away nor suppress our fears of it. The experience of sickness and disease brings home to us how fragile we are.

### Person: human-nature approach

An objective approach using reflection on human nature is also needed to understand better the human person and to explain the foundation of a person's subjectivity, dignity, and capacity to be a moral agent. Interests, values, experiences and morally responsible acts are recognized as expressions of the person, made possible by the inherent capacities of human nature itself. Each person's awareness of themselves as a personal subject is compatible with many different abilities, activities, talents and traits. Rationally self-conscious acts are not merely acts of the brain, as though it was the organ for thinking as the eye is the organ for seeing. Indispensable though the brain is, it cannot think and is not itself conscious, but a person cannot think and be self-conscious without a functioning brain. The same person can be aware of being the conscious subject of both bodily and mental acts.

A person is a living human individual with a nature that enables them to perform bodily and mental acts. Jenny Teichman points out the obvious: "it would be ludicrous to be asked to give one's reasons for supposing that human beings are persons."<sup>40</sup> Again,

In ordinary life *person* and *human being* refer to the same things. For this reason the *ordinary* sense of the word *person* does not, indeed cannot, detach moral import from the concept of the human.<sup>41</sup>

The dual polarity of mind and body constitutes a body–mind or *psychosomatic* unity which is typical for members of the species *Homo sapiens*. We are one with our human nature: the human person and human nature though distinct cannot be wedged apart. Our common rational human nature underpins human solidarity and enables us to behave socially. Human nature, then, is the foundation and first principle of all our dynamism and activities of both body and mind. Because human nature is rational, i.e. enables us to have rationally self-conscious and free acts, every living human individual is a person.

Our power to understand and reason, to choose freely and to act morally together with the body and its organs, sensations, affections, feelings, and our sexuality are all part of our human nature and share in the dignity of the person. Their purposes and significance are to be interpreted from the perspective of the person and cannot be reduced to a purely psychological or biological level. We are subject to the deter-

minism and laws of nature (e.g. the need of sleep and nutrition) that are beyond our control even though we often try to be their master through intelligent and responsible use of freedom. We can understand the inbuilt purpose of our vital organs, our sexuality and our biological, physiological, psychological, and social needs. They have to be carefully considered as we make our choices in the pursuit of happiness. Respect for the essential requirements and purposes of integral human nature is also respect for the person.

Secular philosophers do not generally believe in any reality that is non-material and do not accept a spiritual soul could be the foundation of a rational nature and the life principle of the human person. Consistently they do not believe that a fetus could be a person. It is true that human experience is the referral point for the significant and fruitful employment of all our concepts and objects of thought. However, simply because our ideas are originally derived from empirically observable situations and are most clearly employed in the world of our everyday experience there is no need to describe their employment as meaningless or false in cases where empirical criteria could not be available for their application. This would disregard the way we do successfully employ some meaningful concepts that go beyond our experience. We are able to think of abstract realities like virtue, God, or spirit and an unrestricted notion of reality that can refer to empirical and non-empirical beings alike. This kind of knowledge goes beyond matter alone.<sup>42</sup> The sort of total self-presence implied in rationally self-conscious acts, including free acts, cannot be explained simply in terms of quantified matter, material energy, or space-time relationships alone. Some underlying non-material power of understanding or intellect is required for typically human knowledge in addition to what is required sense knowledge. Traditionally this has been called a spiritual (immaterial) soul which animates the whole body. It may also be called the person's life principle.

The physical and biological laws of nature set limits to the use of our free choices. Though wishing alone cannot change natural forces in the world, by choosing to use our body we can freely exercise some power over the physical forces of nature and material energy. A free human action in the world introduces a variable in the sequence of natural causes. Our free actions show our limited dominion over nature, changing the direction of the sequence of natural causes and their consequences. Human freedom and knowledge require its subject to have an immaterial life principle which cannot be reduced to matter alone. This is another reason supporting the reality of the human soul.

Again on account of the unity of the human individual the soul must form one being with human nature and the body, thereby constituting a person with a rational human nature. The soul animates the body with all its activities without detracting from the causal influence of the body's vital systems, including the functions of chromosomes and genes in the formation and maintenance of the individual. Admittedly this is a mysterious aspect of a person's dual polarity within a single subject of existence.<sup>43</sup> It is better to admit some degree of mystery than to revert to the classical dualism of mind and body which flies in the face of our self-awareness and experience.

An immaterial soul could not derive from matter. It would have to be created, but not before the human individual begins. The soul's creation could occur when the individual is formed and thereby constitute a human person.<sup>44</sup> Naturally there could be no empirical evidence for the creation of the soul.<sup>45</sup> Lockwood himself and Tooley admit an immaterial soul could account for the underlying continuity of a human being's identity, but being unable to find any evidence for a soul, they favor a materialistic substratum – the functioning brain, as we have seen above.<sup>46</sup> For theists who admit a human person is animated by an immaterial life principle, there would be good reasons to hold that a human person begins as soon as the human individual is formed. I believe this is a reasonable assumption. These are the underlying reasons for the traditional concept of a human person with an inviolable moral status from the formation of the human individual, regardless of congenital abnormalities or subsequent disabilities.

On account of the possession of a human nature, the fetus and newborn baby is a person. As we have seen, some philosophers do not accept that it suffices to be a human individual or an individual member of the biological species *Homo sapiens* to count as a person.<sup>47</sup> They require minimal experience of oneself as a person with desires and interests to pursue. This restricted meaning of the term "person" needs to be critically examined in order to avoid confusion since the moral right to life of infants and fetuses is grounded in their status as natural persons. We usually talk and relate to persons who already are capable of exercising their rational powers and moral capacities but this should not mislead us into denying the status of a person to a human fetus and infant who have not yet sufficiently developed to be able to exercise rational self-conscious acts or enjoy personal relationships.<sup>48</sup> An organ has no power of sensation before it is first formed and ready for use. One cannot feel before one has a functioning sense organ of touch, one cannot see or hear before one has eyes or ears respectively. But this does not

mean it is not possible for an individual to have a rational nature before rational acts can be performed.

It does not seem right to require the same conditions for the existence of a rational power as are required for sentience. The analogy does not apply, quite apart from the fact that reasoning is not performed by a bodily organ. It seems that before birth a human fetus already is a natural person, endowed with a rational nature because development and growth alone usher in the onset of the actual use of the natural capacity to perform rational and moral acts.<sup>49</sup> Time alone is needed for the requisite brain development to occur before these acts can be expressed. If I am right, the human infant actually is rational with the natural capacity to perform rational and moral acts in due time. Human nature enables fetuses and newborn babies to develop to the stage when these same individuals can exercise rationally self-conscious, free and moral acts. These changes brought about by growth and development into adulthood are real, but the developing *fetus* and *baby* does not become another individual. Fetuses and infants gradually realize their own inherent natural active potential to become more fully what they already are – persons with potential, not potential persons. They remain persons even if they subsequently develop congenital defects which may permanently inhibit the expression of rational acts. A newborn pup is unable to develop to the stage when it can exercise rationally self-conscious acts or to be a moral agent. Hence a dog is not a person.

## 1.4 Survival of Traditional Morality

I shall give an outline of my basic ethical outlook which is founded on the above account of the concept of a human person. Traditionally, ethics and morality practically had the same meaning. In contemporary usage, ethics more frequently is used for professional and public life, while morality is used more for one's personal life. In this chapter I shall freely use both terms interchangeably since the traditional meaning of morality is broader and can also include professional ethics.

### Persons, truth, and moral necessity

Ethics is concerned with the behavior of persons and not of animals. Something definite and unambiguous is understood when we say an



action is moral or immoral. An analysis of our moral differences in evaluating some kinds of actions shows we believe truth is important for morality. An action is immoral because it is contrary to the good of person(s) and so gives rise to a moral obligation to avoid it. This obligation or moral necessity is derived from our understanding of the person and directs us to choose to perform or omit an action. Moral necessity is unconditioned or absolute because it cannot be set aside, regardless of the circumstances, the inconvenience or consequences. A genuine moral duty is universal since it holds for all persons, situations and cultures. Rape and perjury are immoral everywhere. This is so because morality is essentially related to the core of our personhood where human dignity and solidarity originate. From an ethical perspective all persons are equal and should be treated as such without discrimination.

The ethical evaluation of acts can be expressed in propositions which may be true or false. For this to be done we need to know that the traditional sources of morality for any action include its object which is freely willed or chosen, the agent's intention or motive, and other relevant circumstances. The *object* of a human action is what is deliberately willed in a moral, not a purely physical, sense. One who deliberately pulls the trigger of a loaded pistol pointed at another's head cannot reasonably say they had simply squeezed the trigger: the moral object chosen would clearly be to kill the person. An agent's chosen moral object could also have a distinct intention, i.e. an end or purpose sought. One who robs a bank to pay medical bills chooses to rob, but the intention is to pay bills. These matters are presupposed in moral discourse about objects.

The moral imperative exists, but what makes an action so good that it must be done, or evil and should be avoided? The meaning of *good* is pivotal for ethics. The *good is that which all seek* – an end or a purpose.<sup>50</sup> Its meaning is not derived from another notion because *good* is a basic or primary notion but it is still relative to the concept of person. Whatever is a true *good* for the person is a *good of the person*; *evil* is opposed to the true *good of the person*, i.e. *not good*. From the perspective of the acting person, the *object* of a good human action is the good that is deliberately and freely chosen and which specifies the act's morality. The *object* refers to the action's subject matter, its proximate end and its objective purpose, i.e. what the action is naturally suited to bring about. In the words of Pope John Paul II:

The object of the act of willing is in fact a freely chosen kind of behaviour. To the extent that it is in conformity with the order of reason, it is the cause of the goodness of the will; . . . An act is therefore good if its

object is in conformity with the good of the person with respect for the goods morally relevant for him.<sup>51</sup>

This implies one should sacrifice one's life rather than deny one's religious faith or act against one's conscience.<sup>52</sup>

The first formal moral principle, which grounds other moral norms is: *good should be done and evil avoided*.<sup>53</sup> It does not mean every good action must be done: only actions whose object is good should be chosen and those whose object is bad should not be chosen. Inbuilt into the very notion of bad or evil there is a negative relationship to what is good for person(s). In a derived sense *good* may also refer to what is good or harmful for animals or plants. It is not good to harm unnecessarily animals or the environment.

The object of an action is not good if it is opposed to the good of person(s) or prevents the satisfaction of their basic needs be they biological, psychological, relational, social, or environmental. Some goods may be teleological, i.e. chosen goals. But I believe chosen goals should not negate the important inherent teleologies or purposes of the person's nature. We are subject to certain biological, psychological, social, and environmental purposes that we disregard at our own peril. John Paul II puts this succinctly:

Christian ethics . . . does not refuse to consider the inner "teleology" of acting, inasmuch as it is directed to promoting the true good of the person; but it recognises that it is really pursued only when the essential elements of human nature are respected.<sup>54</sup>

Hence we deeply resent being told lies because our minds are designed for the truth, apart from other harms lies may cause. Hence natural, well-ordered, and purposeful dynamism is a part of the meaning of what is *good for person(s)*.

The recognition that an action conflicts with the good of person(s) generates an unconditioned demand to choose to avoid it. Moral necessity cannot be reduced to logical, physical, or psychological necessity. It seems to arise because it is absurd to approve choosing an action that is opposed to the good of person(s). Ironically we do at times choose to dress up evil as good. Milton exemplifies this in *Paradise Lost* when he has Satan utter this futile wish: "Evil be thou my Good." Being true to ourselves is not an extrinsic imposition on our autonomy. Far from enslaving us, morality helps to liberate ourselves from every form of inhuman servitude.

Theists can take the foundations of morality further if they believe God created the world and the first human persons. It can reasonably be assumed the Creator had a divine plan for persons and the essential features of their common human nature. This would also apply in the hypothesis of evolution since the potency of what could evolve would have been inborn from the original creation. Whether a human individual originates as the result of evolution, the fusion of sperm and egg, or from an early human embryo, the same creative ensoulment within the emerging individual would have been necessary to constitute a person. A divine plan for the essential features of persons' human nature with some inborn dynamisms and purposes would be reasonably expected of a wise and provident Creator. It is not surprising theists hold that the good of the person(s) ultimately depends on God's provident creative plan. This does not mean only theists can hold an ethical theory. Richard Holloway rightly asks

even if a religious connection to a good ethic is established, is it always necessary to accept the religion in order to have the ethic?<sup>55</sup>

### Inadequacy of utilitarianism

It is necessary to have a criterion to determine what is ethically good or bad, right or wrong. *Utilitarianism* is an important and widely used criterion of morality, but I do not believe it is the primary or basic criterion of morality. One should subordinate some of one's interests for the benefit of others if one is to live ethically. The primary criterion of morality is related to the dignity and true good of the person(s) before any calculations are made about the beneficial effects an act may have for others. A person's ethical obligation to others is based on the duty to be true to oneself as a moral agent. One should not act against one's conscience for the sake of friends. It is also true that a person's rational and social nature requires due attention be given to the interests of others. The need to live ethically and moral truth arise from a person's rational nature and subjectivity wherein awareness of one's absolute value dawns. Hence moral truth is to be considered before the balancing of one's own and others' interests.

It may be asked how are a person's interests to be evaluated when others' interests are not at risk or relevant? Is there no criterion for personal, private morality? This would be anomalous since ethical obligations originate in persons. Interests do not exist in a vacuum. How

can interests alone be the source and criterion of their own ethical value? Could interests be of ethical significance when their subject is discounted as the foundation of value? Surely the human individual as the subject of interests is the source of the ethical value of interests. This, however, does not imply that persons have no duties in relation to the needs and interests of animals to enjoy life and to be spared unnecessary pain.

For Singer newborn infants first enter the moral equation because they are sentient, not because they are persons. Utilitarians are open to this criticism on account of their failure to appreciate rational human nature as the foundation of a person's subjectivity, objective dignity, absolute value, moral responsibility, and interests. This in turn is due to its underlying empirical criterion of significance which rules out *a priori* any possibility of accepting an immaterial soul as a human person's life principle. If rationality is only explained in material terms, it could not be present before it could be empirically verified in much the same way as any other material property. But one who accepts the human individual is animated by an immaterial rational life principle would have no difficulty in explaining how a fetus and newborn baby could have a rational nature long before the onset of the age of reason, i.e. prior to the experience of minimally rational self-conscious acts. In other words, it is philosophically plausible to accept that any living individual with a rational human nature is a person.

### Criterion of morality

Feelings, emotions, and intuitions are often reliable indicators of the morality of particular actions. This is not surprising when we think that our senses, feelings, emotions, and intuitions are an integral part of rational human nature and of the person. As body and soul form one being, so too our sense knowledge is one with our intellectual knowledge. In the early stages of the development of our knowledge, conceptualization, the use of reason and judgments of moral evaluation do not yet occur. Human knowledge starts at the level of sense and feelings where appreciation of values begins. Feelings usually signal our first positive or negative response to a suggested action. By way of sense knowledge and feelings it first dawns on reason intuitively that some actions are good and authentically human while others are not.

The philosopher Alfred Ayer first popularized the importance of emotional attitudes of approval or disapproval of acts with their morality in

what became known as the *emotivist theory of ethics*.<sup>56</sup> However, we realize that our emotive attitudes for or against some kinds of actions are the consequence of our prior rational recognition by reason of their moral status. Our feelings, attitudes, and intuitions cannot solve complex or difficult moral dilemmas. There is a residue of meaning for some immoral actions that cannot be reduced to our emotive attitudes which lack a critical capacity. We need to look further afield than feelings for a rational and critical power of evaluation for an adequate criterion of morality.

Feelings may be right, but they cannot justify any moral evaluations or statements of moral truth. We need to be on guard against our own and others' prejudices. Apart from an adequate concept of the human person, we need the goodwill to want to be sincere in our quest for moral truth. Many moral truths are not sufficiently obvious to be discovered without goodwill, sincerity, and the hard work of reasoning things through. Our concepts of person and morality are relative to culture, but they should never be totally subordinated to the prevailing culture. Think of the moral development in relation to the evil of slavery, the legitimate rights of women in the last couple of centuries, and the right to privacy in recent decades.

In general, reason alone can perform the complex task of analysis, comparison, and evaluation required to ethically judge the object of actions with respect to the nature and true good of person(s). Although people use reason in their search for moral truth, they cannot all be right if their moral conclusions differ. This is why *right reason* has been traditionally adopted as the criterion of objective morality.<sup>57</sup> This implies reason has to be employed in a rational way to determine what is right in concrete cases. This is *practical reason* in action. In all this the concept of the human person is the *referral point* for the moral evaluation of the object of human acts in relation to the good of person(s) affected. While some goods depend on free choice, e.g. one's career, others do not, e.g. duties of justice to all, the care of the sick, the observance of professional ethics.

In the light of a person's dignity, essential nature, integral human experience, and relationships to other persons, animals, and the environment, right reason is able to discern that the objects of some acts conflict with the true good of person(s) and hence judges them to be immoral. It judges a deliberately chosen action in itself is immoral if the nature or kind of action, humanly understood, is inherently opposed to the good of person(s), regardless of additional factors *extrinsic* to the action itself such as customs or motives. For this reason such acts in Catholic moral

theology are often called *intrinsically evil* or immoral. John Paul II rightly stated;

without in the least denying the influence on morality exercised by circumstances and equally by intentions, the Church teaches that “there are acts which *per se* and in themselves, independently of circumstances, are always seriously wrong by reason of their object.”<sup>58</sup>

Motives and other circumstances may vary, but the variations would be morally irrelevant to the truth that rape is always morally wrong. The deliberate bombing of civilian populations, terrorism, torture, female genital mutilation and adultery are examples of intrinsically evil actions.

In the light of our self-understanding reason is able to discern true goods as distinct from whatever merely appeals to our senses or our friends. Reason can rationally criticize our attitudes and even our inclination to go along with members of a group to which we belong. In applying a traditional moral norm to concrete cases it is necessary to use practical reason to interpret it in the light of its presuppositions – historical, cultural, social, scientific, economic, and factual – in order to find the moral truth.<sup>59</sup> Sometimes it may not be possible to have at hand a sufficiently accurate definition of the moral objects of some actions for a certain judgment to be made in difficult and complex issues. Time may be needed for further elucidation. This allows moral freedom to follow one or other sound probable moral opinion, i.e., one supported by solid reasons.

There is no need to put all good or bad actions in the same basket. There is a grading or a *hierarchy* of goods to be preserved and evils to be avoided. There are always serious and less serious evils to consider in our moral judgments and this is not without its importance for the education and mental health of individuals and of the community. On account of our social nature and our duty to promote the well-being of others, we are, to some extent, subordinated to the common good without implying we may be reduced to mere means to achieve it. Every person is endowed with an inviolable dignity and value that transcend the social order and state authorities. We are never morally bound to violate our informed conscience, even to obey state law.

Ethical judgments on different kinds of action are reached by way of impartial philosophical inductive reasoning. Relevant information is to be considered in the light of our concept of the human person, their integral good and relevant higher ethical principles. Practical reason judges which is the right ethical norm in the circumstances and whether the

object of a particular human action is inconsistent with it.<sup>60</sup> In a trial all the jurors hear the same evidence. They may initially differ in their assessment of the evidence before they fulfill their duty of sincerely searching for a verdict beyond reasonable doubt. The same duty requires us to dialogue and search sincerely for the truth in the theory and practice of ethics. It is the absolute value of persons that gives the unconditioned character to our judgments on what is required for the true good for persons in moral imperatives.

### *More on object, intention, and circumstances*

In the Catholic tradition the agent's intention is important for the moral evaluation of actions. Aquinas gives the reason, saying "the end gives moral character to an action" because "the interior act of the will and the external action, considered morally, are the one act."<sup>61</sup> The physical harm involved in amputating a person's leg may also be called *pre-moral* or *ontic* evil. The same surgical procedure could be bad, i.e. mutilation, or good, if its intended object is lifesaving to remove a leg infected with gangrene. From a human viewpoint we are dealing with *one moral action* precisely because the pre-moral evil of amputating a leg can be objectively integrated into an action willed for the greater good for the patient, i.e. with proportionate justifying reasons of benefit over harm.<sup>62</sup> It is morally permissible to use the force required to defend oneself against an unjust aggressor even if the death of the assailant is foreseen, but not willed, as a side-effect.<sup>63</sup>

In the above example, one could not say that "amputating a leg" is an action whose object is bad without taking for granted its purpose is mutilation:

the relevant aspects of *intention* and *circumstance* obviously have to be understood as included in whatever intrinsically harmful action is under consideration. This would be presupposed too, so that it would only become moral evil once it was actualised into a human action by direct conscious intent. The abstract *act in itself* could only have potential moral significance as pre-moral evil unless it were presupposed to be viewed in relation to intention and *circumstances*.<sup>64</sup>

In the second example the foreseen death of the assailant is the result of an act of legitimate self-defense. Could not this "killing" also be interpreted as somehow *intended* and the agent responsible for it? Aquinas would probably admit that the one who kills licitly in self-defense is

responsible for the death, but not in a moral sense. It would not entail *moral culpability*.

The above ambiguities persuaded some influential moral theologians to propose a new moral methodology, known as *proportionalism* from the late 1960s.<sup>65</sup> Richard McCormick sums it up as follows:

Common to all so-called proportionalists, however, is the insistence that causing certain disvalues (nonmoral, pre-moral evils such as sterilisation, deception in speech, wounding and violence) in our conduct does not by that very fact make the action morally wrong, as certain traditional formulations supposed. The action becomes morally wrong when, all things considered, there is not a proportional reason in the act justifying the disvalue . . . They are saying that an action cannot be judged morally wrong simply by looking at the material happening, or at its object in a very narrow and restricted sense.<sup>66</sup>

Proportionalists may have influenced Catholic teaching on direct abortion where, as we shall see in chapter 5, mention is made of the reason for its immoral object. I myself, however, do have serious reservations with proportionalism as a general moral theory. Aquinas spoke highly of intention's role in morality, but he does not neglect the importance of the *object* in moral theory and action.<sup>67</sup> Indeed, when asked to say why an intention is good we have recourse to the intended object and its relationship to the integral good of person. For Aquinas there is a certain primacy of the *object* in morality, as the following citations show:

The goodness of the will depends properly on the object.<sup>68</sup>

The primary goodness of a moral act is derived from its suitable object.<sup>69</sup>

Every action derives its species from its object.<sup>70</sup>

The specific difference in acts is according to objects, as stated above [Q 18, a 5]. Therefore good and evil in the acts of the will is derived properly from the objects.<sup>71</sup>

While Aquinas permitted the foreseen, but unintended, killing of an assailant in self-defense, he ruled out adultery as a morally permissible way of saving one's life because "it has no necessary link to the preservation of one's own life as sometimes the killing of a man may have."<sup>72</sup> Adultery cannot be integrated into one lifesaving action. Considered abstractly, the disvalue of marital infidelity should not be compared with



the desired benefit of saving a life but with its negative impact on the good and inviolable value of the acting person. This is why the action would be morally evil:

Where we find an action by its objective nature pitted against the absolute value of person, the direct intending of the same action objectively could never be morally good because it would acquire its own independent negative moral existence and so be unable to be morally one with any other good intention, no matter how good. The same applies to directly intending to kill an innocent person (means) to save twenty innocent persons' lives (end).<sup>73</sup>

### Morality and natural law

Due to the influence of rational human nature on the shaping of traditional morality, it has been called natural law morality. Effectively it is practical reason discerning human goods in the light of the person with a rational human nature.<sup>74</sup> We pay dearly if we act against human nature in the misguided pursuit of happiness, e.g. abuse of drugs. As John Paul II said:

natural inclinations take on moral relevance only in so far as they refer to the human person and his authentic fulfilment, a fulfilment that can take place always and only in human nature.<sup>75</sup>

For morality, the human person's nature is not to be reduced to purely biological and natural inclinations without regard to the dignity and good of the person in the unity of the body and its rational life principle.<sup>76</sup> The focus of the natural law, then, is the good of the person, as said by John Paul II:

the ordered whole complex of "goods for the person" ["bonorum pro persona"] which serve the "good of the person": the good which is the person's perfection. These are the goods safeguarded by divine laws and which contain the whole natural law.<sup>77</sup>

The presence of defects in biological functions does not mean they are natural. It is a challenge to discern what is natural, good, and truly human and what is defective and pathological. What is artificial might not be natural: that does not matter so long as it is not contrary to the true good of persons.

We ever interpret afresh what is truly good for persons on the basis of our deepening understanding of persons in the world. There is subjective development in human self-understanding and of its implications for moral responsibilities. Think of the moral development in relation to the evil of slavery, the legitimate rights of women in the last couple of centuries, and the right to privacy in recent decades. Particular formulations of moral norms of the natural law cannot be beyond refinement. The formulation of the natural law is never perfect.<sup>78</sup> There will always be scope for improvement in our understanding of its contents.<sup>79</sup> This argues for development in our understanding and refining of formulations of the moral norms of the natural law and for fidelity to its true purpose and the moral requirements of persons living in community.<sup>80</sup>

In a sense we can also speak of some *objective* development of human nature which is not entirely static, but somewhat dynamic and without detriment to the substantial identity of human nature over the millennia. Development occurs particularly in the economic, family, social, and political organization of human life. It is obvious that such developments will affect not only the content of particular moral norms (say, usury, the minimum standard of education, universal suffrage, citizens' responsibilities to the state, etc.) but the whole concept of person, especially from that of individual person to that of persons as responsible members of society. This does not imply moral relativism nor a denial of objective morality. A constancy of direction in the development of the natural moral law can be discerned, even if this is not apparent to all.<sup>81</sup>

### Moral pluralism

Granted the fundamental differences between secular and traditional concepts of the human person and authentic human goods, we can expect moral pluralism in society for some time. We argue to convince one another of the truth of our moral beliefs. If we really thought that there were no moral truths there would be no point in arguing or debating. Discussions on controversial moral issues in the community can help resolve some moral differences, or at least pinpoint exactly the source of divergence. It is important to attempt to resolve moral differences to enable the truth to emerge, to free people from pseudo-obligations and to prevent unnecessary divisions in the community. Honest and open dialogue in the community by competent ethicists on controversial issues may facilitate a convergence towards objective moral truths.

Unless the necessary clarifications are made, the forthright statement of objective moral truths risks being counterproductive and falling flat on the ears of others who do not share their premises. Dogmatic statements on moral principles without any clarifications or justifications do little to foster intellectual debate and the search for ethical truth. Though objective moral truths do not depend on popular acceptance for their truth, it is helpful to create the conditions most calculated to facilitate their recognition and acceptance. Clearly dialogue between proponents of diverse moral views promotes mutual respect and is desirable.