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Jean Porter

Excerpt

[More information](#)

Introduction

This book is offered as a contribution to the series, *New Studies in Christian Ethics*, which has as its aims “1. To engage centrally with the secular moral debate . . . 2. To demonstrate that Christian ethics can make a distinctive contribution to this debate – either in moral substance or in terms of underlying moral justification.” It brings together two fields of inquiry which are generally kept distinct, often with considerable energy. Yet the distinctions between philosophy and either theology or Christian ethics are not all that obvious. It may be helpful to the reader to have some indication of the aims and assumptions which underlie this project.

In its original form, the distinction between theology and philosophy was grounded in a more fundamental distinction between two disparate sources of knowledge, the one given by divine revelation and received through faith, the other grounded in ordinary human observation, experience, and reflection. Theology was therefore seen as an enterprise for the few, the privileged recipients of revelation, whereas philosophy was seen as an undertaking in which the whole human race could share. Eventually, with the gradual emergence of a secular society, the value judgements associated with this distinction were reversed, but it persisted in more or less the same form right up to the modern period.

At this point, however, the fundamental assumptions which undergirded this division have themselves been called into question. While I am not prepared to say that critical biblical scholarship has discredited any sort of claim to a special revelation, it certainly calls for a serious rethinking of what such a

claim could mean. More recently, the collapse of foundationalism, at least in its more robust modern forms, has similarly undermined our confidence in the powers of a universally valid reason to establish timeless truths. The boundaries between theology, grounded in a privileged revelation, and philosophy, which stands on reason alone, have begun to break down from both sides of this classical divide.

I do not intend to take on the general question of the nature of philosophy and theology as disciplines, or, much less, to attempt to determine their proper interrelationship. At any rate, I have not attempted to draw sharp distinctions between the theological and philosophical components of my own work. In the light of the developments mentioned above, it is not clear, to me at any rate, how the line between these two disciplines should now be drawn. Moreover, it does not seem to me that there is much to be gained, in the way of clarity or persuasiveness, by making an effort to be theological as opposed to philosophical in one's own arguments, or vice-versa. The distinction between theology and philosophy was not originally a distinction of methodology anyway.

Is there any distinction at all, therefore, between Christian ethics and moral philosophy? More to the point, is there any justification for writing a book such as this, or attempting to develop a series such as the one in which it appears? There are, at least, two distinct bodies of literature, within which we find parallel discussions of similar questions, developed more or less in isolation from each other. This fact alone would suggest that it would be a good idea to compare these two literatures, so as to see how the insights of each might contribute to the work of the other. I do attempt this sort of comparison, bringing together discussions of the moral act from philosophical and Christian sources. However, because my aim is to develop a constructive argument, I do not attempt the sort of comprehensive survey and comparison that would be appropriate to another sort of study.

There is a more fundamental distinction between Christian ethics and moral philosophy, which is reflected in the distinctive literatures of each discipline. That is, the Christian author

Cambridge University Press

978-0-521-65710-5 - Moral Action and Christian Ethics

Jean Porter

Excerpt

[More information](#)*Introduction*

3

inevitably brings a set of concerns, and a sense of what is problematic, that is different from the concerns and presuppositions of someone who is not committed to Christianity. The Christian ethicist will see different problems, and will construe familiar problems in different ways, than does her counterpart from another tradition. These different perspectives, in turn, can lead to distinctive insights, which can be recognized as such, and appropriated, even by those who do not share one another's starting-points.

The development of this project is a case in point. It would be unusual to find a treatise in moral philosophy on the moral act *per se* in contrast to moral rules or, more recently, virtues and character. On the other hand, this subject would naturally suggest itself to someone within the Christian tradition, especially a Catholic of a certain age, who would have been brought up in the atmosphere of the confessional and the examination of conscience.

Certainly, my own interest in the moral act, which goes back to my days as a graduate student, first arose in the context of studying Catholic moral theology. I am well aware that a focus on the moral act *per se* appears somewhat odd, seen from within the context of contemporary moral philosophy. Yet, for that very reason, this focus has opened up a fruitful line of approach to contemporary philosophical questions on the nature of moral reasoning and the relation of the virtues to moral discernment. By focusing on the question of the criteria by which actions are described in moral terms, I have been able to bring together what would have seemed to be disparate approaches to moral judgement, that is, roughly, rule-oriented and virtue-oriented approaches. Furthermore, once these approaches have been brought together, it becomes apparent that each is incomplete and distorted without the other.

At the same time, I do not want to give the impression that the valuable insights run in only one direction. I am as interested in the possible contributions of moral philosophy to Christian ethics as in the contributions of the latter to the former, and it would be disingenuous to pretend otherwise. Specifically, moral philosophy offers Christian ethics, with

Cambridge University Press

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Jean Porter

Excerpt

[More information](#)

4

Moral action and Christian ethics

respect to the question of the moral act, a possibility of reformulating the question in such a way as to escape the unhelpful dichotomy set up by deontological and consequentialist theories of morality.

Since the heady days of Vatican II and the publication of Joseph Fletcher's *Situation Ethics*, there has been a debate within Christian circles over the question of whether some kinds of actions are never morally justifiable, or, as Catholics would say, intrinsically evil.¹ (The emphasis on kinds of actions is important; no one has ever denied that some specific actions are morally evil.) For most of its history, this debate has been construed as a debate between deontologists, who hold that some kinds of actions are never morally justified, and consequentialists, who insist that the morality of a specific action is determined by the overall balance of good versus bad consequences that it produces.

This debate has been extremely frustrating, and, seen from the perspective of developments in the philosophy of language in this century, it is easy to see why. Consequentialism cuts across the grain of our ordinary usage of generic moral terms, such as "murder," so much so that it is impossible to offer it as an account of the moral language that we actually do use. Yet, seen in this context, the deontological claim that some kinds of actions are never morally justified is revealed to be trivial and unhelpful. Of course some *kinds* of actions are never morally justified; the question is, how do we move from that observation, which concerns the way in which generic moral concepts function, to conclusions about specific actions, which might or might not fall under the relevant moral descriptions?

Moral philosophy offers to this specifically Christian debate a new and more fruitful question: "how are we to move from concepts of generic kinds of actions to correct descriptions of specific actions?" There have been some within the theological debate who have attempted to move it in this direction, most notably Paul Ramsey and Richard McCormick, and, following McCormick, those Catholics who are commonly described as proportionalists.² They did not provide, however, a cogent account of the way in which generic concepts do function,

Cambridge University Press
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Jean Porter
Excerpt
[More information](#)

Introduction

5

including, critically, an account of the way in which these concepts constrain moral judgement in particular cases. Without some such account, they left themselves open to the charge of being consequentialists, even though they made it clear that that was not their intent. Here, too, contemporary work in philosophy can supply a much-needed perspective, by offering an alternative way of understanding rule-guided judgement.

My own approach in this book has been to start on the philosophical side, with the work of those men and women collectively known as the moral anti-theorists. As will become obvious, I am in sympathy with their approach, and agree entirely with their rejection of the modern theoretical approach to morality, as exemplified by the work of Immanuel Kant. Yet this conclusion still leaves the question, “how do we arrive at moral judgements?” which, as it turns out, is equivalent to asking for an account of moral rationality. It is here that the resources of Christian ethics can offer an alternative and more satisfactory account of moral reasoning that functions analogically rather than apodictically, and of ideals of virtues that are integrally connected to moral rules without being reducible to them. That, at least, will be my thesis. In developing it, I hope to make a contribution both to moral philosophy and to Christian ethics, by bringing to each discipline some of the resources and the questions that have come to typify the other.

There are two other issues that I want to address briefly, before turning to the book itself. First, I want to say something about my use of the work of Thomas Aquinas, who plays a central role in what follows. Secondly, I should comment on the relation of my thesis to the recently promulgated encyclical, *Veritatis Splendor*.³

First, then, a word about my use of Aquinas. In spite of the considerable recent interest in the virtues, there has been very little examination of Aquinas’ extensive account of the virtues by either philosophers or theologians. Among philosophers, it would appear that this neglect is due, at least in part, to a lingering prejudice against religious thought. It is true that

Cambridge University Press

978-0-521-65710-5 - Moral Action and Christian Ethics

Jean Porter

Excerpt

[More information](#)

Aquinas is not a modern thinker; his modes of thought and expression are strange to us, and call for a certain effort in order to be appreciated; and he holds some quite unpalatable views. But all these observations are even more true of Aristotle, and yet Aristotle's thought has received considerable attention among moral philosophers. If it is possible to engage with Aristotle, to appropriate his insights without burdening oneself with all the details of his overall world-view, the same approach should be possible with Aquinas.

It is also the case that Aquinas is often thought, by theologians as well as philosophers, to have adopted Aristotle's ethic more or less intact, simply adding Christian content to certain of Aristotle's key concepts, for example, replacing the Aristotelian concept of happiness with the Christian notion of the beatific vision. Given this assumption, it may well seem that it is hardly worthwhile to study Aquinas' discussions of virtue and the moral life, since he would not be expected to contribute anything of more than parochial interest to what we could already learn in Aristotle.

There is a grain of truth in this assumption. Aquinas' moral theory is deeply indebted to Aristotle's *Nicomachean Ethics*. At the same time, however, Aquinas' reading of Aristotle is a critical appropriation, involving a synthesis with other very different approaches and a rethinking in the light of different commitments and concerns; it is not a simple adaptation of Aristotle's structure to theological purposes. The creativity of Aquinas' own account of the moral life is nowhere more in evidence than with respect to the subjects that concern us here, namely, his treatment of the virtues and their relation to the moral law. While it is true that Aquinas takes much of his discussion of the virtues from Aristotle, it is also the case that he goes beyond Aristotle's account to offer a detailed analysis of specific virtues, the actions that typify them, and the manifold ways in which the language of virtues and vices, moral law and moral failure, can be employed. And this is precisely the point at which his analysis can be helpful to us, helpful to a degree, and in specific ways, that Aristotle's analysis is not.

My aim in this book is constructive, and not primarily

Cambridge University Press

978-0-521-65710-5 - Moral Action and Christian Ethics

Jean Porter

Excerpt

[More information](#)*Introduction*

7

exegetical. Thus, I will not attempt to argue in detail against interpretations of Aquinas that are contrary to my own, or to undertake all of the historical and exegetical work that would be called for in a different kind of study. My aim is rather to present Aquinas' account of the moral act, as I understand it, in such a way as to indicate its relevance for contemporary thought on the moral act, moral rules, and the virtues. I do not think that Aquinas offers the last word that needs to be said on these matters, but I do claim that he brings a distinctive, cogent, and illuminating perspective to our own discussions.

Finally, I should say something about the relationship of this study to the encyclical, *Veritatis Splendor*. This encyclical appeared after my work on this project was more than half completed, and the main lines of my arguments were already in place. For this reason, and because I felt that the document deserves a more considered response than I am now in a position to offer, I have not attempted to incorporate an extensive commentary on this encyclical into my account of the moral act.

In any case, it would be difficult for me to know how to respond to *Veritatis Splendor* within the traditional categories of Catholic theological praxis. Those who are familiar with the document will recognize that it presupposes that the relevant alternatives are deontological and consequentialist theories of morality. As I have already indicated, I take this to be an unhelpful approach to the issues raised by a consideration of the moral act. It is difficult for me even to say whether or not I am in dissent from this document, as the technical language would have it. How is it possible either to concur or to dissent, when one is convinced that the questions being asked are the wrong questions? To the extent that what follows is directed to my fellow Catholics, my aim is not to intervene in the current debate over intrinsically evil acts, but to suggest that we might make more progress by changing the terms in which that debate is conducted.

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[More information](#)

CHAPTER I

The moral act, moral theory, and the logical limits of rules

Moral philosophy in the modern period has been dominated by an ideal of rationality which takes mathematical reasoning as its paradigm. Consider, for one illustration of this view, the remarks of Immanuel Kant, offered as a defense of *The Groundwork of the Metaphysics of Morals*, in a footnote to *The Critique of Practical Reason*:

A critic who wished to say something against that work really did better than he intended when he said that there was no new principle of morality in it but only a new formula. Who would want to introduce a new principle of morality and, as it were, be its inventor, as if the world had hitherto been ignorant of what duty is or had been thoroughly wrong about it? Those who know what a formula means to a mathematician, in determining what is to be done in solving a problem without letting him go astray, will not regard a formula which will do this for all duties as something insignificant and unnecessary.¹

Although Kant was not the first or the last philosopher to express this high ideal of moral reasoning, he gave it its most powerful expression and defense. Let us, therefore, call it the Kantian ideal of moral reasoning. On this view, moral rules are to be understood as functioning, in the realm of practical reason, in the same way as mathematical functions work in the realm of speculative reason. If correctly applied, they determine the uniquely correct answer to any moral question that may arise, in a way that is compelling to any impartial, rational individual. This conception of moral rules is connected, moreover, with the further claim that the diverse rules of morality are grounded in one principle which is universally

Cambridge University Press

978-0-521-65710-5 - Moral Action and Christian Ethics

Jean Porter

Excerpt

[More information](#)*The moral act and the limits of rules*

9

knowable. Thus, Kant offers a theory of morality in the strong sense. That is, he offers an account which both brings coherence to moral judgement by showing the relation of diverse moral norms to one foundational principle, and provides a decision procedure by means of which it is possible to arrive at the uniquely correct solution to every moral problem.²

It has been apparent for some time that the Kantian understanding of moral rules presents difficulties. The most notorious of these is generated by the realities of moral pluralism and the persistence of moral debates, which seem to go on interminably without ever reaching a generally satisfactory resolution. Debates in mathematics do not proceed in this way. Once a mathematical function is applied to a problem, it is resolved for good and all, in a way that everyone can see to be rationally compelling. Even scientific disputes, which involve the messy realities of the empirical world, appear to allow for a generally satisfactory resolution, once the necessary experimental data have been gathered. Yet there is no guarantee that any amount of new factual evidence will resolve any moral dispute; men and women may agree on the facts relevant to a particular issue, and still disagree morally. How can it be said, then, that moral rules function in a way that is (somehow) analogous to mathematical functions? More generally, how can it be said that moral discourse is rational at all?

Much of the history of modern moral philosophy in Europe and the United States can be seen as a history of repeated attempts to answer this question. Kant's own work is largely motivated by a desire to show that morality has a central place in rational discourse.³ Jeremy Bentham also attempted to place moral discourse on the same footing as scientific inquiry, albeit in a very different way than did Kant.⁴ As the difficulties generated by moral pluralism became more acute, more refined versions of utilitarianism were put forward as systematic ways of analyzing and resolving moral disputes.⁵ Later, in the early and middle decades of this century, a growing number of philosophers took up the view that moral claims are neither true nor false, but are either expressions of the speaker's feelings about a particular action, as A. J. Ayer

Cambridge University Press

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Jean Porter

Excerpt

[More information](#)

and Charles Stevenson claimed, or disguised statements of policy with respect to an action, as R. M. Hare argued.⁶ Still more recently, some philosophers, following the lead of Bernard Williams, have argued that morality is not the sort of thing about which we should attempt to develop a theory at all, at least not in the strong modern sense of “theory” that Kant exemplifies.⁷ This position, which is sometimes described as moral anti-theory, is frequently associated with an appeal to concepts of virtues and an Aristotelian notion of practical wisdom as more adequate alternatives to a Kantian or utilitarian system of moral rules.

These debates have been paralleled among moral thinkers who identify themselves explicitly with some strand of the Christian tradition. It is possible to read both Søren Kierkegaard and Karl Barth as holding that the Christian can find herself obliged to act, at least in some situations, without any reference to moral rules at all, in response to what Kierkegaard describes as a “teleological suspension of the ethical.”⁸ This position has understandably caused a certain amount of dismay, but other theologians have argued for less radical positions that none the less imply that there are no exceptionless moral rules. In 1927, the notable Anglican scholar, Kenneth Kirk, argued that the possibility of conflicts between moral rules implies that there can be at most one such rule which cannot be broken in any circumstances whatever.⁹ Almost forty years later, Joseph Fletcher argued that the Christian is obligated to do the most loving act in any given situation, and, therefore, no specific moral rule could be taken to be an absolute. Thus, he argued, the Christian is committed to a version of act-utilitarianism, with love substituted for happiness as the criterion for utility.¹⁰ This view was contested by Paul Ramsey, who argued that the norm of Christian love cannot be understood apart from certain more specific rules, which the fulfillment of love always prescribes.¹¹ A number of notable scholars within the Reformed tradition, beginning with H. Richard Niebuhr and including, most recently, James Gustafson, have argued that moral choice must be guided by the particularities of specific situations, as those are interpreted